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Highlights

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Highlights

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MEETINGS ANNOUNCED IN THIS ISSUE

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Federal Register
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Thursday, July 19, 1979

Presidential Documents

Title 3—

The President

Proclamation 4669 of July 17, 1979

United States Space Observance, 1979

By the President of the United States of America

A Proclamation

Ten years ago this week, the Apollo astronauts changed forever, for all humanity, our concept of the universe and our relation to it. Their electrifying landing on the Moon—that "giant leap" to the surface of another world—was an unparalleled triumph of determination and technological genius. It epitomized the strength and the potential of the American people.

During ten years since, space has become part of our daily lives. We use it for essential communications and for monitoring our environment. Nationally and internationally, the exploration and use of space hold even greater promise in the future for the wiser management of our planetary resources, for the expansion of knowledge, and for the development of civilization.

In recognition of this triumph, the Congress, by joint resolution (H.J. Res. 353), has requested that the period of July 16 through 24, 1979, be designated as "United States Space Observance."

As we face new challenges as a nation—notably the challenge of achieving energy security—let us reflect upon the courage of the Apollo astronauts, and their predecessors in the Mercury and Gemini programs. And let us take courage and inspiration from the success of America's effort to land the first men on the Earth's Moon and return them safely.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the period of July 16 through July 24, 1979, as "United States Space Observance." In accord with the congressional resolution, I call upon the people of the United States to observe this period with appropriate ceremonies and activities.

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

[FR Doc. 79-22607
Filed 7-18-79; 10:56 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 140
Thursday, July 19, 1979

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1049

[Milk Order No. 49; Docket No. A0-319-A29]

Milk in the Indiana Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the present order provisions based on proposals considered at a public hearing held January 9, 1979. The amended order increases the Class I differential 6 cents and modifies the location adjustment and payment provisions of the order. The changes are needed to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued December 14, 1978, published December 28, 1978 (43 FR 59390).

Recommended Decision: Issued May 7, 1979, published May 10, 1979 (44 FR 27426).

Final Decision: Issued July 5, 1979, published July 10, 1979, (44 FR 40313).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except isofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indiana marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance or the order amending the order is approved of favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as herby further amended, as follows:

1. In § 1049.50 paragraph (a) is revised to read as follows:

§ 1049.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.53.

* * * * *

2. In § 1049.52, the introductory text of paragraph (a) (immediately preceding subparagraph (1)) is revised to read as follows:

§ 1049.52 Plant location adjustments for handlers.

(a) For producer milk which is received at a pool plant located outside the area for which zero location adjustment is specified in paragraph (a)(1)(i) of this section, which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1049.50(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraph (a) (1) or (2) of this section, respectively, except that in no event shall the adjustment result in a price less than the Class III price for the month. For the purpose of this section and § 1049.75, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market adminstrator:

* * * * *

§ 1049.73 [Amended]

3. Section 1049.73(b) is amended by deleting the language, "which it caused to be delivered to such handler".

4. In § 1049.75, paragraph (a) is revised to read as follows:

§ 1049.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.52(a), except that the adjusted uniformed price plus 5 cents, and, for the months of April through July plus an additional 20 cents, or for the months of September through December minus the amount computed pursuant to § 1049.61(i), shall not be less than the Class III price for the month.

* * * * *

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

Effective date: September 1, 1979.

Signed at Washington, D.C. on July 13, 1979.

Jerry C. Hill,

Deputy Assistant Secretary.

[FR Doc. 79-22352 Filed 7-18-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R-0204]

International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final regulation: Correction.

SUMMARY: This notice corrects a previous Federal Register document (FR Doc. 79–19185) beginning at page 36005 of the issue for Wednesday, June 20, 1979.

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Jr., Senior Attorney, Legal Division (202–452–3269), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: On page 36011 in the center column, paragraph 211.6(b)(1)(ii) should read as follows:

§ 211.6 Branches and agencies

* * * * *

(b) * * *

(i) * * *

(ii) the total liabilities of any person to a majority owned foreign bank or Edge Corporation subsidiary of a member bank, and to majority owned subsidiaries of such foreign bank or Edge Corporation when combined with liabilities of the same person to the member bank and its majority owned subsidiaries, shall not exceed the member bank's limitiation on loans to one person.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22263 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

[Docket No. R-0198]

Management Official Interlocks; Final Regulations

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Final regulations.

SUMMARY: These final regulations are issued under the Depository Institution Management Interlocks Act (Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) (the "Interlocks Act"), which prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. Among other things, the final regulations permit under certain circumstances service by a management official that would otherwise be prohibited by the Interlocks Act.

Interested persons are invited to submit written data, views or arguments regarding the final regulation for a period of 60 days.

Proposed amendments to the final regulations are also being published for comment and can be found in today's Federal Register.

DATE: The final regulations are effective July 19, 1979. Comments regarding the final regulations must be received by September 17, 1979.

ADDRESS: Please send your comments to Theodore E. Allison, Secretary of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551. All material submitted should refer to Federal Reserve Board Docket No. R–0198. All comments received will be made available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Bronwen Mason (202) 452–3564, or John Walker (202) 452–2418, Board of Governors of the Federal Reserve System.

Gwen Hibbs (202) 447–1880, Office of the Comptroller of the Currency.

Pamela LeCren (202) 389–4453, Federal Deposit Insurance Corporation.

Kathleen Topellius (202) 377–6444, Federal Home Loan Bank Board.

Ross Kendall (202) 632–4870, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95–630, 12 U.S.C. 3201 *et seq.*). The general purpose of the Interlocks Act and these regulations is to foster competition among depository institutions, depository holding companies, and their affiliates. On February 1, 1979, the agencies published proposed regulations under the Interlocks Act (44 FR 6421). Public comment on the proposed regulations was invited to be received on or before March 5, 1979. Approximately 160 written comments were received. The proposed regulations contained definitions of a number of terms as used in the Interlocks Act and created several exceptions to the prohibitions of the Interlocks Act. The exceptions, designated "Permitted Relationships," were proposed because it was felt that the community benefits that would result from the increased availability of managerial expertise to certain institutions would outweigh any adverse effects on competition. One of the exceptions recognizes the fact that certain institutions do not compete with each other. Upon review of the comments received and after a thorough reconsideration of the regulations as published for comment, certain changes have been made in the proposed regulations. Those changes are reflected in the final regulations as set forth below.

The regulations are effective immediately. This action is taken under the authority granted in section 553(d)(1) of the Administrative Procedure Act (5 U.S.C. 553(d)(1)) to dispense with

publication of a substantive rule not less than 30 days before its effective date when the rule grants or recognizes an exemption or relieves a restriction. Further, since the Interlocks Act became effective on March 10, 1979, and the final regulations clarify statutory requirements, it is in the public interest for the final regulations to be effective immediately.

In accordance with Executive Order 12044 ("Improving Government Regulations," 43 FR 12661), the agencies have determined that no increased costs from recordkeeping or reporting will result from compliance with the regulations. Additionally, the Interlocks Act requires that any exceptions from the act's prohibitions must be created by regulations, and accordingly there were no alternatives to formal regulations.

An explanation of the provisions of the final regulations and a discussion of the comments received are set forth below.

1. *Definition of "adjacent"*. The Interlocks Act prohibits management official interlocks between nonaffiliated depository organizations that are located in the same city, town, or village, or in contiguous or *adjacent* cities, towns, or villages. Under the proposed regulations, cities, towns, or villages were defined as adjacent if they are located within ten-miles of one another at their closest points. Comments regarding this definition fell generally into three categories: (1) Those stating that a ten-mile figure was arbitrary; (2) those stating that the distance should be raised or lowered; and (3) those stating that a definition based on competition should be used. The agencies have retained in the final regulations the definition as proposed in recognition of increased competition among depository organizations resulting from greater mobility of the public and the prevalence of widespread advertising for financial services. The ten-mile figure provides a definite standard and conforms to the common understanding of the definition of the term "adjacent," which includes the concept of distance. Additionally, the agencies believe that the ten-mile figure reasonably reflects regulatory experience in administering similar provisions of the Clayton Act. In view of the fact that some comments suggested that the distance be raised and others that it be lowered, the agencies believe that the ten mile figure is reasonable. However, the agencies are considering making a distinction between urban and rural areas. For example, consideration is being given to treating as adjacent two cities, towns, or villages that are less than ten miles apart at their closest points if either is in an SMSA, and to treating as adjacent two cities, towns, or villages that are less than 25 miles apart if neither is in an SMSA. Comment on this distinction is specifically requested.

2. *Definition of "affiliate"*. The Interlocks Act permits management official interlocks between affiliates. The proposed regulations as published on February 1, 1979, contained the following rebuttable presumption: "[A]n affiliate relationship does not exist under section 202(3)(B) of the Interlocks Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation." The presumption was included in the proposed regulations in order to prevent the creation of sham affiliations by the exchange of a nominal number of voting shares of depository organizations, thereby permitting the organizations to interlock. For example, under section 202(3)(B) of the Interlocks Act, a management official interlock could be created between depository organizations in a case where one person owns 90 per cent of the shares of Bank A and another person owns 90 per cent of the shares of Bank B located in the same city and the two persons exchange one share of stock of their respective banks. In a Senate Report accompanying a predecessor bill to the Interlocks Act (S. Rep. No. 95–323, 95th Cong., 1st Sess. 15 (1977)), it is stated: "By rule the Federal Reserve should prescribe the switching of several shares of stock between individuals to defeat the ban which would otherwise obtain on interlocking management or directors between such institutions which are not truly commonly owned."

The presumption contained in the proposed regulations met with widespread opposition, especially from banks located in "chain banking" states (*e.g.*, Illinois), where many banks are commonly owned by a large number of shareholders each owning less than 5 per cent of the shares of the banks. In response to the comments, the agencies have redrafted the provision. The issue, which was addressed in a provision labeled "Common control" in the proposed regulations, is addressed in the final regulations through a definition of the term "affiliate."

Under the definition of the term "affiliate" in the final regulations, two organizations will not qualify as affiliates under section 202(3)(B) of the Interlocks Act if it is determined that the asserted affiliation was established to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. If a person, including members of his or her immediate family, whose shares are necessary to create a group owning 50 per cent of the stock of both organizations, owns a nominal percentage of the shares of one of the organizations and that percentage is substantially disproportionate in relation to that person's ownership of shares in the other organization, the affiliation may be considered to have been created to avoid the prohibitions of the Interlocks Act. The term "immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of the shares is held in trust. what constitutes a nominal percentage will vary from case to case. For example, a 2 per cent holding in a large, widely held organization may not be nominal whereas the same percentage may be nominal with respect to a different organization. If a person's holdings in two organizations are disproportionate, a sham affiliation will not be found unless the percentage held in one organization is nominal. Two organizations are affiliated, for example, if 26 stockholders each own 2 per cent of the stock of each organization. Although each person may hold only a nominal number of shares, the disproportionality test has not been met. Two organizations might not be considered to be affiliated, however, where for example the common ownership group includes a person who holds 2 per cent of the shares of one of the organizations and 16 per cent of the shares of the other organization, assuming of course that the 2 per cent holding in this instance is nominal.

3. *Application to foreign banks*. The proposed regulations did not attempt to interpret the application of the Interlocks Act to interlocking relationships involving foreign banks or branches or agencies of foreign banks located in the United States. Comment was specifically requested on the impact of the Interlocks Act upon such relationships.

The Interlocks Act could be read to prohibit certain interlocking relationships between two foreign banks having subsidiary banks or branches or agencies located in the United States, as well as certain interlocking relationships between a foreign bank and a domestic bank. The agencies have defined the terms "depository holding company," "depository institution," and "office" so as not to affect such interlocks by defining such terms with reference to location in the United States. For example, a director of a German bank that has a subsidiary bank located in New York City may serve as a director of a Swiss bank that has a branch

located in New York City. Further, the director of the German bank may serve as a director of a United States bank.

The Interlocks Act could also be read to prohibit certain interlocking relationships between a United States branch or agency of two foreign banks, as well as certain interlocking relationships between a United States branch or agency of a foreign bank and a domestic bank. The term "depository institution" has been defined to include a United States branch or agency of a foreign commercial bank. Therefore, the final regulations prohibit interlocks between United States branches of two foreign banks located in the same city, or between a United States branch of a foreign bank and a domestic bank located in the same city, or between such entities located in the same SMSA if one of the entities has total assets of $20 million or more, or between such entities wherever located in the United States if the total assets of one exceed $500 million and the total assets of the other exceed $1 billion. For example, a manager of a San Francisco branch of a Japanese bank may not serve as a management official of a San Francisco branch of an Israeli bank or of a domestic bank. With respect to such prohibitions, the agencies have defined "total assets" of a United States branch or agency of a foreign bank to mean total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

The term "management official" has been defined so as not to include a management official of a foreign commercial bank whose management functions relate principally to the business of that organization outside of the United States. Therefore, such person is not a management official of a United States branch or agency of a foreign commercial bank.

The comments on the proposed regulations generally support this approach. The agencies believe that foreign commercial banks competing in the United States should be subject to the Interlocks Act to the general extent of their activities in the United States.

4. *Definition of "management official".* The term "management official" is defined in section 202(4) of the Interlocks Act to mean an employee or officer with management functions, a director (including an advisory or honorary director), a trustee of a business organization under control of trustees, or any person who has a representative or nominee serving in any such capacity.

The proposed regulations did not attempt to expand or further clarify the definition of "management official." However, as a result of comments received, the agencies have decided to include a definition of "management official" in the final regulations.

Several comments suggested that only those directors, officers or employees who determine major policy for a depository organization should be "management officials." Other comments recommended that all advisory and honorary directors, or, in the alternative, advisory or honorary directors who do not vote, be excluded from the definition of "management official." The agencies have decided not to adopt these recommendations. To limit in such a manner the scope of the term "management official" to high level policymakers or to voting directors would contravene the purpose of the Interlocks Act.

Several comments noted that the term "management official" might be construed to include managers of nondepository affiliates of depository organizations even though the affiliate does not in fact compete with any nonaffiliated depository organization. For example, the local manager of a retail merchandising or manufacturing company might be precluded from serving as a director of a local bank because the company is a subsidiary of a diversified savings and loan holding company. The agencies do not believe that this is an intended result of the Interlocks Act, and have therefore clarified that definition of management official to exclude a person whose management functions relate exclusively to the business of retail merchandising or manufacturing. Comment is requested on whether a person whose management functions with a nondepository affiliate relate exclusively to nonfinancial business activities other than retail merchandising or manufacturing should be excluded by regulation from the definition of "management official."

In the proposed amendments to the final regulations published in today's Federal Register, the agencies have addressed the issue of who is a "management official" because he has a "representative or nominee" serving as a management official.

5. *Definition of "office".* The prohibitions of the Interlocks Act depend on the location of the offices of depository organizations. The agencies have decided to retain the definition of the term "office" as set forth in the proposed regulations which defined the term to include principal offices and branches, but excluded electronic terminals. The comments on this definition were generally favorable. The regulations as proposed did not address the status of loan production offices ("LPO's") as branches and therefore "offices" under the Interlocks Act. Recently, the U.S. District Court for the District of Columbia ruled that LPO's are branches under the McFadden Act (12 U.S.C. 36), finding that such offices of national banks disrupt competitive equality between the State and national banking systems. The agencies believe that the definition of the term "branch" under the McFadden Act should not be determinative of the definition of the term "branch" under the Interlocks Act since the two acts have different purposes. Because LPO's generally solicit wholesale loans and do not compete with small banks for retail business, the agencies have excluded LPO's from the definition of the term "office." The agencies have likewise excluded representative offices of foreign banks from the definition of the term "office" since such offices generally perform the same services for foreign banks as LPO's do for domestic banks.

6. *Definition of "total assets".* The total assets of depository organizations is relevant to the application of the prohibitions of the Interlocks Act. The agencies have defined the term "total assets" to mean total consolidated assets. Under this definition, the total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of section 203 of the Interlocks Act, and include the total assets of all of its affiliates for the purposes of section 204 of the Interlocks Act.

7. *General prohibitions.* The agencies have stated the general prohibitions of the Interlocks Act in the final regulations. The statement of the general prohibitions narrows the coverage of the Interlocks Act with regard only to depository holding companies having total assets of $20 million or less. If the agencies had not so narrowed the coverage of the Interlocks Act, then the act would prohibit, for example, BHC A with total assets of $5 million located in a city in an SMSA from interlocking with Bank B with total assets of less than $20 million located in another city in the same SMSA.

It is important to note that the location and size of certain affiliates of depository organizations may determine whether two depository organizations may interlock without violating the Interlocks Act. Examples of the effect of the general prohibitions follow.

Community

Example 1. If Bank A is located in the same city as S&L B, then the same person cannot serve as a management official of Bank A and S&L B.

Example 2. If Bank A has a depository institution affiliate located in the same city as a depository institution affiliate of S&L B, then the same person cannot

serve as a management official of Bank A and S&L B.

Example 3. If Bank A is located in the same city as a depository institution affiliate of S&L B, then the same person cannot serve as a management official of Bank A and S&L B.

SMSA

Example 1. If Bank A, with total assets of $20 million or more, is located in the same SMSA as Bank B, then, regardless of the assets of Bank B, the same person cannot serve as a management official of Bank A and Bank B.

Example 2. If Bank A, regardless of its total assets, has an affiliate Bank AA with total assets of $20 million or more located in an SMSA, and Bank B, regardless of its total assets, has an affiliate Bank BB located in the same SMSA as Bank AA, then regardless of the total assets of Bank BB, the same person cannot serve as a management official of Bank A and Bank B.

Example 3. If Bank A, with total assets of $20 million or more, is located in the same SMSA as a depository institution affiliate of Bank B, then the same person cannot serve as a management official of Bank A and Bank B.

Major Assets

Example 1. If Bank A has total assets exceeding $500 million and Bank B has total assets exceeding $1 billion, then the same person cannot serve as a management official of Bank A and Bank B.

Example 2. If Bank A has an affiliate Bank AA with total assets exceeding $500 million and Bank B has total assets exceeding $1 billion, then the same person cannot serve as a management official of Bank A and Bank B.

Example 3. If Bank A has an affiliate Bank AA with total assets exceeding $500 million and Bank B has an affiliate Bank BB with total assets exceeding $1 billion, then the same person cannot serve as a management official of Bank A and Bank B.

Example 4. If a nondepository corporation has an affiliate bank holding company (BHC A) with total assets exceeding $500 million and another bank holding company (BHC B) has total assets exceeding $1 billion, then the same person cannot serve as a management official of the nondepository corporation and BHC B or any affiliate of BHC B.

8. *Interlocking relationships permitted by statute.* The final regulations add a new subsection under this heading. The first subsection lists six types of organizations that are not subject to the prohibitions contained in sections 203 and 204 of the Interlocks Act; these exceptions are created by section 205 of the Interlocks Act and their inclusion in the final regulations is merely for the purpose of making the regulations more comprehensive. The bankers' bank exception makes clear that a bankers' bank must have been organized *solely*, rather than merely specifically, for the purpose of serving depository institutions or solely for the purpose of providing clearing services and services related thereto for depository institutions, securities companies, or both.

9. *Interlocking relationships permitted by agency order.* The proposed regulations set forth exceptions to the prohibitions contained in the Interlocks Act. These exceptions are for organizations located in low-income areas and for minority and women's organizations, newly-chartered organizations, organizations facing conditions endangering safety or soundness, and organizations sponsoring credit unions.

The agencies received comments addressing both the issues of the general desirability of exceptions and the need for particular exceptions. A slightly greater number of comments favored the exceptions as a general matter than those that opposed the exceptions. Comments generally supported the exception for newly-chartered organizations, and comments concerning the low-income/minority/women's organization exceptions were about evenly divided. A number of comments suggested that the agencies grant extensions of the permitted time period for the newly-chartered and low-income/minority/women's organization exceptions. The agencies have decided to retain the exceptions as proposed. No exception will be granted by the appropriate agency or agencies unless the need for an interlocking relationship has been demonstrated.

The agencies believe that the low income/minority/women's organization exceptions and the exception for newly/chartered organizations are necessary for the promotion of competition over the long term and serve to encourage the development and preservation of these depository organizations, thereby contributing to the convenience and needs of the public and the well-being of the financial community. In particular, the agencies believe that the exceptions for minority and women's organizations do not create an unfair advantage but recognize that less managerial expertise is available to such organizations because certain minority groups and women have historically been underrepresented at various levels of the banking industry.

Despite comments which suggested providing extensions on the permitted time period for newly-chartered and low-income/minority/women's organization interlocks, the agencies believe that such extensions are inappropriate and have therefore not amended the time periods as suggested. Granting such extensions could diminish the opportunity for independent decision-making at the termination of such interlock.

A few comments addressed the exception for organizations facing conditions endangering safety or soundness. A comment suggested that a mechanism be provided for monitoring such organizations by the appropriate agency. Because the exception requires that the appropriate agency or agencies first make a determination that the interlock is necessary to provide management or operating expertise and because an organization that is experiencing difficulties will already be subject to close agency supervision, no changes have been made to the proposed exception in the final regulations.

An exception for organizations sponsoring a credit union has also been retained as proposed. The exception is based on the recognition that some depository organizations sponsor credit unions as a benefit for their employees. As is the case with all credit unions, the directors must be elected from the pool of persons who are within the field of membership. Since the field of membership in these cases will be the employees of the sponsoring organization, this exception is necessary to provide the credit union full access to qualified management personnel. Because the credit union is not permitted to provide services to the general public, the chances for potentially anticompetitive collusion between the sponsoring organization and its credit union are minimal. In fact, these two organizations do not compete with one another and the exception was created in recognition of this fact.

A number of comments suggested additional exceptions to those originally proposed. Most of these comments suggested that certain types of corporations (such as bank service corporations and corporations formed to engage in loan workouts or electronic funds terminal sharing) be exempted from the prohibitions. The agencies feel that exceptions of this type are unnecessary as the prohibitions in

section 203 of the Interlocks Act (regarding the smaller depository organizations) apply only to depository institutions, depository holding companies, and *depository institution* affiliates of either. A comment was received that suggested a blanket exception that would permit organizations that do not compete to interlock. Although the agencies might by regulation permit certain organizations that do not compete to interlock, the agencies believe that such a blanket exception would be inappropriate.

A few comments requested exceptions for organizations located in rural areas or small organizations, and a comment suggested permitting interlocks at the director level while prohibiting other management official interlocks. Such exceptions would conflict with the express intention of Congress and the purposes of the Interlocks Act.

10. *Effect of the Interlocks Act on the Clayton Act.* In the preamble to the proposed regulations published on February 1, 1979, the Federal Reserve Board stated that it would consider reconciling the provisions of the Interlocks Act and the first three paragraphs of section 8 of the Clayton Act (15 U.S.C. 19). Those provisions of the Clayton Act generally prohibit employee and director interlocks between member banks and other commercial banks. The legal issues have been thoroughly explored and presented to the Federal Reserve Board. The Federal Reserve Board has concluded that the provisions of the first three paragraphs of section 8 of the Clayton Act have been supplanted by the revised and more comprehensive prohibitions on management official interlocks between depository organizations in the Interlocks Act. The final regulations of the Federal Reserve Board reflect this conclusion.

11. *Enforcement of Interlocks Act.* The final regulations state that the Federal Reserve Board administers and enforces the Interlocks Act with respect to State member banks, bank holding companies, and their affiliates; the Comptroller of the Currency with respect to national banks, banks located in the District of Columbia, and their affiliates; the Board of Directors of the Federal Deposit Insurance Corporation with respect to insured State nonmember banks and their affiliates; the Federal Home Loan Bank Board with respect to institutions insured by the Federal Savings and Loan Insurance Corporation, savings and loan holding companies, and their affiliates; and the National Credit Union Administration with respect to Federally-insured credit unions. If an affiliate is primarily subject to the regulation of one of these agencies, such agency will administer and enforce the Interlocks Act with respect to that affiliate. Each agency may refer the case of a prohibited interlocking relationship involving a depository organization or its affiliate subject to its primary jurisdiction, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and regulations issued thereunder.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration amend 12 CFR by revising Part 212, and by adding Parts 26, 348, 563f, and 711, respectively, to read as follows:

FEDERAL RESERVE SYSTEM

12 CFR Part 212

[Reg. L—Docket No. R-0198]

PART 212—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*)

§ 212.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of State member banks, bank holding companies, and their affiliates.

§ 212.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its prinicpal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commerical bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate prinicipally to the business outside of the United States of a foreign commerical bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commerical bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 212.3(b), and include the total assets of all of its affiliates for purposes of § 212.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commerical bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 212.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 212.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 212.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Board order.* A management official of a State member bank, bank holding company, or affiliate of either may apply for the Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 212.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a depository organization that

the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the State member bank, bank holding company, or affiliate of either primarily to serve employees of the organization.

§ 212.5 [Reserved]
§ 212.6 [Reserved]

§ 212.7 Effect of Interlocks Act on Clayton Act.

The Board of Governors of the Federal Reserve System regards the provisions of the first three paragraphs of section 8 of the Clayton Act (15 U.S.C. 19) to have been supplanted by the revised and more comprehensive prohibitions on management official interlocks between depository organizations in the Interlocks Act.

§ 212.8 Enforcement.

The Board of Governors of the Federal Reserve System administers and enforces the Interlocks Act with respect to State member banks, bank holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of a State member bank or bank holding company is primarily subject to the regulation of another Federal supervisory agency, then the Board does not administer and enforce the Interlocks Act with respect to that affiliate.

Board of Governors of the Federal Reserve System, July 13, 1979.

Theodore E. Allison,

Secretary of the Board.

DEPARTMENT OF THE TREASURY

12 CFR Part 26

PART 26—MANAGEMENT OFFICIAL INTERLOCKS

Sec.
26.1 Authority, purpose, and scope.
26.2 Definitions.
26.3 General prohibitions.
26.4 Permitted interlocking relationships.
26.5 [Reserved]
26.6 [Reserved]
26.7 Enforcement.

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 et seq.).

§ 26.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to managment officials of national banks, banks located in the District of Columbia, and their affiliates.

§ 26.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agenices determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other ogranization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside of the United States of a foreign commerical bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commerical bank, an electronic terminal, or a loan production office.

(j)–(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 26.3(b), and include the total assets of all of its affiliates for purposes of § 26.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 26.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 26.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 26.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank, or any other bank organized solely for the purposes of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, or securities companies, or both.

(b) *Interlocking relationships permitted by Comptroller's order.* A mangement official of a national bank, bank located in the District of Columbia, or affiliate of either may apply for the Comptroller's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 26.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies, determine the relationship to be necessary to provide managment or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agenices in any specific case.

(2) *Newly-chartered organization.* A management official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies dertermine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A managment official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the national bank, bank located in the District of Columbia, or an affiliate of either primarily to serve employees of the organization.

§§ 26.5–26.6 [Reserved]

§ 26.7 Enforcement.

The Comptroller of the Currency administers and enforces the Interlocks Act with respect to national banks, banks located in the District of Columbia, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this Part. If an affiliate of a national bank or a bank located in the District of Columbia is primarily subject to the regulation of another Federal depository organization supervisory agency, then the Comptroller does not administer and enforce the Interlocks Act with respect to that affiliate.

Dated: July 11, 1979.

Lewis G. Odom, Jr.,

Acting Comptroller of the Currency.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

PART 348—MANAGEMENT OFFICAL INTERLOCKS

Sec.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.).

348.1 Authority, purpose, and scope.

(a) *Authority.* This Part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of insured nonmember banks and their affiliates.

§ 348.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider among other things whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group, owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares of the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commerical bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management Official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States but does not include a representative office of a foreign commerical bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 348.3(b), and include the total assets of all of its affiliates for the purposes of § 348.3(c). Total assets of a United States branch or agency of a foreign commerical bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commerical bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 348.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve

at the same time as a management official of another depository organization not affiliated with it, if: (1) Offices of both are located in the same standard metropolitan statistical area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management offical of an affiliate of the greater than $500 million depository organization.

§ 348.4 Permitted interlocking relationships.

(a) *Interlocking relationship with exempt organization.* The prohibitions of § 348.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A state-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "banker's banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationship permitted by Board order.* A management official of an insured nonmember bank or any affiliate thereof may apply for the prior approval of the Board of Directors of the FDIC to enter into a relationship involving a depository organization that would otherwise be prohibited under § 348.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of another depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the insured nonmember bank or any affiliate thereof primarily to serve employees of the organization.

§ 348.5 [Reserved]
§ 348.6 [Reserved]

§ 348.7 Enforcement.

The FDIC administers and enforces the Interlocks Act with respect to insured nonmember banks and their affiliates and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of an insured nonmember bank is primarily subject to the regulation of another Federal depository supervisory agency, then the FDIC does not administer and enforce the Interlocks Act with respect to that affiliate.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation on June 25, 1979.

Hannah R. Gardiner,
Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

[No. 79-381]

PART 563f—MANAGEMENT OFFICIAL INTERLOCKS

July 12, 1979.

Sec.
563f.1 Authority, purpose, and scope.
563f.2 Definitions.
563f.3 General prohibitions.
563f.4 Permitted interlocking relationships.
563f.5 Grandfathered interlocking relationships.
563f.6 Change in circumstances.
563f.7 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.)

§ 563f.1 Authority, Purpose, and Scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of insured institutions, savings and loan holding companies, and their affiliates.

§ 563f.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns, or villages whose borders are within 10 miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected person the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside of the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 563f.3 (a) and (b) and include the total assets of all of its affiliates for purposes of § 563f.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 563f.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 563f.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 563f.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A state-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks"), or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Bank Board order.* A management official of an insured institution, savings and loan holding company, or any affiliate of either may apply for the Bank Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 563f.3 if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of an insured institution, savings and loan holding company, or affiliate of either may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A management official of an insured institution, savings and loan holding company, or affiliate or either may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of an insured institution, savings and loan holding company, or affiliate of either may serve at the same time as a management official of a depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of an insured institution, savings and loan holding company, or affiliate of either may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the insured institution, savings and loan holding company, or any affiliate of either primarily to serve employees of the organization.

§ 563f.5 [Reserved]

§ 563f.6 [Reserved]

§ 563f.7 Enforcement.

The Federal Home Loan Bank Board administers and enforces the Interlocks Act with respect to insured institutions, savings and loan holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of an insured institution or savings and loan holding company is primarily subject to the regulation of another Federal supervisory agency, then the Bank Board does not administer and enforce the Interlocks Act with respect to that affiliate.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

PART 711—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.)

§ 711.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.).*

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of federally insured credit unions.

§ 711.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within 10 miles of each other at their closest points. The property line of an office located in unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected

persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (e.g., a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside of the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company including the total assets of its depository institution affiliates for the purposes of § 711.3(b), and include the total assets of all of its affiliates for the purposes of § 711.3(c). Total assets of a United States branch or agency means total assets of such branch or agency itself, exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 711.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 711.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 711.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationship permitted by National Credit Union Administration order.* A management official of a federally insured credit union may for the National Credit Union Administration's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 711.3 if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of a federally insured credit union may serve at the same time as a management official of a depository organization (i) located, or to

be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions; (A) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly chartered organization.* A management official of a federally insured credit union may serve at the same time as a management official of a newly chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determined the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of a federally insured credit union may serve at the same time as a management official of a depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Credit union sponsored by another depository organization.* A management of a federally insured credit union that is sponsored by another depository organization primarily to serve its employees or the employees of its affiliates may serve at the same time as a management official of such sponsoring depository organization.

§ 711.5 [Reserved]

§ 711.6 [Reserved]

§ 711.7 Enforcement.

The National Credit Union Administration administers and enforces the Interlocks Act with respect to federally insured credit unions and may refer the case of a prohibited interlocking relationship involving any such credit union, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part.

(Sec. 209(5), 92 Stat. 3672 (12 U.S.C. 3209(5)), sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

Lawrence Connell,

Chairman.

July 13, 1979.

[FR Doc. 79-22296 Filed 7-18-79; 8:45 am]

BILLING CODES 6210-01-M, 4810-33-M, 6714-01-M, 6720-01-M, 7535-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

Truth in Lending; Technical Amendments to Regulation Z

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical amendments to Regulation Z to correct references to a section number that has been redesignated.

SUMMARY: The Board is amending two interpretations of Regulation Z, to change incorrect references to a section number that has since been redesignated.

EFFECTIVE DATE: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Anne Geary, Assistant Director, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION: On September 19, 1975, the Board issued regulations amending Regulation Z to implement the Fair Credit Billing Act (40 FR 43200). In implementing certain sections of the Act, paragraph (e) of § 226.7 was redesignated as paragraph (f). At this time, the Board is amending Interpretations § 226.705 and § 226.707 of the regulation, which refer to the original § 226.7(e), to reflect this redesignation.

Therefore, pursuant to the authority granted in 15 U.S.C. 1604 (1976), the Board amends Interpretations § 226.705 and "§ 226.7(f)" to insert wherever the citation "§ 226.7(e)" currently appears.

Board of Governors of the Federal Reserve System, July 13, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-22282 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-EA-24; Amdt. 39-3516]

Airworthiness Directives; AVCO Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to AVCO Lycoming O-360-A1G6D and LO-360-A1G6D type aircraft engines which requires alteration of the economizer channel plug in the Marvel-Schebler HA-6 carburetor. It appears that the plug has become loose.

EFFECTIVE DATE: July 20, 1979. Compliance is required as set forth in the AD.

ADDRESSES: AVCO Lycoming Service Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been reports of power loss on the subject engines installed in Beech Dutchess 76 model airplanes and reports of finding the economizer channel plug unsealed in the carburetor. Since this deficiency can exist or develop in other engines of similar type design, an airworthiness directive is being issued requiring an alteration of the plug. In view of the air safety problem, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

AVCO Lycoming: Applies to AVCO Lycoming 0-360-A1G6D engines with Serial Numbers prior to L-26456-36A except L-23465-36A, L-23783-36A, L-23865-36A, L-24278-36A, L-25075-36A, L-25129-36A, L-25131-36A, L-25998-36A, L-26069-36A through L-26071-36A, L-26073-36A through L-26076-36A, L-26123-36A through L-26128-36A, L-26130-36A, L-26131-36A, L-26139-36A, L-26205-36A through L-26207-36A, L-26236-36A through L-26242-36A, L-26278-36A, L-26281-36A through L-26283-36A, and to the AVCO Lycoming LO-360-A1G6D engines with Serial Numbers prior to L-296-71A except L-102-71A, L-107-71A, L-109-71A, L-113-71A, L-158-71A, L-171-71A, L-237-71A, L-246-71A, L-250-71A, L-255-71A, L-256-71A, L-259-71A through L-273-71A, L-275-71A through L-282-71A, L-284-71A through L-286-71A, L-289-71A.

Compliance required within the next 10 hours in service after the effective date of this AD, unless previously accomplished.

To prevent inflight power loss due to loosening of the internal economizer channel plug in the Model HA-6 carburetor, remove the P/N 80-150 plug and replace with P/N 80-364 plug in accordance with AVCO Lycoming Service Bulletin No. 434 or FAA approved equivalent.

Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region. Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD.

Note.—Marvel-Schebler/Tillotson Service Bulletin A1-79 and Beechcraft Service Instructions No. 1045 also pertains to this subject.

Effective Date: This amendment is effective July 20, 1979.

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

Issued in Jamaica, New York, on July 6, 1979.

L. J. Cardinali,

Acting Director, Eastern Region.

[FR Doc. 79-21989 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SW-7]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Federal Airway V-187E between Farmington, N. Mex., and Albuquerque, N. Mex., and designates alternate airway V-421W from Farmington to Gallup, N. Mex. This action improves air traffic control efficiency by providing laterally separated routes for aircraft operations in the Farmington area.

EFFECTIVE DATE: October 4, 1979.

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

SUPPLEMENTARY INFORMATION:

History

On May 29, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-187E between Farmington, N. Mex., and Albuqerque, N. Mex., and designate an alternate airway V-421W from Farmington to Gallup, N. Mex. (44 FR 30692). Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No objectional comments were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the Federal Register on January 2, 1978 (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns V-187E from Farmington, N. Mex., to Albuquerque, N. Mex., and designates new alternate airway V-421W from Farmington to Gallup, N. Mex. These amendments will improve traffic flow in the Farmington area and simplify flight planning. The current V-187E does not provide a laterally separated route between Farmington and Albuquerque, thereby increasing controller workload when this airway is utilized.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 GMT, October 4, 1979, as follows:

§ 71.123 [Amended]

Under V-187—"Farmington 138°" is deleted and "Farmington 128°" is substituted therefor.

Under V-421—"Farmington, N. Mex.;" is deleted and "Farmington, N. Mex., including a west alternate via INT Gallup 008° and Farmington 233° radials;" is substituted therefor.

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

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

Issued in Washington, D.C., on July 10, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-21988 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-3]

Alteration of Transition Area—Liberal, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Liberal, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Liberal, Kansas Municipal Airport based on the Liberal Non-Directional Radio Beacon (NDB), a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft

operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: October 4, 1979.

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

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Liberal Municipal Airport, Liberal, Kansas, is being established based on the Liberal Non-Directional Radio Beacon (NDB), a navigational aid. The establishment of an instrument approach procedure based on this approach aid, entails the alteration of the transition area at Liberal, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 29482 and 29483 of the **Federal Register** dated May 21, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Liberal, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

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

Liberal, Kansas

That airspace extending upwards from 700 feet above the surface within a ten mile radius of the Liberal Municipal Airport (latitude 37°02'40"N.; longitude 100°57'42"W.), and within 3 miles each side of the 180° bearing from the Liberal NDB (latitude 36°57'.32"N.; longitude 100°57'20.86"W.), extending from the 10 mile radius area to 8 miles south of the NDB.

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

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

Issued in Kansas City, Missouri, on July 9, 1979.

C. R. Melugin, Jr.,

Director, Central Region.

[FR Doc. 79-22305 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-EA-9]

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Victor Airway V-297 from Johnstown, Pa., to the Talls Intersection via the 325° magnetic radial of Johnstown. This action improves air traffic control efficiency by establishing the airway with a radial coincidental to an instrument approach procedure to the Johnstown Cambria County Airport and provides additional lateral separation from Westmoreland County Airport terminal area.

EFFECTIVE DATE: October 4, 1979.

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

SUPPLEMENTARY INFORMATION:

History

On May 24, 1979, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-297 from Johnstown, Pa., to Talls, Pa., Intersection via the Johnstown 320°T(326°M) radial. This realignment will improve air traffic flow in the Johnstown-Latrobe, Pa., area (44 FR 30102). Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No negative comments were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the Federal Register on January 2, 1979, (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) realigns V-297 from Johnstown to Talls Intersection. This action improves airspace efficiency by reducing multiple airway crossings in the vicinity of Talls Intersection and establishes an airway radial coincidental to an instrument approach procedure to the Johnstown Cambria County Airport. This amendment will also improve traffic flow in the Westmoreland County Airport by providing additional lateral separation from the terminal area.

Adopton of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 G.m.t., October 4, 1979, as follows:

Under V-297: "INT Johnstown 315° and Clarion, Pa., 222° radials;" is deleted and "INT Johnstown 320° and Clarion, Pa., 176° radials; INT Johnstown 315° and Clarion, Pa., 222° radials;" is substituted therefor.

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

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

Issued in Washington, D.C., on July 13, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-22306 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ANW-05]

Alteration of Controlled Airspace, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the designation of controlled airspace in the vicinity of Medford, Oregon. This rule lowers existing 6200 foot transition area to provide controlled airspace to protect a minimum altitude holding pattern at the MERLI Intersection (Roseburg VOR (RBG) Radial 154 and Medford VORTAC (MFR) Radial 251).

EFFECTIVE DATE: August 9, 1979.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW–534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767–2610.

SUPPLEMENTARY INFORMATION:

History

On May 3, 1979, the FAA published for comment a Notice of Proposed Rulemaking (NPRM) (44 FR 25866), to alter the 6200 foot transition area at Medford, Oregon. This alteration allows the establishment of a standard holding pattern procedure needed at the MERLI Intersection for traffic segregation between Grants Pass Airport departures and Medford terminal and en route operations. No objections were received in response to this Notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (FARs) amends the 6200 foot transition area at Medford, Oregon. This action is necessary to provide controlled airspace for holding aircraft and additional controlled airspace for air traffic control purposes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., August 9, 1979, as follows:

71.181 Medford, Oregon

Replace all after "west by the east edge of V23E;" on line nine with the following:

"and that airspace extending upward from 5500 feet MSL within seven miles north and eleven miles south of the Medford, Oregon, VORTAC 271 Radial extending from the west edge of V–23W and north edge of V–122 to the east edge of V–27."

Drafting Information

The principal authors of this document are Robert L. Brown, Air Traffic Division, and Hays V. Hettinger, Regional Counsel, Northwest Region, Federal Aviation Administration.

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

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

Issued in Seattle, Washington, on July 10, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79–22308 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–03–M

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14 CFR Part 71

[Airspace Docket No. 79–GL–12]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Coldwater, Michigan to accommodate a new Runway 3 instrument approach procedure into the Branch County Memorial Airport, Coldwater, Michigan established on the basis of a request from the Branch County Airport officials to provide that airport with an additional instrument approach procedure.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of this procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 25240 of the Federal Register dated April 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coldwater, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 4, 1979, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Coldwater, Michigan

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport (latitude 41° 56′ 05″ N., longitude 85° 02′ 55″ W.), within 2 miles each side of the Litchfield, Michigan VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2.5 miles each side of Litchfield, Michigan VORTAC 239° radial extending from the 5-mile radius area to 8 miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61.))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the

Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-12, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-22309 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-14]

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Marquette, Michigan to accommodate various revised instrument approach procedures into the Marquette County Airport, Marquette, Michigan, established on the basis of a relocation of the Marquette Very High Frequency Omnidirectional Range (VOR) facility to a new site approximately 2000 feet southwest of the previous site.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions. The control zone airspace will be altered by extending the zone approximately ½ mile southwest so as to accommodate the relocated VOR. In addition, the revised instrument approach procedures require the width of the control zone extensions to the southwest and the northeast to be increased from 2 miles either side of approach radials to 3½ miles either side. This will insure that all operations of aircraft in instrument weather conditions below 1000 feet above ground will be contained within the control zone airspace. The 700-foot transition area airspace which extends beyond the control zone does not require alteration to accommodate the revised instrument approach procedures. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 25239 of the Federal Register dated April 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate additional controlled airspace near Marquette, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 4, 1979, as follows:

In § 71.171 (44 FR 353) the following control zone is amended to read:

Marquette, Michigan

Within a 5 statute mile radius of the Marquette County Airport, (latitude 046°32'02.8" N, longitude 087°33'34.6" W—estimated) and within 3½ mile statute miles each side of the 075° magnetic bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 7 statute miles northeast of the airport; and within 3½ mile statute miles each side of the 250° magnetic bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 9½ statute miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (47 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-14, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-22310 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-13]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near South Bend, Indiana, to accommodate a new Runway 21 instrument approach procedure into the Jerry Tyler Memorial Airport, Niles, Michigan, established on the basis of a request from the Tyler Airport officials to provide that airport with an additional instrument approach procedure.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 29482 of the Federal Register dated May 21, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area near South Bend, Indiana. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 4, 1979, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

South Bend, Indiana

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Michiana Regional Airport, South Bend, Indiana (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from Michiana Regional Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Indiana VOR 360° radial, extending from the Michiana Regional Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Michigan (latitude 41°50'30" N., longitude 86°13'30" W.), extending from the Niles (Tyler Memorial Airport) 2.5 miles either side of the South Bend, Indiana VORTAC 045° radial to eight miles northeast of the Tyler airport, excluding that airspace which overlies the Dowagiac, Michigan transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-13, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-22311 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 91, 121, 129

[Docket No. 19238; SFAR 40]

Termination of Special Federal Aviation Regulation No. 40; Operation of Model DC-10 Airplanes in United States

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Final rule.

SUMMARY: This action terminates the prohibition against the operation of any Model DC-10 airplane within the airspace of the United States. This amendment is necessary to reflect the reinstatement of the Type Certificate for that airplane.

DATES: Effective date: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Howe, Deputy Chief Counsel, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 426-3775.

Termination of Special Federal Aviation Regulation 40

By Emergency Order of Suspension issued by the Administrator of the Federal Aviation Administration June 6, 1979, Type Certificate No. A22WE issued to McDonnell Douglas Corporation was suspended on an emergency basis, said suspension to be effective until such time as it is found by the Administrator that the Model DC-10 series aircraft meets the applicable certification criteria of Part 25 of the Federal Aviation Regulations (FAR) and is eligible for a type certificate.

The suspension occurred subsequent to an accident on May 25, 1979, involving a McDonnell Douglas DC-10 series aircraft at Chicago, Illinois and was based on information and belief that the aircraft might not meet the requirements of Section 603(a) of the Federal Aviation Act for a type certificate in that it might not be of proper design, material, specification, construction, and performance for safe operation, or meet the minimum standards, rules, and regulations prescribed by the Administrator.

The suspension of Type Certificate No. A22WE was not effective as to operations in the United States of DC-10 series aircraft of foreign registry. Therefore, as stated in its preamble, Special Federal Aviation Regulation (SFAR) 40 was issued on June 6, 1979, to be " * * * effective until it is found by the Administrator that the Model DC-10 series airplane meets the applicable certification criteria of Part 25 of the FAR and is eligible for a type certificate (44 FR 33389, June 8, 1979)."

On June 7, 1979, the Administrator, pursuant to his authority under sections 313, 609, 1002 and 1004 of the Act, ordered through the Chief Counsel of the FAA that formal investigations be undertaken into the matters of (1) type certification of the engine to wing attachment structure of the Model DC-10 series aircraft and (2) air carrier maintenance and airworthiness procedures for said aircraft. Incident to and in the course of the investigation of type certification, he also directed that a thorough reexamination be made of the design and operation of the leading edge outboard slat control system of said aircraft with respect to the effects of asymmetric slat conditions on controllability of the aircraft in critical flight regimes.

As a result of these investigations, he received three reports as follows:

1. Presiding Officer's Report to the Administrator on the Investigation of the McDonnell Douglas Corporation and the Model DC-10 Aircraft, dated July 9, 1979.

2. Report to the Administrator in the Matter of Maintenance and Airworthiness Procedures concerning DC-10 aircraft, dated June 25, 1979.

3. Report to the Administrator on Investigation of Compliance of the DC-10 Aircraft Leading Edge Outboard Slats with Type Certification Requirements, under Asymmetric Slat Conditions, dated July 9, 1979.

Upon thorough review of the analyses, findings and recommendations contained in these reports, and further, upon consideration of actions taken by the Federal Aviation Administration as a result of these investigations, the Administrator found, with respect to those matters investigated, that the Douglas Model DC-10 series aircraft meets the requirements of Section 603(a)(2) of the Act for issuance of a type certificate in that, in such respects, said aircraft is of proper design, material, specification, construction and performance for safe operation and meets the applicable certification criteria of Part 25 of the Federal Aviation Regulations and is eligible for a type certificate.

Thereupon, the Emergency Order of Suspension of Type Certificate No. A22WE for the McDonnell Douglas Model DC-10 airplane was terminated July 13, 1979. Since the stated purpose of SFAR 40 has been accomplished, notice and comment on its termination are unnecessary and good cause exists for making this amendment effective on less than 30 days notice.

Termination of Special Federal Aviation Regulation No. 40

Accordingly, Special Federal Aviation Regulation 40 is terminated, effective immediately.

(Secs. 313(a), 307, 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348, 1421 and 1423); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on July 13, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79-22367 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 324

[PDR-67; Docket No. 36128]

Procedures for Compensating Air Carriers for Losses

July 13, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Request for Comments on Final Rule.

SUMMARY: By PR-209, also issued today, the CAB is establishing a rule governing the compensation of air carriers for their losses in complying with a Board order to continue service to a community under section 419 of the Act, as amended by the Airline Deregulation Act of 1978. In this proceeding, the CAB invites comments on the rule adopted, with a view to issuing a revised rule later if necessary.

DATES: Comments by: September 17, 1979.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36128, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5368.

(Secs. 204 and 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1732, 49 U.S.C. 1324, 1389.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22407 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 324

[Regulation PR-209; Docket No. 36128]

Procedures for Compensating Air Carriers for Losses

AGENCY: Civil Aeronautics Board.

ACTION: Interim Rule.

SUMMARY: The Airline Deregulation Act of 1978 includes a new provision authorizing the CAB to order an air carrier to continue to provide essential air service to a community, but requiring the CAB to compensate the carrier for any financial losses that it incurs in complying with that order. The CAB is adopting rules to govern proceedings for determining the compensation for air carrier losses. By PDR-67, also issued today, the CAB invites comments on this rule with a view to issuing a revised rule later if necessary.

DATES: Effective: July 19, 1979 except for sections 324.2 and 324.9 which are subject to GAO clearance. Adopted: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5368.

SUPPLEMENTARY INFORMATION: The Airline Deregulation Act of 1978 (P.L. 95-504) adds a new section 419 to the Federal Aviation Act, 49 U.S.C. 1389, establishing a small community air service program. This program was adopted to ensure that in the move to deregulation, small communities do not have their air service reduced below levels that are considered essential. Toward that end, paragraph 6 of section 419(a) authorizes the Board to require a carrier that has given notice of its intent to suspend, terminate, or reduce service to an eligible point, bringing service to that community below its essential levels, to continue service to such point for a 30-day period beyond the notice period while another air carrier is located to provide that service. The Board can continue to require the carrier to provide service for additional 30-day periods until another air carrier has begun to provide essential air transportation to the point. However, if the Board orders an air carrier to continue to provide essential air transportation to a point, section 419 further authorizes the Board to compensate such air carrier for any losses incurred in complying with that order, regardless of profits earned on other routes.

Compensation of carriers for their losses under this program is distinct from their receipt of subsidy under section 419 (a)(5) and (b)(6). The purposes of subsidies is to aid carriers in providing service indefinitely to a small community. Compensation for losses, however, is to be only a payment for a temporary period until a replacement carrier is found who will provide the essential service to the point on a permanent basis, with or without subsidy. The Board will issue rules governing the amount and manner of payment under the subsidy program at a later date.

Those carriers that are already receiving subsidy payments for service to the point under section 406 (for the carriage of mail) or under section 419(a)(5) (for providing essential service) are not permitted to receive compensation for losses under this program. Section 419 authorizes the Board to continue paying these carriers their established rate of subsidy until another carrier is found to provide the essential air transportation.

The procedure to be used in compensating air carriers for their losses is similar to the one already being used in section 406 mail rate proceedings. Carriers applying for compensation for the carriage of mail attend informal conferences with Board staff in order to reach agreement on a fair rate of compensation, under §§ 302.311-321 of our Rules of Practice. We are establishing a similar conference procedure for carriers seeking compensation for losses under section 419.

Because the Act does not define losses, there is potential for controversy over how they are calculated. By establishing in advance a conference structure with ground rules, the carriers and Board staff can focus on the substantive issues and resolve areas of difference easily and quickly. Carrier representatives and the Board's staff will be able to reach agreement on the levels of compensation needed to ensure that essential service is continued and tax moneys are prudently spent.

The Board's ex parte rules (14 CFR Part 300.2) have already been amended, PR-192, 44 FR 4655, January 23, 1979, to permit the staff to hold discussions with air carriers when such contacts are needed in section 419 matters. The rule we are adopting here merely establishes

the structure in which those contacts will occur.

This program may result in the temporary compensation of profitable trunk carriers. Section 419(a)(7)(B) limits payments to trunk carriers (undefined in the statute) to a "1-year period beginning on the date on which any payment is made." If this section were read literally, it could mean that the 1-year period would not begin until money is actually paid to the carrier. Under such a construction a trunk carrier ordered to continue service for 3 years, for example, could wait until the end of that period to apply for its losses and claim that it is entitled to compensation for the entire period because no payment had previously been made. Such an interpretation would make the period of payments depend on the willingness of the carrier to delay receipt of its first payment, and render the 1-year limitation virtually meaningless.

Such an interpretation would also be inconsistent with the Congressional policy on limiting payments to trunk carriers. It was "the strong intent of the conferees that such subsidization should be done only as a stop-gap measure to assure continued service to a point." (H.R. Rep. No. 95–1179, 95th Cong., 2d Sess. 86 (1978).) The Conferees stated that the payments to trunks should be "limited to a 1-year period for any community." To ensure that a trunk carrier receives compensation for only 1 year's losses, the Board will consider that the first payment, beginning the 1-year period, is made on the first day that compensable losses are incurred by the carrier. This would generally be the first day after the end of the carrier's 90-day notice period.

To receive compensation, the carrier must file an application in the Board's Docket Section. These applications may be filed any time *after* the initial 30-day compulsory service period, but not later than 60 days after the carrier is finally allowed to suspend, terminate, or reduce its service to the point. (Carriers that have already been permitted to terminate service and believe they are entitled to compensation under this program must apply within 60 days of publication of this rule.) An air carrier has the option of filing its application while it is still under Board order to provide the essential service, and receiving periodic payments, or of waiting until it is allowed out of that market and then applying for one lump sum payment. If the carrier opts for the periodic payments, the Board will issue an order setting an interim rate to be paid to the carrier on a periodic basis subject to adjustment after the carrier's service obligation is terminated. This order would set the amount of these payments and the intervals at which they would be made (for examaple, every 30 days). The amount of the periodic payments may be revised upward upon application by the carrier, or downward if necessary to avoid excessive compensation. Otherwise, later payments would automatically be made in the same amount as the intial one. When the carrier was allowed to terminate its service, the payments would stop, an informal conference would be held, as described below, and a show-cause order would be issued proposing a final adjustment of the carrier's claim. If the carrier chose to apply for one lump sum payment, the conference would be held before that payment is made and the Board would issue a show-cause order proposing the compensation to be paid.

Whether the carrier is seeking periodic payments or one payment, the conference will not be held until the carrier is allowed to suspend, terminate, or reduce service as it requested and the total financial loss of the carrier can be determined. In OR–154, authority is delegated to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, to arrange and conduct these conferences. Only the Board's staff and representatives of the affected carrier may attend, unless the staff considers it necessary to invite additional parties. In no event will the staff have the power to compel attendance at the conference.

Those who attend will be required to sign a statement of confidentiality, agreeing not to reveal any decisions made at the conference until the Board acts on them. Conference agreements do not have the effect of final Board action and it would be premature and possibly damaging for third parties, such as a bank approached for a loan, to rely on them as such. Also, a promise of confidentiality encourages a frank discussion and helps the conference procedure work.

In our rules governing section 406 mail rate proceedings, the carrier's directors and conference participants are prohibited from dealing in the carrier's securities for 90 days after the conference is concluded or until the Board acts on the issues covered in the conference. We are not including a similar prohibition in this rule. With the repeal of section 409(b) of the Act, the Board's authority to do so is less certain. It is also questionable whether, in light of the differences between sections 406 and 419, there is any need for this kind of restriction on carrier personnel. The amount of compensation for losses is not expected to be as large as the sums involved in mail rate subsidies. Also, these payments will only be compensating a carrier for losses on one of its routes while section 406 subsidizes a carrier's entire system. The Board will further examine and specifically requests comments on these issues. In the meantime, section 10b (15 U.S.C. 78j(b)) and other relevant securities laws still apply to dealings in the carriers' securities.

We expect conference discussions to deal with the issues and facts involved in developing a method for calculating the carrier's losses. Through such discussions, an agreement should be reached on the fair and reasonable amount of compensation to be paid. Although we are only establishing procedures here, it should be noted that it will probably be necessary to consider, in determining the fair and reasonable amount, the appropriate size of aircraft for serving the point and whether such aircraft are available to the carrier involved. It may also be important to consider the time of day that the flights are scheduled, since unnecessary losses could result from using too-large aircraft or scheduling service at inconvenient times of the day.

At the conclusion of the conference, a recommendation will be made to the Board. If the carrier is applying for a single payment, the recommendation will suggest that amount of compensation that the carrier should receive. If the carrier has been receiving periodic payments, the recommendation will suggest the amount still owed the air carrier or the amount of overpayment that must be recovered, by either direct action or offset, from the carrier. Neither the Board nor the air carrier will be bound by that recommendation or by any decisions reached at the conference. The Board will be free to reject the conference agreement and the carrier free to pursue any rights that it has under the Act or our rules of practice. Although we do not anticipate a need for hearings in these matters, if one is held it will be governed by the procedures most appropriate for the particular situation.

There may be some instances where a carrier will have such financial difficulties in continuing service that it will not survive the 30-day period ordered by the Board without receiving some immediate compensation. In such cases, we will make advance payments pending determination of the permanent rate under the procedures outlined above. To receive the advance payment,

the air carrier should submit an application justifying its need for such compensation and estimating its traffic, revenue, and expenses for the 30-day period, and any investments that will be required to perform the operations during that period. The advance payments may be revised in the same manner as the interim rate and are also subject to the final adjustment by the Board.

The provision in the rule for periodic payments and for advance payments, instead of one final payment, is for the convenience of the carriers, and not required by section 419. As a condition to receiving these payments, the carrier must agree in its application to return any such compensation paid that the Board, in its final adjustment, determines to have been excessive.

This program requires air carriers to prepare and submit certain information to the Board in order to receive compensation. These rules are being made effective immediately, as explained below, except for §§ 324.2 and 324.9, which are being submitted to the General Accounting Office for review under the Federal Reports Act (44 U.S.C. 3512). Carriers are not precluded from applying immediately for compensation using the procedures in §§ 324.2 and 324.9. GAO, however, will conduct its review to ensure that a minimum burden is imposed upon applicants and that the information required is not already available to the Board. We will publish a notice of GAO's decision as soon as it is received.

Since the Board has already ordered some air carriers to continue serving a community after they would otherwise have withdrawn, procedures for compensating them for their losses should be issued as soon as possible. The rule is limited to procedure. We therefore find that notice and public procedure before the adoption of a final rule are unnecessary and contrary to the public interest, and that there is good cause for an immediate effective date.

We realize, however, that the public may have valuable suggestions on whether this or some other procedure would be the most effective way of compensating air carriers for their losses. By a separate notice also issued today, therefore, we are inviting comments on this procedure.

Accordingly, the Civil Aeronautics Board adds a new Part 324, *Procedures for Compensating Air Carriers for Losses*, to Title 14 of the Code of Federal Regulations as set forth below:

PART 324—PROCEDURES FOR COMPENSATING AIR CARRIERS FOR LOSSES

Sec.

Authority: Secs. 204, 407, and 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 92 Stat. 1732, 49 U.S.C. 1324, 1377, 1389.

§ 324.1 Applicability.

This part applies to proceedings, under sections 419(a)(7)(B) and 419(a)(7)(C) of the Act, for compensating an air carrier for losses incurred in complying with a Board order to continue service.

§ 324.2 Application for compensation for losses.

(a) To receive compensation for its losses incurred in complying with a Board order to continue to provide essential air service, an air carrier shall file in the Docket Section an application titled "Application for Compensation for Losses."

(b) The application may be filed after the first 30-day compulsory service period, but shall not be filed later than 60 days after the carrier is allowed to suspend, terminate, or reduce service. It shall include:

(1) The dates of the compulsory service period covered by the application.

(2) The amount of compensation that is sought.

(3) Detailed information as to traffic, revenues, and expenses during the compulsory service period, and any investments that were required to perform the operations during that period.

(4) Full support for all information.

(5) The assurances required by § 379.4 of this Chapter.

(6) A certification by a responsible officer of the air carrier that the information submitted is true and accurate to the best of his or her knowledge.

(7) A statement acknowledging that any compensation paid in advance under § 324.9 or periodically under § 324.3 is subject to adjustment by the Board.

(c) All information supplied by an air carrier in its application is subject to verification by Board auditors.

§ 324.3 Procedures after receipt of application.

(a) When the application is received *before* the air carrier has been permitted to suspend, terminate, or reduce service, the procedure is as follows:

(1) If the Board finds the application adequate to support the compensation requested, it will issue a show-cause order proposing an amount to be paid to the carrier at regular intervals until the carrier is allowed to suspend, terminate, or reduce service.

(2) If the Board finds the application insufficient to support the compensation requested, it may seek more information. If the Board does not agree to the compensation requested, it will issue an order setting an interim rate to be paid periodically to the carrier. This amount will be subject to the Board's final adjustment after the carrier is allowed to suspend, terminate, or reduce service.

(3) If the carrier seeks an increase in the amount of the periodic payments, it must submit another application. The Board may revise the amount of the periodic payments on its own initiative in order to avoid paying excessive interim compensation.

(b) When the application is received *after* the air carrier has been permitted to suspend, terminate, or reduce service, the procedure is as follows:

(1) If the Board finds the application adequate to support the compensation requested, it will issue a show-cause order proposing an amount of payment to the carrier.

(2) If the Board finds the application insufficient to support the compensation requested, it may seek more information. If the Board does not agree to the compensation requested, it will send the applicant a statement describing the areas in which it disagrees or finds the information presented insufficient, and will refer the matter to an informal conference under § 324.4.

(3) The applicant may file an answer to the statement of disagreement not later than 15 days after it is received.

(c) Any payment will be considered to be made on the first day that losses compensated by that payment were incurred.

§ 324.4 Informal conference procedures.

(a) When there is disagreement on the amount of compensation that should be paid, the Board will arrange a conference with representatives of the air carrier applicant for the purpose of understanding and resolving the issues and facts in proceedings under this part.

(b) The conference shall be limited to the discussion of, and possible agreement on, the fair and reasonable amount of compensation for losses that should be paid to the air carrier required to continue service under Board order.

(c) When the Board takes public action on the matter, a written summary of the conference discussion will be filed in the Docket Section and the Public Reference Room and sent to the carrier involved.

§ 324.5 Participants in the conference.

Other than the Board's staff and representatives of the carrier whose losses are in issue, no person may attend unless the Board's staff considers their presence necessary to resolve one or more of the issues under discussion. In such case, their participation shall be limited to such specific issues. No person, however, is required to attend.

§ 324.6 Statement of confidentiality.

All persons in an informal conference, during the period of the conference and until the Board takes public action on the matter, shall strictly protect information obtained in the conference from disclosure except to the Board's and the applicant's concerned employees and counsel. All persons participating in the conference other than Board staff shall sign a statement in which they agree to so protect the information

§ 324.7 Post-conference procedure.

(a) If any pertinent issues are not resolved at the conference, the air carrier may request a hearing or the opportunity to submit a written or oral statement to the Board. The Board will grant the request if such action is needed for further clarification and understanding of the issues. Granting of the request will not, however, limit the rights that the carrier might otherwise have under the Act and the rules of practice.

(b) If the carrier has not previously received compensation under this part for providing essential service to the point involved in its application, the Board shall issue a show-cause order proposing an amount of payment to the carrier.

(c) If the carrier has been receiving advance payments under § 324.9 or periodic payments under § 324.3(a)(2), the Board shall issue a show-cause order proposing the final adjustment of the carrier's claim, setting forth the Board's tentative findings of the amount it owes the carrier or the amount the carrier owes the Board.

§ 324.8 Effect of conference agreements.

(a) No agreement or understanding on a rate of compensation that is reached in the conference shall be binding on the Board or any participant.

(b) The carrier will have the right to take other procedural steps, including requesting a hearing, as if no conference had been held.

§ 324.9 Procedure for making advance payments.

(a) At any time after a carrier is ordered to continue service, the Board may, upon its own initiative or on petition by the carrier, order advance payments for a carrier's future losses subject to adjustment upon determination of the final rate.

(b) A carrier's petition shall be titled "Petition for Advance Compensation for Losses."

(c) The carrier shall include with its petition, or may be required by the Board to submit, estimates of the information required under § 324.2(b) and an explanation of why it needs advance compensation.

(d) Carriers receiving payments under this section may, absent a filing under § 324.2 of this part, continue to receive the amount of compensation ordered by the Board under paragraph (a) of this section. The Board may revise the amount of these payments in order to avoid paying the carrier excessive compensation.

§ 324.10 Liability of carrier for excess payments.

(a) If the payments to a carrier exceed the amount authorized by the Board in its final adjustment, the affected air carrier shall be liable for repayment of the amount of such excess.

(b) If the carrier fails to make the repayment under paragraph (a) of this section, any future payment due that carrier under this chapter shall be applied to such indebtedness or the Board shall use any other means authorized by law to ensure repayment.

(c) Compliance with the provisions of this section shall not deprive a carrier of any right it would otherwise have to contest the Board's final adjustment.

§ 324.11 Conformity with Subpart A of Part 302.

The provisions of Subpart A of Part 302 of this chapter, except for § 302.8 of this chapter and any other provisions that are inconsistent with this part, shall apply to proceedings under this part.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22406 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 385

[Docket 36128; Amendment 87; Regulation OR-154]

Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In PR-209, issued simultaneously, the CAB established an informal conference procedure for discussing an air carrier's application for compensation for losses when ordered to continue service under section 419 of the Federal Aviation Act. The CAB is delegating to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation (BDA), the authority to notify the air carrier of any disagreement with its application, and to arrange for an informal conference, if needed. The CAB also takes this opportunity to rearrange some of its delegations of authority to reflect organizational changes.

DATES: Adopted: July 13, 1979. Effective: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428; 202-673-5368.

SUPPLEMENTARY INFORMATION: As a result of a recent reorganization, the name of the Bureau of Pricing and Domestic Aviation has been changed to the Bureau of Domestic Aviation (BDA). This rule reflects that change. Conforming changes in other sections of this part will be made at a later date.

Recent reorganizations have also resulted in some functions involving subsidy, formerly exercised by the Associate Director of Pricing, now being exercised by the Chief, Air Carrier Subsidy Need Division, BDA. This rule shifts three delegations of authority to reflect that change.

The Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters,* as follows:

1. Subpart B of the Table of Contents is amended by adding a new § 385.14a, to read:

Subpart B—Delegation of Functions to Staff Members

Sec.

* * * * *

385.14a Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

* * * * *

2. A new § 385.14a is added to Subpart B, to read:

§ 385.14a Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, the authority to:

(a) Send a statement under § 324.3 of this chapter, to an air carrier, disagreeing with its application for compensation for losses under section 419, and to arrange an informal conference under § 324.4 of this chapter for the purpose of resolving these disagreements.

(b) Issue final orders establishing temporary or final subsidy rates under section 406 or 419 or final adjustments of compensation for losses under section 419 in those cases where no objection has been filed to show cause order, and where the rates established are the same as those proposed in the Board approved show cause order.

(c) Issue final orders amending the reporting requirement for distribution of reported services and financial data to selected categories for the semi-annual review of subsidy-eligible and subsidy-ineligible operations under the local service class subsidy rate.

(d) Issue final orders making ad hoc adjustments to individual carrier subsidy ceilings under the local service class subsidy rate for the addition, reinstatement, suspension, or deletion of subsidy-eligible communities to the carrier's route system.

§ 385.16 [Amended]

3. In § 385.16, paragraphs (c), (i), and (j) are revoked and reserved.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 5 U.S.C. Appendix.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22404 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 379

[Regulation SPR-162; Amendment No. 3; Docket 36128]

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

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. July 13, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: A new section of the Federal Aviation Act requires the CAB to provide financial assistance to air carriers for providing essential service to small communities. The CAB is amending its rules on nondiscrimination in Federally assisted programs to make clear that carriers receiving this new financial assistance must comply with Title VI of the Civil Rights Act of 1964.

DATES: Effective: July 19, 1979; Adopted: July 13, 1979.

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

SUPPLEMENTARY INFORMATION: The prohibition against discrimination in Title VI of the Civil Rights Act of 1964 applies to any program for which Federal financial assistance is authorized under a law administered by the Board, particularly compensation for the carriage of mail under section 406 of the Federal Aviation Act. The Airline Deregulation Act of 1978 (P.L. 95-504) added a new section 419 to the Act authorizing the Board also to compensate air carriers for providing essential air service to small communities. An air carrier receiving such compensation, whether subsidy under section 419(a)(5) or 419(b)(6) or compensation for losses under section 419(a)(7) and Part 324 of this chapter, must also comply with Part 379 of the Board's rules and Title VI of the Civil Rights Act of 1964. The Board is therefore amending Part 379 to state specifically that carriers receiving financial assistance under section 419 must comply with Title VI of the Civil Rights Act.

Since this rule states specifically what is already generally required by Part 379, notice and public procedure thereon are unnecessary and contrary to the public interest. Furthermore, since carriers are already receiving compensation under section 419 of the Act, an immediate effective date is in the public interest.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 379, *Nondiscrimination in Federally Assisted Programs of the Board—Effectuation of Title VI of the Civil Rights Act of 1964,* as follows:

1. Section 379.2 is amended to read:

§ 379.2 Application of this part.

This part applies to any program authorized to receive Federal financial assistance under a law administered by the Board, including the payment of compensation by the Board under section 406 or 419 of the Federal Aviation Act of 1958 (49 U.S.C. 1376, 1389). It applies to money paid or other Federal financial assistance extended under any such program after the effective date of this part regardless of the approval or issuance date of the Board order that established an amount of payment pursuant to an application for compensation under Part 324 of this chapter or pursuant to an application for any other Federal payment or financial assistance. This part does not apply to money paid or other assistance extended under any such program before the effective date of this regulation, or to any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 379.3(c).

2. In § 379.3, paragraph (b) is amended to read:

§ 379.3 Discrimination prohibited.

* * * * *

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

* * * * *

3. Section 379.4 is amended to read:

§ 379.4 Assurances required.

Every applicant for or recipient of Federal financial assistance to which this part applies shall, as a condition to approval of its application and/or the extension of such financial assistance, furnish with the application, or on request of the Board in the case of compensation received pursuant to an investigation instituted under section 406 of the Federal Aviation Act of 1958 by the Board or by a person other than the recipient of such compensation, an assurance that it will comply with all

requirements imposed by this part. The Board's request for such assurance will normally be made at the time the application for compensation under section 419 is filed or at the time of a Board order instituting an investigation under section 406.

4. Section 379.12 (b) and (d) is amended to read:

§ 379.12 Definitions.

* * * * *

(b) The term "Federal financial assistance" includes grants of Federal funds under sections 406 or 419 of the Federal Aviation Act.

(c) * * *

(d) The term "applicant" means one who submits an application required to be approved by the Board as a condition to eligibility for Federal financial assistance, including an air carrier that submits an application for subsidy payments or compensation for losses under section 419 of the Federal Aviation Act of 1958, as amended.

(Sec. 602 of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d–l; secs. 204, 404, 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 92 Stat. 1732, 49 U.S.C. 1324, 1374, 1389.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–22397 Filed 7–18–79; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 79–193]

Vessels in Foreign and Domestic Trades; Coastwise Transportation of Merchandise

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by providing that if merchandise is laden at a coastwise point, transported to an intermediate port or place not subject to the coastwise laws for manufacturing or processing into a new and different product, and thereafter transported to a coastwise point, either leg (or both legs) of the transportation may be accomplished by a vessel not qualified for the coastwise trade. This document also provides a procedure for interested parties to obtain advice as to whether a contemplated undertaking would result in a new and different product.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Charles W. Hart, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 constitution Avenue, NW., Washington, D.C., 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27 of the Merchant Marine Act 1920 (46 U.S.C. 883) in general provides that no merchandise shall be transported between points embraced within the coastwise laws of the United States ("coastwise points"), directly or by way of a foreign port, or for any part of the transportation, except in a vessel built in the United States, owned by a citizen of the United States, and documented under the laws of the United States.

The Customs Service and the former Bureau of Marine Inspection and Navigation, its predecessor agency in the administration of the coastwise laws, have ruled since 1938 that if merchanise is transported from a coastwise point to a port or place not subject to the coastwise laws, such as a port or place in Canada or the Virgin Islands of the United States (to which the coastwise laws expressly do not apply—Executive Order No. 9170 of May 21, 1942), where it is manufactured or processed into a new and different product which thereafter is transported to a coastwise point, either segment (or both segments) of the overall transportation may be accomplished by vessels not qualified to engage in the coastwise trade. The rationale behind these rulings is that the continuity of the transportation is broken at the intermediate port or place and the new and different product resulting from the manufacturing or processing is not the same as that laden at the initial coastwise point.

The Customs Service had been asked to rule whether it would be a violation of the coastwise laws if crude oil were to be transported by foreign vessel from Valdez, Alaska, to the Virgin Islands for refining, and if the refined products, including gasoline and fuel oil, thereafter were transported to a coastwise point.

Because the Customs Regulations do not address this issue, a notice of proposed rulemaking was published in the Federal Register on September 14, 1977 (42 FR 46068), to insert a new section 4.80b (19 CFR 4.80b) to incorporate the principles outlined above and to establish a procedure, similar to that in section 4.80a (19 CFR 4.80a), applicable to the coastwise transportation of passengers by foreign vessels, by which interested parties may apply for a ruling as to whether a contemplated undertaking would result in a new and different product.

Interested persons were given until October 14, 1977, to submit relevant written data, views, or arguments. However, pursuant to a request to extend the period of time for the submission of comments, a notice was published in the Federal Register on October 18, 1977 (42 FR 55801), extending the period of time to October 31, 1977.

As noted below, most of the comments received in response to the notice were unfavorable. However, in a related matter, the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the District of Columbia have upheld the principles incorporated within the proposed amendment.

Relevant Litigation

A suit was filed by the American Maritime Association against Secretary of the Treasury W. Michael Blumenthal on September 2, 1977, in the U.S. District Court for the District of Columbia in a matter directly related to the proposed amendment. See *American Maritime Association et al.* v. *Blumenthal et al.* (458 F. Supp. 849, October 13, 1977).

Plaintiff sought a determination that carriage by the foreign-flag vessel Hercules and future carriage by other foreign flag tankers of Alaskan oil from Valdez, Alaska, to the Hess refinery in the Virgin Islands, where it would be refined and thereafter shipped to the continental United States, would be in violation of the Jones Act (46 U.S.C. 883).

The district court, however, on page 25 of its Memorandum Opinion, upheld the position of the Customs Service by concluding that:

* * * continuity of transportation within the meaning of the Jones Act is broken if the merchandise is substantially changed into new and different products at the intermediate port. Crude oil is changed into new and different products through processing at the Hess refinery. Thus, the transportation of crude oil by the Hercules or any foreign-flag tankers from Valdez, Alaska to the Virgin Islands, where the oil is refined and thereafter the products are shipped to the United States mainland, is not a violation of the Jones Act. * * *

This decision was affirmed on appeal to the U.S. Court of Appeals for the

District of Columbia (See *American Maritime Association et al.* v. *Blumenthal et al.* (590 F.2d 1156, November 20, 1978). The U.S. Supreme Court denied a petition for a writ of certiorari on May 14, 1979 (Docket No. 78–1287).

Discussion of Major Comments

With one exception, all comments received were unfavorable to some degree. The primary objections raised to the proposal related to the "intent" of the shipper and the "continuity of the voyage."

It was contended that the existence of manufacturing or processing at some intermediate port or place not subject to the coastwise laws does not control the ultimate determination as to whether there has been a transportation of merchandise in violation of the Jones Act; that it is the shipper's intent which determines the character of the voyage; that if it were the shipper's intent to transport oil from Valdez, Alaska, to some other port or place encompassed within the coastwise laws on a foreign-flag vessel, a violation of the Jones Act would occur regardless of any manufacturing or processing at an intermediate port or place not encompassed by the coastwise laws.

In this regard, it was argued that when the language of 19 U.S.C. 1588, a Customs enforcement provision relating to an intent to evade the coastwise laws through a transshipment of merchandise via a foreign port, is read together with the language of 46 U.S.C. 883, consideration of the shipper's intent becomes critical.

It was also contended that an interruption at some intermediate point does not break the continuity of the voyage; that there is one continuous voyage from Valdez, Alaska, through the Virgin Islands to the East Coast of the United States. Several of the commenters cited 32 Op. Att'y. Gen. 350 (1920), and 34 Op. Att'y. Gen. 355 (1924) to support their positions.

It is the position of the Customs Service, upheld by the district court in *American Maritime Association* v. *Blumenthal,* and affirmed on appeal, that the continuity of transportation within the meaning of the Jones Act is broken if the merchandise is substantially changed into a new and different product at an intermediate port or place. Intent would be controlling only if the merchandise does not undergo substantial change into a new and different product, but merely is transshipped at an intermediate port. The two opinions of the Attorney General are relevant only when intent is a factor.

Several commenters contended that the provisions of the Trans-Alaska Pipeline Authorization Act (TAPS Act), Pub. L. 93–153, 87 Stat. 576, implicitly limit the Jones Act exemption granted in 46 U.S.C. 877 to the Virgin Islands and that the proposed regulation fails to accommodate the legislative intent inherent in the TAPS Act to exclude the use of foreign-flag vessels in the transportation of the North Slope crude oil.

In support of these positions, the commenters cited section 401 of the TAPS Act and several passages from the Congressional Record, claiming it is clear that the clearly enunciated purpose of Congress was to exclude foreign-flag vessels from the type of transportation contemplated. Section 401 of the TAPS Act amended the Ports and Waterways Safety Act of 1972, 46 U.S.C. 391a(7)(C), which relates to the rules and regulations to be issued by the Secretary of Transportation in connection with minimum standards of design, construction, alteration, and repair of vessels, for the purpose of protecting the marine environment. The amendment stepped up the effective date of regulations published pursuant to 46 U.S.C. 391a(7)(A) with respect to United States-flag vessels engaged in the coastwise trade.

The district court and the Court of Appeals, in *American Maritime Association* v. *Blumenthal,* reviewed these propositions, found them to be unconvincing, and held that there is no basis for the position that section 401 of the TAPS Act is applicable to this case.

Other commenters expressed concern that the proposed regulation would allow shippers to circumvent the Jones Act by taking a product in a more or less rough state (or bulk form) to some intermediate port or place not subject to the provisions of the Jones Act; there, the merchandise would undergo what was characterized as some relatively slight degree of processing, processing which does not radically alter the nature of the merchandise, or preliminary or intermediate processing. Once this was completed, the merchandise would be returned to the United States. Both legs of this journey would be on foreign-flag vessels. These commenters, as well as others, were critical of prior rulings of the Customs Service, including Treasury Decision 56272(2) and a ruling letter of November 22, 1968, both cited in the notice of proposed rulemaking published in the **Federal Register** on September 14, 1977 (42 FR 46068).

The Customs Service notes that the hypothetical case raised in the preceding paragraph is not at issue. Moreover, the district court and the Court of Appeals, in upholding the above-cited Customs Service precedents, concluded that the agency's interpretation—that continuity of the transportation is broken when the merchandise is manufactured or processed into a new and different product at an intermediate port or place—is both reasonable and consistent with the statutory scheme of the Jones Act.

Three commenters expressed the opinion that the proposed regulation would prejudice the East and Gulf Coast refineries and those who purchase from them because the Virgin Islands refinery would be able to purchase Alaskan crude oil at lower cost due to the shipping cost differential between foreign-flag vessels and United States-Flag carriers, and that this would confer economic benefits upon the Hess refinery which are not available to any other refinery.

There is insufficient material available at this time to fully evaluate this claim. However, even assuming that the claim is valid, these economic considerations would not affect the Customs Service's interpretation of the Jones Act.

One commenter expressed concern that the proposed regulation would permit the North Slope oil to be shipped by a foreign-flag tanker to the Virgin Islands and there partially off-loaded onto another foreign-flag tanker. When this was completed, both vessels would be "topped" with foreign crude oil and proceed to a domestic port for off-loading of "blended" crude oil.

The proposed regulation would not encompass the described hypothetical transaction because there would not have been a manufacturing or processing into a new and different product. Furthermore, for there to be a break in the continuity of the transportation, the merchandise would have to be off-loaded and entered into the commerce of the Virgin Islands for manufacturing or processing.

Another commenter contended that the proposed regulation would permit foreign-flag fish processing vessels to load substantial amounts of Alaskan fish at an Alaskan port, transport them to a nearby port or place not subject to the coastwise laws, process the fish in the vessel, and then proceed to a point in the United States and market the fish.

It is the position of the Customs Service that, in this circumstance, if the fish were transported on and processed

in a foreign vessel while on the high seas, the regulation would not apply. In referring to an intermediate port or place, the proposed regulation does not purport to include a point on the high seas. If the processing vessel were to dock at an intermediate port or place as contemplated by the regulation and there process the fish on the vessel, the same problem would confront it as would confront a vessel transporting Alaskan crude oil which would be "topped" with foreign oil, *viz.*, the continuity of the transportation would not have been broken as there is no off-lading of the merchandise.

One commenter took the position that Customs is treating the shipments of oil as exportations and, to that extent, the treatment conflicts with the TAPS Act which prohibits exports of the North Slope crude oil, except under very limited circumstances.

Whether the shipments of the subject oil are exports within the meaning of the TAPS Act is within the jurisdiction of the Department of Commerce. Irrespective of the characterization of the shipment and any purported conflict with the TAPS Act, the Customs Service must interpret and enforce the Jones Act. If any violation of the TAPS Act occurs, the parties involved may pursue other avenues for relief.

Several commenters cited court cases dealing with the regulation of interstate commerce where the continuity of the tranportation was a critical factor. The district court and the Court of Appeals, however, found these cases unpersuasive and adopted the position of Customs as expressed in the notice of proposed rulemaking.

One commenter expressed concern about the absence of objective criteria consistent with 46 U.S.C. 883 for determining when processing at an intermediate port or place results in a new and different product. It was suggested that if the criteria were not included in § 4.80b, each request for a ruling be published in the Federal Register; that the public be given an opportunity to comment; and any comments submitted be considered before a final decision is made. Other commenters expressed similar sentiments.

Because of the diversity of circumstances which can arise, it would be inappropriate to draft a set of criteria to be applied in all instances. The district court, however, in discussing the products refined from the Alaskan crude oil concluded that "[e]ach of [the] products is different in name, physical and chemical character, and use from each other and from crude oil." Memorandum Opinion at page 24. Certainly, the name, character and use of the manufactured or processed merchandise would be taken into consideration in making a decision. The Customs Service believes that a request for an advisory ruling from its Carriers, Drawback and Bonds Division would be best processed in accordance with the provisions of Part 177 of the Customs Regulations (19 CFR Part 177). Additionally, unless otherwise exempt from disclosure, any ruling with respect to this question would be available to any member of the public, who then would be able to determine exactly what criteria were applied.

The favorable views provided by one commenter essentially underscored those parts of the Memorandum Opinion issued by the district court in *American Maritime Association* v. *Blumenthal* and affirmed on appeal.

Amendment to the Regulations

After consideration of all the comments received, and in view of the decisions of the district court and the Court of Appeals in *American Maritime Association* v. *Blumenthal*, the proposed amendment to Part 4 of the Customs Regulations is adopted without change as set forth below.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

R. E. Chasen,

Commissioner of Customs.

Approved: June 18, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Part 4 of the Customs Regulations (19 CFR Part 4) is amended by inserting a new § 4.80b to read as follows:

§ 4.80b Coastwise transportation of merchandise.

(a) *Effect of manufacturing or processing at intermediate port or place.* A coastwise transportation of merchandise takes places, within the meaning of the coastwise laws, when merchandise laden at a point embraced within the coastwise laws ("coastwise point") is unladen at another coastwise point, regardless of the origin or ultimate destination of the merchandise. However, merchandise is not transported coastwise if at an intermediate port or place other than a coastwise point (that is at a foreign port or place, or at a port or place in a territory or possession of the United States not subject to the coastwise laws), it is manufactured or processed into a new and different product, and the new and different product thereafter is transported to a coastwise point.

(b) *Requst for ruling.* Interested parties may request an advisory ruling from Headquarters, United States Customs Service, Attention: Carriers, Drawback and Bonds Division, as to whether a specific action taken or to be taken with respect to merchandise at the intermediate port or place will result in its becoming a new and different product for purposes of this section. The request shall be filed in accordance with the provisions of Part 177 of this chapter.

(R.S. 251, as amended, sec. 27, 41 Stat. 998, as amended (5 U.S.C. 301, 19 U.S.C. 66, 46 U.S.C. 883).)

[FR Doc 79-22326 Filed 7-18-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Administrative Functions; Administrative Hearings; Amendment of Hearing Procedures

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Final Rule.

SUMMARY: This rule amends the DEA hearing procedures to provide parties with a reasonable opportunity to file with the Administrator, prior to his final decision in any administrative hearing matter, exceptions to the decision, findings of fact and conclusions of law proposed or recommended by the Administrative Law Judge.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Stephen E. Stone, Attorney, Office of the Chief Counsel, Drug Enforcement Administration, Washington, D.C. 20537. Telephone (202) 633-1141.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act, Title 5, United States Code, Section 557(c), provides that parties to administrative proceedings are entitled to a reasonable opportunity to file exceptions to a recommended decision prior to the rendering of a final decision by the agency. As presently constituted, the

procedures of the Drug Enforcement Administration provide that any party to an administrative proceeding may file proposed findings of fact and conclusions of law, together with supporting reasons therefor and evidence of record, with the Administrative Law Judge or presiding officer. Such proposed findings of fact and conclusions of law are considered by the Administrative Law Judge and are included in the record certified to the Administrator for his consideration. The regulations do not, however, provide for the filing of exceptions by any party once the presiding officer has notified the parties of his recommended decision and has certified the record of the proceedings to the Administrator.

Since the enactment of the Controlled Substances Act, Title 21, United States Code, Section 801, and following, and the regulations promulgated thereunder, no party to a DEA hearing has ever requested an opportunity to file such exceptions. There is no question but that such a request would be granted. Nevertheless, one United States Court of Appeals, reviewing a DEA final order, has pointed out the lack of a provision giving parties the opportunity to file such exceptions, and a second Court of Appeals has ruled that the purpose of Section 557(c) is to provide parties with some input at each level of the decisional process.

In order to insure that the DEA administrative hearing procedures strictly comply with the provisions of the Administrative Procedure Act, the Administrator has decided to amend the hearing procedures so as to provide for the filing of exceptions to the recommended decision, findings of fact and conclusions of law. It is not, however, intended that the filing of such exceptions be permitted to unduly extend the already lengthy administrative procedures. For this reason, parties will be allowed no more than twenty days after the date upon which they are notified of the recommended decision of the presiding officer to file exceptions thereto with the Administrator.

Therefore, under the authority vested in him by the Controlled Substances Act and the regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that the following sections of Part 1316, Title 21, Code of Federal Regulations, be amended to read:

1. Section 1316.65 is amended by revising (b) to read as follows:

§ 1316.65 Report and record.

* * * * *

(b) The presiding officer shall certify to the Administrator the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, and his report. The presiding officer shall, at the same time, serve a copy of his report upon each party in the hearing.

2. Section 1316.66 is revised to read as follows:

§ 1316.66 Exceptions.

(a) Within twenty (20) days after the date upon which a party is served a copy of the report of the presiding officer, such party may file with the Administrator exceptions to the recommended decision, findings of fact and conclusions of law contained in the report of the presiding officer. The party shall include a statement of supporting reasons for such exceptions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of the authorities relied upon.

(b) The Administrator shall consider the exceptions filed by any party and shall cause such filing to become part of the record of the proceeding.

(c) The Administrator may, upon the request of any party to a proceeding, grant additional time for the filing of a responsive pleading, if he determines that no party in the hearing will be unduly prejudiced and that the ends of justice will be served thereby. Provided however, that each party shall be permitted to file only one pleading under this section; that is, either a set of exceptions or a response thereto.

3. Section 1316.67 is revised to read as follows:

§ 1316.67 Final order.

As soon as practicable after the presiding officer has certified the record to the Administrator, but not sooner than twenty days thereafter, the Administrator shall cause to be published in the Federal Register his order in the proceeding, which shall set forth the final rule and the findings of facts and conclusions of law upon which the rule is based. This order shall specify the date on which it shall take effect, which date shall not be less than 30 days from the date of publication in the Federal Register unless the Administrator finds that the public interest in the matter necessitates an earlier effective date, in which event the Administrator shall specify in the order his findings as to the conditions which led him to conclude that an earlier effective date was required.

4. Section 1316.67, titled "Copies of petitions for judicial review," is renumbered as § 1316.68.

Dated: July 13, 1979.

Peter B. Bensinger,

Administrator.

[FR Doc. 79-22398 Filed 7-18-79; 8:45 am]

BILLING CODE 4110-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-671]

Community Development Block Grants; Small Cities Program

Correction

In FR Doc. 79-19841 appearing at page 37438 in the issue of Tuesday, June 26, 1979, the following corrections should be made:

A. In the preamble portion of the document: 1. On page 37478, in the second column, under the heading "§ *570.420(g) Restrictions on applying for grants*", in the twenty-second line of the paragraph, the comma after the words "additional grants" should be replaced by a period.

2. On page 37479, in the second column, the heading which reads "§ *570.426 Single purpose program general requirements*" is numbered incorrectly. It should read "§ *570.427 Single purpose program general requirements*".

B. In the regulatory portion of the document: 1. On Page 37480, in the first column, the table of contents entry for § 570.424 which reads "Selective system for comprehensive grants" should read "Selection system for comprehensive grants".

2. Also on page 37480, in the first column, in § 570.420(a), in the twelfth line, the word "as" should be inserted immediately after the words "as well".

3. On page 37482, in the first column, in § 570.423(c)(2), the first line, the paragraph number "(1)" should read "(i)".

4. Also on page 37482, in the first column, in § 570.423(c)(3), the second line, the paragraph number "(1)" should read "(i)".

5. On page 37484, in the second column, the table in § 570.428 is corrected to read as follows:

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Need—absolute number of substandard housing units	30
(d) Need—percent of substandard housing units	20
(e) Program factor:	
Impact of the proposed program	200
(f) Benefit to low- and moderate-income persons	200
(g) Performance:	
Housing	100
Local equal opportunity efforts	50
(h) Other:	
Housing opportunity plan	50
Enhances position as a regional center	25
Implements State growth plan	25
Other Federal programs	25

6. On page 37485, in the first column, in § 570.428(g)(2), the second line, the paragraph number "(1)" should read "(i)".

7. On page 37486, in the first column, in § 570.430(c)(1)(ii), in the last line, the reference to § 570.304(b)(2)(ii) is corrected to refer to § 570.306(b)(2)(ii).

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the Interim Regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits prescribes the interest rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). This valuation is necessary because under section 4041 of ERISA, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in investment markets. This amendment adopts the rates and factors applicable to plans that terminated on or after March 1, 1979, but before June 1, 1979, and will enable the PBGC to value the benefits provided under those plans.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 et seq.). Specifically, the regulation contains a number of formulae for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulae. Because these rates and factors must be reflective of investment experience, it is necessary to update the rates and factors periodically. When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before March 1, 1979. [29 CFR 2610 (1978), 43 FR 55240 et seq., 44 FR 3971 et seq., 44 FR 22454]. The purpose of this amendment is to provide the rates and factors applicable to plans that terminated on or after March 1, 1979, but before June 1, 1979.

On February 20, 1979, the PBGC published for comment in the Federal Register (44 FR 10398) a proposal that in the future new interest rates and factors would be issued in final form without first being published in a Notice of Proposed Rulemaking. The PBGC received only two comments relating to that proposal, both of which were favorable, and on April 16, 1979 (44 FR 22453), the PBGC adopted that proposal as its new procedure for issuing new interest rates and factors.

Because the PBGC cannot value the benefits provided under pension plans that terminated on or after March 1, 1979 and before June 1, 1979 until these new interest rates and factors are promulgated, and consistent with the new procedure adopted by the PBGC on April 16, 1979 (see above), the PBGC finds that notice of and public comment on this amendment are impracticable and unnecessary. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that terminated on or after March 1, 1979, but before June 1, 1979, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

The PBGC has determined that this amendment to the Valuation of Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations, is hereby amended by adding a new Table XIV to Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Benefits

* * * * *

XIV. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after March 1, 1979, but before June 1, 1979.*

I. *Interest rates for valuing immediate annuities.*

An interest rate of 7½ percent shall be used to value immediate annuities, to compute the quantity "G_y" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factor shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1=1.0675$
(2) $k_2=1.055$
(3) $k_3=1.04$
(4) $n_1=7$
(5) $n_2=8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 16th day of July, 1979.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of

Directors authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 79-22294 Filed 7-18-79; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2618

Rules for Administrative Review of Agency Decisions

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation sets forth the rules governing the issuance of most initial determinations by the Pension Benefit Guaranty Corporation (the "PBGC") and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. Over the past four and one half years since the enactment of the Employee Retirement Income Security Act of 1974 ("ERISA"), the number of cases processed by the PBGC has increased substantially as it has placed into effect the program of pension plan termination insurance it administers under ERISA. One corollary of this increased activity by the PBGC has been the increase in the number of requests by pension plan participants and employers who maintain pension plans for administrative review by the PBGC of its determinations. In order to facilitate the administrative review process, the PBGC is publishing rules to govern the administrative review of its decisions. The intended effect of this regulation is to ensure that persons who are adversely affected by determinations of the PBGC are provided with an opportunity to present fully their positions to the PBGC before a final decision is made by the agency.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Joan Segal, Staff Attorney, Office of the General Counsel, 2020 K Street, N.W., Washington, D.C. 20006; 202-254-3010.

SUPPLEMENTARY INFORMATION: On February 6, 1979, the PBGC published in the **Federal Register** a proposed regulation entitled "Rules for Administrative Review of Agency Decisions" (44 FR 7178). The proposed regulation set forth procedures whereby persons who deal with the PBGC can obtain administrative review by the PBGC of its decisions that affect them. Public comments were solicited on the proposal, and the PBGC was pleased to receive a number of perceptive and useful suggestions. The final regulation set forth in this document differs substantively from the proposal in several respects; most of those changes have been made in response to the comments. Additionally, some nonsubstantive changes have been made that the PBGC believes simplify and generally clarify the regulation. In the discussion that follows, citations are to sections in the final regulation, unless otherwise stated.

Review of Determinations not Subject to the Regulation

In the preamble to the proposed regulation, the PBGC stated that where it determines that it would be appropriate to do so, it will informally review, upon request, determinations that are not subject to the administrative review provisions of the regulation. One comment suggested that, "in the interests of completeness," the above statement be included in the body of the regulation. The PBGC agrees with the comment and has made the necessary change in the final regulation (§ 2618.1). However, it is noted that review of determinations not covered by this regulation is discretionary with the PBGC, and such review is not subject to the provisions of the regulation.

The same comment also recommended that the words "upon request" be deleted from this provision for discretionary review of non-covered determinations. The PBGC believes, however, that this change would be inconsistent with a major purpose of the regulation: to inform persons aggrieved by PBGC determinations of the steps that they must take in order to obtain administrative review. Although the PBGC can on its own initiative review determinations it has made, as a rule it does not do so. Accordingly, the PBGC believes that the regulation should state that a person who would like administrative review of a determination not subject to the regulation should request review.

Scope of Subparts C and D

The regulation applies to eleven types of determinations made by the PBGC. Under the proposal seven of the determinations were subject both to reconsideration and appeal; four were subject only to reconsideration. Two comments addressed the fact that under the proposal certain determinations covered by the regulation were subject to both types of review. One comment pointed out that since an initial determination of the PBGC may adversely affect a number of parties, it would be possible, under the regulation as proposed, for one person to file a request for reconsideration of a determination, while another person filed an appeal of the same determination. The second comment suggested that the proposal was inconsistent in providing that a decision on a request for reconsideration was final for the purpose of judicial review but might nevertheless be appealed to the Appeals Board. The PBGC has reexamined this issue and, as a result, has changed the final regulation to provide that those determinations subject to appeal are not subject to reconsideration. Thus, each determination covered by the regulation is subject to only one form of administrative review, either reconsideration or appeal.

Another comment asked why all eleven of the covered determinations were not subject to appeal. This regulation was developed in the light of two sometimes conflicting concerns: the need not to overburden PBGC's administrative resources and the need to provide aggrieved persons with an opportunity to obtain administrative review that is adequate given the nature of the adverse determination. The appeals procedure puts a greater burden on administrative resources than the reconsideration procedure. Given this fact, the PBGC believes that appeals are warranted only where the complexity of the issues involved and the nature and immediacy of the impact of the determination on the aggrieved party indicate that a more sophisticated kind of review, involving review by a three-person board and the opportunity to appear in person and to present witnesses, should be provided at the administrative level.

For example, a determination that a plan is covered by Title IV of ERISA obligates the employer to pay premiums to the PBGC. However, that determination is not self-enforcing. Should an employer refuse to pay premiums, the PBGC would be forced to seek a court order requiring premium payments, and once in court, the employer would be able to litigate the issues involved in the dispute prior to the issuance of any order directing payment. In this situation, the PBGC believes it is reasonable to provide only the more streamlined form of administrative review of its decision, i.e., reconsideration.

On the other hand, a determination that an employer is liable to the PBGC under § 4062 of ERISA will, once the PBGC has demanded payment of the liability and payment is refused, give rise to a lien, pursuant to § 4068 of

ERISA, in favor of the PBGC upon all property belonging to the employer. The PBGC does not have to go to court to have the lien imposed. Because of the immediacy and the gravity of the impact of a demand for payment of employer liability, the PBGC will provide the employer with an opportunity for a more exacting administrative review of the underlying determination through the appeals process, prior to making a demand for payment.

The same comment also asked why a determination that a plan is covered is not appealable, while a determination that a plan is not covered is appealable. Again, the answer lies in the differing impact the determinations have on the affected persons. As discussed above, a determination that a plan is covered imposes on the employer an obligation to pay premiums, but the impact of that decision on the employer is rather indirect since the decision can only be enforced by means of a judicial proceeding. On the other hand, a determination that a plan is not covered, which means the PBGC would not guarantee benefits upon plan termination, has a very direct and significant impact on plan participants. Because there is no further action needed to effectuate PBGC's determination that benefits are not guaranteed, PBGC believes plan participants should be given the opportunity afforded by the appeals process to present fully their arguments and to have those arguments thoroughly reviewed by the PBGC.

The comment also asked what the difference is between the reconsideration and the appeals procedures. The most significant differences are that an appellant, unlike a person requesting reconsideration, may request an opportunity to appear in person and to present witnesses, and an appeal is decided by a three-person board, while a reconsideration is performed by one person. This comment suggested that reconsideration "be limited to correcting clear factual errors involved in the initial determination, considering newly discovered facts, or presenting relevant issues that were not considered in the initial determination." Each of these clearly constitutes grounds for reconsideration, but the PBGC sees no reason to so limit the availability of that form of review.

Finally, with respect to the scope of the review procedures, the PBGC points out that requests for review of certain determinations may call into question the constituent parts of those determinations. For example, an appeal of the amount of employer liability assessed under § 4062 may challenge the underlying determination by the PBGC of the amount of plan asset insufficiency or of employer net worth, or both. Such underlying determinations are subject to review upon review of the ultimate determination, provided the underlying determination is not one committed to the discretion of PBGC by Title IV of ERISA.

Definition of Aggrieved Person

Several comments stated that the definition of "aggrieved" set forth in the proposal seemed to preclude a former contributor to a multiple or multiemployer plan who is adversely affected by a determination of the PBGC under § 4063 or § 4064 of ERISA from seeking administrative review. Additionally, it was suggested that the proposed definition be clarified to reflect the fact that the term employer includes all trades and businesses under common control. In drafting the proposed definition, it was not the intention of the PBGC to preclude former contributors to a multiple or multiemployer plan or members of a controlled group from obtaining administrative review of adverse determinations. Thus, to ensure clarity, the definition of "aggrieved" as set forth in the final regulation expressly applies to former contributors and members of a controlled group (§ 2618.2).

A number of comments also suggested that the definition of "aggrieved" should include employee organizations that represent plan participants. However, the definition of "aggrieved" set forth in the regulation is consistent with § 4003(f) of ERISA, which is the provision for judicial review of PBGC actions. Section 4003(f) provides that, inter alia, plan participants and beneficiaries, but not employee organizations, may seek judicial review of PBGC actions. The PBGC does not have any information that this statutory provision has been a significant obstacle to employee organization involvement in Title IV litigation and use of the same scope should not prejudice appropriate participation by such organizations in PBGC proceedings.

In addition, one comment suggested that employee organizations that maintain pension plans, either alone or jointly with employers, should be included in the definition of "aggrieved." In response, the PBGC points out that an employee organization that maintains a plan for its own employees is an employer and, as such, may seek administrative review under the regulation. Further, pension plans maintained by employee organizations for their members are exempt under section 4021(b) from coverage under Title IV of ERISA. Finally, in plans jointly maintained by an employer and an employee organization, a joint board comprised of representatives of both is generally the plan administrator, and a plan administrator may seek administrative review under the final regulation. Accordingly, the PBGC does not believe that it is necessary to include employee organizations in the definition of "aggrieved" party.

In response to comments that the proposed definitions of "aggrieved" and "person" are unduly restrictive, and for the sake of clarity, the PBGC has re-written and combined the two definitions. The final regulation defines an "aggrieved person" as: "any participant, beneficiary, plan administrator, or employer adversly affected by an initial determination of the PBGC with respect to a pension plan in which such participant, beneficiary, plan administrator or employer has an interest * * *" (§ 2618.2).

Appeals Board

The definition of the Appeals Board set forth in the proposal excluded from the Board any "person who made a decision that is appealable * * *". One comment suggested that the definition may be read to "exclude from the Board all persons who have experience making the kinds of determinations that may be appealed." This is not the intention of the PBGC. In order to eliminate possible misunderstanding with respect to the composition of the Appeals Board and consistent with a comment that the definition should exclude persons who have made any determination involving the plan that is the subject of the appeal, the definition has been changed to make clear that a person may not serve on the Appeals Board with respect to any case in which he or she has made a determination (§ 2618.2).

Requests For PBGC Assistance In Obtaining Information

Under the proposal, a person who lacks information or data necessary to file a request for review or necessary to a decision whether to seek review, could request the PBGC's assistance in obtaining the information (proposed § 2618.5). One comment suggested that the provision be clarified with respect to the type of information referred to, the type of assistance that may be provided, and the standard to be applied by the PBGC in determining whether to provide assistance. The PBGC has considered this suggestion and has decided against adopting it. We do not believe that it

would be helpful, or perhaps even possible, to try to limit in advance the type of information to which this provision applies and the type of assistance that PBGC would provide and under what circumstances it would be provided.

Time Limits

The proposal required that a request for reconsideration be filed within 30 days after the date of the determination of which reconsideration is sought, and that an appeal be filed within 45 days after the date of the determination being appealed (proposed §§ 2618.33 and 2618.53).

One comment asked why the time limits are different with respect to reconsideration and appeal. The reason the PBGC has allowed more time in the case of an appeal is that more extensive preparation will probably be needed for the filing of an appeal than for the filing of a request for reconsideration. For example, a person filing an appeal has the right to request to appear in person and to present witnesses, and therefore more time is provided the appellant to help insure that he or she has adequate time to seek out witnesses and to determine whether an oral presentation would be worthwhile.

A number of comments suggested that the prescribed periods of time are too short and recommended that a provision for extensions of time be included in the regulation. The proposal did include provisions for enlarging the prescribed time periods: proposed §§ 2618.36(d) and 2618.60(e) provided that requests for reconsideration and appeals that are not filed in a timely manner may be summarily denied, unless good cause is shown for the delay. However, in order to remove any doubt concerning the availability of extensions of time, the PBGC has eliminated proposed §§ 2618.36(d) and 2618.60(e) and included in the final regulation a new § 2618.4, which provides that the PBGC will, upon good cause shown, grant an extension of time within which to file any document required or permitted to be filed under this regulation, provided the request for an extension is filed before the expiration of the prescribed period of time. As recommended by one of the comments, the provision states that a person requesting an extension must specify the amount of additional time requested. The PBGC has not, however, adopted a suggestion that a person whose request for an extension is denied be insured a minimum of 10 days after the denial to file the request for reconsideration or the appeal. The PBGC believes that the time limits set forth in the regulation are reasonable, and that the suggested provision might provide a method of circumventing those limits.

Also in connection with the issue of time limits, a couple of comments raised the possibility that a person who is adversely affected by a determination by the PBGC might not learn of that determination until after the prescribed period of time for requesting review had passed. The PBGC believes that the concern expressed by these comments is largely unwarranted because most determinations that adversely affect persons are necessarily communicated to them by the PBGC in the course of administering the plan termination insurance program (e.g., the PBGC routinely notifies plan participants of the amount of their guaranteed benefits). The PBGC does recognize, however, that there may be situations where an adversely affected person does not, in fact, learn of a determination in time to file a timely request for review. Accordingly, the PBGC provided in the proposal (as discussed above) that nontimely requests for review would not be summarily denied if good cause for the delay were shown (proposed §§ 2618.36(d) and 2618.60(e)); lack of knowledge of the determination is certainly "good cause" for delay. However, some of the comments received indicate that this point was not made sufficiently clear in the proposal, and therefore PBGC has provided in a new § 2618.5 that if a person aggrieved by a determination shows that he or she failed to file a timely request for review or for an extension of time because he or she neither knew nor, with due diligence, could have known of the determination, he or she will be permitted to file a request for review. A person to whom § 2618.5 applies must file a request for reconsideration or an appeal, or an extension of time to file either, within 30 days or 45 days, respectively, after the date he or she, exercising due diligence at all relevant times, first learned of the adverse determination.

The regulation also provides that before the Appeals Board issues a decision granting, in whole or in part, the relief requested in an appeal, it shall make a reasonable effort to notify third persons who will be aggrieved by the decision of the pendency of the appeal and of their right to participate in the appeal (§ 2618.58). Under the proposal, written comments and a request to appear before the Appeals Board had to be filed within 30 days after the date of the notice from the Appeals Board. One comment suggested that 30 days is insufficient. The PBGC agrees and has enlarged the period to 45 days. Further, pursuant to § 2618.4, a potentially aggrieved third party may request an extension of time within which to file.

Finally, the question of time limits is relevant in connection with the issuance by the PBGC of decisions on requests for reconsideration and appeal. Under the proposal, decisions on requests for review did not have to be issued within a specified period of time. The proposed regulation did provide, however, that if within a specified period of time, a person who filed a request for review does not receive a decision and is not notified that additional time is necessary to issue a decision, he or she is deemed to have exhausted his or her administrative remedies and may seek judicial review (proposed §§ 2618.36(c) and 2618.60(c)). One comment suggested that the regulation should specify the period of time in which PBGC will issue decisions and also provide that PBGC retain authority to grant itself extensions of time, also for specified periods set forth in the regulation. The PBGC reviewed proposed §§ 2618.36(c) and 2618.60(c) in light of this comment and decided that, because of the difficulty of accurately forecasting the amount of time necessary to resolve specific cases, it would not be helpful to attempt to specify the periods of time within which decisions will be issued. Accordingly, proposed §§ 2618.36(c) and 2618.60(c) have been eliminated. The PBGC emphasizes, however, that although no time limits are set, every attempt will be made to issue decisions as quickly as possible.

Representation

One comment suggested that where an aggrieved party has designated a representative to act on his or her behalf in pursuing administrative review, the PBGC should require evidence of the authority of the representative to act. In response to this suggestion and consistent with the requirement contained in PBGC's Notice of Intent to Terminate regulation (Part 2604 of this chapter) regarding authorization of a representative, the final regulation contains a new § 2618.6 which provides that when a representative other than an attorney is acting for an aggrieved party, a notarized power of attorney authorizing such representation must be submitted. The distinction made by the regulation between an attorney and a non-attorney representative is consistent with court practice; a party to a court proceeding is not required to submit evidence of the authority of an attorney to act as his or her

representative, and the PBGC sees no reason to be more stringent than a court with respect to this matter.

The issue of representation was also addressed in connection with the consolidation of multiple appeals. Under the proposal, the Appeals Board could order the consolidation of multiple appeals that arise out of the same or similar facts and seek the same or similar relief. Moreover, the proposal provided that when the Appeals Board orders the consolidation of appeals, it shall also order the appellants to designate one (or more) of their number to represent all of them for all purposes relating to their appeals; should the appellants fail to agree upon a representative, the proposal authorized the Appeals Board to designate one. Several comments questioned the fairness of requiring joint representation and suggested that it should not be mandatory. The PBGC agrees and has made the necessary change (§ 2618.57).

Exhaustion of Administrative Remedies

The proposal provided in § 2618.7 that a person aggrieved by a determination covered by the regulation has not exhausted his or her administrative remedies until he or she has filed a request for reconsideration or an appeal and a decision granting or denying the relief requested has been issued by the PBGC. One comment questioned the effect of this provision in light of section 704 of title 5 of the United States Code. That section provides:

> Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

The last sentence of section 704, which limits the power of an agency to require that an aggrieved party exhaust adminstrative remedies before seeking judicial relief, applies only to final agency action ("agency action otherwise final"). Congress was clear in explaining what it meant by the term final agency action. "Action which is automatically stayable on further proceedings invoked by a party is not final." H.R. Rep. No. 1980, 79th Cong., 2nd Sess. (1946), *reprinted in Administrative Procedure Act, Legislative History,* 1946 at 277. Moreover, Congress' stated concern in enacting the last sentence of § 704 was the "fundamental inconsistency in requiring a person to continue 'exhausting' administrative processes after administrative action has become, and while it remains, effective." S. Rep. No. 752, 79th Cong., 1st Sess. (1945), *reprinted* in Administrative Procedure Act, *Legislative History,* 1946 at 213; H.R. Rep. No. 1980, *supra.*

Although the proposed regulation may not have been sufficiently clear with respect to this matter, it was and is the PBGC's intent generally to stay the effectiveness of any determination subject to the regulation until requested review is completed and a decision on review is issued. If no request for review is filed, the determination will become effective upon expiration of the prescribed time for filing a request. These rules are set forth in a new § 2618.23.

However, there may be cases where PBGC has compelling reasons for making its initial determination immediately effective. Accordingly, § 2618.23 provides that the PBGC may make an initial determination effective on the date it is issued, but in that event, a person aggrieved by the determination will not be required to seek administrative review of the determination, but rather may seek judicial review at the outset. Administrative review of the determination would still be available to the person if he or she requests it.

Thus, in accordance with 5 U.S.C. 704, the regulation requires a party aggrieved by a determination of the PBGC to exhaust his or her administrative remedies only where the determination is inoperative during the period of review.

In connection with the issue of exhaustion of administrative remedies, one last change in the final regulation should be noted. Section 2618.7 of the final regulation does not require a person aggrieved by an initial determination subject to reconsideration that is issued by an Office Director to request reconsideration in order to exhaust his or her administrative remedies. Reconsideration of such a determination is performed by the Office Director, and thus, because review is not by a "superior agency authority" within the meaning of 5 U.S.C. 704, exhaustion of administrative remedies is not required. However, reconsideration of the determination is still available to the aggrieved person at his or her option.

As discussed above in connection with the issue of time limits, the regulation does not require that decisions on requests for review be issued within a specified period of time. One comment was concerned about the possibility of the PBGC delaying judicial review by not issuing prompt decisions on requests for review. The PBGC does not believe, however, that the concern expressed by the comment is warranted. Decisions on requests for review will be made as quickly as possible. Moreover, it is a well-settled principle of law that if pursuit of an administrative remedy involves undue delay, exhaustion of that remedy is not required as a prerequisite to maintaining an action in court.

Filing of Documents

Under the proposal, a document was deemed filed with PBGC on the date of receipt by the PBGC. A number of comments objected to this provision, arguing that because the mail is "notoriously unreliable with respect to timeliness of delivery," the date of filing should be considered the date of the United States postmark stamped on the envelope. The PBGC agrees with this suggestion and has made the necessary change (§ 2618.9). It should be noted however, that the date of the postmark will be considered the date of filing only if the postmark is made by the United States Postal Service and only if the document is mailed postage prepaid, properly packaged and addressed. If the above conditions are not met, the date of filing is the date the PBGC receives the document.

Reconsideration

One comment expressed dissatisfaction that, under the proposal, reconsideration of an initial determination issued by an Office Director is performed by the same Office Director. The PBGC is not persuaded that this procedure should be changed. While, as noted above, pursuing reconsideration in such cases is not a prerequisite to seeking judicial review, the PBGC expects that many persons will nevertheless seek reconsideration in these cases and that the reconsideration will be productive for both the aggrieved person and the PBGC. By seeking reconsideration, the aggrieved person can respond directly and specifically to the stated reasons for the initial determination, and the PBGC Office Director can review his or her decision in light of specific arguments against it.

The proposal provided that a person who may be aggrieved by a decision of the Appeals Board granting the relief requested in a pending appeal has the right to participate in the appeal

(proposed § 2618.58). Two comments suggested that the regulation be changed to provide a similar right of third party participation in reconsiderations. Such a change would make the reconsideration process more time-consuming and more complicated administratively. The PBGC believes that it is important both to the public and to the agency to keep this process as quick and simple as possible, and therefore it has not adopted this suggestion.

Appeal

Under the proposal, if a person filing an appeal believes that another person may be aggrieved if the PBGC grants the relief sought, he or she is required to include in the appeal the names and addresses (if known) of such other persons (proposed § 2618.55). One comment suggested that this requirement either be eliminated altogether because it will be ignored, or expanded to require all parties "to list the persons that might be adversely affected by the case, whichever way it comes out." The PBGC has considered this suggestion and has decided against adopting either of the alternatives. The PBGC does not believe, as the comment suggests, that the requirement set forth in the regulation will be routinely ignored. Moreover, the PBGC feels that the second alternative suggested by the comment imposes too great a burden on appellants. The requirement set forth in the regulation is tailored to impose a relatively minor burden on appellants and at the same time to help enable the Appeals Board to notify potentially aggrieved third parties of their right to participate in the appeal.

Additionally, one comment indicates there is some confusion with respect to the obligation imposed on appellants by this provision. An appellant is not required by the regulation to notify potentially aggrieved third parties of the pendency of the appeal; all that is required is that he or she provide the Appeals Board with a list of names and addresses (if known). The notification will be issued by the Appeals Board.

Proposed § 2618.58 required that whenever the Appeals Board determines that a third party may be aggrieved by a decision of the Board granting the relief requested in an appeal pending before it, the Appeals Board make a reasonable effort to notify such person (1) of the pendency of the appeal, (2) of the grounds on which it is based, (3) of the right to submit comments, and (4) of the right to request an opportunity to appear in person before the Board and to present witnesses.

Section 2618.58 set forth in the final regulation differs somewhat from the proposal. First, the final regulation provides that "before the Appeals Board issues a decision granting, in whole or in part, the relief requested in an appeal, it shall make a reasonable effort to notify third persons who will be aggrieved by the decision" of the items listed above. The PBGC believes that this change will benefit potentially aggrieved third parties by deferring the need for those persons to decide whether to participate in an appeal until it appears likely that they will in fact be aggrieved by the decision of the Board. To facilitate the participation by potentially aggrieved third parties, the regulation also provides that the Appeals Board shall include in its notification a statement of the grounds upon which the Board is considering reversing the initial determination. Additionally, the notification will advise the potentially aggrieved third party that no further opportunity to present information to the PBGC with respect to the determination under appeal will be provided. Finally, § 2618.60 provides that the decision of the Appeals Board is binding on all persons who were notified of their right to participate in the appeal pursuant to § 2618.58.

In connection with § 2618.58, one comment suggested that the provision be clarified with respect to the type of comments that may be submitted to the Appeals Board. The PBGC has considered this suggestion and has decided against adopting it. The only limitation on the type of comments that may be submitted is that they be pertinent to the specific case being appealed, as opposed to general comments on the statutory provision, regulation, policy, etc. underlying the case.

One comment suggested that the regulation should provide that the PBGC's power under section 4003(b) of ERISA to subpoena witnesses is "available in appropriate circumstances to persons seeking reconsideration of, or appealing from, an initial determination." It should be kept in mind that a person requesting reconsideration does not have the right under the regulation to present witnesses. In an appeal, however, a person may be permitted to present witnesses, but the Appeals Board does not have the authority to compel the attendance of witnesss. The Board may, if it believes that the presence of a witness is necessary to the resolution of a case, request the agency to issue a subpoena through the normal procedures. In addition, the Appeals Board may on its own motion request the submission of information by a party or the appearance of a witness. Section 2618.59 of the final regulation has been changed to clarify these points.

Another comment suggested that the proposal be clarified to reflect the fact that information submitted to the Appeals Board by the PBGC staff is available to the parties to the appeal. In response to this comment, the PBGC points out that information in the possession of the Appeals Board is available to members of the public to the extent provided by the PBGC's regulation implementing the Freedom of Information Act, 5 U.S.C. 552 (Part 2603 of this chapter). Thus, a party to an appeal who wishes to examine PBGC documents need only file a request pursuant to Part 2603 of this chapter. The PBGC notes that Freedom of Information Act requests are easily filed and quickly processed.

Finally, the PBGC has included in the final regulation a new § 2618.61, which provides that the Appeals Board may, in its discretion, refer any appeal to the Executive Director of the PBGC for decision. Where the Appeals Board so refers an appeal, the Executive Director will have all the powers vested in the Appeals Board by Subpart D of the regulation, and the decision of the Executive Director will conform to the requirements for, and have the same effect as, a decision issued by the Appeals Board.

The PBGC has determined that this regulation is not a "significant regulation" according to the criteria prescribed by Executive Order 12044 and the PBGC's Statement of Policy and Procedures implementing the Order (43 FR 58237, December 13, 1978), because it deals generally with procedural matters that are not likely to engender substantial public interest or controversy, and it will not affect other Federal agencies, nor have a major economic impact.

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended, effective August 20, 1979, by adding a new Part 2618 to read as follows:

PART 2618—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

Subpart A—General Provisions

Sec.

Sec.

Authority: Sec. 4002(b)(3), Pub. L. 93–406, 88 Stat. 1004 (29 U.S.C. 1302(b)(3), (1976)).

Subpart A—General Provisions

§ 2618.1 Purpose and Scope.

(a) *Purpose.* This part sets forth the rules governing the issuance of all initial determinations by the PBGC on cases pending before it involving the matters set forth in Paragraph (b) of this section and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. This part applies to the review of initial determinations issued on or after the effective date of this part.

(b) *Scope.* This part applies to the following determinations made by the PBGC in cases pending before it and to the review of those determinations:

(1) Determinations that a plan is covered under section 4021 or section 4082(b) of the Act;

(2) Determinations with respect to premiums, interest and late payment penalties pursuant to section 4007 of the Act;

(3) Determinations with respect to voluntary terminations under section 4041 of the Act, including whether the Notice of Intent to Terminate is valid and whether the plan is sufficient;

(4) Determinations with respect to allocation of assets under section 4044 of the Act, including distribution of excess assets under section 4044(d);

(5) Determinations that a plan is not covered under section 4021 or section 4082(b) of the Act;

(6) Determinations under section 4022(a) of the Act with respect to benefit entitlement of participants and beneficiaries under covered plans;

(7) Determinations under section 4022(b) of the Act of the amount of guaranteed benefits of participants and beneficiaries under covered plans;

(8) Determinations of the amount of money subject to recapture pursuant to section 4045 of the Act;

(9) Determinations of the amount of employer liability under section 4062 of the Act;

(10) Determinations of the amount of contingent liability under section 4063 of the Act; and

(11) Determinations of the amount of employer liability under section 4064 of the Act.

(c) *Determinations not covered by this part.* Nothing contained in this part shall limit the authority of the PBGC to review informally, upon request, determinations that are not subject to this part when the PBGC determines that it would be appropriate to do so.

§ 2618.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Aggrieved Person" means any participant, beneficiary, plan administrator, or employer adversely affected by an initial determination of the PBGC with respect to a pension plan in which such participant, beneficiary, plan administrator or employer has an interest. The term "employer" includes all trades and businesses under common control within the meaning of Part 2612 of this chapter, and all employers who contribute or have contributed to a pension plan to which more than one employer contributes.

"Appeals Board" means a board consisting of the General Counsel, the Director of the Office of Financial Operations, and the Director of the Office of Program Operations of the PBGC, or the designees of any of those persons, provided that a person may not serve on the Appeals Board with respect to any case in which he or she made a determination.

"Appellant" means any person filing an appeal under Subpart D of this part.

"Director" or "Office Director" means the Director of any office of the PBGC and includes the Executive Director and the General Counsel.

"PBGC" means the Pension Benefit Guaranty Corporation.

§ 2618.3 PBGC assistance in obtaining information.

A person who lacks information or data necessary to file a request for review pursuant to Subpart C or D of this part, or necessary to a decision whether to seek review, or necessary to participate in an appeal pursuant to § 2618.58 of this part or necessary to a decision whether to participate, may request the PBGC's assistance in obtaining the information. The request shall state or describe the missing information or data, the reason why the person needs the information or data, and the reason why the person needs the assistance of the PBGC in obtaining the information. The request may also include a request for an extension of time to file pursuant to § 2618.4 of this part.

§ 2618.4 Extension of time.

When a document is required under this part to be filed within a prescribed period of time, an extension of time to file will be granted only upon good cause shown and only when the request for an extension is made before the expiration of the time prescribed. The request for an extension shall be in writing and state why additional time is needed and the amount of additional time requested. The filing of a request for an extension shall stop the running of the prescribed period of time. When a request for an extension is granted, the PBGC shall notify the person requesting the extension, in writing, of the amount of additional time granted. When a request for an extension is denied, the PBGC shall so notify the requestor in writing, and the prescribed period of time shall resume running from the date of denial.

§ 2618.5 Non-timely request for review.

The PBGC will process a request for review of an initial determination that was not filed within the prescribed period of time for requesting review (see §§ 2618.33 and 2618.53) if—

(a) The person requesting review demonstrates in his or her request that he or she did not file a timely request for review because he or she neither knew nor, with due diligence, could have known of the initial determination; and

(b) The request for review is filed within 30 days after the date the aggrieved person, exercising due

diligence at all relevant times, first learned of the initial determination where the requested review is reconsideration, or within 45 days after the date the aggrieved person, exercising due diligence at all relevant times, first learned of the initial determination where the request for review is an appeal.

§ 2618.6 Representation.

A person may file any document or make any appearance that is required or permitted by this part on his or her own behalf or he or she may designate a representative. When the representative is not an attorney-at-law, a notarized power of attorney, signed by the person making the designation, which authorizes the representation and specifies the scope of representation shall be filed with the PBGC in accordance with § 2618.9(b) of this part.

§ 2618.7 Exhaustion of administrative remedies.

Except as provided in § 2618.23(b), a person aggrieved by an initial determination of the PBGC covered by this part, other than a determination subject to reconsideration that is issued by an Office Director, has not exhausted his or her administrative remedies until he or she has filed a request for reconsideration under Subpart C of this part or an appeal under Subpart D of this part, whichever is applicable, and a decision granting or denying the relief requested has been issued by the PBGC.

§ 2618.8 Request for confidential treatment.

If any person filing a document with the PBGC believes that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, he or she shall specify the information with respect to which confidentiality is claimed and the grounds therefor.

§ 2618.9 Filing of documents.

(a) *Date of filing.* Any document required or permitted to be filed under this part is considered filed on the date of the United States postmark stamped on the cover in which the document is mailed, provided that—

(1) The postmark was made by the United States Postal Service; and

(2) The document was mailed postage prepaid, properly packaged and addressed to the PBGC.

If the conditions stated in both paragraphs (1) and (2) are not met, the document is considered filed on the date it is received by the PBGC. Documents received after regular business hours are considered filed on the next regular business day.

(b) *Where to file.* Any document required or permitted to be filed under this part in connection with a request for reconsideration shall be submitted to the Director of the Office within the PBGC that issued the initial determination. Any document required or permitted to be filed under this part in connection with an appeal shall be submitted to the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

§ 2618.10 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from which the designated period of time begins to run is not counted. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a Federal holiday.

Subpart B—Initial Determination

§ 2618.21 Purpose and scope.

This subpart sets forth rules governing the issuance of all initial determinations of the PBGC on matters covered by this part.

§ 2618.22 Form and contents of initial determinations.

All determinations to which this subpart applies shall be in writing, shall state the reason for the determination, and shall contain notice of the right to request review of the determination pursuant to Subpart C or Subpart D of this part, as applicable, and a brief description of the procedures for requesting review.

§ 2618.23 Effective date of determinations.

(a) *General Rule.* Except as provided in Paragraph (b) of this section, an initial determination covered by this subpart will not become effective until the prescribed period of time for filing a request for reconsideration under Subpart C of this part or an appeal under Subpart D of this part, whichever is applicable, has elapsed. The filing of a request for review under Subpart C or D of this part shall automatically stay the effectiveness of a determination until a decision on the request for review has been issued by the PBGC.

(b) *Exception.* The PBGC may, in its discretion, order that the initial determination in a case is effective on the date it is issued. When the PBGC makes such an order, the initial determination shall state that the determination is effective on the date of issuance and that there is no obligation to exhaust administrative remedies with respect to that determination by seeking review of it by the PBGC.

Subpart C—Reconsideration of Initial Determinations

§ 2618.31 Purpose and scope.

This subpart establishes procedures governing the reconsideration by the PBGC of initial determinations relating to the matters set forth in § 2618.1(b)(1)–(4) of this part.

§ 2618.32 Who may request reconsideration.

Any person aggrieved by an initial determination of the PBGC to which this subpart applies may request reconsideration of the determination.

§ 2618.33 When to request reconsideration.

Except as provided in §§ 2618.4 and 2618.5, a request for reconsideration must be filed within 30 days after the date of the initial determination of which reconsideration is sought.

§ 2618.34 Where to submit request for reconsideration.

A request for reconsideration shall be submitted to the Director of the office within the PBGC that issued the initial determination.

§ 2618.35 Form and contents of request for reconsideration.

A request for reconsideration shall—

(a) Be in writing;

(b) Be clearly designated as a request for reconsideration;

(c) Contain a statement of the grounds for reconsideration and the relief sought; and

(d) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant.

§ 2618.36 Final decision on request for reconsideration.

(a) Final decisions on requests for reconsideration will be issued by the same office of the PBGC that issued the initial determination, and, except as provided in the following sentence, by an official whose level of authority in that office is higher than that of the person who issued the initial determination. When an initial determination is issued by an Office Director, the Office Director (or an official designated by the Office

Director) will issue the final decision on request for reconsideration.

(b) The final decision on a request for reconsideration shall be in writing, specify the relief granted, if any, state the reason(s) for the decision, and state that the person has exhausted his or her administrative remedies.

Subpart D—Administrative Appeals

§ 2618.51 Purpose and scope.

This subpart establishes procedures governing administrative appeals from initial determinations relating to the matters set forth in § 2619.1(b)(5)–(11) of this part.

§ 2618.52 Who may appeal or participate in appeals.

Any person aggrieved by an initial determination to which this subpart applies may file an appeal. Any person who may be aggrieved by a decision under this subpart granting the relief requested in whole or in part may participate in the appeal in the manner provided in § 2618.58.

§ 2618.53 When to file.

Except as provided in §§ 2618.4 and 2618.5, an appeal under this subpart must be filed within 45 days after the date of the initial determination being appealed.

§ 2618.54 Where to file.

An appeal or a request for an extension of time to appeal shall be submitted to the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

§ 2618.55 Contents of appeal.

(a) An appeal shall—

(1) Be in writing;

(2) Be clearly designated as an appeal;

(3) Contain a statement of the grounds upon which it is brought and the relief sought;

(4) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant;

(5) State whether the appellant desires to appear in person or through a representative before the Appeals Board; and

(6) State whether the appellant desires to present witnesses to testify before the Appeals Board, and if so, state why the presence of witnesses will further the decision-making process.

(b) In any case where the appellant believes that another person may be aggrieved if the PBGC grants the relief sought, the appeal shall also include the name(s) and address(es) (if known) of such other person(s).

§ 2618.56 Opportunity to appear and to present witnesses.

(a) At the discretion of the Appeals Board, any appearance permitted under this subpart may be before a hearing officer designated by the Appeals Board.

(b) An opportunity to appear before the Appeals Board (or a hearing officer) and an opportunity to present witnesses will be permitted at the discretion of the Appeals Board. In general, an opportunity to appear will be permitted if the Appeals Board determines that there is a dispute as to a material fact; an opportunity to present witnesses will be permitted when the Appeals Board determines that witnesses will contribute to the resolution of a factual dispute.

(c) Appearances permitted under this section will take place at the main offices of the PBGC, 2020 K Street, N.W., Washington, D.C., unless the Appeals Board, in its discretion, designates a different location, either on its own initiative or at the request of the appellant or a third party participating in the appeal.

§ 2618.57 Consolidation of appeals.

(a) *When consolidation may be required.* Whenever multiple appeals are filed that arise out of the same or similar facts and seek the same or similar relief, the Appeals Board may, in its discretion, order the consolidation of all or some of the appeals.

(b) *Representation of parties.* Whenever the Appeals Board orders the consolidation of appeals, the appellants may designate one (or more) of their number to represent all of them for all purposes relating to their appeals.

(c) *Decision by Appeals Board.* The decision of the Appeals Board in a consolidated appeal shall be binding on all appellants whose appeals were subject to the consolidation.

§ 2618.58 Appeals affecting third parties.

(a) Before the Appeals Board issues a decision granting, in whole or in part, the relief requested in an appeal, it shall make a reasonable effort to notify third persons who will be aggrieved by the decision of the following:

(1) The pendency of the appeal;

(2) The grounds upon which the appeal is based;

(3) The grounds upon which the Appeals Board is considering reversing the initial determination;

(4) The right to submit written comments on the appeal;

(5) The right to request an opportunity to appear in person or through a representative before the Appeals Board and to present witnesses; and

(6) That no further opportunity to present information to the PBGC with respect to the determination under appeal will be provided.

(b) Written comments and a request to appear before the Appeals Board must be filed within 45 days after the date of the notice from the Appeals Board.

(c) If more than one third party is involved, their participation in the appeal may be consolidated pursuant to the provisions of § 2615.57.

§ 2618.59 Powers of the Appeals Board.

In addition to the powers specifically described in this part, the Appeals Board may request the submission of any information or the appearance of any person it considers necessary to resolve a matter before it and to enter any order it considers necessary for or appropriate to the disposition of any matter before it.

§ 2618.60 Decision by the Appeals Board.

(a) In reaching its decision, the Appeals Board shall consider those portions of the file relating to the initial determination, all material submitted by the appellant and any third parties in connection with the appeal, and any additional information submitted by PBGC staff.

(b) The decision of the Appeals Board constitutes the final agency action by the PBGC with respect to the determination which was the subject of the appeal and is binding on all parties who participated in the appeal and who were notified pursuant to § 2618.58 of their right to participate in the appeal.

(c) The decision of the Appeals Board shall be in writing, specify the relief granted, if any, state the bases for the decision, including a brief statement of the facts or legal conclusions supporting the decision, and state that the appellant has exhausted his or her administrative remedies.

§ 2618.61 Referral of appeal to the Executive Director.

The Appeals Board may, in its discretion, refer any appeal to the Executive Director of the PBGC for decision. In such a case, the Executive Director shall have all the powers vested in the Appeals Board by this subpart and the decision of the Executive Director shall meet the requirements of and have the effect of a decision issued under § 2618.60 of this part.

Issued at Washington, D.C., on this 13th day of July, 1979.

Jeff Hart,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 79-22295 Filed 7-18-79; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY

Customs Service

31 CFR Part 1

Exempting a System of Records From Certain Requirements

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the United States Customs Service hereby gives notice of final rulemaking exempting the system entitled "Automated Index to Central Enforcement Files" in accordance with sections (j) and/or (k) of the Privacy Act of 1974. The system is being exempted to maintain confidentiality of data obtained from various sources which are investigative in nature and are used for law enforcement purposes.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Russell Berger (202-566-8681), Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION: Drafting information: The principal author of this document was Russell Berger, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matter of substance and of style.

In accordance with the provisions in the Federal Register (44 FR 16941) proposing to exempt this system pursuant to sections (j) and/or (k) of the Act. No public comments were received; however, comments received from the Office of the General Counsel, Department of the Treasury, have been incorporated into the final rule.

Pursuant to section (j)(2) of the Privacy Act, a system of records may be exempted from certain provisions thereof if the system of records is maintained by an agency which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime and which consists of information compiled both for the purpose of identifying individual criminal offenders and alleged offenders (notations of arrests, etc.) and for the purpose of a criminal investigation (reports of informants and investigators, etc.). The Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows:

5 U.S.C. 552a(c)(3), which requires generally that an accounting be made to an individual upon his request if any information pertaining to him is disclosed to another person or agency. This accounting would consist of the date, nature and purpose of the disclosure and the person or agency to whom disclosed. 5 U.S.C. 552a(c)(4), which requires that any person or agency to whom a disclosure is made be informed of any correction or notation of dispute made by the agency with respect to the record disclosed if an accounting of the diclosure was made.

5 U.S.C. 552a(d)(1), (2), (3), (4), which allow an individual to review the records pertaining to him contained in a system and to request an amendment of those records if he finds them to be inaccurate, and if the request is denied, directs that the agency to which the disclosure was made be informed of that portion of the records which is disputed.

5 U.S.C. 552a(e)(1), (2), (3), which generally require that an agency collect only information relevant and necessary to accomplish a purpose of the agency and require that the individual be informed as to the authority under which and purposes for which information is being collected from him.

5 U.S.C. 552(e)(4) (G), (H), (I), which provide for agency procedures whereby an individual may be notified if a system of records contains information pertaining to him and of how he may gain access thereto.

5 U.S.C. 552a(e)(5), (8), which provide that records be maintained with accuracy and timeliness and which also provide that reasonable efforts be made to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

5 U.S.C. 552a(f), which directs that an agency promulgate rules to establish procedures for the notification and identification of an individual who requests access to a record pertaining to him and to establish procedures for the disclosure of information to the individual.

5 U.S.C. 552a(g), which provides for civil remedies for agency noncompliance with the provisions of the Act.

Pursuant to section (k)(2) of the Privacy Act, a system of records may be exempted from certain provisions thereof if the system of records is compiled for law enforcement purposes other than material within the scope of (j)(2). The Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(2) are as follows:

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)(1), (2), (3), (4)
5 U.S.C. 552a(e)(1)
5 U.S.C. 552a(e)(4)(G), (H), (I)
5 U.S.C. 552a(f)

Accordingly, section 1.36 of 31 CFR, United States Customs Service, Notice of Exempt Systems, is amended by adding "Automated Index to Central Enforcement Files".

Dated: July 9, 1979.

W. J. McDonald,

Assistant Secretary (Administration).

Section 1.36 is amended by adding "Automated Index to Central Enforcement Files" alphabetically to the listings in paragraph a.1 (following "Aircraft Registers") and b.1 (following "Attorney Case Files").

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

* * * * *

U.S. Customs Service

Notice of Exempt Systems

* * * * *

a. *General exemptions under 5 U.S.C. 552a(j)(2).* * * *

1. Exempt Systems. * * *

Automated Index to Central Enforcement Files.

* * * * *

b. *Specific exemptions under 5 U.S.C. 552a(k)(2).* * * *

1. Exempt Systems. * * *

Automated Index to Central Enforcement Files.

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[FR Doc. 79-22382 Filed 7-18-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Parts 715, 733, and 734

Assistance to and Support of Dependents, Paternity Complaints, and Garnishment of Pay for Child Support and Alimony

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending 32 CFR, Chapter VI, Subchapter C, relating to Personnel, by deleting Part 715 and adding new Parts 733, "Assistance to and Support of Dependents; Paternity Complaints," and 734, "Garnishment of Pay of Naval Military and Civilian Personnel for Collection of Child Support and Alimony." Part 733 represents an updated version of the deleted Part 715. Among other things, outdated provisions pertaining to allotment requirements for military personnel in the lower pay grades have been deleted, since the underlying regulations are no longer in force. Current Department of the Navy rules and regulations pertaining to garnishment of pay for child support and alimony are being published as 32 CFR Part 734. The purpose of these amendments is to apprise the public of current agency rules and regulations dealing with assistance to and support of dependents, paternity complaints, and garnishment of pay for child support and alimony.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Gerald J. Kirkpatrick, JAGC, U.S. Navy, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Washington, D.C. 20370, telephone number (202) 694–5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred in 5 U.S.C. 301, the Department of the Navy is making miscellaneous amendments to 32 CFR, Chapter VI, Subchapter C. These amendments reflect changes in Federal law and agency directives dealing with assistance to and support of dependents, paternity complaints, and garnishment of pay for child support and alimony payments. Materials no longer reflecting statutory provisions and materials not having general applicability outside the Government are being deleted. Remaining materials and new materials reflecting current statutory provisions are being organized into new parts in order to improve readability and thus make 32 CFR, Chapter VI, Subchapter C, a more useful guide for members of the public. Effective July 1, 1973, the Dependents Assistance Act of 1950 (Act of September 8, 1950, 64 Stat. 794, as amended, (50 U.S.C. App. 2201–16)) expired. The material contained in 37 U.S.C. 403, as amended, represents the current statutory provisions for eligibility for and rates of basic allowance for quarters. Under the current provisions, it is no longer necessary for service members in any pay grade to maintain a dependent's allotment in order to qualify for basic allowance for quarters on behalf of dependents. Accordingly, outdated materials pertaining to allotment requirements are not contained in the updated provisions dealing with the basic allowance for quarters. Part 733 represents an updated version of 32 CFR Part 715, which is being deleted, and contains the Department of the Navy's current rules and regulations pertaining to assistance to and support of dependents and to paternity complaints. The substance of Secretary of the Navy Instruction 7200.16 of March 14, 1979, is being published in 32 CFR Part 734 in order to apprise the general public of the Department of the Navy's rules and regulations pertaining to garnishment of pay for collection of child support and alimony payments. These amendments represent action taken to update and improve 32 CFR Chapter VI, Subchapter C, by ensuring that it better reflects current statutory provisions and implementing directives. It has been determined that invitation for public comment on these amendments prior to adoption would be impractical, unnecessary, and contrary to the public interest and is thus not required under the rulemaking provisions in Parts 296 and 701 of 32 CFR.

Accordingly, 32 CFR Chapter VI, Subchapter C, is amended as follows:

PART 715—SUPPORT OF DEPENDENTS AND PATERNITY COMPLAINTS [DELETED]

1. Part 715 is deleted.

2. Parts 733 and 734 are added as follows:

PART 733—ASSISTANCE TO AND SUPPORT OF DEPENDENTS; PATERNITY COMPLAINTS

Sec.

Authority: 5 U.S.C. 301; 10 U.S.C. 5031; 37 U.S.C. 101, 401, 403; 50 U.S.C. App. 2210; E.O. 11157, 29 FR 7973, 3 CFR 1964 Supp. p. 139, as amended.

§ 733.1 Rates of basic allowance for quarters.

(a) Except as otherwise provided by law, a member of the naval service entitled to basic pay is entitled to a basic allowance for quarters at the monthly rates according to the pay grade to which he or she is assigned, in accordance with 37 U.S.C. 403.

(b) The term "dependent" with respect to a member of the naval service, as used in this part, means—

(1) His or her spouse;

(2) His or her unmarried child (including any of the following categories of children if such child is in fact dependent on the member: A stepchild; an adopted child; or an illegitimate child whose alleged member-parent has been judicially decreed to be the parent of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

(i) Is under 21 years of age; or

(ii) Is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his or her support; and

(3) His or her parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before he or she became 21 years of age) who is in fact dependent on the member for over one-half of his or her support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary of the Navy, and he or she is not considered a dependent of the member claiming the dependency unless—

(i) The member has provided over one-half of his or her support for the period prescribed by the Secretary; or

(ii) Due to changed circumstances arising after the member enters on active duty, the parent becomes in fact dependent on the member for over one-half of is or her support.

The relationship between a stepparent and his or her stepchild is terminated by the stepparent's divorce from the parent by blood.

§ 733.2 Delegations.

The Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199, with respect to personnel of the Navy, and the Head, Personal Affairs Branch, Manpower Department, Headquarters United States Marine Corps, Washington, D.C. 20380, with respect to personnel of the Marine Corps, have been granted the authority by the Secretary of the Navy to make determinations including determinations of dependency and relationship when required by legislation or policy for eligibility for basic allowance for quarters, transportation and medical care in behalf of dependents of Navy and Marine personnel and to administer matters involving adequacy of support for dependents and waivers of support of a spouse, and on the basis of new evidence or for other good cause to reconsider or modify any such determination.

§ 733.3. Information and policy on support of dependents.

(a) *Policy*—(1) *General.* The naval service will not be a haven or refuge for personnel who disregard or evade their obligations to their families. All members of the naval service are expected to conduct their personal affairs satisfactorily. This includes the requirement that they provide adequate and continuous support for their lawful dependents and comply with the terms of separation agreements and court orders. Failure to do so which tends to bring discredit on the naval service is a proper subject of command consideration for initiation of court-martial proceedings or other administrative or disciplinary action.

(2) *Adequacy of support.* Every member has an inherent natural and moral obligation to support his or her spouse and family. What is adequate and reasonably sufficient support is a highly complex and individual matter dependent on numerous factors, and may be resolved permanently only in the civil courts. Salient factors that should be considered are the pay of the member, any other private income or resources of the member and the dependents, the cost of necessities and every day living expenses and financial obligations of the dependents, and the expenses and other financial obligations of the member in relation to his or her income. The Department of the Navy does not and cannot act as a court in these matters. It is desired that the amount of support to be provided for dependents either be established by mutual understanding between the parties concerned or adjudicated in the civil courts. The support scales set forth below are not intended as a fixed rule. They are intended as guidelines and the actual support may be increased or decreased as the facts and circumstances warrant until the amount of support to be furnished is settled by agreement of the parties or adjudicated by the civil courts. Because of the inherent arbitrary and temporary nature of the support scales set forth below, it is not intended that they be used as bases for any judicial proceedings, for to do so would lend excessive credence to administrative tools which have been designed for use only within the Navy and the Marine Corps.

(i) Number of dependents and amount of support to be provided in the absence of a mutual agreement or court order:

(A) Navy members:

Relationship and number of dependents	Support to be provided (gross pay)
Spouse only	⅓
Spouse and one minor child	⅓
Spouse and two or more children	⅜
One minor child	⅙
Two minor children	¼
Three minor children	⅓

For purposes of this support guide, gross pay will include basic pay and basic allowance for quarters, but does not include hazardous duty pay, sea or foreign duty pay, incentive pay, or basic allowance for subsistence.

(B) *Marine Corps members.* If the question of support is in dispute, the following will be used as a guide for support:

For spouse only—BAQ plus 20% of basic pay.
For spouse and one minor child—BAQ plus 25% of basic pay.
For spouse and two or more minor children—BAQ plus 30% of basic pay.
For one child—⅙ of basic pay.
For two minor children—¼ of basic pay.
For three or more minor children—⅓ of basic pay.

(*1*) The amount of support to a dependent for whom basic allowance for quarters is claimed should not be less than the applicable rate of basic allowance for quarters to which the member is entitled.

(*2*) A Marine's obligation to provide for the support of children by a former marriage has as high a priority as an obligation to provide for a present wife and family. In those cases of a legitimate financial inability to provide support for all dependents, commanders shall attempt to assist the Marine in the equitable distribution of income for the assistance of all dependents, utilizing the guidelines set forth above.

(*3*) It is to be emphasized that the guidelines set forth are to be used only as an interim measure, and that the commander's decision as to the quantum of support to be provided will be, prima facie, the appropriate conclusion of the Marine Corps, pending civil court or extrajudicial resolution among the involved parties.

(3) *Support of a lawful wife.* The laws of jurisdictions in the United States impose a legal obligation upon a husband to support his wife. Exemptions from support of a lawful wife may be in the form of an order of a civil court of competent jurisdiction, relinquishment by the wife or mutual agreement of the parties, or a waiver of the naval support requirement granted by the Director, Navy Family Allowance Activity or the Commandant of the Marine Corps, as appropriate.

(4) *Payments of alimony.* Dependents for whom basic allowance for quarters or other allowances are payable are defined by law. For purposes of qualifying for basic allowance for quarters, medical care or other benefits, a former spouse is not a dependent even though alimony has been decreed. Members are expected to comply with the terms of court orders or divorce decrees which adjudge payments of alimony even though basic allowance for quarters is not payable.

(5) *Support of children.* The duty of a member to support his or her minor children is not affected by desertion or other misconduct on the part of the spouse. The obligation to support a child or children is not affected by dissolution of the marriage through divorce, unless the judicial decree or order specifically negates the obligations of the member to support a child or children of the marriage. The fact that a divorce decree is silent relative to support of minor children or does not mention a child or children will not be considered as relieving the service member of the inherent obligation to provide support for the child or children of the marriage. In many cases, the courts may not be cognizant of the existence of a child or children, or may not have jurisdiction over the child or children. A commanding officer has discretion to withhold action for alleged failure to support a child under the following conditions:

(i) Where the member cannot ascertain the whereabouts and welfare of the child concerned.

(ii) Where it is apparent that the person requesting support for a child does not have physical custody of the child.

(iii) Where the member has been granted custody of the child by court order but does not have physical control of the child and the member is ready, willing, and able to care for and support the child if physical control is obtained.

(6) *Adopted children.* The natural parents of an adopted child are relieved of the obligation to support the child as such duty is imposed on the adoptive parents. A Navy or Marine Corps member who contemplates the adoption of a child should be aware of the legal obligation to provide continuous support for such child during minority.

(7) *Entitlement to basic allowance for quarters.* Entitlement of members to basic allowance for quarters on behalf of dependents is provided by statute. No member should be denied the right to submit a claim or application for basic allowance for quarters, nor should any command refuse or fail to forward any such claim or application. In cases involving parents, the member should furnish an estimate of the dependency situation to the best of his or her knowledge. Commanding officers should not contact parents for dependency information to include in the member's application. This delays the application and serves no useful purpose, as such cases are thoroughly investigated by the Navy Family Alowance Activity or Headquarters Marine Corps, which obtains necessary dependency affidavits directly from the parents. Any person, including a service member or dependent who obtains an allowance by fraudulent means is subject to criminal prosecution.

(8) *Application of the rule based on Robey v. United States 71 Ct. Cl. 561.* Determinations that no dependency exists may be made in disputed cases—if a member does not contribute to the support of spouse and child at least to the extent of—

(i) The full amount of his/her basic allowance for quarters, or

(ii) An amount specified in a court order or legal separation agreement, or

(iii) An amount agreed to by the parties as acceptable, adequate support, whichever is lesser. Pertinent decisions of the Court of Claims or Comptroller General will be followed in determinations of dependency.

§ 733.4 Complaints of nonsupport and insufficient support of dependents.

(a) Upon receipt of a complaint alleging that a member is not adequately supporting his or her lawful dependents (spouse or children), the member will be interviewed and informed of the policy of the Department of the Navy concerning support of dependents. In the absence of a determination by a civil court or a mutual agreement of the parties, the applicable guide in § 733.3 will apply. The member will be informed that his/her Navy or Marine Corps career may be in jeopardy if he/she does not take satisfactory action. The member may become ineligible to reenlist or extend enlistment (in the case of enlisted members), and may be subject to administrative or disciplinary action that may result in separation from the Navy or Marine Corps.

(1) *Waiver of support of spouse.* If the member feels that he or she has legitimate grounds for a waiver of support for the spouse, the Director, Navy Family Allowance Activity, acting under the policy guidance of the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MSPA), may grant such a waiver for support of a spouse (but not children) on the basis of evidence of desertion without cause or infidelity on the part of the spouse. The evidence may consist of—

(i) An affidavit of the service member, relative, disinterested person, public official, or law enforcement officer. However, affidavits of the service member and relatives should be supported by other corroborative evidence. All affidavits must be based upon the personal knowledge of the facts set forth; statements of heresay, opinion, and conclusion are not acceptable as evidence.

(ii) Written admissions by the spouse contained in letters written by that spouse to the service member or other persons.

The request for waiver of support of a spouse should be submitted to the Director, Navy Family Allowance Activity or the Commandant of the Marine Corps (Code MSPA) with a complete statement of the facts and substantiating evidence, and comments or recommendations of the commanding officer.

(2) *Action.* After a written complaint that a member has failed or refused to furnish support for his or her spouse or children has been received, and the member has been counseled with regard to his/her rights and obligations in the support matter, continued failure or refusal, without justification, to furnish support for dependents in accordance with the provisions of a valid court order, written agreement, or, in the absence of a court order or agreement, the appropriate support guide set forth above, will be a basis for consideration of disciplinary or administrative action which may result in the member's separation from active service.

§ 733.5 Determination of paternity and support of illegitimate children.

(a) *Illegitimate children.* If the service member desires marriage, leave for this purpose is recommended whenever consistent with the needs or exigencies of the service. When the blood parents of an illegitimate child marry, the child is considered to be legitimized by the marriage unless a court finds the child to be illegitimate.

(b) *Judicial order or decree of paternity or support.* Normally any order or decree which specifies the obligation to render support of illegitimate children will include within it a determination of paternity of such children; however, some jurisdictions provide for determinations of the legal obligation to support illegitimate children without a determination of paternity. Either type of order or decree falls within the scope of this paragraph. If a judicial order or decree of paternity or support is rendered by a United States or foreign court of competent jurisdiction against a member of the Navy or Marine Corps on active duty, the member concerned will be informed of his moral and legal obligations as well as his legal rights in the matter. The member will be advised that he is expected to render financial assistance to the child regardless of any doubts of paternity that the member may have. If the court order or decree specifies an amount of support to be provided the member will be expected to comply with the terms of such decree or order. If no amount is specified, support should be rendered in accordance with such reasonable agreement as may be made with the mother or legal guardian of the child or, in the absence of such agreement, in accordance with the applicable guide set forth above. However, no basic allowance for quarters will be included in using the guide unless basic allowance for quarters is payable in behalf of illegitimate children. If the member refuses to comply with the terms of the court order, administrative action will be taken as indicated in § 733.4.

(1) *Court of competent jurisdiction.* A court of competent jurisdiction is generally a court that has jurisdiction over the subject matter and the parties involved. As a general rule, the competency of the court to render the judicial order or decree may be tested by the enforceability of the order or decree. Normally, although not always, personal service of the court's process on the member is considered essential. With respect to a foreign judicial order or decree, the general rule is that where the defendant was a citizen or subject of

the foreign country in which the order or decree was issued, the court may have acquired jurisdiction over the member by any mode of service or notice recognized as sufficient by the laws of that country. It should be noted, however, that an order or decree against a citizen or permanent resident of another country, without personal service or personal notice of the action to him or her, is null and void unless the member voluntarily submitted to the jurisdiction by appearing and contesting the action. In the event there is doubt as to the competency of the court to enter the order or decree, the question shall be referred to the Judge Advocate General.

(c) *Nonjudicial determination.* In the absence of an adjudication of paternity or of a court-ordered obligation to furnish support, the member shall be privately consulted and asked, where appropriate, whether he or she admits either paternity of, or the legal obligation to support, the child or expected child. If the answer is affirmative, the member shall be informed that he or she is expected to furnish support as set forth in paragraph (b) of this section. Where paternity or the legal obligation to support is admitted by a male member, such member should be informed of his moral obligation to assist in the payment of prenatal expenses.

(d) *Members not on active duty.* Allegations of paternity against members of the naval service who are not on active duty will be forwarded to the individual concerned in such a manner as to insure that the charges are delivered to the addressee only. The correspondence should be forwarded via the commandant of the naval district in which the member resides. (e)*Former members.* (1) If a certified copy of a judicial order or decree of paternity or support duly rendered by a United States or foreign court of competent jurisdiction against a former member of the Navy or Marine Corps is submitted, his or her last-known address will be furnished to the complainant with return of the correspondence and court order. The complainant will be informed of the date of discharge and advised that the individual concerned is no longer a member of the Navy or Marine Corps in any capacity.

(2) Where there has been no court adjudication, the correspondence will be returned to the complainant with an appropriate letter stating that the individual is no longer a member of the Navy or the Marine Corps in any capacity and giving the date of his or her discharge or final separation except that the last-known address of the former member shall be furnished to the claimant if the complaint against the former member is supported by a document which establishes that the former member has made an admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it. In cases where the complaint, along with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father in order to protect the physical health of either the prospective mother or the unborn child, the last-known address of the former member shall likewise be furnished to the claimant.

PART 734—GARNISHMENT OF PAY OF NAVAL MILITARY AND CIVILIAN PERSONNEL FOR COLLECTION OF CHILD SUPPORT AND ALIMONY

Sec.

Authority: 42 U.S.C. 659 (Social Security Act, sec. 459 added by Pub. L. No. 93–647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95–30, title V, sec. 502, 91 Stat. 157).

§ 734.1 Purpose.

This part prescribes responsibilities and procedures applicable in the Department of the Navy when processsing and honoring legal process brought for the enforcement of legal obligations to provide child support or make alimony payments under 42 U.S.C. 659 (Social Security Act, section 459 added by Pub. L. No. 93–647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95–30, title V, sec. 502, 91 Stat. 157).

§ 734.2 Scope.

The provisions of this part shall apply to legal process affecting any Federal pay administered by the Department of the Navy and due and payable to all categories of naval military or civilian personnel including personnel of Navy or Marine Corps nonappropriated-fund activities. This part is not applicable to legal process affecting entitlements administered by other agencies, such as civilian employees' retirement benefits administered by the Civil Service Commission or compensation administered by the Veterans Administration.

§ 734.3 Service of process.

(a) It is the policy of the Department of the Navy to respond promptly to legal process addressed to naval officials. Service of legal process affecting the pay of Department of the Navy personnel shall be made on the following designated officials in the manner and in the circumstances specified below:

(1) *Navy members.* Process affecting the military pay of active duty, Reserve, Fleet Reserve, or retired Navy members, wherever serving or residing, may be served personnally or by registered or certified mail, return receipt requested, on the Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Room 967, Cleveland, Ohio 44199.

(2) *Marine Corps members.* Process affecting the military pay of active-duty, Reserve, Fleet Marine Corps Reserve, or retired Marine Corps members, wherever serving or residing, may be served personally or by registered or certified mail, return receipt requested, on the Commanding Officer, Marine Corps Finance Center (AA), Kansas City, Missouri 64197.

(3) *Civilian Employees.* Process affecting the pay of active civilian employees of the Department of the Navy:

(i) If currently employed at Navy or Marine Corps activities (including nonappropriated-fund instrumentalities) or installations situated within the territorial jurisdiction of the issuing court, such process may be served personally, or by registered or certified mail, return receipt requested, on the commanding officer or head of such activity or installation, or principal assistant specifically designated in writing by such official.

(ii) In other cases involving civilian employees, such process may be served personally or by registered or certified mail, return receipt requested, in the manner indicated below:

(A) If pertaining to civil service personnel of the Navy or Marine Corps, such process may be served on the Director of Civilian Personnel Law, Office of the General Counsel, Navy Department, Washington, D.C. 20390.

(B) If pertaining to non-civil service civilian personnel of Navy Exchanges or related nonappropriated-fund instrumentalities administered by the

Navy Resale System Office, such process may be served on the Commanding Officer, Navy Resale System Office, Attention: Industrial Relations Officer, 29th Street and Third Avenue, Brooklyn, New York 11232.

(C) If pertaining to non-civil service civilian personnel of Navy clubs, messes, or recreational facilities (non-appropriated funds), such process may be served on the Chief of Naval Personnel, Director, Recreational Services Division (Pers/NMPC–72), Washington, D.C. 20370.

(D) If pertaining to non-civil service civilian personnel of other nonappropriated-fund instrumentalities which fall outside the purview of the Chief of Naval Personnel or the Commanding Officer, Navy Resale Systems Office, such as locally established morale, welfare, and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

(E) If pertaining to non-civil service civilian personnel of any Marine Corps nonappropriated-fund instrumentalities, such process may be served on the commanding officer of the activity concerned.

(b) The Department of the Navy officials designated above are authorized to accept service of process within the purview of 42 U.S.C. 659 (Social Security Act, sec. 459 added by Pub. L. No. 93–647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95–30, title V, sec. 502, 91 Stat. 157). Where service of process is offered to an official not authorized to accept it under paragraph (a) of this section, the person offering such service shall be referred to the appropriate official designated in paragraph (a) of this section.

§ 734.4 Responsibilities.

(a) *Designated officials.* Within their respective areas of cognizance as set forth in § 734.3, the designated officials are responsible for the following functions with regard to legal process:

(1) Sending such notifications and directions to the member concerned and his or her commanding officer as may be required.

(2) Obtaining or providing an appropriate review by qualified legal counsel.

(3)Taking or directing actions, temporary and final, as are necessary to comply with 42 U.S.C. 659, as amended (*see* § 734.3(b)), the Marine Corps Manual, Navy Comptroller Manual, and the court's order in the case, and

(4) Apprising the cognizant United States Attorney of the Department of the Navy's disposition, as required, and, in coordination with the Judge Advocate General, effecting liaison with the Department of Justice or United States Attorneys in instances of noncompliance with process or other circumstances requiring such action.

(b) *Command responsibility.* (1) The Commanding officer of the member or employee concerned shall, upon receipt of notification from the appropriate designated official, ensure that the member or employee has received written notification of the pendency of the action and that the member or employee is afforded counseling concerning his or her obligations in the matter, and legal assistance if applicable, in dealing with the legal action to affect his or her Federal pay. The commanding officer shall comply with the directions of the designated official in responding to the legal process.

(2) For the purposes of this part, the Director, Navy Family Allowance Activity, Cleveland, Ohio, will function as the commanding officer with regard to retired Navy military personnel and members of the Fleet Reserve.

(c) *Legal services.* The Judge Advocate General is responsible for the following functions pertaining to legal process within the purview of this part:

(1) Providing overall technical direction and guidance, as required, for all Department of the Navy military and civilian attorneys engaged in reviewing such process or advising on its disposition.

(2) Ensuring, as Director, Naval Legal Sevice, the availability of attorneys in Naval Legal Service Offices who are qualified to advise and assist the designated officials concerning the disposition of legal process, and

(3) Where required, ensuring effective liaison with the Department of Justice or United States Attorneys.

§ 734.5 Administrative procedures.

The designated officials specified in § 734.3, shall, in consultation with the Judge Advocate General and Commander, Navy Accounting and Finance Center or the Commandant of the Marine Corps (FD), as appropriate, establish procedures for effectively executing their assigned responsibilities. Implementing procedures shall conform with 42 U.S.C., 659, as amended, the Marine Corps manual, the Navy Comptroller Manual, and the Federal Personnel Manual.

Dated: July 13, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79–22387 Filed 7–18–79; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 174

[CGD 77–117]

State Numbering and Casualty Reporting Systems

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The standard vessel numbering system promulgated in parts 173 and 174 has been effective since July 1, 1973. Since that time several States have come into full compliance with these regulations. There are, however, several sections of the numbering regulations that have not been complied with my most of the States. An examination of these sections indicates that although beneficial for the sake of uniformity they do not enhance boating safety. The Coast Guard is making these sections optional, recognizing that the responsibility for the administrative details of a numbering program lies with the individual State governments.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. David R. Gauthier, Office of Boating Safety (G–BLC–3/TP42), Room 4308, Department of Transportation, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590, 202–426–4176.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking concerning this amendment was published in the Federal Register issue of April 13, 1978 (43 FR 15583). Interested persons were invited to submit written comments to the Coast Guard by June 12, 1978.

Drafting Information

The principal persons involved in the drafting of this rule are: Mr. D.R. Gauthier, Project Manager, Office of Boating Safety, Ms. Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Two comments were received. The Boating Law Administrator for Pennsylvania suggested that along with this proposal the $100 damage criterion for reporting accidents be raised to $200.

The Coast Guard concurs and has changed § 174.101(b) accordingly (44 FR 5308, January 25, 1979) effective February 25, 1979.

The National Transportation Safety Board recommended that the reporting requirements of § 173.55 (c) be maintained as a mandatory requirement. The Board argues that this is the only provision which would require reporting in the event the boat operator is killed or seriously injured and can not make the report. The Coast Guard concurs and has changed the proposal accordingly.

Title 33 of the Code of Federal Regulations is amended as set forth below:

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

1. By revising § 174.13 to read as follows:

§ 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173:

(a) Paragraph (a) of § 173.15 *Vessel number required.*

(b) Section 173.19 *Other numbers prohibited.*

(c) Paragraph (a) of § 173.21 *Certificate of number required.*

(d) Section 173.23 *Inspection of certificate.*

(e) Section 173.25 *Location of certificate of number.*

(f) Section 173.29 *Notification of issuing authority.*

(g) Section 173.71 *Application for certificate of number.*

(h) Section 173.73 *Duplicate certificate of number.*

(i) Section 173.77 *Validity of certificate of number.*

2. By adding a new § 174.14 to read:

§ 174.14 State numbering system optional sections.

In addition to the requirements in § 174.13, a State numbering system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

3. By deleting paragraph (a)(15) and adding a new paragraph (e) in § 174.19 as follows:

§ 174.19 Contents of a certificate of number.

* * * * *

(e) An issuing authority may print on the certificate of number a quotation of the State regulations pertaining to change of ownership or address, documentation, loss, discovery of vessel, carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.

4. By revising § 174.105 to read as follows:

174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident.*

(b) Section 173.57 *Casualty or accident report.*

(c) Section 173.59 *Where to report.*

5. By adding a new § 174.106 to read:

§ 174.106 State casualty reporting system optional sections.

In addition to the requirements in § 174.105, a State casualty reporting system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1).)

Dated: July 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79-22403 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1262-3]

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

Correction

In FR Doc. 79-20431 appearing at page 38471 in the issue for Monday, July 2, 1979, the following correction is made to the preamble portion of the document. On page 38473, in the first column, the paragraph designated "3. *Relevant* Pollutant", in the sixth line immediately after the word "nonattainment", the following words are inserted: "* * * and for which the SIP does not meet the requirements * * *."

BILLING CODE 1505-01-M

40 CFR Part 143

[FRL 1230-2]

National Secondary Drinking Water Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: National Secondary Drinking Water Regulations are established according to Section 1412 of the Safe Drinking Water Act, as amended. They apply to public water systems and specify secondary maximum contaminant levels (SMCLs) which, in the judgment of the Administrator, are requisite to protect the public welfare. Contaminants covered by these regulations are those which may adversely affect the aesthetic quality of drinking water such as taste, odor, color and appearance and which thereby may deter public acceptance of drinking water provided by public water systems.

Secondary maximum contaminant levels are established for chloride, color, copper, corrosivity, foaming agents, iron, manganese, odor, pH, sulfates, total dissolved solids and zinc. At considerably higher concentrations, these contaminants may also be associated with adverse health implications. These secondary levels represent reasonable goals for drinking water quality, but are not federally enforceable. Rather, they are intended as guidelines for the States. The States may establish higher or lower levels as appropriate to their particular circumstances dependent upon local conditions such as unavailability of alternate raw water sources or other compelling factors, provided that public health and welfare are adequately protected. However, odor, color and other aesthetic qualities are important factors in the public's acceptance and confidence in the public water system; thus, States are encouraged to implement these SMCLs so that the public will not be driven to obtain drinking water from potentially lower quality, higher risk sources.

EFFECTIVE DATE: These regulations will be effective January 19, 1981, 18 months following the date of promulgation.

FOR FURTHER INFORMATION CONTACT: Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-472-5030. Copies of the Statement of Basis and Purpose which explains the

basis of these regulations and includes information on available contaminant control technologies may also be obtained at the above address.

SUPPLEMENTARY INFORMATION: On March 31, 1977, the Environmental Protection Agency (EPA) proposed National Secondary Drinking Water Regulations (NSDWR) at 42 FR 17143 pursuant to Section 1412 of the Safe Drinking Water Act, as amended ("SDWA") (42 U.S.C. 300f et seq.). EPA held a public hearing in Washington, D.C. on May 3, 1977. Numerous written comments and statements on the proposed regulations were received and considered. Drafts of the final regulations have been reviewed by the State Liaison Group and the National Drinking Water Advisory Council. Comments were received and incorporated into the final regulations as appropriate. A detailed discussion of the comments received and the Agency's response is presented in Appendix A.

Background

Section 1412(c) of the SDWA requires the Administrator to establish the NSDWR. A secondary drinking water regulation is defined in Section 1401(2) as "a regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Administrator, are requisite to protect the public welfare." The NSDWR "may apply to any contaminant in drinking water (A) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use, or (B) which may otherwise adversely affect the public welfare." In addition, such regulations "may vary according to geographic and other circumstances."

Section 1414(d) sets forth the federal requirements upon the failure by a State to assure enforcement with the NSDWR. In contrast to the joint State/Federal enforcement scheme and public notification requirements set forth in subsections (a), (b) and (c) of that section, subsection (d) does not provide for Federal enforcement of the NSDWR. Subsection (d) provides:

> Whenever, on the basis of information available to him, the Administrator finds that within a reasonable time after national secondary drinking water regulations have been promulgated, one or more public water systems in a State do not comply with such secondary regulations, and that such non-compliance appears to result from a failure of such State to take reasonable action to assure that public water systems throughout such State meet such secondary regulations, he shall so notify the State.

Despite the language of the Act, much confusion has surrounded the issue of enforceability and implementation of the secondary regulations. EPA interprets Section 1414(d) to give the States the responsibility of taking "reasonable action" to assure that public water systems are providing drinking water which protects the public welfare and does not cause consumers not to drink the water served due to aesthetic reasons. The States are accorded great discretion in this area; the first priority is to be given to assuring compliance with the mandatory primary regulations which are designed to protect the public health.

EPA's responsibility is limited under the Act to notifying the State when it finds that a public water system is not meeting the secondary regulations and that the State is not taking reasonable action to assure that the secondary regulations are being satisfied. A determination of what is reasonable action on the part of the State is not limited to adoption and enforcement of regulations although such action is highly desirable. Appropriate action in a particular case will depend on a number of factors including: the degree of non-compliance with the secondary regulations; the direct and indirect adverse results such as the incurrence of substantial expenditures by individuals to upgrade the quality at the tap or the risk and expense of individuals shifting to other water sources; the nature of the raw water sources available; and such efforts that are being taken to assure compliance with the primary regulations.

EPA does not propose to use its resources on a routine basis to independently determine compliance or non-compliance with the secondary regulations. It will, however, review data which may be reported by the States on a discretionary basis or which is received incidental to other studies. On the basis of such review, the agency will consult with the States to determine that action taken by them to assure compliance and where appropriate, notify States of non-compliance which has not been acted on.

The clear intent of these regulations is to maintain a Federal/State alertness to the importance of the aesthetic qualities of drinking water, rather than to empower EPA to require States to adopt secondary regulations. Thus, adoption of secondary regulations no less stringent than the Federal regulations is not a requirement with which a State must comply in order to be granted primary enforcement responsibility under Section 1413 of the SDWA.

Secondary Maximum Contaminant Levels

The secondary maximum contaminant levels promulgated herein do not vary from those that were proposed in March 1977, with one exception. The difference from the proposal is that the SMCL for hydrogen sulfide has been deleted.

The levels established for chloride, color, copper, corrosivity, foaming agents, iron, manganese, odor, pH, sulfate, total dissolved solids and zinc remain unchanged. The reader is referred to the Agency's preamble to the proposed regulations (42 FR 17143, March 1977) and the Statement of Basis and Purpose accompanying these regulations for explanation of the basis for the SMCLs that have been established. Numerous comments were received by EPA on the contaminants selected for the establishment of SMCLs and the levels chosen. The comments received on the various SMCLs did not contain sufficient new information to require the establishemnt of levels different from those contained in the proposed regulations. The most significant comments are discussed in summary form below.

Multiple Tier Levels

Several questions were raised as to whether multiple tier levels for SMCLs should be established for total dissolved solids, chloride and sulfate where all of the available water sources exceed the SMCLs.

The limits for these substances represent reasonable levels for water quality. Rather than establishing fixed multiple tier levels, provisions are included in the regulations which provide flexibility to the States to establish limits commensurate with particular geographic conditions where optimum water quality sources are not available. This approach will assure that the consumer is provided with the best quality water available.

pH Levels

There was little disagreement with the proposed lower pH limit of 6.5; however, numerous comments criticized the upper limit for pH. Many of the utilities which produce water at pH levels greater than 8.5 complained that it was not feasible to comply with proposed upper pH level without rendering the water corrosive. EPA maintains that the proposed pH range represents a reasonable goal for public water supplies. However, it is recognized that some water systems

may operate at pH ranges higher than the stated 8.5 level for a variety of reasons. The regulations do not preclude States from allowing higher pH levels where local conditions make such higher levels appropriate.

Corrosion

Nearly eighty percent of the total responses on the proposed regulations made suggestions concerning corrosivity. The consensus was that although corrosivity is important, no national regulation could be adopted at present because a universal corrosion indicator system is not available to measure corrosion in all systems. The commenters felt that a comprehensive test procedure or practical index to measure corrosivity in all locations as a numerical value is not generally available. For this reason, several of the commenters recommended deletion of corrosion from the NSDWR. On the other hand, a number of commenters suggested the use of the Langelier Index as an indicator for corrosivity.

The Agency believes that corrosion is a very significant concern, not only affecting the aesthetic quality of the water, but having a serious economic impact, and health implications. Corrosion products containing materials such as lead and cadmium have been associated with serious risks to the health of consumers of drinking water. A number of indices (such as the Langelier Index) are presently available for measuring the corrosivity of drinking water but a single universal index applicable to all situations is not yet generally available. For the present, the secondary regulations state that the water should be "non-corrosive," as determined by the State. It should be noted that amendments to the NIPDWR are being considered which would require identification and correction of corrosion problems utilizing a specific corrosion index or several indices.

Hydrogen Sulfide

The majority of comments involving hydrogen sulfide suggested that the SMCL for this substance should be deleted from the regulations. It was pointed out that because of its foul odor, the presence of hydrogen sulfide can be readily detected and is controlled by the SMCL for odor. EPA agrees and for this reason, the SMCL for hydrogen sulfide has been withdrawn from the regulations.

Prohibition of Macroscopic Organisms

One additional commenter suggested that macroscopic organisms such as aquatic insects, worms, crustaceans, and numerous algae be prohibited in drinking water. EPA agrees that macroinvertebrates should not be present in finished drinking water. Since this issue was not presented for public comment in the proposal, it will be considered in future reviews of the NSDWR. Algae populations should also be minimized. These organisms contribute taste and odor as well as affect the efficiency of the disinfection process; further, they may also introduce a health hazard from the by-product chemicals produced after chlorination.

Monitoring

Concerns were raised about the merits of the proposed monitoring requirements and recommended analytical techniques. EPA's intent in recommending the monitoring requirements and analytical techniques was to point out the best methods and techniques available to identify and quantify the contaminants listed in the NSDWR. Pursuant to their authority, the States may wish to supplement the NSDWR to include appropriate monitoring requirements as conditions dictate.

Other Contaminants Considered

Comments were received regarding the inclusion of sodium, standard plate count, hardness, fluorides and turbidity in the NSDWR. The commenters concurred with EPA's position not to include hardness and the standard plate count in the NSDWR. The presence of sodium, fluorides and turbidity pertain primarily to adverse health implications rather than to the aesthetic quality of the water. Regulations for fluorides and turbidity have already been established in the NIPDWR, and monitoring requirements for sodium are being proposed in amendments to the NIPDWR. See Appendix A for further details.

Energy and Economic Impacts

A number of comments were received that indicated concern over the technological and economic feasibility of the secondary regulations. The definition of "secondary drinking water regulations" in Section 1401(2) of the SDWA and the Administrator's mandate to establish such regulations in Section 1412(d) do not explicitly authorize the consideration of economic and technological factors in setting the SMCLs to protect the public welfare. As guidelines to the States, they are also not intended to be federally enforceable. Therefore, the established levels are designed to specify reasonable goals to ensure that drinking water served to consumers of public water supplies is of high aesthetic quality. Flexibility is nevertheless provided to the States to take reasonable and responsible action to obtain compliance with the secondary regulations, with appropriate adjustments made where necessary.

Moreover, the overall energy and economic impact of these regulations cannot be accurately determined since they will not be federally enforceable. Nevertheless, as noted in the preamble to the proposed regulations (42 FR at 17145), a preliminary economic evaluation has indicated that small water systems will encounter the most difficulties in complying with the SMCLs. In addition, energy impacts are not anticipated to be great in light of the types of technology which would be used to comply with the SMCLs. Most importantly, the States have been provided with adequate flexibility to work out solutions to problems where they arise. It is expected that compliance with the NSDWR will be a lesser priority in competition with implementation of the health-related primary drinking water regulations. It has not been possible to estimate the number of public water systems that have undesirable levels of these secondary contaminants, but the treatment technologies which are to be used to comply with the primary regulations are similar to those for the NSDWR. Thus, it is expected that many of the compliance problems with secondary contaminants will be resolved through action taken to comply with the primary regulations at little or no additional cost.

In regard to reporting and resource impacts, it is expected that the reporting requirements will have negligible impacts because of the infrequency of monitoring (once per year) and the fact that reporting would occur through the system already established and in use for compliance with the primary regulations. Thus, additional resources are not expected to be necessary at the Federal, State and local levels.

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 regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For the reasons given above, Chapter I of Title 40 of the Code of Federal Regulations, is hereby amended by the addition of the following Part 143 as

follows. These regulations will take effect January 19, 1981.

Dated: July 12, 1979.

Douglas M. Costle,

Administrator.

PART 143—NATIONAL SECONDARY DRINKING WATER REGULATIONS

Sec.

143.1 Purpose.
143.2 Definitions.
143.3 Secondary maximum contaminant levels.
143.4 Monitoring.

Authority: Section 1412(c) of the Safe Drinking Water Act, as amended [42 U.S.C. 300g–1(c)]

§ 143.1 Purpose.

This part establishes National Secondary Drinking Water Regulations pursuant to Section 1412 of the Safe Drinking Water Act, as amended (42 U.S.C. 300g–1). These regulations control contaminants in drinking water that primarily affect the aesthetic qualities relating to the public acceptance of drinking water. At considerably higher concentrations of these contaminants, health implications may also exist as well as aesthetic degradation. The regulations are not Federally enforceable but are intended as guidelines for the States.

§ 143.2 Definitions.

(a) "Act" means the Safe Drinking Water Act as amended (42 U.S.C. 300f *et seq.).*

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Public water system" means a system for the provision to the public of piped water for human consumption, if such a system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(d) "State" means the agency of the State government which has jurisdiction over public water systems.

(e) "Supplier of water" means any person who owns or operates a public water system.

(f) "Secondary Maximum Contaminant Levels" means SMCLs which apply to public water systems and which, in the judgement of the Administrator, are requisite to protect the public welfare. The SMCL means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of public water system. Contamimants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

§ 143.3 Secondary Maximum Contaminant Levels.

The Secondary Maximum Contaminant Levels for public water systems are as follows:

Contaminant:	*Level*
Chloride	250 mg/l.
Color	15 color units
Copper	1 mg/l.
Corrosivity	Noncorrosive
Foaming agents	0.5 mg/l.
Iron	0.3 mg/l.
Manganese	0.05 mg/l.
Odor	3 threshold odor number.
pH	6.5–8.5.
Sulfate	250 mg/l.
Total dissolved solids (TDS)	500 mg/l.
Zinc	5 mg/l.

These levels represent reasonable goals for drinking water quality. The States may establish higher or lower levels which may be appropriate dependent upon local conditions such as unavailability of alternate source waters or other compelling factors, provided that public health and welfare are not adversely affected.

§ 143.4 Monitoring.

(a) It is recommended that the parameters in these regulations should be monitored at intervals no less frequent than the monitoring performed for inorganic chemical contaminants listed in the National Interim Primary Drinking Water Regulations as applicable to community water systems. More frequent monitoring would be appropriate for specific parameters such as pH, color, odor or others under certain circumstances as directed by the State.

(b) Analyses conducted to determine compliance with § 143.3 should be made in accordance with the following methods:

(1) Chloride—Potentiometric Method, "Standard Methods for the Examination of Water and Wastewater," 14th Edition, p. 306.

(2) Color—Platinum-Cobalt Method, "Methods for Chemical Analysis of Water and Wastes," p. 36–38, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 160–162, 14th Edition, p. 64–66.

(3) Copper—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes", pp. 108–109, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

(4) Foaming Agents—Methylene Blue Method, "Methods for Chemical Analysis of Water and Wastes," pp. 157–158, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 339–342, 14th Edition, p. 600.

(5) Iron—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 110–111, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

(6) Manganese—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 116–117, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

(7) Odor—Consistent Series Method, "Methods for Chemical Analysis of Water and Wastes," pp. 287–294, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 248–254, 14th Edition, p. 75–82.

(8) pH—Glass Electrode Method, "Methods for Chemical Analysis of Water and Wastes," pp. 239–240, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 276–281, 14th Edition, pp. 460–465.

(9) Sulfate—Turbidimetric Method, "Methods for Chemical Analysis of Water and Wastes," pp. 277–278, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th

Edition, pp. 334–335, 14th Edition, p. 496–498.

(10) Total Dissolved Solids—Total Residue Methods, "Methods for Chemical Analysis of Water and Wastes," pp. 270–271, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 288–290, 14th Edition, p. 91–92.

(11) Zinc—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 155–156, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

Note.—Appendix A will not appear in the Code of Federal Regulations.

Appendix A—Response to Public Comments

Proposed secondary drinking water regulations were published in the Federal Register for comment on March 31, 1977, at 42 FR 17143. Written comments on the proposed regulations were invited and a public hearing was held in Washington, D.C. on May 3, 1977. As a result of these comments and further consideration of available data by EPA, a few changes were made in the proposed regulations. The principal comments have been summarized in the preamble to the final regulations. The purpose of Appendix A is to discuss the specific comments received on various aspects of the proposed regulations, and to explain EPA's response to those comments.

I. Definitions

The definitions of "contaminant" and "Maximum Contaminant Level" (MCL) were criticized by four of the six comments received on the proposed regulations. One of the commenters pointed out that while it is stated in the introductory section that the NSDWR are not enforceable and are only intended to serve as guidelines, many of the readers will interpret the definition of MCL to indicate a strict standard rather than a recommended criterion. Three of the commenters suggested that the term MCL implies a health-related standard and therefore they recommended that it be replaced with another definition such as "constituent," "parameter" or "concentration" level to appropriately reflect the aesthetic nature of the proposed limits.

The definition of "contaminant" includes any constituent in water, including constituents considered to be harmless or even beneficial. The definition is derived directly from Section 1401(6) of the SDWA and also appears in the primary regulations (40 CFR 141.2(b)). It is not intended to suggest that all of the constitutents in the water are harmful or to define a strict standard. Rather, it is intended to permit the regulation of any constituent that may be found to be harmful or undesirable. The essence of the definition, therefore, has been retained as proposed, but it has been modified for clarification in that the definitions only include a definition for a secondary maximum contaminant level and the regulations are set for secondary maximum contaminant levels (SMCL).

The definition of a SMCL was also criticized for requiring measurement at the tap. Two of the commenters expressed concern about the exclusion in proposed § 143.2. They felt that the responsibility of the supplier to meet the SMCLs should end at a point where the water is delivered to the ultimate user's service line. The comments suggested that corrosion caused by piping and plumbing or appurtenances under the control of the user, as well as contaminants added to the water by the consumer should be excluded from the definition in § 143.2.

The requirement for measuring the SMCL at the "free flowing outlet of the ultimate user of a public water system," carries out the intent of Congress that "drinking water regulations are intended to be met at the consumer's tap." (H. Rep. No. 93–1185, 93rd Cong., 2nd Sess. p. 13 (1974)). The purpose of this requirement is to assure that water used by the public is aesthetically acceptable and safe. This can be assured only if SMCLs are met at the tap. Section 143.2 meets this requirement. Also, the definition implies that a public water system cannot be held responsible for contamination of water beyond its control. It would be unreasonable to hold a public water system in violation of a SMCL if the level is exceeded at the consumer's tap as a result of such things as the user's attachment of a faulty treatment device, because of cross-connections in the user's plumbing system or because the plumbing is used to ground electrical systems. However, this does not absolve the supplier from the responsibility to achieve the SMCLs at the consumer's tap where a violation is due to water quality factors within the preview of the supplier (e.g., excessively corrosive water). This is consistent with the Agency's definition of "MCL" for the purposes of the NIPDWR under 40 CFR 141.2(c).

II. Secondary Maximum Contaminant Levels

A. *Chloride*—Six comments contained suggestions that the chloride SMCL be raised to higher levels, or to establish a three-tier SMCL consisting of a recommended, upper and a short term limit. The commenters recommening a higher SMCL for chloride indicated that because of the high costs associated with the reduction or the removal of chloride, the water suppliers and the consumer would be subjected to an excessive economic burden if the SMCL was to be maintained in areas of the country where water meeting the proposed chloride levels was not available. The commenters felt that a higher SMCL for chloride, 300 mg/l to 500 mg/l, would probably have a negligible adverse effect on consumer acceptance. It was pointed out that this adverse effect would diminish as the consumers became acclimated to the water. The commenters, recommending the multiple tier SMCL for chloride, indicated that this approach would be helpful to explain the relative water quality aspects of lower mineralization without raising unwarranted fears of health-related contaminant levels in the public's mind. The commenters felt that including a three-tiered SMCL for chloride, providing for less desirable but still acceptable levels, would resolve the problems associated with recommended aesthetic guidelines versus the quality of water available in certain geographic areas.

The SMCL of 250 mg/l for chloride is the level above which the taste of the water may become objectionable to the consumer. In addition to the adverse taste effects, high chloride concentration levels in the water will contribute to the deterioration of domestic plumbing, water heaters and municipal waterworks equipment. High chloride concentrations in the water may also be associated with the presence of sodium in drinking water. Elevated concentration levels of sodium may have an adverse health effect on normal, healthy persons. In addition, a small segment of the population is on severely restrictive diets requiring limitation of their sodium intake. For the preceding reasons, the SMCL for chloride represents a desirable and reasonable level for protection of the public welfare. Establishment of a multi-tier SMCL would encourage the use of less than aesthetically desirable water in areas where better sources may be available or could be found.

EPA recognizes that there may be problems existing in regions where no sources of water are available which meet the SMCL for chloride. Therefore, where such problems are encountered, the States should exercise their discretion in establishing limitations for chloride concentration levels realistically commensurate with local conditions. Such an approach to cope with geographically related aesthetic water quality conditions serves to provide the necessary flexibility to the States preferred by the proponents of the proposed multi-tier approach.

B. *Color*—Two commenters claimed that the SMCL for color of 15 color units (CU) was too high. They suggested that the upper limit for color be lowered to 10 or 5 CU. The reasons cited for this was that color may be indicative of contamination by organic materials, which in turn may be precursors for the formation of trihalomethanes (THMs) and other halogenated organic compounds. Also, one of the commenters felt that 15 CU would be completely unacceptable to the consumer.

Limiting the presence of THM and other synthetic organic compounds to protect the public health has been proposed for inclusion in the NIPDWR, at 43 FR 5756, February 9, 1978. Color becomes objectionable to most people at levels over 15 CU. Experience has shown that rapid changes in color levels will lead to greater consumer complaint, as opposed to a relatively constant color level. Therefore, suppliers of the water should seek to prevent or minimize such changes.

In some instances color may be objectionable to some people at levels as low as 5 CU; therefore, it may be appropriate for the States to consider setting limits below 15 CU.

C. *Copper*—One commenter proposed to raise the SMCL for copper from 1 mg/l to 3

mg/l. It was argued that the SMCL of 1 mg/l is more stringent than necessary to avoid taste problems. Although very few water sources have a copper level in excess of this standard, the commenter felt that the treatment costs would be very high for those water systems which would have to come into compliance.

Experience indicates that copper at concentration levels exceeding 2 mg/l causes significant staining and adverse tastes. To many people, copper imparts a detectable taste at a concentration level of 1 mg/l. The SMCL of 1 mg/l was exceeded only in 1.6% of the 295 tap water samples taken in the Community Water Supply Study by EPA in 1970. In instances where high copper concentration levels in the drinking water are observed, it is likely that other heavy metals are also present. Consequently, the presence of excessive copper in the water system may indicate possible corrosion of the distribution system, or suggest that the drinking water supply may be contaminated with products from mining operations. Therefore, it is reasonable to establish 1.0 mg/l as the SMCL for copper to protect the public welfare.

D. *Corrosivity*—Ninety-four comments were received concerning a number of corrosivity issues. Sixty-seven of the comments recommended that corrosivity, as a standard, should be deleted from the NSDWR for the following three reasons: (1) it is adequately covered by the other SMCLs set forth in the NIPDWR and in the NSDWR; (2) corrosion is dependent on many interrelated factors and thus there is no universal criteria on which would be applicable to define and/or control it completely; and (3) there is not yet a single reliable practical test developed to measure corrosivity. Twenty-one of the comments were directed towards a number of analytical techniques to measure corrosivity. However, many of them conceded that the methods they suggested may need some modification. The Langlier Saturation Index was most frequently suggested to define corrosivity. Three of the comments expressed concern that if the corrosion standard was not deleted there may be a possibility that users could have legal recourse against a water purveyor for not meeting the SMCL due to corrosion from appurtenances which are under the control of the user. One of the comments suggested that a panel of experts be convened to discuss the development of a corrosion regulation.

EPA has determined that a specific SMCL for corrosivity should not be established at this time. Instead, the secondary regulations presently state that drinking water should be "non-corrosive." A non-specific corrosivity standard is warranted under the NSDWR because corrosive waters may adversely affect the aesthetic quality of drinking water. However, the existence of corrosive waters is left to be determined on a case-by-case basis through the exercise of judgment by the States in implementing the secondary regulations.

With respect to the development of a more specific MCL for corrosivity, EPA is presently conducting further studies and research and is proposing amendments to the National Interim Primary Drinking Water Regulations to control corrosion to protect the public health. During that regulatory process, EPA will be considering those issues raised by the commenters to these secondary regulations concerning the availability of a generally acceptable and nationally applicable numerical index. Also, appropriate analytical methods will be considered.

The concerns expressed by some of the commenters regarding the possibility of legal action by users against water suppliers for corrosion attributable to appurtenances controlled by the user, rather than to water quality, are addressed in these secondary regulations. The definition of "secondary maximum contaminant level" in Section 143.2(f), specifically excludes "contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality." This same language is contained in the definition of "maximum contaminant level" under the NIPDWR at 40 CFR 141.2(c). To the extent States adopt the exclusion contained in the federal definitions, legal action against the water supplier would be limited to corrosion problems within the supplier's control.

E. *Foaming Agents*—Two comments were received concerning the SMCL of 0.5 mg/l for foaming agents. One commenter stated that the SMCL was too stringent and that such a concentration would not be noticed in most instances. The other commenter suggested that since the analytical procedure specified for the detection of foaming agents is MBAS, the SMCL should be stated in terms of MBAS.

The 0.5 mg/l limit for foaming agents is based upon the fact that at higher concentration levels the water may exhibit undesirable taste and foaming properties. Also concentrations above the limit may be indicative of undesirable contaminants of pollutants from questionable sources, such as infiltration by sewage. Because there is no standardized "foamability test" that exists, this property is determined indirectly by measuring the anionic surfactant concentration in the water utilizing the test procedures specified for MBAS. Many substances other than detergents will cause foaming and their presence will be detected by the Methylene Blue Test. Therefore, the SMCL designated for foaming agents is appropriate.

F. *Hydrogen sulfide*—The ten comments concerning hydrogen sulfide were directed towards its odor characteristics and the possible difficulties that may be encountered in obtaining accurate analytical results. A number of commenters suggested that the limit for hydrogen sulfide should be deleted since its presence may be detected by the odor test. Another commenter stated that the SMCL for hydrogen sulfide should be raised from 0.05 mg/l to 0.1 mg/l to be commensurate with the precision limit of the titrimetric iodine method. Other commenters felt that during the collection, handling, and the transportation of the samples the accuracy of the analytical results may be compromised.

The threshold odor concentration of hydrogen sulfide is between 0.01 and 0.1 ug/l. The proposed SMCL was 0.05 mg/l. The odor SMCL of 3 TON would apparently always be violated before the proposed SMCL for hydrogen sulfide would be violated. Thus, the proposed SMCL would duplicate the aesthetic requirements of the odor SMCL, and therefore, the hydrogen sulfide SMCL has been deleted from the NSDWR. However, this does not limit the States from establishing monitoring and SMCL requirements for hydrogen sulfide in appropriate circumstances.

G. *Iron*—The three commenters concerned with iron stated that the proposed SMCL of 0.3 mg/l was overly stringent and suggested that 1.0 mg/l would be appropriate in consideration to water supplies which practice sequestration for rust removal.

At 1.0 mg/l, a substantial number of people will note the bitter astringent taste of iron. Also at this concentration level, the staining problems associated with iron will be pronounced, thus making the water unpleasant to the consumer. Therefore, the proposed SMCL of 0.3 mg/l for iron is reasonable because the adverse aesthetic effects are minimized at this level. However, in instances where it is appropriate, the States may allow higher levels.

H. *Manganese*—No comments were received on the SMCL for manganese.

I. *Odor*—There were four comments received concerning the threshold odor number (TON). Three of the commenters suggested that the proposed SMCL of 3 TON should be deleted from the regulations; they argued that the TON is an arbitrary value and that the results obtained would greatly vary from person to person. On the other hand, one commenter suggested that the SMCL should be lowered to 1 TON.

Odor is an important quality factor affecting the drinkability of water. Odors may be detected at extremely low concentrations of some substances and they may be indicative of the presence of organic and inorganic pollutants that may originate form municipal and industrial waste discharges or from natural sources. The TON level of three was determined to be appropriate because most consumers find the water at this limit acceptable. Determination of odor below this level is difficult because of possible interferences from other sources and variability of the sensing capabilities of the personnel performing the test. Therefore, the SMCL of 3 TON has remained unchanged.

J. *pH*—A total of 43 comments concerning pH were received. Fifteen of the commenters requested that pH be deleted from the NSDWR. Another ten commenters suggested that the upper limit of pH should either be deleted from the regulations or raised. The reasons cited for this were that (1) a SMCL for pH is unnecessary because pH is not a direct measure of corrosivity, but just one parameter affecting corrosivity; and (2) a number of utilities produce high pH non-corrosive water with no aesthetic adverse effects. Several commenters argued that many of the lime-softened waters produced meet the other MCLs set forth in the NIPDWR and the NSDWR, and that it would be impractical and economically infeasible for these utilities to lower the pH in order to attain a level of 8.5 or less. None of the

comments received contested that water below 6.5 would be potentially corrosive. The remaining eight comments recommended that rather than applying pH solely as an SMCL, it should be included with other parameters, such as alkalinity and hardness into a "non-corrosive" guideline.

As explained in the Statement of Basis and Purpose, high pH levels are undesirable since they may impart a bitter taste to the water. Furthermore, the high degree of mineralization associated with alkaline waters will result in the encrustation of water pipes and water-using appliances. The combination of high alkalinity and calcium with low pH levels may be less corrosive than water with a combination of high pH, low alkalinity and calcium content. High pH levels also depress the effectiveness of disinfection by chlorination, thereby requiring the use of additional chlorine or longer contact times. In addition, high pH levels accelerate the production of trihalomethanes (THMs) in the water. Therefore, the pH range has been retained as it was proposed. A range of 6.5–8.5 was determined as that which would achieve the maximum environmental and aesthetic benefits. However, in certain instances it may be necessary to maintain pH levels higher than 8.5. States should consider higher pH limits where local conditions necessitate such as in areas where the water at that level is neither corrosive nor unstable (i.e., no precipitation of calcium salts).

K. *Sulfate*—Five commenters suggested that the SMCL for sulfate should be raised to a higher level, while three commenters recommended a three-tier approach consisting of a recommended upper and a short term limit. The commenters recommending a higher SMCL for sulfate (300 to 1800 mg/1), cited that the proposed sulfate SMCL of 250 mg/1 would not result in laxative or any other adverse health effects to the user. Also the commenters felt that the suppliers of the water and the consumer would be subjected to an excessive economic burden if the SMCL was to be maintained in regions where water meeting the proposed sulfate SMCL was not available. In addition, the commenters indicated that individuals will become acclimated to the use of waters containing sulfate compounds in a relatively short time. The commenters recommending a three-tier SMCL felt that this approach would provide flexibility to the States to select an appropriate SMCL in areas where water having low sulfate content is not available. Furthermore, the commenters indicated that a multiple tier approach could be utilized to explain the relative water quality aspects of lower mineralization to the user without raising unwarranted fears of health-related contaminant levels in the public's mind.

The SMCL of 250 mg/1 established for sulfates represents the desired concentration level to prevent the bulk of possible adverse aesthetic effects. Above this level, adverse taste and laxative effects are more likely to occur. Establishment of a fixed multi-tier SMCL may encourage the use of a less desirable water in locations where better sources are available. At the same time, it is recognized that adjustments to the SMCL are possible in areas where the absence of suitable supplies do not, for practical reasons, allow the meeting of the SMCL for sulfate. In such instances States should exercise their authority to establish suitable limitations for sulfate concentration levels realistically commensurate with local conditions. This approach to cope with geopraphically related aesthetic water quality conditions provides more flexibility to the States than the multiple tier approach proposed by some of the commenters. The States should establish a SMCL for sulfate in such a manner that the consumer is provided with the best quality of water as realistically feasible. In addition, EPA recommends that transients be notified if the sulfate content of the water is high. Such notification would include an assessment of the possible physiological effects of consumption of the water.

L. *Total Dissolved Solids (TDS)*—Most of the 26 comments received regarding TDS came from water suppliers in areas where the dissolved mineral content of the water exceeds the proposed SMCL of 500 mg/1. Seven commenters recommended that TDS be deleted from the NSDWR while 14 commenters suggested that the SMCL be raised to a higher level or changed to a range of levels consisting of a multiple tier approach similar to those suggested for chloride and sulfate. Five of the comments made references to the State-adopted, EPA-approved water quality standards for salinity for the Colorado River System. The commenters felt that the proposed SMCL for TDS is inconsistent with the higher TDS standards adopted for the Colorado River System.

In general, the commenters noted that compliance with the proposed SMCL for TDS would be unrealistic and it would place an excessive economic burden on the utilities in areas where no alternate sources of water are available. The commenters, suggesting the deletion of the TDS SMCL from the NSDWR, indicated that limits have already been placed on other contaminants which would eliminate undesirable taste from water; thus an SMCL for TDS was said to be unnecessary.

In some regions of the country, particularly in the Southwest, drinking water sources commonly exceed the SMCL for TDS. For this reason, the commenters felt that water quality associated with geographic problems should be taken into account in formulating the SMCL for TDS.

Raising the TDS SMCL would certainly resolve the commenters concerns in areas where the only available water sources contain high TDS. However, this approach would not provide the States a realistic frame of reference for the aesthetic water quality goal they should be trying to achieve.

TDS may have an influence on the acceptability of the water in general, and in addition a high TDS value may be an indication of the presence of excessive concentration of some specific substance, not included in the NSDWR, which would make the water aesthetically objectionable to the consumer. Excessive hardness, taste, mineral deposition or corrosion are common properties of water with high TDS levels.

Adoption of a multi-tier approach attempting to solve the geographical problems associated with the lack of high quality water by including less desirable but still acceptable higher levels as alternatives would defeat the intent of the regulations. Establishment of a multi-tier SMCL would encourage the use of less than aesthetically desirable water in areas where better sources may be available. Therefore, the SMCL of 500 mg/1 for TDS is reasonable because it represents an optimum value commensurate with the aesthetic level to be set as a desired water quality goal.

It is understood that in some instances meeting the SMCL for TDS will not be reasonably attainable. In those instances it is recommended that the State establish an SMCL for the water which is appropirate assuring that the user is supplied with the best quality water reasonably attainable.

This approach provides for more flexibility to the States to set a SMCL for TDS approaching the optimum SMCL.

M. *Zinc*—No comments were received on the SMCL for zinc.

N. *Other Contaminants*—A number of comments were received regarding the parameters considered but not included in the regulations. Most of the commenters were concerned about sodium. The majority of the commenters indicated that EPA's decision not to include sodium in the NSDWR was proper. They also concurred with EPA's recommendation that the States institute programs for regular monitoring of the sodium content of drinking water served to the public, and for informing physicians and consumers of the sodium concentration in drinking water. In order to assure that persons who are affected by high sodium concentrations would be able to make adjustments to their diets, or seek alternative sources of water to be used for drinking and food preparation, EPA is proposing monitoring requirements for sodium through amendments to the National Interim Primary Drinking Water Regulations.

Commenters concerned with hardness and Standard Plate Counts (SPCs) concurred with EPA's position not to include those parameters in the NSDWR.

In addition, comments were received which requested transfer of the SMCL for fluorides from the primary to the secondary regulations and to include a limit on turbidity on well waters in the NSDWR.

The SDWA describes the NSDWR as those pertaining to the aesthetic quality of water. EPA is presently conducting studies to evaluate the merits of establishing an aesthetic SMCL for fluorides in addition to the health based standard included in the NIPDWR. Fluoride was included in the NIPDWR because excessive levels can cause moderate to severe tooth mottling which is considered to be an adverse health effect rather than a purely aesthetic effect.

Although turbidity affects the aesthetic quality of water, regulations in the NIPDWR have already been established for turbidity. States may elect to extend the application of the turbidity MCL to groundwaters based

upon the aesthetic appearance. EPA will consider a NSDWR limit for turbidity in future revisions.

III. Monitoring

There were 64 comments on proposed § 143.4 dealing with monitoring for compliance with the SMCLs. Most of the comments were related to the merits of the prescribed analytical methods. A number of commenters expressed criticism that the analytical methods for monitoring were restrictive. Other commenters expressed concern about the expense associated with compliance with the monitoring requirements. For the above reasons, the commenters suggested alternatives to the approved analytical methods which tended to separate into two categories. One of the categories included comments suggesting that in order to make the analytical requirements less restrictive, other methods, equivalent in accuracy and precision to the ones prescribed in § 143.4, should be allowed. The comments in the other category recommended that economically feasible alternative methods, somewhat less accurate, but requiring less sophisticated equipment thereby reducing the accompanying expense should be allowed to minimize the economic impacts associated with monitoring.

A number of commenters also expressed concern involving the enforceability of the monitoring requirements and therefore emphasized that the States should be the ones to specify and prescribe the monitoring requirements associated with the NSDWR.

The recommended analytical methods represent proven methods for the monitoring of the contaminants listed in the NSDWR. It is the prerogative of the States to institute and/or supplement the suggested monitoring or analytical requirements for the NSDWR in their own laws and regulations.

IV. Economic and Energy Impact

A total of 11 comments were received involving the possible economic implications of the NSDWR. Ten of the commenters expressed concern about the possible economic hardships imposed by the NSDWR to customers served by small systems, especially to those with a population of less than 10,000. One of the commenters expressed doubts whether it is worthwhile to pay a higher price for a product with no additional benefits to be derived other than the increased aesthetic quality. On the basis of this, the commenter felt that the public would not be willing to incur the additional expense to improve the aesthetic quality of the water. The commenter also raised the question as to whether the decision regarding the implementation of the NSDWR should be left to the consumer rather than to the State.

In determining costs associated with treatment needed to achieve compliance with these secondary standards, EPA found that the smallest system was the most burdened on a per capita basis. However, suggestions that such small systems be relieved of the burden of these regulations is directly counter to the intent of the Safe Drinking Water Act. The States have discretion in implementaton of these secondary regulations and can give special consideration to small water systems. This may include a phased implementation program with small systems given the most amount of time to come into compliance with the secondary regulations.

Another comment received suggested an investigation into the cost-effectiveness of home treatment devices in place of central treatment facilities.

There is very little experience in the water supply industry with operation and maintenance of home treatment devices, as a responsibility of the water supply system. Although the SDWA is directed to public water systems, home treatment devices are typically operated by private companies or the home owner. Preliminary investigation into the cost-effectiveness of these home treatment devices indicates that where there are existing central distribution systems, central treatment is dramatically more cost-effective than home units. However, were a water supply to determine that the customers served had already instituted home treatment for specific secondary standards or that a system controlled and operated network of home treatment units would be safe and cost-effective, it might be plausible to take that approach rather than construct and operate a central facility.

Another comment was directed to the energy impacts of the proposed regulation. As with the economic impact assessment, precise impacts are impossible to determine because of the discretionary nature of these regulations. However, it is not anticipated that appreciable national energy impacts will exist as a result of these regulations because the treatment technologies are relatively not energy intensive and implementation will be on a "need" basis and over a phased time frame.

[FR Doc. 79-22237 Filed 7-18-79; 8:45 am]
BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-48]

[FPMR Amdt. H-116]

Management of Abandoned and Forfeited Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: When personal property seized by the Government is forfeited by court decree, GSA petitions the court to deliver the property to the holding agency if that agency has requested the property on occasion, a holding agency has requested only component parts or accessories from a complete and operable item of seized property. The removal of component parts or accessories may render an item inoperable or uneconomical for further use. This regulation provides that an agency must adequately justify such a request and that GSA will honor the request only if to do so would be in the best interest of the Government.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division, Office of Personal Property, Federal Property Resources Service, General Services Administration, Washington, DC 20405 (703-557-1540).

SUPPLEMENTARY INFORMATION: The General Services Adminstration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-48.101-4 is amended to revise paragraph (b) to read as follows:

§ 101-48.101-4 Retention by holding agency.

* * * * *

(b) A holding agency when reporting property under § 101-48.101-5, which is subject to pending court proceedings for forfeiture, may at the same time file a request for that property for its official use. A request for only components or accessories of a complete and operable item shall contain a detailed justification concerning the need for the components or accessories and an explanation of the effect their removal will have on the item. Upon receipt of a request, GSA will make application to the court requesting delivery of the property to the holding agency, provided that, when a holding agency has requested only components or accessories of a complete and operable item, GSA determines that their removal from the item is in the best interest of the Government.

* * * * *

(Sec. 307, 49 Stat. 880; 40 U.S.C. 304 l).

Dated: July 11, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-22390 Filed 7-18-79; 8:45 am]
BILLING CODE 6820-96-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration and

Materials Transportation Bureau

49 CFR Part 179

[Docket No. HM-144]

Statement of Enforcement Policy on Tank Car Retrofit

AGENCIES: Materials Transportation Bureau and Federal Railroad Administration, DOT.

ACTION: Statement of enforcement policy.

SUMMARY: The Materials Transportation Bureau (the Bureau) and the Federal Railroad Administration (FRA) have found it necessary to issue a statement of policy explaining the legal sanctions available for enforcement of the requirements for retrofit of DOT Specification 112 and 114 tank cars issued under Docket No. HM-144. This explanation is responsive to an incorrect and misleading characterization of applicable legal sanctions contained in a National Transportation Safety Board (NTSB) Report on the FRA track safety and hazardous materials safety programs. This statement of enforcement policy is intended to dispell any misimpressions which the NTSB statement may have engendered concerning the adequacy of legal remedies and the determination of the Department to assure that tank car owners comply with the established retrofit schedule.

FOR FURTHER INFORMATION CONTACT: Grady C. Cothen, Jr., Office of Chief Counsel, Federal Railroad Administration, 202-426-8220.

SUPPLEMENTARY INFORMATION: *Retrofit requirements.* On September 15, 1977, the Bureau published in the Federal Register (42 FR 46306) final rules requiring that DOT Specification 112 and 114 tank cars be equippped with shelf couplers and tank head protection. Cars used to transport flammable compressed gas were also required to be equipped with thermal protection. A timetable was established for the retrofit of existing cars.

On July 13, 1978, the Bureau published in the Federal Register (43 FR 30057) a final rule that established a shortened retrofit schedule. Shelf couplers were required to be applied not later than December 31, 1978. Additional deadlines were set as follows:

1. Existing specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane, whose owners have elected to retrofit with jacketed insulation and integral tank head protection (known as the "J" retrofit), are to be retrofitted over a 3-year period ending on December 31, 1980.

2. Existing specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane, whose owners have elected to retrofit with a nonjacketed thermal protection system and tank head protection (known as the "T" retrofit) are to be retrofitted with tank head protection over a 2-year period ending December 31, 1979, and with the nonjacketed thermal protection system over a 3-year period ending on December 31, 1980.

3. Existing specification 112 and 114 tank cars used to transport anhydrous ammonia exclusively (the "S" retrofit) are to be retrofitted with tank head protection over a 2-year period ending on December 31, 1979.

The amended regulation further provides that certain percentages of the cars subject to the "J" retrofit must be completed at the end of each of the three years allotted for that portion of the program. Specifically, 20 percent of those cars were required to be completed by December 31, 1978. By the end of calendar year 1979, 65 percent of the cars must be retrofitted. The remaining 35 percent of the cars must be completed in 1980. 49 CFR 179.105-3(d)(3).

Tank car owners are required to report retrofit elections and progress on a quarterly basis. 49 CFR 179.105-9 (43 FR 39792; September 7, 1978). While some latitude has necessarily been allowed for changes in elections through the current year based on availability of shop capacity and materials or changes in use (e.g., from flammable compressed gas to exclusive anhydrous ammonia service), the greatest portion of the retrofit effort must be completed by the end of this year.

A maximum of 35 percent of the cars designated to receive the "J" retrofit may remain in transportation after the end of this year. This percentage completion requirement applies to each tank car owner. All other 112/114 tank cars must be completed (or withdrawn from flammable gas and anhydrous ammonia service) by the end of this year. A tank car owner who fails to complete the retrofit of 65 percent of those cars designated for the "J" retrofit would be required to withdraw a sufficient number of cars from service to come within the 65 percent requirement. Obviously, since maintaining cars in flammable gas or anhydrous ammonia service is a voluntary business decision, a tank car owner cannot be compelled to maintain any specific number of completed cars in hazardous materials service. Nor would the public safety be endangered by the use of those cars for the carriage of non-hazardous products.

NTSB error. On March 8, 1979, the NTSB adopted a report entitled "Safety Effectiveness Evaluation of the Federal Railroad Administration's Hazardous Materials and Track Safety Programs" (Report No. SEE-79-2). In commenting on the retrofit requirement, the NTSB stated:

> As of December 31, 1978, there were about 1,400 tank cars that did not have the required shelf couplers. The penalty for not complying with the regulation is holding out of service the unequipped tank cars. *The percentage completion requirements in the regulation have no binding legal sanctions. The only provision to enforce the application of the head shields and thermal protection before the last day of 1980 is by use of Section 111(b) of the Hazardous Materials Transportation Act.* If the Secretary can show that a failure to retrofit the required number of tank cars constitutes an "imminent hazard," he may petition an appropriate district court of the United States for an order to eliminate or ameliorate such imminent hazard.

Id. at pg. 10 (emphasis added). While it is true that approximately 1,268 cars out of a total of approximately 17,454 were cars withdrawn from service at the beginning of 1979 in order to complete the application of shelf couplers, those cars obviously posed no threat to the public while so occupied. Observance of the deadline provided the intended protection to the public.

Cars not in compliance with the retrofit deadlines must be withdrawn from service *if direct sanctions are to be avoided.* However, the balance of the NTSB quotation appears to imply that the percentage completion requirement could be violated and cars continued in service without the application of any "binding legal sanctions." That statement is incorrect and could, if accepted as official government policy, influence the actions of those subject to the regulations.

The requirements of Docket No. HM-144 were issued under the authority of the Hazardous Materials Transportation Act of 1974 (49 U.S.C. 1801 et seq.) (Act). Subsection 110(a) of the Act (49 U.S.C. 1809(a)) provides for the assessment by the Secretary of Transportation of a civil penalty of up to $10,000 for each violation of any regulation issued under the Act. Each day of violation constitutes a separate offense.

Subsection 110(b) (49 U.S.C. 1809(b))

provides that any person who willfully violates a regulation issued under the Act is guilty of a criminal offense and is subject to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

Subsection 109(a) (49 U.S.C. 1808(a)) authorizes the Secretary, after notice and an opportunity for hearing, to issue orders directing compliance with regulations issued under the Act. Compliance orders, which can be enforced in the district courts, may contain such ancillary provisions as neccessary to assure compliance. See 49 CFR Part 209 (42 FR 56742 (1977)).

Clearly, the provisions cited above are "binding legal sanctions" adequate to deter violations of the percentage completion requirements.

Statement of policy. It is the policy of the Bureau and the FRA, which is responsible for enforcement of legal sanctions with respect to shipment or transportation of hazardous materials by rail, that compliance with the percentage completion requirements will be monitored closely and that any legal action necessary to assure compliance will be undertaken.

(49 U.S.C. 1801 et seq.; 49 CFR 1.49(t).)

Issued in Washington, D.C., on July 10, 1979.

John M. Sullivan,

Federal Railroad Administrator.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-21944 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; Opening of the National Elk Refuge, Wyoming to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fishing of the National Elk Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 26, 1979 through October 31, 1979.

FOR FURTHER INFORMATION CONTACT: John E. Wilbrecht, National Elk Refuge, P.O. Box C, Jackson, Wyoming 83001. Phone: 307-733-2627.

SUPPLEMENTARY INFORMATION: Sport fishing on portions of the National Elk Refuge shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the National Elk Refuge which are open to sport fishing are designated by signs and delineated on maps available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 3035, 316 N. 26th, Billings, Montana 59101.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the National Elk Refuge was established. This determination is based on consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations: sport fishing for individual wildlife refuge areas.

Wyoming

National Elk Refuge

Sport fishing on the National Elk Refuge, Wyoming, is permitted only on the areas designated by signs as being open to fishing and comprise approximately three miles of stream. Sport fishing is permitted from May 26, 1979 through October 31, 1979. Fishing and access on refuge waters are permitted during daylight hours only. Use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

Dated: March 16, 1979.

John E. Wilbrecht,

Refuge Manager.

[FR Doc. 79-22378 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215 and 216

Amendment to Conditions Imposed in Scientific Research and Public Display Permits Issued for Live Captive Marine Mammals

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of amendment to conditions imposed in scientific research and public display permits issued for live captive marine mammals.

SUMMARY: Regulations and standards promulgated by the Department of Agriculture (44 CFR 36868-36883) covering *Marine Mammals; Humane Handling, Care, Treatment, and Transportation* become effective on September 20, 1979. On that date all permits issued by the National Marine Fisheries Service under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*), are amended as follows: General Conditions and, where imposed, Special Conditions of permits relating to the humane handling, care, treatment, and transportation of captive marine mammals are cancelled and the Department of Agriculture standards cited above must be followed instead. By this permit amendment, these standards are incorporated as General Conditions of all permits authorizing a take of live marine mammals.

DATES: The effective date of this Notice is September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Brumsted, Permit Program Manager, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235, telephone 202-634-7529.

SUPPLEMENTARY INFORMATION: 50 CFR 216.31(d)(4) provides that scientific research and public display permits issued by National Marine Fisheries Service under the Marine Mammal Protection Act that authorize the take of

marine mammals for captive live maintenance include conditions requiring the humane handling, care, treatment, and transportation of these animals. 50 CFR 215.12(d)(1) has the same provisions for animals taken under the Fur Seal Act. Because of the implementation by the Department of Agriculture of regulations establishing standards under the Animal Welfare Act which cover these same activities, the similar conditions imposed by existing permits are considered to be superseded and are hereby replaced by the Animal Welfare Act standards. Each permit holder will be notified of these amendments by letter.

The specific permit conditions amended are:

a. For Marine Mammal Protection Act permits issued on or after August 25, 1977, Sections C–2h, C–2i, C–6b, and Section D of the General Conditions are superseded by the Department of Agriculture standards (Section D is a part of the General Conditions imposed only in those permits which authorize holding live captive animals).

b. For Marine Mammal Protection Act permits involving holding captive live animals for public display or scientific research that were issued prior to August 25, 1977, Sections C–2, C–3, C–8j, and C–8k of the General Conditions are superseded by the standards.

c. For Fur Seal Act pemits Sections C–1, C–3, C–8g, and C–8h of the General Conditions are superseded by the standards.

Since no Endangered Species Act permits authorize holding live captive marine mammals no modification to the conditions of these permits is required.

The above amendments to existing permits are being made as provided for in existing permit General Conditions as follows:

a. Marine Mammal Protection Act Permits issued on or after August 15, 1977—General Condition C–10.

b. Marine Mammal Protection Act Permits issued prior to August 15, 1977—General Condition C–8m.

c. Fur Seal Act Permits—General Condition C–8j.

All other General and Special Conditions remain in effect. This includes conditions affecting capture operations which are not covered by Department of Agriculture standards.

Dated: July 13, 1979.

Winfred H. Meibohm,

Associate Director, National Marine Fisheries Service.

[FR Doc. 79–22284 Filed 7–18–79; 8:45 am]

BILLING CODE 3510–22–M

Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts)

7 CFR Part 908

[Valencia Orange Regulation 621]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 20–26, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 20, 1979.

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

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

The committee met on July 17, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be very limited.

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

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

§ 908.921 Valencia Orange Regulation 621.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 20, 1979, through July 26, 1979, are established as follows:

(1) District 1: 208,000 cartons;

(2) District 2: 192,000 cartons;

(3) District 3: Unlimited.

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

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

Dated: July 18, 1979.

D. S. Kuryloski,

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

[FR Doc. 79–22645 Filed 7–18–79; 11:51 am]

BILLING CODE 3410–02–M

Proposed Rules

Federal Register
Vol. 44, No. 140
Thursday, July 19, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 429]

Proposed Rye Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

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

DATE: Written comments, data, and opinions must be submitted not later than September 17, 1979.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), it is proposed that there be established a new Part 429 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 429, Rye Crop Insurance.

This part prescribes procedures for insuring rye crops effective with the 1980 crop year.

All previous regulations applicable to insuring rye crops as found in 7 CFR 401.101–401.111, and 401.133, will not be applicable to 1980 and succeeding rye crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) rye insurance policies issued for the crop years prior to 1980.

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

In addition, proposed 7 CFR Part 429 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) that the production guarantees will now be shown on a harvested basis with a reduction of the lesser of 6 bushels or 20 percent of the guarantee for any unharvested acreage, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that three coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, and (8) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 429.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The proposed Rye Crop Insurance regulations provide a June 30 cancellation date for all rye producing counties.

These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of June 30, 1980, before they become effective for the 1980 crop year.

All written submissions made pursuant to this notice will be available for public inspection at the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to delete and reserve 7 CFR 401.133, but these provisions shall remain in effect for FCIC rye insurance policies issued for crop years prior to 1980. The Corporation also proposes to issue a new Part 429 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1980 and subsequent crops of rye, which shall remain in effect until amended or superseded, to read as follows:

PART 429—RYE CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

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

§ 429.1 Availability of rye insurance.

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

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

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

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

§ 429.3 Public notice of indemnities paid.

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

§ 429.4 Creditors.

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

§ 429.5 Good faith reliance on misrepresentation.

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

§ 429.6 The contract.

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

§ 429.7 The application and policy.

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

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

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

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

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19—and Succeeding Crop Years; Rye Crop Insurance Contract

_____

_____

_____

(Name and Address) (ZIP Code)

_____

(Contract Number)

_____

(Identification Number)

_____

(County)

_____

(State)

Type of Entity _____

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the rye seeded on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. The Premium Rates and Production Guarantees Shall Be Those Shown on the Applicable County Actuarial Table Filed in the Office for the County for Each Crop Year.

Level Election _____

Price Election _____

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

Location/ Farm No.	Guarantee Per Acre *	Premium Per Acre **	Practice

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

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

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following rye insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(Code No./Witness to Signature)

_____

(Signature of Applicant)

_____

(Date)————————, 19—

Address of office for county:

Phone

Location of Farm Headquarters:

Phone

Rye Crop Insurance Policy
Terms and Conditions

Subject to the provisions in the attached appendix:

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

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

2. Crop and acreage insured. (a) The crop insured shall be rye which is seeded for harvest as grain and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage seeded to rye on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where rye was seeded with vetch or flax or other small grains, (2) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (3) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (4) which is destroyed and after such destruction it was practical to reseed to rye and such acreage was not reseeded, (5) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal crop to be produced, (6) of volunteer rye, (7) seeded to a type or variety of rye not established as adapted to the area or shown as noninsurable on the actuarial table, or (8) seeded with another crop, except as otherwise provided herein.

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

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

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

(b) The production guarantee per acre shall be reduced by the lesser of 3 bushels or 20 percent for any unharvested acreage.

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

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

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

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

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

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

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

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

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

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

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

6. Insurance period. Insurance on insured acreage shall attach at the time the rye is seeded and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the rye from the field, (c) October 31 of the calendar year in which rye is normally harvested, or (d) total destruction of the insured rye crop.

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

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

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

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

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

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

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

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature production which grades No. 3 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 16.0 percent; and if, due to insurable causes, any rye does not grade No. 3 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged rye (as determined by the Corporation) by the price per bushel of U.S. No. 2 rye and (ii) multiplying the result by the number of bushels of such rye. The applicable price for No. 2 rye shall be the local market price on the earlier of: the day the loss is adjusted or the day the damaged rye was sold.

(2) Any harvested proaduction from volunteer crops growing with the seeded rye crop or small grains seeded in the growing rye crop on acreage which the Corporation has not given consent to be put to another use shall be counted as rye on a weight basis.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded before rye harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 3 bushels or 20 percent of the production guarantee for all other unharvested acreage.

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

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

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

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

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

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year is any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S.

Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

	Cancellation date	Termination date for indebtedness
All counties	June 30	Sep. 15

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

Appendix

Additional Terms and Conditions

1. Meaning of terms. For the purposes of rye crop insurance:

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

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

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

(d) "Harvest" means the severance of mature rye from the land for combining or threshing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

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

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

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the

end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

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

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

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

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

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

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

Approved by the Board of Directors on July 10, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79-22388 Filed 7-18-79; 8:45 am]

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FEDERAL RESERVE SYSTEM

[12 CFR Part 212]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 26]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563f]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

[Resolution No. 79-382]

Management Official Interlocks; Proposed Amendments to Existing Regulations

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Proposed amendments to existing regulations.

SUMMARY: These proposals if adopted, would amend the regulations issued under the Depository Institution Management Interlocks Act (Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) (the "Interlocks Act"). The proposals are issued under the Interlocks Act which prohibits certain managment official interlocks between depository institutions, depository holding companies, and their affiliates. Interested persons are invited to submit written data, views or arguments regarding the proposed amendments for a period of 60 days.

DATE: Comments must be received by September 17, 1979.

ADDRESS: Please send your comments to the Office of the Secretary of the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. All material submitted should refer to Federal Home Loan Bank Board Resolution No. 79-382. All comments received will be made available for public inspection.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202) 452-3564, or John Walker (202) 452-2418, Board of Governors of the Federal Reserve System; Gwenn Hibbs (202) 447-1880, Office of the Comptroller of the Currency; Pamela LeCren (202) 389-4453, Federal Deposit Insurance Corporation; Kathleen Topelius (202) 377-6444, Federal Home Loan Bank Board; Ross Kendall (202) 632-4870, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630, 12 U.S.C. 3201 *et seq.*). The general purpose of the Interlocks Act, and the final regulations issued thereunder, is to foster competition among depository institutions, depository holding companies, and their affiliates. On February 1, 1979, the agencies published proposed regulations (44 FR 6421) under the Interlocks Act. Final regulations issued under the Interlocks Act have been published in today's Federal Register and are effective immediately. These amendments to the final regulations are being proposed in order to clarify certain issues not specifically addressed in the final regulations. The amendments, if adopted, would define the term "representative or nominee" and would add provisions to the final regulations regarding grandfather rights and changes in circumstances. Additionally, comment is being requested on the issue of whether a corporation is a management official for purposes of the Interlocks Act, and if so, under what circumstances.

1. *Grandfathered interlocks.* Section 206 of the Interlocks Act provides grandfather rights to certain persons. The proposed amendments state who is eligible for grandfather rights, *i.e.*, any person whose service as a management official of a despository organization began prior to November 10, 1978, which service was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19), may continue to serve in such capacity with the depository organization until November 10, 1988.

The proposed amendments provide that a person whose service as a management official of a depository institution and a nonaffiliated depository organization is grandfathered may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution. For example, if the service of a director of Bank A and S&L B in a city is

grandfathered, that director may not serve as a director of a new bank holding company (BHC A) that, after November 9, 1978, becomes a bank holding company as a result of acquiring Bank A unless the person terminates the interlocking relationship between Bank A and S&L B. If the director decides to continue the interlocking relationship between Bank A and S&L B, it should be noted that the director may not have a representative or nominee serving as a mangement official of BHC A. The Federal Reserve Board has taken this position on several occasions. *See, e.g.,* Commercial Bankshares, Inc., 64 Fed. Res. Bull. 883, 884 n.4 (1978).

2. *Change in circumstances.* Where a change in circumstances causes a particular interlocking relationship between two depository organziations to become prohibited under the Interlocks Act, section 206 provides that the agencies may allow the relationship to continue for a period of time not exceeding 15 months from the date on which the relationship became prohibited. Under the proposed amendments to the regulations, certain changes in circumstances after March 9, 1979, would defeat grandfather rights and cause interlocking service to become prohibited before November 10, 1988. The proposed amendments enumerate certain events that constitute changes in circumstances, and in each case provide a period of time within which the prohibited interlocking service must be terminated.

Generally, the changes in circumstances that defeat grandfather rights are those of a "voluntary" nature. Those changes in circumstances that would defeat grandfather rights are: (1) A significant increase in management responsibilities by change in position; (2) certain mergers, acquisitions, or consolidations; and (3) the establishment of certain branches.

Mergers, acquisitions, or consolidations will defeat grandfather rights in those cases in which immediately prior to the merger, acquisition, or consolidation, one of the depository organizations was either (a) an organization for which the person could not have served as a management official or (b) an organization that had a depository institution affiliate for which the person could not have served as a management official. For example, if a person's service as a director of Bank A and Bank B, both having total assets of less than $20 million and located in the same city, is grandfathered, and after March 9, 1979, Bank A is merged into, acquired by, or consolidated with Bank C, having total assets of less than $20 million and located in another city, then the person's grandfather rights would not be defeated. However, if Bank C was located in the same city as Bank A and Bank B, then the person's grandfather rights would be defeated. If Bank A were acquired after March 9, 1979, by a bank holding company (BHC A), having total assets of less than $20 million and located in another city, that had no subsidiary bank located in the same city as Bank A and Bank B, then the persons's grandfather rights would not be defeated. However, if BHC A had a subsidiary bank located in the same city as Bank A and Bank B, then the person's grandfather rights would rights would be defeated. If a person's service as a director of Bank A located in one city and a bank holding company (BHC B) located in another city is grandfathered, and BHC B does not have a subsidiary bank located in the same city as Bank A but acquires such a subsidiary bank after March 9, 1979, then the person's grandfather rights would be defeated.

Newly established branches will defeat grandfather rights in those cases in which one of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an office in the same city as the other depository organization, or its depository institution affiliate, where no such office existed previously, or both depository organizations, or their depository institution affiliates, establish an office in a city or SMSA where neither previously had an office. For example, if a person's service as a director of Bank A and Bank B located in different cities in the same SMSA is grandfathered, and Bank A establishes its first branch in a city where Bank B already has a branch or its main office, then the person's grandfathered rights would be defeated. If Bank A and Bank B both establish their first branches in the same city, or the depository institution affiliates of Bank A and Bank B both establish their first branches in the same city, then the person's grandfather rights would be defeated. However, if Bank A and Bank B have a branch located in the same city, then the banks may establish additional branches in that city without defeating the person's grandfather rights. If Bank A establishes its first branch in a city where Bank B has no branch but where a depository institution affiliate of Bank B has a branch, then the person's grandfather rights would be defeated.

The proposed amendments provide that when an event occurs that would defeat grandfather rights, the interlocking relationship may continue through the date of the next regularly scheduled annual meeting of shareholders of either of the depository organizations involved, whichever is later. A person whose grandfathered service as a management official of two depository organizations becomes prohibited by a change in circumstances may terminate the prohibited service with one of the depository organizations simply by not being reelected or reappointed as a management official of that depository organization. Allowing this time period within which to terminate interlocks that become prohibited should lessen the disruptive effects of management changes to the organizations involved. The person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but in no case may an interlocking relationship continue for more than 15 months after a change in circumstance occurs that makes the relationship prohibited.

With respect to nongrandfathered interlocking relationships, certain events—whether voluntary or involuntary—may cause an interlocking relationship to become prohibited under the Interlocks Act. The proposed amendments provide that relationships that become subject to the prohibitions of the Interlocks Act as a result of certain "involuntary" changes in circumstances defined in the proposed amendments (changes in boundaries of a city, town, or village, or an SMSA, or natural growth in asset size of a depository organization) normally will be entitled to a 15-month period to comply with the act. The agencies view such changes in circumstances as being largely beyond the control of the depository organizations, and therefore "involuntary."

The proposed amendments provide that relationships that become subject to the prohibitions of the Interlocks Act as a result of certain "voluntary" changes in circumstances defined in the proposed amendments (mergers, acquisitions, consolidations, and the establishment of branches) normally will be entitled to continue through the date of the next regularly scheduled annual meeting of shareholders of either of the depository organizations involved, whichever is later. The appropriate agency or agencies may be requested to grant an additional extension of time to continue the interlocking relationship, but in no case may an interlocking relationship continue for more than 15 months after a

change in circumstances occurs that makes the relationship prohibited.

3. *Definition of representative or nominee.* Section 202(4) of the Interlocks Act defines the term "management official" to include any person who has a "representative or nominee" serving as an employee or officer with management functions or a director. Thus, a person may be regarded as a management official of a depository organization without actually serving as a management official of the organization. The proposed amendments define the term "representative or nominee" to mean a person who serves as a management official under an express or implied duty to act on behalf of another person with respect to management responsibilities. The agencies will make the determination of whether a person is a representative or nominee of another person based on all the facts in a particular case. Under the proposed amendments, certain relationships, including family, employment, or agency relationships, normally will be considered sufficient to establish the existence of an express or implied duty. The agencies believe that the ability of a shareholder of an organization to elect a director and the exercise of that ability would not necessarily make the elected director the representative or nominee of the shareholder. If the director has some relationship with the shareholder with regard to the director's management responsibilities, the director would be considered the shareholder's representative. Finally, if a person who is entitled to a position on the board of an organization asks another person to serve in that position, that other person would be considered a "representative or nominee." This situation might arise where a person entitled to serve on the board of an organization is prohibited from serving by statute or by a cease-and-desist agreement.

4. *Representative or nominee of a nondepository corporation or business.* As stated above, section 202(4) of the Interlocks Act defines the term "management official" to include "any person" who has a representative or nominee serving as an employee or officer with management functions or a director. Inasmuch as the term "any person" in section 202(4) could include corporations and other businesses, the agencies are considering whether to define the term "person" for purposes of the Interlocks Act so as to exclude corporations or other businesses. If the term "any person" applies to corporations, then a nondepository corporation that has one officer serving as a director of one depository organization and another officer serving as a director of another depository organization could be considered to have a representative or nominee serving as a management official of the two depository organizations. Accordingly, the nondepository corporation would be a management official under the Interlocks Act, and, for example, would be prohibited from having one officer serve as a director of one depository organization with total assets exceeding $1 billion and another officer serve as a director of another depository organization with total assets exceeding $500 million. Likewise, the nondepository corporation would be prohibited from having one officer serve as a director of one depository organization in a city and another officer serve as a director of another depository organization in the same city. The agencies are considering three alternatives regarding this issue:

1. Define the term "any person" to mean only natural persons;
2. Define the term to mean corporations, other businesses, and natural persons; or
3. Define the term to mean corporations, other businesses, and natural persons, and in the case of corporations or other businesses to limit the applicability to those circumstances where an individual acts in a demonstrably representative manner on behalf of the corporate or business principal.

The agencies request comment on these and other alternatives.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank board, and the National Credit Union Administration propose to amend 12 CFR by amending Parts 212, 26, 348, 563f, and 711, respectively, to add new provisions to read as follows:

FEDERAL RESERVE SYSTEM

[12 CFR Part 212]

[Reg. L]

PART 212—MANAGEMENT OFFICIAL INTERLOCKS

1. Paragraph (k) of § 212.2 is added to read as follows:

§ 212.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 212.5 is added to read as follows:

§ 212.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 212.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 212.6 is added to read as follows:

§ 212.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 212.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been

significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish and office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal Supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

Board of Governors of the Federal Reserve System, July 13, 1979.

Theodore E. Allison,

Secretary of the Board.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 26]

Management Official Interlocks

1. Paragraph (k) of § 26.2 is added to read as follows:

§ 26.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone, However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 26.5 is added to read as follows:

§ 26.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 26.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 26.6 is added to read as follows:

§ 26.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 26.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution

affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragrah (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 26.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this Part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 26.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

Dated: July 11, 1979.

Lewis G. Odom, Jr.,

Acting Comptroller of the Currency.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

1. Paragraph (k) of § 348.2 is added to read as follows:

§ 348.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee".

* * * * *

2. Section 348.5 is added to read as follows:

§ 348.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 348.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 348.6 is added to read as follows:

§ 348.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 348.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization, (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its deposiory institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of both organizations involved in the interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may

not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 348.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has fifteen months from the date of the change in circumstances to comply with this Part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 348.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

* * * * *

By Order of the Board of Directors of the Federal Deposit Insurance Corporation, June 25, 1979.

Hannah R. Gardiner,

Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 79-382]

Federal Savings and Loan Insurance Corporation; Management Official Interlocks

July 12, 1979.

1. Paragraph (k) of § 563f.2 is added to read as follows:

§ 563f.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 563f.5 is added to read as follows:

§ 563f.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 563f.6(a)

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 563f.6 is added to read as follows:

§ 563f.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under section 563f.5 of this Part, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 563f.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this Part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 563f.5 and becomes prohibited as a result of an acquistion, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

PART 711—MANAGEMENT OFFICIAL INTERLOCKS

1. Paragraph (k) of § 711.2 is added to read as follows:

§ 711.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 711.5 is added to read as follows:

§ 711.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 711.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 711.6 is added to read as follows:

§ 711.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 711.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office. (2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 711.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 711.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months

from the date of the change in circumstances.

(Sec. 209(5), 92 Stat. 3672 (12 U.S.C. 3209(5), sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

Lawrence Connel,

Chairman.

July 13, 1979.

[FR Doc. 79-22297 Filed 7-18-79; 8:45 am]

BILLING CODES 6210-01-M, 4810-33-M, 6714-01-M, 6720-01-M, AND 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 79-ASW-25]

Airworthiness Directive; Bell Model 204B, 205A-1, and 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require repetitive inspections at 1000 hour intervals and corrosion protection of the main rotor yokes on Bell Model 204B, 205A-1, and 212 helicopters. The proposed AD is needed to detect or preclude possible cracks as a result in a crack and failure of the yoke and loss of the main rotor blade. The proposed AD is prompted by several reports of cracked main rotor yokes found on Bell Model 205A-1 and 212 helicopters.

DATES: Comments on the proposal must be received on or before August 25, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attn. Docket 79-ASW-25, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable maintenance manual revisions may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the development of the final rule by submitting such written or oral comments as they desire. Communications should identify the regulatory Docket No. and be submitted in triplicate to the address specified above. All comments will be recorded and considered by the Docket before taking final action and the proposal may be changed as a result of the comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76101.

Several reports of cracks occurring as a result of corrosion pits or surface marks in the main rotor yoke web, the pillow block bushing holes, and in the yoke spindle bearing journal have been reported at 1562, 1729, 3951, and 4625 hours' total time in service on certain model 205A-1 or 212 helicopters. Coastal operating environment may have contributed to the corrosion of the yokes. Bell Helicopter Textron issued Service Bulletin Nos. 204-79-8, 205-79-8, and 212-79-14 to establish improved inspections and corrosion protection of the main rotor yokes for the Bell Models 204B, 205A-1, and 212 helicopters. Compliance with the bulletins should be accomplished at the next overhaul, but prior to December 1, 1979.

Cracked or corroded main rotor yokes may exist or develop on other Bell Model 204B, 205A-1, and 212 helicopters. The proposed AD would require inspections for cracks, corrosion, a sharp radius or dent in the yoke, and would require specific corrosion protection of the yoke before December 1, 1979. The inspections and corrosion protection would be required, thereafter, at intervals, not to exceed 1000 hours from the last inspection. Repair limits for the yoke, specified in the overhaul manuals, would be imposed by the proposed AD.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Bell. Applies to Models 204B, 205A-1, and 212 helicopters, certificated in all categories equipped with main rotor hub assembly, P/N 204-012-101 and yoke assembly, P/N 204-011-102.

For main rotor yokes having 500 hours' or more total time in service on the effective date of this AD, compliance required prior to December 1, 1979, unless already accomplished, and thereafter at intervals not to exceed 1000' hours from the last inspection.

For main rotor yokes having less than 500 hours' total time in service on the effective date of this AD, compliance required prior to attaining 1000 hours' total time in service and thereafter, at intervals not to exceed 1000 hours' from the last inspection.

To detect and preclude corrosion and possible cracks in the main rotor yoke, accomplish the following:

a. Remove the yoke assembly from the main rotor hub assembly.

b. Conduct the following inspections:

1. Inspect yoke for corrosion pits in the pillow block bushing hole, for corrosion pits in each spindle, for a sharp radius in the bottom of the pillow block bushing holes, for corrosion pits or sharp indentations in the web of the yoke by using a five power or higher magnifying glass.

2. Inspect the yoke for cracks using a magnetic particle inspection method. Special attention should be given to the center section web, spindles, and pillow block bushing holes.

c. Remove corrosion pits, repair and refinish the yoke as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul manual or Revision 1, Model 205A-1 Component Repair and Overhaul manual or later revisions of the appropriate manual.

d. Replace yokes having a crack, a sharp radius in a pillow block bushing hole, or that exceed repair limits specified in the appropriate model maintenance or repair and overhaul manual, with a serviceable yoke, before further flight. The serviceable yoke must have been refinished as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul manual or Revision 1, Model 205A-1 Component Repair and Overhaul manual or later revisions of the appropriate manual.

e. Equivalent means of compliance with this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

f. The helicopter may be flown in accordance with FAR 21.197 to a base where inspections and repairs can be performed.

g. Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD if the request contains data justifying the increase.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

Note.—The FAA has determined that this document involves a proposal which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Fort Worth, Texas on July 9, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-22302 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-27]

Control Zone and Transition Area Proposed Alterations: Silver City, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose alteration of the control zone and transition area at Silver City, NM. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing proposed instrument approach procedures to the Silver City-Grant County Airport. The circumstance which created the need for the action is the scheduled installation of a partial instrument landing system (ILSP) at the Silver City-Grant County Airport. In addition, higher performance aircraft are using the airport which requires additional airspace.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart F and Subpart G of FAR Part 71 describe the control zone and transition area reflecting controlled airspace designed to provide protection for aircraft executing instrument approach procedures to the Silver City-Grant County Airport. Scheduled installation of a partial instrument landing system (ILSP) on runway 26 will provide instrument approach procedures from the east and require expansion of existing controlled airspace to provide the required protection.

Comments Invited

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 20, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering amendments to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Silver City, NM, control zone and transition area. The FAA believes this action will enhance instrument flight rules (IFR) operations at the Silver City-Grant County Airport by providing additional controlled airspace for aircraft executing instrument approach procedures established for the airport. Subpart F and Subpart G of Part 71 were republished in the **Federal Register** on January 2, 1979 (44 FR 353) and (44 FR 442) respectively.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes:

1. To amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) by altering the Silver City, NM, control zone as follows:

Silver City, N. Mex.

Within a 6.5 mile radius of the Silver City-Grant County Airport (latitude 32°37'56"N., longitude 108°09'15"W.) and within 3 miles either side of the Silver City VORTAC 140° radial extending from the 6.5 mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

2. To amend § 71.181 (14 CFR Part 71) as republished (44 FR 442) by altering the Silver City, NM, transition area as follows:

Silver City, N. Mex.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56"N., longitude 108°09'15"W.) and within 3.5 miles either side of the 107° bearing from the Cozey LOM (latitude 32°37'55"N., longitude 108°03'44") extending from the 10.5-mile radius to 8.5 miles east of the LOM.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas, on July 6, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-22303 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-CE-17]

Transition Area, Cherokee, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Cherokee, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cherokee, Iowa Municipal Airport, which is based on a Non-Directional Radio Beacon (NDB) being installed on the airport.

DATES: Comments must be received on or before August 26, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 26, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cherokee, Iowa. To enhance airport usage by providing instrument approach capability to the Cherokee Municipal Airport, the City of Cherokee, Iowa, is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Cherokee, Iowa, at and above 700 feet above ground level (AGL), within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Cherokee, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Cherokee Municipal Airport (latitude 42°43'55" N, longitude 95°33'22" W), and within 3 miles each side of the 206° true bearing from the Cherokee NDB (latitude 42°43'55"N, longitude 95°33'10"W), extending from the 6½ mile radius area to 8½ miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

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

Issued in Kansas City, Missouri, on July 9, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

[FR Doc. 79-22304 Filed 7-18-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-WE-2]

Designation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new airway from Pomona, Calif., soutward to V–23 airway thence along V–23 to Mission Bay, Calif. This route is used as a preferential route between Los Angeles, Calif., and San Diego, Calif., areas. Designation of this route as an airway will reduce the time required for flight planning and communication.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 79–WE–2, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation

Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before Aug. 20, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments summitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by sumitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate an airway from Mission Bay to Pomona via Oceanside, Calif.; and the INT of the Pomona 179° T (164° M) and Oceanside, 316° T (301° M) radials.

This action would permit the use of an airway by pilots using this route between the Los Angeles and San Diego areas thereby reducing the time needed to flight plan and communicate the desired route to air traffic control.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under § 71.123

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

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348)(a) and 1354(a)); sect. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of techincial requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on July 13, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79–22307 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 71]

[Airspace Docket No. 79–GL–42]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Gaylord, Michigan to accommodate a relocation of the Gaylord Very High Frequency Omnidirectional Range (VOR) and revised instrument approach procedures into the Otsego County Airport, Gaylord, Michigan. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–42, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the revised procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–42, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Gaylord, Michigan. Subpart G of Part 71 was published in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

§ 71.181 (44 FR 442) the following transition area is amended to read:

Gaylord, Mich.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Otsego County Airport, Gaylord, Michigan (latitude 45°01'00" N; longitude 84°41'45" W) and within an 8.5 mile radius of the Gaylord (GLR) VORTAC (latitude 45°00'45.3" N; longitude 84°42'14.5" W) and 4.0 miles south and 4.0 miles north of the 282° true radial of the GLR VORTAC extending from the 8.5 mile radius out to 13.0 miles, and within 5.0 miles north and 5.0 miles south of the 274° true bearing of the Alpine (ALV) NDB (latitude 45°04'58" N; longitude 83°33'25" W) extending from the 8.5 mile radius out to 13.0 miles.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-42, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-21992 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-43]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Watersmeet, Michigan to accommodate a new Non-Directional Radio Beacon (NDB) Runway 9 and 27 instrument approaches into NRC Airport, Watersmeet, Michigan established on the basis of a request from the NRC Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-43, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: A small portion of airpsace will be designated at 1200 feet above ground. In addition, the floor of the controlled airspace in this area will be lowered to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or argument as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-43, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 and 1200 foot controlled airspace transition area near Watersmeet, Michigan. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following additions should be made to the existing transition area:

Watersmeet, Mich.

That airspace extending upward from 700 feet above the surface within an 8.5 statute mile radius of the NRC Airport, Watersmeet, Michigan (latitude 46°17'15"N, longitude 89°16'35"W), excluding that portion which overlaps the Land-O-Lakes transition area; and that airspace extending upward from 1200 feet above the surface within 9.5 miles north and 4.5 miles south of the 265° true bearing of the Watersmeet (RXW) NDB (latitude 46°17'28"N; longtitude 89°16'43"W) extending 18.5 miles east of the NDB and 9.5 miles north and 4.5 miles south of the 100° true bearing of the RXW NDB extending 18.5 miles west, excluding that portion which overlaps the Land-O-Lakes and the Boulder Junction transition areas and that 1200 foot airspace designated to encompass VOR Federal Airways V430, V63, and V91E.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation

prepared from this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-43, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-21993 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-44]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near North Lima, Ohio to accommodate a new Very High Frequency Omni-directional Range (VOR) instrument approach into Youngstown Elser Metro Airport, North Lima, Ohio established on the basis of a request from the Elser Metro Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-44, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submittting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-44, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near North Lima, Ohio. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing transition area:

North Lima, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius area of the Youngston Elser Metro Airport (latitude 40°57'30" N., longitude 80° 40' 30" W.), within 2.5 miles each side of the Akron, Ohio VORTAC 110° radial extending from the 5.5 mile radius area to 7 miles norhtwest of the airport excluding that protion that coincides with the Youngstown, Ohio transition area.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-44, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-21994 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-27]

Proposed Alteration to Control Zones and Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this Federal action is to alter and more accurately define the transition areas and control zones airspace near Sault Ste. Marie, Michigan. These changes are a result of recent major airport changes in this area, which saw the Kincheloe Air Force Base close, the Chippewa County Airport open on the site of the previous Air Force Base (AFB), followed by the closing of the Sault Ste. Marie Municipal Airport. The intended effect of this action is to insure segregation of the

aircraft using the new and revised instrument approach procedures at the Chippewa County Airport in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–27, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: All of the previous airspace within the control zones and transition areas of Sault Ste. Marie, Michigan (Kincheloe AFB), Sault Ste. Marie, Michigan (Municipal Airport), and Sault Ste. Marie (Ontario, Canada) which fall within United States airspace authority will be cancelled and simultaneously replaced with new airspace which reflects the current requirement. The airspace herein designated will insure that the instrument procedures will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the areas of instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–27, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition areas airspace, and is considering an amendment to Subpart F of Part 71 to alter the control zones near Sault Ste. Marie, Michigan. Subparts G and F of Part 71 were published in the Federal Register on January 2, 1979 (44 FR 353 and 44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend §§71.171 and 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition areas are amended to read:

Sault Ste. Marie, Mich.

That airspace extending upward from 700 feet above the surface within 8.5 statute miles of the Chippewa County Airport (latitude 46°14'52", longitude 84°28'15" estimated).

Sault Ste Marie, Ontario, Canada

Over the United States, that airspace extending 700 feet above the surface within 8.5 statute miles of the Sault Ste Marie, Ontario Airport; (latitude 46°29' N., longtitude 84°31' W. estimated); and within 1.75 statute miles each side of 297° (T) bearing from the geographical center extending from the 8.5 statute miles radius to 12 statute miles northwest.

In § 71.171 (44 FR 353) the following control zones are amended to read:

Sault Ste. Marie, Mich.

Within a 5 statute mile radius of the Chippewa County International Airport (latitude 46°14'52", longitude 84°28'15" estimated). This zone effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Sault Ste. Marie Ontario, Canada

Over the United States, within a 5 statute mile radius of the Sault Ste. Marie, Ontario Airport (latitude 46°29' N., longitude 84°31' W. estimated) and within 1.75 statute miles north of the 108° (T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 5.5 statute miles southeast, and within 1.75 statute miles each side of the 118° (T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 11 statute miles southeast, and within 1.75 statute miles each side of 293° (T) bearing from the geographical center of the airport extending from the 5 statute miles radius zone 5.5 statute miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61)).

The Federal Aviation Adminstration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–27, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79–22001 Filed 7–18–79; 8:45 am]

BILLING CODES 4910–13–M

[14 CFR Part 71]

[Airspace Docket No. 79–GL–32]

Proposed Cancellation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to cancel controlled airspace near Homer, Illinois which was designated in an earlier Docket 77–GL–27, to accommodate a planned Non-Directional Radio Beacon (NDB) instrument approach procedure into the Homer Airport. Airport officials now advise that the radio aid which was to support this approach and which has been in various stages of planning and installation will now be abandoned. Therefore the 700 foot transition area

airspace is not required, and must be returned for other use.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–32, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The existing 700 foot transition area previously designed in 1977 is cancelled and the floor of controlled airspace in this area will be raised from 700 feet to 1200 feet above the surface. In addition aeronautical maps and charts will be changed to reflect this change.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–32, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before Augues 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be abailable, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposal rulemaking (NPRM) by submitting a request to the Federal Aviation Administration Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Homer, Illinois. Subpart G of Part 71 was published in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition area is cancelled:

Homer, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Homer Airport (latitude 40°01'35"N., longitude 87°57'10"W); and within 3 miles each side of the 151° bearing from the Homer Airport, extending from the 5-mile radius area to 8.5 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–32, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region

[FR Doc. 79–22002 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 71]

[Airspace Docket No. 79–GL–41]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Flora, Illinois to accommodate a new Non-Directional Radio Beacon (NDB) Runway 21 instrument approach into Flora Municipal Airport, Flora, Illinois established on the basis of a request from the Flora Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–41, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–41, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date

for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controled airspace transition area near Flora, Illinois. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing transition area:

Flora, Ill.

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Flora Municipal Airport (FOA) (latitude 38°39'55"N., longitude 88°27'10"W.), and within 3 miles each side of the 042° bearing from the FOA NDB, extending from the 5-mile radius to 8 miles NE of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61.))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administation, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–41, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79–22003 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Parts 71 and 75]

[Airspace Docket No. 79–EA–10]

Alteration of Airways and Jet Routes at Front Royal, VA.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V–3, V–4, V–39,V–92, V–143,V–174 Airways and J–6, J–30, J–109, J–134, J–162 Jet Routes as a result of the requirement to relocate the Front Royal VORTAC a distance less than 5 miles, and rename it Shawnee. This relocation is caused by the inability of FAA to renew the land lease at the present location.

DATE: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 79–EA–12, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) that would realign V–3, V–4, V–39, V–92, V–143, V–174 Airways and J–6, J–30 and J–109 Jet Routes via the direct radials of Shawnee rather than Front Royal. It is also proposed to realign J–134 from Falmouth, Ky., via Henderson, W. Va.; INT of the Henderson 083°T (086°M) and Shawnee, Va., 262 T (270°M) radials (to overlie Elkins, W. Va.,) then to Shawnee. And to use the Shawnee 281°T (289°M) radial in the description of J–162 so that it will continue to overlie the GRAFF INT southeast of Bellaire, Ohio. Inability of the FAA to renew the land lease at the site of the Front Royal VOR is the reason for relocating the VOR the airways and jet routes. Restricted area R–6705 at Juan de Fuca, Wash., has been revoked. For this reason there is no longer a requirement to exclude it from the description of V–4 Airway.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123, § 71.203, § 71.207 of Part 71 and further amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75 as republished (44 FR 307, 637, 645, 722), and amend (44 FR 23208) as follows:

Under § 71.123—

In V–3 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–4 "Front Royal" is deleted and "Shawnee" is substituted therefor.

Also all after "Armel, Va." is deleted.

In V–39 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–92 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–143 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–174 "Front Royal" is deleted and "Shawnee" is substituted therefor.

Under § 71.203— "Front Royal, Va." is deleted and "Shawnee, Va." is added.

Under § 71.207 "Front Royal, Va." is deleted and "Shawnee, Va." is added.

Under § 75.100—

In Jet Route No. 6 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In Jet Route No. 30 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In Jet Route No. 109 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In Jet Route No. 134 all after "Falmouth, Ky.;" is deleted and "Henderson, W. Va.; INT Henderson 083° and Shawnee, Va., 262° radials; to Shawnee." is substituted therefor.

In Jet Route No. 162 all after "Bellair 142°" is deleted and "Shawnee, Va. 281° radials; to Shawnee." is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued In Washington, D.C., on July 10, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79–21995 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 73]

[Airspace Docket No. 79–GL–2]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter restricted area R–3404, Crane, Ind., by (1) increasing the restricted area ceiling from 1,800 feet MSL to 2,500 feet MSL, (2) changing the controlling agency to Federal Aviation Administration, Indianapolis Air Route Traffic Control Center (ARTCC) and (3) reducing the time of designation. This action is necessary because recently developed technical data indicate that fragments from demolition activities could reach an altitude above the current restricted area ceiling.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79–GL–2, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois. All communications received on or before August 20, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.34 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter restricted area R–3404, Crane, Ind., by increasing the ceiling from 1,800 feet MSL to 2,500 feet MSL and changing the controlling agency to Indianapolis ARTCC because of ATC considerations. Additionally, the time of designation would be reduced to summer months with NOTAM provisions for other times. Increasing the ceiling of the restricted area is necessary because recently developed technical data indicates that fragments from demolition activities at the Crane Naval Weapons Support Center could pose a hazard to aircraft up to an altitude of 2,300 feet MSL. This type demolition has been suspended pending a determination on this proposal. The reduced time of designation would restore airspace to public use a greater portion of the year.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.34 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 691) as follows:

Under R–3404, Crane, Ind.

1. Designated Altitudes. "1,800 feet MSL." is deleted and "2,500 feet MSL." is substituted therefor.

2. Controlling Agency. "Terre Haute Flight Service Station." is deleted and "Indianapolis ARTC Center." is substituted therefor.

3. Time of Designation. "Sunrise to sunset." is deleted and "Sunrise to sunset daily from May 1 through and including November 1. Other times by NOTAM 24 hours in advance." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on July 13, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-22312 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Ch. I]

[Docket Nos. RM78-7, etc.]

Termination of Various Proposed Rulemaking Proceedings; Final Order

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final order.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has issued the order herein to terminate all proceedings relating to Docket Nos. RM78-7, RM78-8, RM78-14, RM77-12, RM77-13, RM77-16, RM77-23, RM75-7, RM75-12, RM75-19, RM75-20, RM74-17, and R-417. The majority of these proposals have been obviated by various sections of the Natural Gas Policy Act of 1978. The others have been superseded by delegations or other various sections of the Department of Energy Organization Act or the Public Utility Regulatory Policies Act of 1978.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Clarence Burris, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8106, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-0422

SUPPLEMENTARY INFORMATION:

July 12, 1979.

Termination of various proposed rulemaking proceedings, Docket Nos. RM78-7, RM78-8, RM78-14, RM77-12, RM77-13, RM77-16, RM77-23, RM75-7, RM75-12, RM75-19, RM75-20, RM74-17, and R-417.

The Federal Energy Regulatory Commission (Commission) [1] hereby gives notice that for the reasons stated below, the above-captioned proposed rulemakings should not be promulgated. Therefore, all proceedings relating to their implementation are terminated.

Summary of Terminated Rulemaking Proceedings

(1) Proposed Exemptions for Temporary Sale, Delivery or Transportation Arrangements of Natural Gas From Certificate Requirements—(RM78-7)

RM78-7 was initiated in order to consolidate and modify the previously existing regulations regarding 60-day emergency natural gas purchases. As originally contemplated, RM78-7 would have redefined the transportation and sale in interstate commerce of exempted emergency natural gas sales.

The procedural history of Docket No. RM78-7 is as follows:

(1) A Request for Comments was issued April 14, 1978. A number of issues were raised by the Commission so that the Notice of Proposed Rulemaking in this proceeding could reflect, to the maximum extent possible, the views of interested members of the public. Comments were received and evaluated.

(2) A Notice of Proposed Rulemaking was issued on August 14, 1978. Further comments were requested, received, and evaluated as a result of the notice.

Interim Regulations Implementing the Natural Gas Policy Act of 1978 (Pub. L. No. 95-621) (NGPA) (RM79-3) were issued by the Commission on November 29, 1978 (effective December 1, 1978). Because of the NGPA, the Commission utilized a different approach for emergency sales of natural gas. Specifically, 18 CFR 157.45 to 157.53 were included in the interim regulations which addressed emergency purchases of natural gas.

Since RM79-3 addressed questions and implemented a rule that RM78-7 was designed to implement, there is no need to continue proceedings relating to RM78-7.

(2) Disposal of Interests in Lands Within Licensed Projects—(R-417)

R-417 was originally proposed in order to simplify Commission procedures for the conveyance of lands within the boundaries of licensed hydroelectric power projects. A key element of the proposal was the Commission's intention that such transactions be conducted in accord with sound environmental management principles.

Accordingly, it was proposed that authority to pass upon applications of transfer that were characterized as routine should be delegated to the Secretary of the Commission. All other applications, including those transfers having a possible significant environmental impact, were to be decided by the Commission.

The expected benefits of this approach were twofold: the transfer process in most cases would be expedited, and the Commission would be free to spend its time considering more important matters.

The procedural history of R-417 is as follows: (1) A Notice of Proposed Rulemaking was issued on April 7, 1971. Comments were received and evaluated.

(2) A Renotice of Proposed Rulemaking and Request for Comments was issued on August 3, 1973. In response to issues raised by the preliminary comments, the Commission issued a revised version of the proposal. This second version proposed to eliminate any delegations of authority regarding transfer of project lands to the Secretary. It also set down specific guidelines regarding filing schedules. Further comments were received and evaluated. No rulemaking was issued.

On November 7, 1974, a letter from the chief, Bureau of Power (since October 1977, the Director of the Office of Electric Power Regulation) was sent to all licensees explaining the policy of the Commission regarding transfer of project lands.

On August 14, 1978, the Commission issued RM78-19, Delegation of the Commission's Authority to Various Staff Office Directors. The authority to pass upon applications to convey project lands was delegated to the Director of the Office of Electric Power Regulation under 18 CFR 3.5(g)(4).

The delegation contemplated in R-417 has been dealt with by RM78-19. There is no longer any rationale for further consideration of Docket No. R-417 by the Commission. Therefore, all proceedings relating to R-417 are terminated.

[1] The term "Commission" when used in the context of action taken prior to October 1, 1977, refers to the Federal Power Commission; when used otherwise, the reference is to the Federal Energy Regulatory Commission.

(3) Revision of §§ 2.56(a), 154.94 and 260.6 of Title 18, Code of Federal Regulations, To Eliminate Certain Rate Change Filing Requirements—(RM78–14)

RM78–14 was initiated in order to substitute a single filing for what had previously been a series of filings. Specifically, § 2.56(a) and § 154.94 were to be amended in order to provide alternative rate change filing requirements with respect to periodic rate escalations and certain tax adjustments.

Rather than require procedures to file each time a rate was to escalate, RM78–14 would have allowed a one-time filing in affidavit form to collect rate and tax escalations, provided that they were within the terms of the applicable contracts for the sale of the natural gas.

The proposal also included changes in the annual reporting requirements of Form No. 108, to bring the entire reporting and filing scheme into harmony.

The purpose of these amendments was to eliminate a flood of filings which were no longer considered necessary to the Commission's purpose of setting just and reasonable rates for the sale of natural gas.

The procedural history of RM78–14 is as follows: (1) A Notice of Proposed Rulemaking was issued on June 9, 1978.

The Commission issued a Notice of Proposed Rulemaking, requesting comments on the proposal. Comments were received and reviewed.

Taking into account the comments received, a final regulation was drafted for Commission consideration on September 19, 1978.

(2) The Passage of NPGA and the Interim Regulations promulgated thereunder by the Commission on December 1, 1978, established a pricing scheme for natural gas that in many respects superceded the system under the Natural Gas Act. Sections 104(b)(1)(A), and 106(a) of the NGPA were among the primary pricing sections for producers of natural gas committed or dedicated to interstate commerce. Because the Commission believed that monthly filings for such procedures were no longer necessary, the Interim Regulations provided a blanket affidavit filing procedure to alleviate the reporting burden placed on such producers, so that quarterly and monthly filings for routine price escalators were no longer required.

Since RM79–3 addresses the questions contemplated in RM78–14, RM78–14 should be terminated.

(4) Exemption From Certificate Regulations of Certain Sales of Natural Gas Flared Prior to Coal Mining Operations—(RM77–23)

RM77–23 was originally prepared to stimulate the sale of natural gas produced as a by-product of coal mining operations. By exempting such gas from Commission certification procedures, the producer would have had an incentive to sell, rather than flare gas. The proposal would have explicitly exempted methane produced as a by-product of a coal mining operation from any rate requirements established by the Commission for the sale of natural gas in interstate commerce.

The procedural history of Docket No. RM77–23 is as follows: (1) A Notice of Proposed Rulemaking was issued on September 7, 1977.

(2) Comments were received by September 7, 1977, and were evaluated.

(3) Section 107 of the NGPA now prescribes the rates to be charged for natural gas of this type. Section 601(a)(1)(A) of the NGPA exempts such gas from any certificate requirements imposed by the Natural Gas Act.

Since the rulemaking has been superceded by the NGPA the need for RM77–23 has been obviated.

(5) Optional Procedures for Certifying Producer Sales—(RM78–8)

This proceeding was initiated by a petition from the New York Public Service Commission on April 20, 1978, requesting that the Commission terminate 18 CFR § 2.75 relating to optional certificate procedures for gas producers.

Although characterized and docketed as a rulemaking, the petition has never given rise to a Notice of Proposed Rulemaking or any similar Commission proceeding. Section 2.75 provides gas producers the opportunity to obtain a higher rate than the national rate for new gas reserves not already dedicated to the interstate market or form a well commenced on or after April 6, 1972.

The provisons of § 2.75 have been effectively superseded by §§ 104(b)(2) and 106(c) of the NGPA.

Therefore, all proceedings relating to RM78–8 should be terminated.

(6) Natural Gas Rates for the State of Alaska—(RM77–16)

RM77–16 was initiated as a result of a petition filed by the Atlantic Richfield Company (ARCO) requesting clarification of Commission policy regarding rates to be charged for natural gas produced in the State of Alaska.

Arguing that a need for economic and regulatory certainty is necessary for natural gas companies to maintain a coherent production policy, ARCO and supporting petitioners, including the State of Alaska, requested that the Commission set the rate for Alaskan gas at the highest national rate for jurisdictional sales applicable to "new" natural gas under the Natural Gas Act.

The procedural history of RM77–16 is as follows: (1) ARCO filed a petition requesting a proceeding to set a price for Alaskan Gas. ARCO's request for a definitive exposition of Commission policy regarding the price of Alaskan gas was only the first among many such requests. Major producers, pipelines and the State of Alaska supported ARCO in its request. During the weeks immediately following March 31, 1977, the Commission received the remainder of the supporting petitions.

(2) Section 109(a)(4) of the NGPA provides for the computation of a maximum lawful price for natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transporation system approved under the Alaska Natural Gas Transportation Act of 1976.

The issue raised by ARCO has been resolved by the provisions of the NGPA and the implementing regulations promulgated by the Commission. Specifically, 18 CFR 271.902 sets the maximum lawful price for natural gas produced in the Prudhoe Bay Unit of Alaska.

Therefore, proceedings relating to RM77–16 should be terminated.

(7) National Rates for Natural Gas—(RM77–13)

RM77–13 was initiated in order to establish prospective national rates for gas produced from wells which were commenced on or after January 1, 1977, for the two year period from January 1, 1977, to December 30, 1978. The proceeding was commenced so that interested persons could provide the Commission with relevant information regarding the proper basis for the setting of such rates. No specific rate structure was proposed by the Commission at that time.

The procedural history of RM77–13 is as follows: (1) An Order Instituting the Proceeding was issued on March 1, 1977. The deadline for submissions of proposed rate structures was set for August 1, 1977. Comments on all filed proposed rate structures were due on October 1, 1977.

(2) A Notice of Extension of Time was issued on July 12, 1977. The Commission received a variety of requests from

interested parties to extend the original deadlines for submissions in the rate proceeding. As a result of such requests, the time for filing proposed rate structures was extended to October 3, 1977. December 5, 1977 was set as the date by which all comments on such filings were due.

(3) A Notice of Further Extension of Time was issued on September 30, 1977. As a result of the then pending National Energy Act, and the concomitant reorganization of the FPC as the FERC, the Commission "extended and postponed for an indefinite period of time"[2] all proceedings relating to RM77–13.

(4) The NGPA provides for the rate structures that were under consideration in RM77–13. A detailed pricing mechanism for natural gas is an integral component of the legislation. Therefore, it is in the public interest that all proceedings relating to RM77–13 be terminated.

(8) End-Use Rate Schedules—(RM75–19).

RM75–19 was initiated in order to establish "end-use" rate design methods for determining rates for wholesale sales for resale of natural gas in interstate commerce. Pipeline rate schedules and contracts would be required to be filed based on the use of the gas (*i.e.*, industrial, or nonindustrial). An amendment of 18 CFR 154.38 would be necessary to accomplish this goal.

The procedural history of RM75–19 is as follows: (1) A Notice of Proposed Rulemaking with request for comments was issued on February 20, 1975. Comments were requested to be filed no later than April 30, 1975.

(2) A Notice was issued on April 18, 1975 establishing the time to respond to comments. May 21, 1975 was set as the deadline for filing reply comments to the initial filings. The Commission received several motions for extensions of time in which to file replies.

(3) A Notice was issued extending the time for filing initial comments until June 2, 1975. The deadline for reply comments was extended to June 23, 1975. More than 200 filings were received.

(4) A Notice of Further Extension of Time was issued on May 30, 1975. The time for filing initial comments was further extended until June 19, 1975. Reply comments were due by July 2, 1975.

A series of filings were received as a result of the May 30 Notice. Requests for waivers of certain rules of participation, initial comments, reply comments, motions for further extensions of time and impact statements were received by the Commission. The Docket has been inactive since August of 1975.

RM75–19 predates the enactment of the NGPA. The rate structure proposed in RM75–19 is superseded by the pricing provisions of the NGPA.

Title II of the NGPA mandates an incremental pricing scheme that in many respects obviates the need for further consideration of RM75–19. Any information that might have been gathered under RM75–19 to effectuate the substantive purpose of the rule is now permitted to be gathered by section 603 of the NGPA. A fresh approach to such a task is considered the most efficient method of fulfilling the statutory mandate of the National Energy Act.

Therefore, RM75–19 should be terminated.

(9) Amendments to Schedule Pages 104 and 105 of Annual Report Forms No. 1 and No. 2 To Extend Reporting of Business Interests and Securities Held by Company Officers and Directors—(RM75–7)

RM75–7 was inititated as a result of a Congressional intention that a more extensive and comprehensive reporting requirement be imposed on officers and directors of electric utilities and natural gas companies. The rulemaking would require that annual reports of jurisdictional companies contain a statement disclosing any such "outside" officership or directorships of officers or directors of a public utility. The primary business of any "outside" company must be disclosed. If an officer or director maintains a 10 percent controlling interest in the common stock of another company, that fact would be required to be disclosed. The means of control of such stock, the primary business of such "outside" company, and the nature and extent of transactions between the reporting company and the "outside" company would also be required to be filed. In short, no hidden interlocking officerships or directorships would be tolerated.

The procedural history of RM75–7 is as follows: (1) A Request was received from Senator Metcalf dated April 29, 1974, to Chairman Nassikas to undertake a Rulemaking to Effectuate Corporate Disclosure.

(2) A Notice of Proposed Rulemaking was issued by the Commission on August 29, 1974.

(3) Comments were received by October 15, 1974. A final rule was drafted for Commission approval on November 6, 1975. There has been no action on RM75–7 since that time.

The proposal predates the Department of Energy Organization Act (DOE Act)[3] and its provisions for Commission access to "existing information in the possession of "[a] * * * Federal agency," (section 407(a)), and for the establishment of the Energy Information Administration (EIA).

The EIA was established to "collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statitistical information, or which is relevant to the adequacy of energy resources * * *." (DOE Act, section 205(a)(2)). While this mandate is somewhat limited, it nonetheless may provide for some of the information requested under proposed RM75–5. EIA information is available to the Commission under section 407(a) of the DOE Act.

The proposal also predates the specific provisions of section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[4]

Section 211 of PURPA ("Interlocking Directorates") requires the filing of a written statement with the Commission by an officer or director of an electric utility of positions held in certain specified entities. Included in these entities are investment companies, underwriters, producers and suppliers of electric equipment and major purchasers of electric power. These filings are to commence no earlier than April 30, 1980. Under the terms of PURPA, the Commission must promulgate rules as to the form and manner of such filings. Given the express mandate of PURPA, RM75–7 would have to be revised and reissued.

The Commission has decided that a majority of the information it requires is available through those sources indicated and that the burden on reporting entities of providing additional information would outweigh the benefit of the Commission in compiling it.

Therefore, proceedings relating to RM75–7 should be terminated.

(10) Amendments to Schedule Pages 106, 219, and 221 of FPC Annual Report Forms No. 1 and No. 2 To Extend Reporting of Security Holders and Voting Power Disclosure and Debt-holder Disclosure—(RM74–17).

RM74–17 was initiated to augment certain reporting requirements imposed on companies subject to Commission

[2] Commission Notice of Further Extension of Time. September 30, 1977.

[3] 42 U.S.C. 7107 *et seq.*

[4] Pub. L. No. 95–617.

jurisdiction. Specifically, Forms No. 1 and No. 2 were to be amended so that jurisdictional natural gas and electric companies would be required to:

(a) List their top 30 security holders, rather than the top 10, as is currently required;

(b) Report stockholders by institutional or individual name rather than "street" name;

(c) Disclose the identity of any holders of more than 5 percent of debt, or $500,000, whichever is less; and

(d) Report the name and address of any holder of a note payable to associated companies.

The procedural history of RM74–17 is as follows: (1) A Notice of Proposed Rulemaking was issued on April 19, 1974. Substitute attachments were issued by the Commission to correct errors, ommissions and illegible sections in the previous notice.

(2) A Notice of Extension of Time was issued on May 29, 1975. The filing deadline for comments was set for July 2, 1974.

(3) A final rulemaking was placed on the Commission Agenda on October 29, 1975.

(4) The rulemaking was postponed indefinitely by the Commission on December 3, 1975. Under the provision of the Public Utility Holding Company Act of 1935 (the Act), the SEC has authority to require public utility holding company statements, reports, and records relating to security interests of officers and directors, (15 U.S.C. 79g); intercompany transactions, (15 U.S.C. 79(1)); and the acquisition of assets and securities, (15 U.S.C. 79i). Under this Act, a public utility holding company is defined as a "company which directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company * * *." (15 U.S.C. 79b(a)(7)(A)) or "any person" which the Commission determines as holding a "controlling influence over the management or policies of any public utility or holding company" (15 U.S.C. 79b(a)(7)(B)). "Public Utility" as used in the Act encompasses electric utility companies and those gas utility companies which own or operate facilities used for retail distribution of natural or manufactured gas (15 U.S.C. 79b(a)(3), (4)). It would appear then that the Commission could obtain much of the information sought under RM74–17 through recourse to section 407(a) of the DOE Act.

The EIA was established to "collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources * * *." DOE Act, section 205(a)(2). While this mandate is somewhat limited, it nonetheless may provide for some of the information needed under RM74–17. As with information gathered by the SEC, EIA information would be available to the Commission under section 407(a) of the DOE Act.

On balance, the burden placed on reporting entities outweighs the benefit to the Commission in compiling this information. Therefore, it is in the public interest that all proceedings relating to RM74–17 be terminated.

(11) Revisions to FPC Annual Report Forms No. 1 and No. 2 To Obtain Future Financing Requirements—(RM75–12)

RM75–12 was initiated to increase the period of time for which reports must be made by jurisdictional electric utilities and natural gas companies. Specifically, they would be required to report estimated future financing requirements for a five year period. As a result, the Commission would have a somewhat more comprehensive overview of the prospective financial needs of such companies, and would be more able to "give proper consideration to regulatory action which may be required to facilitate the acquisition of capital needed by utilities to maintain adequate and reliable services to their customers and to the Nation." [5]

The procedural history of RM75–12 is as follows: (1) A Notice of Proposed Rulemaking was issued on November 6, 1974. Comments were requested to be filed no later than December 23, 1974.

(2) A Notice of Extension of Time was issued on December 19, 1974. The due date for comments was extended until February 21, 1975.

(3) A Final Rulemaking was drafted on July 3, 1975. The Commission took no action on the rulemaking. The docket has been inactive since July, 1975.

The proposal surfaced at a time when there was concern about the ability of utilities to raise necessary capital.[6] The proposal predates the DOE Act and its provisions for Commission access to "existing information in the possession of "[a] * * * Federal agency," (section 407(a)) and for the establishment of the EIA. The proposal also predates the information-gathering powers of the Commission under section 508(b) of the NGPA.

The EIA was established to "Collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, damand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources * * *." (DOE Act, section 205(a)(2) While this mandate is somewhat limited, it nontheless may provide for some of the information requested under RM75–12. As with information gathered by the SEC, EIA information would be available to the Commission under section 407(a) of the DOE Act.

With respect to the natural gas industry, there is some question as to the availability of the information sought. A five year financial forecasting horizon for this industry may be difficult, if not impossible, given current accepted industry practice.

If, in the future, the Commission deems it necessary to collect the type of data sought under RM75–12, a new rulemaking proceeding based upon more current statutory authority would be advisable.

Therefore, it is in the public interest that all proceedings relating to RM75–12 be terminated.

(12) Revisions of Certain Schedule Pages of FPC Annual Report Forms No. 1 and No. 2 To Obtain Additional Information on Non-Utility Affiliates—(RM75–20)

RM75–20 was initiated so that reporting schedules required to be filed by jurisdictional natural gas and electric utility companies would be amended to require:

(1) Disclosure of certain information relating to any direct or indirect control of a regulated company over a subsidiary; and

(2) Disclosure of intercompany transactions within a corporate group when a regulated company is itself a subsidiary of a larger entity.

The procedural history of RM75–20 is as follows: (1) A Notice of Proposed Rulemaking was issued on February 25, 1975. Comments were required to be filed by April 11, 1975.

(2) Notice of Extension of Time to file comments was issued on April 7, 1975. Responding to a petition of the American Gas Association, the Commission extended the due date for comments until June 9, 1975.

(3) A final rulemaking was drafted for Commission consideration on September 15, 1975. The Commission took no action on the final rule. On

[5] Notice of Proposed Rulemaking, page 2.

[6] FPC Office of Accounting and Finance, Study of the Electric Utility Industry, September 11, 1974.

February 25, 1976, action was postponed indefinitely.

The proposal surfaced at a time when there was concern as to who controlled public utilities and the availability of information respecting that control. As drafted, it rested upon the presumption that the then existing information gathering authority of the Commission reached the information described and that this information was available to those reporting to the Commission. The proposal also predates the DOE Act and its provisions for Commission access to "existing information in the possession of [a] * * * Federal agency," (section 407(a)) and for the establishment of the EIA. The proposal also predates the Commission's power to gather information under section 508(b) of the NGPA. Moreover, the proposal does not consider the availability of data from the SEC.

Under provisions of the Public Utility Holding Company Act of 1935, the SEC has broad authority to require public utility holding company statements, reports, and records relating the intercompany transactions, (15 U.S.C. 79(1)); and the acquisition of assets and securities, (15 U.S.C. 79i). Under this Act, a public utility holding company is defined as a "company which directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company * * *." 15 U.S.C. 79b(a)(7)(A); or "any person" which the Commissin determines as holding a "controlling influence over the management or policies of any public utility or holding company." (15 U.S.C. 79b(a)(7)(B)). "Public utility" as used in the Act encompasses electric utility companies and those gas utility companies which own or operate facilities used for retail distribution of natural or manufactured gas. (15 U.S.C. § 79b(a)(3), (4)). It would appear then that the Commission could obtain much of the information sought under RM75–20 through recourse to section 407(a) of the DOE Act.

The EIA was established to "collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources * * *." (DOE Act section 205(a)(2)). While this mandate is somewhat limited, it nonetheless may provide for some of the information requested under RM75–20. As with information gathered by the SEC, EIA information would be available to the Commission under section 407(a) of the DOE Act.

With respect to the natural gas industry in particular, the proposed rulemaking may be redundant. Only very few companies in that industry would be involved and current filing requirements capture necessary information as to affiliations. Therefore, it is in the public interest that all proceedings relating to RM75–20 be terminated.

(13) Request by Shell Oil Co. for a Notice of Proposed Rulemaking To Establish an Interim Rate for Sales of Natural Gas During the 1977–78 Biennium—(RM77–12)

RM77–12 was initiated as a result of a petition filed by the Shell Oil Company for a Notice of Proposed Rulemaking to set an interim rate for the 1977–78 Biennium. The petition requested that a prospective rate be set by the Commission based on the 1977–78 intrastate contract prices. Economic certainty and competitive pressures were both cited as reasons for Commission action.

The Commission opened RM77–12, and received several supporting petitions of other natural gas producers. No other action has been taken.

Provisions of the NGPA have superseded any need for the Commission to act on this matter.

Natural gas pricing provisions of the NGPA, and the implementing regulations promulgated by the Commission (RM79–3), have effectively rendered the Shell petition moot. Therefore, all proceedings relating to RM77–12 should be terminated.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22265 Filed 7–18–79; 8:45 am]

BILLING DATE 6450–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[23 CFR Part 1217]

[Docket No. 79–11; Notice 1]

Highway Safety Program; Innovative Project Grants

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The National Highway Traffic Safety Administration is seeking to implement the highway safety innovative grant program under the Surface Transportation Act of 1978, P.L. 95–599, 92 Stat. 2689. This innovative grant program is hoped to provide a true incentive to potential recipients to employ their energy and imagination in the pursuit of highway safety.

DATE: Closing date for comments: October 1, 1979.

ADDRESS: Comments should refer to the docket number and be submitted to: NHTSA, Docket No. 79–11, Room 5108, Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Charles F. Livingston, Office of Driver and Pedestrian Programs, Traffic Safety Programs, NHTSA, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4932.

SUPPLEMENTARY INFORMATION: Section 208 of the Surface Transportation Assistance Act of 1978 added a new section 407 to Title 23, United States Code, authorizing the Secretary of Transportation to make grants to States, their political subdivisions and nonprofit organizations which develop innovative approaches in the area of highway safety. The new grants had been recommended by the Secretary of Transportation in a 1977 report to Congress as the best alternative to the old system of awarding incentive grants to States that reduce their fatality rate or the number of fatalities.

The innovative grant program is expected to provide a true incentive to potential recipients to employ their energy and imagination in the pursuit of highway safety. Although no funds have yet been appropriated for the innovative grant program, NHTSA in consultation with FHWA is proceeding to develop the policies and procedures needed for the implementation of the innovative grant program so that the administrative machinery will be in place when funds are made available.

As the first step of this process, NHTSA is seeking comments on all aspects of innovation in highway safety that might be served by the innovative grant process.

Commenters are urged to address the types of projects where innovative approaches are possible, and the criteria to be used in screening and selecting among innovative project proposals. For example, a proposal would typically consist of three phases: design, operation and evaluation. In ranking the proposals, should the reviewers stress evaluation, which may be very lengthy, over operational innovation? What

value should they ascribe to innovative design whose operation is predicated on the passage of enabling laws or ordinances or on the realignment of basic governmental functions?

Comments are also requested on a means of ensuring that all jurisdictions and groups have an opportunity to compete for available funds, and the ways of ensuring the innovative projects are effectively monitored and evaluated.

NHTSA is seeking proposals for the Innovative Project Grant program on a broad spectrum of highway safety topics and proposals from a wide range of State and local agencies and nonprofit organizations. The agency intends to establish a process that will assure fairness to all proposers in the solicitation, review, and evaluation of proposals so that the projects selected for award will best reflect the principles of the Innovative Project Grant program enacted by Congress.

In particular, the agency seeks comment on a procedure under which it would solicit proposals on an annual basis and employ a panel of State users, private safety sector representatives, and researchers to screen and rank the proposals according to predetermined criteria. The results of the screening would be used by NHTSA to nominate candidate projects for selection and award by the NHTSA Administrator according to the funding availability.

All comments received before the comment closing date above will be considered in the development of a Notice of Proposed Rulemaking, specifying the procedures to be used in the innovative grant process. The NPRM will propose the addition of a new Part 1217, Innovative Project Grants, to Title 23, Code of Federal Regulations.

All comments will be available for examination in the docket at the above address both before and after the comment closing date. To the extent possible, comments filed after the closing date will also be considered. NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date. It is recommended that interested persons continue to examine the docket for new material.

Issued on July 10, 1979.

Charles F. Livingston,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 79-21966 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

[38 CFR Part 17]

Medical Benefits; Proposed Regulatory Development

AGENCY: Veterans Administration.

ACTION: Proposed Regulations.

SUMMARY: The following changes in VA regulations are proposed in implementing the provisions of the Veterans Omnibus Health Care Act of 1976. Changes in definition of terms were made for: (1) VA facilities, (2) hospital care, (3) medical (outpatient) services, (4) domiciliary care, and (5) rehabilitative services.

Several benefits were added as a result of the legislation. These benefits were: (1) Mental health services to the family of a veteran on outpatient treatment; (2) outpatient dental care within the limits of VA facilities for nonservice-connected veterans on a posthospital care basis; (3) expanded home health services to include certain improvements and structural alterations to the homes of eligible veterans; (4) reduction of the percentage of service-connected disability required to make a veteran eligible for outpatient care for any medical condition; (5) changing of the formula for determining the maximum amount payable by the VA (Veterans Administration) for community nursing home care for veterans; (6) elimination of the requirement for wartime service for entitlement to domiciliary care, State home care and hospitalization in the Manila Veterans Memorial Hospital; (7) provision for a policy on the protection of patient's rights; (8) expansion of the VA's authority to enter into sharing agreements and contracts for scarce medical specialist services; (9) authority to provide outpatient treatment on a humanitarian basis; (10) authority to furnish certain immunizations to veterans who are receiving care; and (11) authority to provide care under CHAMPVA (Civilian Health and Medical Program of the Veterans Administration) for the surviving spouse and children of a veteran who died from a nonservice-connected disability while totally and permanently disabled due to a service-connected disability.

In addition to changes in definitions and increased benefits, some restrictions were imposed: (1) Requiring an affidavit of inability to defray costs of beneficiary travel from certain veterans, and paying for only the least expensive suitable mode of travel; (2) limiting most posthospital outpatient followup for nonservice-connected disabilities to 12 months; and, (3) limiting most outpatient care for nonservice-connected veterans to that which can be furnished at health care facilities under VA jurisdiction. (4) The Veterans Omnibus Health Care Act of 1976 also established a priority system for enrolling eligible veterans in outpatient care programs.

DATES: Comments must be received on or before September 17, 1979. It is proposed to make this change effective October 21, 1979.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

Comments will be available for inspection at the address shown above until September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein, Chief, Policies and Procedures Division, Medical Administration Service, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-3785).

SUPPLEMENTARY INFORMATION: The following additional information, in the same numerical order and general topic category, is provided as supplemental information to the summary of changes. Definitions: (1) The term "VA facilities" is added as a new definition in VA regulations. The result is a clarification of where veterans can receive medical care and which veterans can be authorized to receive medical care at contract facilities. (2) Hospital care is redefined to include mental health services provided for the immediate family members of the hospitalized veterans. (3) Medical services redefined includes surgical services, dental services, and appliances, clothing in connection with the wearing of prosthetic appliances, and optometric and podiatric services. Medical services also include consultation, counseling, training and mental health services for the members of the family in connection with treatment of a veteran or of a dependent or survivor of a veteran as defined in 38 U.S.C. 613 and transportation and incidental expenses for any person entitled to VA health care benefits under the provisions of § 17.100. (4) Domiciliary care is redefined to delete the wartime service requirement previously contained in the law. (5) A definition of rehabilitative services is also added to VA regulations.

Supplementary information about added benefits is as follows: (1) Authority has been available for furnishing mental health services to certain veterans on an outpatient basis. Authority is now provided for furnishing certain mental health services to members of the family of such veterans. (2) Section 612 of title 38, United States Code, containing authority for furnishing dental services on an outpatient basis, did not include authority for providing such services for nonservice-connected dental conditions. With the implementation of Pub. L. 94–581 authority was provided to complete dental treatment for nonservice-connected disabilities that has been started while the veteran was receiving VA hospital care. (3) Authority to provide home health services was expanded to include authority for furnishing improvements or structural alterations to the homes of eligible veterans that are necessary for the effective and economical treatment of the veteran's disabilities and necessary for the continuation of such treatment or necessary to provide access to the home or to essential lavatory and sanitary facilities. Limitations on monetary amounts for the benefit are specified in these regulations. (4) Authority provided in section 612(f) of title 38, United States Code, to furnish outpatient care for any disability except dental, to any veteran with a service-connected disability rated at 80 percent or more was expanded to include veterans with service-connected disabilities rated at 50 percent or more. (5) The VA is authorized to contract with community nursing homes to provide intermediate and skilled nursing care. Enactment of Pub. L. 94–581 provided authority to increase the allowable payments to community nursing homes by changing the formula for determining the maximum amount from 40 percent to 45 percent of the cost of care furnished in a VA hospital under the direct jurisdiction of the Administrator. (6) Care in State homes, domiciliaries, and in the Veterans Memorial Hospital in Manila has been limited to veterans who served during a wartime period as defined in 38 U.S.C. 101. With this change the requirement for wartime service is eliminated. (7) Although rights of patients have long been recognized as an integral concern in VA facilities, it has not been a requirement of law to provide for a policy on protection of such rights. A policy on protecting patients' rights will be a requirement for each facility with particular importance placed on the informed consent of the patient prior to any surgical procedure. (8) This law gives the Chief Medical Director the expanded authority to enter into sharing agreements, contracts for scarce medical specialist services and contracts for other medical services. Under the authority of 38 U.S.C. 5053 and 38 U.S.C. 213, the sharing program allows greater latitude for the Department of Medicine and Surgery to provide necessary services. (9) Whereas authority to furnish hospital care as a humanitarian service in emergency cases had been previously codified in 38 U.S.C. 611, no authority was provided to furnish outpatient care for such purposes. With enactment of Pub. L. 94–581 authority is now provided to furnish emergency outpatient care as a humanitarian service and to charge for such services. (10) Authority was provided to administer immunizations to veterans receiving authorized care at VA facilities. The immunization must be requested by the veteran, be part of a national immunization program, and the vaccine must be furnished by the Secretary of Health, Education, and Welfare at no cost to the VA. (11) In the initial legislation authorizing the CHAMPVA program, the surviving spouse and children of a veteran were entitled to CHAMPVA benefits if the veteran died as a result of a service-connected disability. Such dependents will now be entitled to CHAMPVA benefits if the deceased veteran had been totally and permanently disabled from a service-connected disability regardless of the cause of death.

Restrictions imposed on the provision of benefits are as follows: (1) Certain nonservice-connected veterans will no longer be entitled to beneficiary travel unless they certify annually their inability to defray the necessary expense of travel. Authority is provided to limit the amount of travel payment or reimbursement to the cost of travel by public transportation unless public transportation is not reasonably accessible or would be medically inadvisable. (2) No specific time limitation had previously been placed on providing posthospital outpatient care for nonservice-connected disabilities. Pub. L. 94–581 limited such posthospital care to a period of 12 months from the date of discharge from in-hospital care, except where the Administrator determines that a longer period of time is required by virtue of the disability being treated. (3) Outpatient care provided to veterans for nonservice-connected disabilities must be provided in a VA facility as defined in 38 U.S.C. 601. (4) A need was recognized for establishing statutory authority for a priority system of providing outpatient care to different categories of veterans and for affording highest priority for those requiring care for service-connected disabilities. Pub. L. 94–581 established special priorities for furnishing outpatient care except when compelling medical reasons require that such care be provided more expeditiously. (5) In addition, the definition of Vietnam veteran is amended to include the termination date of the Vietnam era as established in Pub. L. 94–202.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until September 27, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: July 11, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 17.30, paragraphs (k), (l), (m), (n), (p) and (u) are revised and paragraphs (v) and (w) are added so that the added and revised material reads as follows:

§ 17.30 Definitions.

* * * * *

(k) *Vietnam era.* The term "Vietnam era" means the period beginning August 5, 1964, and ending on May 7, 1975. (38 U.S.C. 101(29))

(l) *Hospital care.* The term "hospital care" includes:

(1) Medical services rendered in the course of hospitalization of any veteran and transportation and incidental expenses pursuant to the provisions of § 17.100.

(2) Such mental health services, consultation, professional counseling, and training for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent

or survivor or a veteran receiving care under the last sentence of section 613(b) of title 38, United States Code; (38 U.S.C. 601(5)) and

(3) (i) Medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of title 38, United States Code, and (ii) transportation and incidental expenses for such dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation. (38 U.S.C. 601(5))

(m) *Medical services.* The term "medical services" includes, in addition to medical examination, treatment, and rehabilitative services:

(1) Surgical services, dental services and appliances as authorized in §§ 17.60(f), 17.120, 17.123 and 17.123a, optometric and podiatric services, and except for veterans authorized outpatient care under § 17.60(e), wheelchairs, artificial limbs, trusses and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as are medically determined to be reasonable and necessary.

(2) Such consultation, professional counseling, training and mental health services as are necessary in connection with the treatment:

(i) Of the service-connected disability of a veteran pursuant to § 17.60 (a) and (b);

(ii) Of the nonservice-connected disability of a veteran where such services were initiated during the veteran's hospitalization and the provision of such services is essential to permit the release of the veteran from inpatient care;

for the members of the immediate family or legal guardian of the veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran or dependent or survivor of a veteran receiving care under § 17.54(c). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under § 17.54(c) shall be eligible for the same medical services as a veteran.

(3) Transportation and incidental expenses for any person entitled to such benefits under the provisions of § 17.100. (38 U.S.C. 601(6))

(n) *Domiciliary care.* The term "domiciliary care" means the furnishing of a home to a veteran, embracing the furnishing of shelter, food, clothing and other comforts of home, including necessary medical services. The term further includes travel and incidental expenses pursuant to § 17.100.

* * * * *

(p) *Nursing home care.* The term "nursing home care" means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing or intermediate care and related medical services, if such care and services are prescribed by, or are performed under the general direction of, person duly licensed to provided such care. The term includes intensive care where the nursing service is under the supervision of a registered professional nurse. (38 U.S.C. 101(28), 620(e))

* * * * *

(u) *State home.* The term "State home" means a home established by a State (other than a possession) for veterans disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living. The term also includes a home which furnishes nursing home care for such veterans.

(v) *Rehabilitative services.* The term "rehabilitative services" means such professional counseling, and guidance services and treatment programs (other than those types of vocational rehabilitation services for the purpose of restoring employability) as are necessary to restore to the maximum extent possible the physical, mental, and psychological functioning of an ill or disabled person. (38 U.S.C. 601(8))

(w) *Veterans Administration facilities.* The term "Veterans Administration facilities" means:

(1) Facilities over which the Administrator has direct jurisdiction;

(2) Government facilities for which the Administrator contracts; and

(3) Private facilities for which the Administrator contracts when Government facilities are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required in order to provide:

(i) Hospital care or medical services to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged or released from the active military, naval, or air service, or

(ii) Medical services for veterans released from inpatient care to outpatient treatment status or to any veteran who has a service-connected disability rated at 50 percent or more, or

(iii) Hospital care or medical services for the treatment of medical emergenies which pose a serious threat to the life or health of a veteran receiving hospital care in a facility for which the Administrator has direct jurisdiction or a government facility for which the Administrator contracts.

(iv) Hospital care for women veterans, or

(v) Hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the 48 contiguous states. (38 U.S.C. 601(4))

2. In § 17.31, paragraph (b)(3) is revised to read as follows:

§ 17.31 Duty periods defined.

Definitions of duty periods applicable to eligibility for medical benefits are as follows:

* * * * *

(b) *Active duty.* The term "active duty" means

* * * * *

(3) Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecesssor organization the Coast and Geodetic Survey (i) on or after July 29, 1945, or (ii) before that date (*a*) while on transfer to one of the Armed Forces, or (*b*) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (*c*) in the Philippine Islands on December 7, 1941, and continously in such islands thereafter. (38 U.S.C. 101(21)(C))

* * * * *

§ 17.32 [Amended]

3. Section 17.32 is amended

(a) By deleting the word "his" and adding the words "his or her" in paragraph (a)(2).

(b) By deleting the words "he", "for him" and "his home" and inserting the words"he or she", "in order" and "to his or her home" in paragraph (c).

§ 17.33 [Amended]

4. Section 17.33 is amended by delcting "his" and inserting "his or her" in paragraph (a).

5. A new center title and § 17.34 are added as follows:

Protection of Patient Rights

§ 17.34 Informed consent.

(a) For the purpose of this section, the term

(1) "Informed consent" means the knowing grant of permission by an

individual or the individual's legally authorized representative, which is freely given without any element of fraud, duress, deceit, or other form of coercion to the administration or performance of a proposed diagnostic or therapeutic procedure or course of treatment.

(2) "Legally authorized representative" means an individual, organization, or other judicially recognized body empowered under the applicable State law to act on behalf of a legally incompetent individual.

(b) Each informed consent shall include documentation of the following:

(1) The name of the individual.

(2) The date the consent is obtained.

(3) the name(s) of the individual(s) immediately responsible for the performance of the procedure or administration of the treatment.

(4) The procedure to be performed or the treatment to be administered, explained in language which is understandable to the average lay person.

(5) Evidence that reasonable and available alternatives to the proposed treatment or procedure, together with recognized risks of the treatment or procedure and alternatives, were discussed with the individual in language understandable to the average lay person.

(6) An offer to answer inquiries concerning the procedure or treatment.

(7) A clear indication that the individual or the individual's legally authorized representative may withdraw consent at any time without prejudice to the individual.

(8) An authorization for the disposition of any tissue, organ, or body parts.

(9) The signatures of the individual or the individual's legally authorized representative and the person who obtained the consent.

(c) If a proposed course of treatment or procedure involves approved medical research in whole or in part, the individual shall be advised of this. Informed consent shall be obtained specifically for the administration or performance of that aspect of the treatment or procedure which is identified as involving such research. This consent shall be in addition to the consent to be obtained for the administration or performance of the nonresearch aspect of the treatment or procedure and it shall contain the various elements set forth in paragraph (b) of this section.

(d) The Chief Medical Director will establish an appropriate method for the periodic review of patients' consents in order to insure compliance with this section and other regulations and to maintain the protection of the patients' rights. (38 U.S.C. 4131)

§ 17.36 [Amended]

6. Section 17.36 is amended by deleting the word "his" and inserting the words "his or her" in paragraph (b)(1).

§ 17.37 [Amended]

7. Section 17.37 is amended.

(a) By deleting the word "He" and inserting the words "The veteran" in paragraphs (a) and (b).

(b) By deleting "(2) he is suffering from leprosy, or" and inserting "(2) the veteran is suffering from Hansen's disease, or" in paragraph (b).

8. Section 17.38 is amended as follows:

(a) By deleting the word "He" and inserting the words "The veteran" in paragraph (a)(1) and (2) and inserting "a" preceding the word "non-service-connected" in paragraph (a)(2).

(b) By deleting the word "He" and inserting the words "He or she" in paragraph (b)(1) and (2) and deleting the word "he" following "1946" and following the word "and" in paragraph (b)(2).

(c) By revising paragraph (c)(2) to read as follows:

§ 17.38 Hospital or nursing home care at Veterans Memorial Hospital, Philippines.

* * * * *

(c) *For United States veterans.* * * *

(2) Care at the Veterans Memorial Hospital may be authorized for a veteran for a nonservice-connected disability if such veteran is unable to defray the expenses of necessary hospital care and so states under oath. (38 U.S.C. 624(c)).

* * * * *

9. Section 17.47 is amended as follows:

(a) By deleting ", by his personal efforts," and by deleting "station" and inserting "facility" in paragraph (c)(3)(vii).

(b) By deleting "desires" and inserting "or her desire" and deleting "station" and inserting "facility" in paragraph (c)(3)(viii).

(c) By revising paragraph (d), revoking paragraph (e) and redesignating paragraph (f) as paragraph (e) so that the revised paragraphs (d) and (e) read as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval or air service.

* * * * *

(d)(1) Hospital care for veterans suffering from a nonservice-connected disability, disease or defect which, being susceptible to cure or decided improvement, indicates need for hospital care, providing the veterans (except those in receipt of pension) swear they are unable to defray the expense of hospital care. (38 U.S.C. 610(a), 622).

(2) Nursing home care for veterans requiring such care for nonservice-connected conditions, providing the veterans (except those in receipt of pension) swear they are unable to defray the expense of nursing home care. (38 U.S.C. 610(a), 622).

(3) Domiciliary care for veterans suffering from a disability, disease or defect which, being essentially chronic in type, is producing disablement of such degree and of such probable persistency as will incapacitate the veteran from earning a living for a prospective period. and thereby indicates need for domiciliary care. The additional requirements for eligibility for domiciliary care enumerated in paragraph (c)(3) of this section are also applicable to these veterans applying for domiciliary care. (38 U.S.C. 610(b), 621).

(e) Hospital or nursing home care for any veteran for a nonservice-connected disability if such veteran is 65 years of age or older.

10. Section 17.48 is amended as follows:

(a) By deleting "submitted to him" in the first sentence and deleting "his" and inserting "his or her" in the last sentence of paragraph (a)(2).

(b) By deleting "(f) of § 17.47" and inserting "(e) of § 17.47" in the introductory portion of paragraph (d).

(c) By deleting "and exclusive" and by deleting "he" and inserting "the veteran" in paragraph (f).

(d) By revising the headnote and paragraphs (a)(1), (b) and (c)(2) as set forth below:

§ 17.48 Considerations applicable in determining eligibility for hospital, nursing home or domiciliary care.

(a)(1) For applicants discharged or released for disability incurred or aggravated in line of duty and who are not in receipt of compensation for service-connected or service-aggravated disability, the official records of the Armed Forces relative to findings of line of duty for its purposes will be accepted in determining eligibility for hospital care. Where the official records of the Armed Forces show a finding of disability not incurred or aggravated in line of duty and evidence is submitted to the Veterans Administration which permits of a different finding, the decision of the Armed Forces will not be binding upon the Veterans

Administration, which will be free to make its own determination of line of duty incurrence or aggravation upon evidence so submitted. It will be incumbent upon the applicant to present controverting evidence and, until such evidence is presented and a determination favorable to the applicant is made by the Veterans Administration, the finding of the Armed Forces will control and hospital care will not be authorized. Such controverting evidence, when received from an applicant, will be referred to the adjudicating agency which would have jurisdiction if the applicant was filing claim for pension or disability compensation, and the determination of such agency as to line of duty, which is promptly to be communicated to the head of the field facility receiving the application for hospital care, will govern the facility Director's disapproval or approval of admission, other eligibility requirements having been met. Where the official records of the Armed Forces show that the disability for which a veteran was discharged or released from the Armed Forces under other than dishonorable conditions was incurred or aggravated in the line of duty, such showing will be accepted for the purpose of determining his or her eligibility for hospitalization, notwithstanding the fact that the Veterans Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred or aggravated not in line of duty.

* * * * *

(b) Under paragraph (c)(3) of § 17.47:

(1) "No adequate means of support"—when an applicant is receiving an income of $265 or more per month from any source for personal use, this fact will be considered prima facie evidence of adequate means of support. This is subject to rebuttal by a showing that such income is not adequate to provide the care required by reason of the veteran's disability or that the income is not available for the veteran's use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Director for decision.

(c) Under paragraph (d) of § 17.47:

* * *

(2) "Unable to defray the expense of hospital, nursing home or domiciliary care"—the affidavit of the applicant on VA Form 10-10 that he or she is unable to defray the expenses of hospital, nursing home or domiciliary care will constitute sufficient warrant to furnish such care.

* * * * *

11. Section 17.49 is amended as follows:

(a) By deleting the word "his" and inserting the words "his or her" in the note following this section.

(b) By revising paragraph (a)(3)(iii)(*a*) and (*b*) to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital, nursing home and domiciliary care.

(a) *Priorities for hospital care.* Eligible persons will be admitted or transferred to a Veterans Administration facility in the following order:

* * * * *

(3) *Priority groups.* * * *

(iii) Group III includes:

(*a*) Veterans receiving hospital, nursing home or domociliary care from Veterans Administration pursuant to § 17.47 (c), (d) or (e) as applicable, whose transfer to a Veterans Adminstration hospital has been requested for medical reasons except as follows: Veterans eligible under § 17.47 (d) or (e), admitted to general medical and surgical hospitals who subsequently are determined to require psychiatric care for more than 6 months will not be accorded priority for transfer under this group. (See group V.)

(*b*) Patients eligible under § 17.47 (a) or (b) who are in Veterans Administration hospitals which are not the nearest appropriate facility to the point of application, may be transferred to the appropriate hospital nearest the point of application provided the clinical findings indicate they will require 90 days or more of inpatient care in the latter facility.

* * * * *

§ 17.50 [Amended]

12. Section 17.50 is amended by deleting the word "he" and inserting the words "he or she" in the last sentence of the section.

13. Section 17.50b is amended as follows:

(a) By deleting the word "he" and inserting the words "the veteran" in paragraph (a) and deleting the words "him, or her" and inserting the words "the veteran who" in paragraph (c).

(b) By revising the introductory portion preceding paragraph (a) and paragraph (i) to read as follows:

§ 17.50b Use of public or private hospitals for veterans.

When it is in the best interests of the Veterans Administration and Veterans Administration patients, and subject to the limitations in § 17.30(w)(3), contracts may be entered into the use of public or private hospitals for the care of veterans. When demand is only for infrequent use, individual authorizations may be used. Administrations in public or private facilities, however, subject to the provisions of § 17.50c, will only be authorized, whether under a contract or as an individual authorization, for any veteran, if: (38 U.S.C. 610, 601(4))

* * * * *

(i) *For emergent conditions arising during care in a Veterans Administration hospital or Government facility.* The veteran, while hospitalized in a Veterans Administration hospital or Government facility with which the Administrator contracts, who develops a need for emergency treatment of a condition which poses a serious threat to the veteran's life or health; and for which the facility is not staffed or equipped to perform, and transfer to a public or private hospital which has the necessary staff or equipment is the only feasible means of providing the necessary treatment, or—(38 U.S.C. 601(4))

* * * * *

14. Section 17.51 is amended as follows:

(a) By deleting "§ 17.47 (a), (b), (c), (d) or (f)" and inserting "§ 17.47" in paragraph (a)(1).

(b) By revising paragraph (b) (1) and (3) as follows:

§ 17.51 Use of community nursing homes.

* * * * *

(b) Such nursing home care will be subject to the following restrictions:

(1) Any veteran eligible under paragraph (a)(1) of this section shall be transferred to the nursing home care facility from a hospital under the direct jurisdiction of the Veterans Administration, except as provided for in § 17.51b, and

* * * * *

(3) The cost of the nursing home care will not exceed 45 percent of the cost of care furnished by the Veterans Administration in a general hospital as determined annually. However, the Administrator upon the recommendation of the Chief Medical Director may approve a higher rate not to exceed 50 percent of the cost of such care, and (38 U.S.C. 620(a))

* * * * *

15. Section 17.53 is revised to read as follows:

§ 17.53 Use of community medical services.

Subject to such terms and conditions as the Chief Medical Director may prescribe, community medical installations, professional associations or individuals may be authorized by furnish medical services of acceptable standards on a fee basis within the limitation of § 17.30(w)(3) or authorized to furnish such services pursuant to the terms of a sharing agreement, or pursuant to the terms of any other agreement, authority for the negotiation of which has been delegated in §§ 17.98 and 17.99 and 41 CFR Part 8–75, for any veteran eligible for the services at Veterans Administration expense. Except as provided in §§ 17.50b through 17.50f, services will not be authorized under the provisions of this section if furnishing services involves transfer of a veteran to a non-Veterans Administration facility as an inpatient. (38 U.S.C. 601(4), 612, 610, 5053, 621, 212)

16. Section 17.54 is amended as follows:

(a) By deleting the words "he enters" and inserting the word "entered" in the last sentence of paragraph (b) and deleting the word "his" in the first sentence of paragraph (c).

(b) By revising paragraph (a) to read as follows:

§ 17.54 Medical care for survivors and dependents of certain veterans.

(a) Medical care may be provided for: (1) The spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and (2) The surviving spouse or child of a veteran who: (i) Died as a result of a service-connected disability, or (ii) At the time of death had a total disability, permanent in nature resulting from a service-connected disability, who are not otherwise eligible for medical care as beneficiaries of the Armed Forces under the provisions of chapter 55 of title 10, United States Code (CHAMPUS). (38 U.S.C. 613)

* * * * *

17. Section 17.60 is amended as follows:

(a) By deleting the word "him" and inserting the words "him or her" in paragraph (c).

(b) By revising the introductory portion preceding paragraph (a) and paragraphs (e), (f) and (h) and adding paragraph (j) to read as follows:

§ 17.60 Outpatient care for eligible persons.

Medical services may be furnished, within the limits of Veterans Administration facilities, to the following applicants under the conditions stated, except that applicants for dental treatment, as defined in paragraphs (a) and (d) inclusive of this section must also meet the applicable provisions of § 17.123:

* * * * *

(e) *For prehospital care.* Persons eligible for hospital care under § 17.47, where a professional determination is made that such care is reasonably necessary in preparation for admission of such persons for care, or (to the extent that facilities are available) to obviate the need for bed care. (38 U.S.C. 612(f))

(f) *For posthospital care.* Persons eligible for hospital care under § 17.47 who have been furnished hospital care, and outpatient medical care is reasonably necessary to complete treatment incident to such hospital care. Said service may be provided not to exceed 12 months after discharge from the inhospital treatment except where the attending physician finds that a longer period is required by virtue of the disability being treated. (38 U.S.C. 612(f))

* * * * *

(h) *For veterans 50 percent or more disabled from a service-connected disabilty.* Outpatient care, except outpatient dental treatment, may be authorized to treat any nonservice-connected disability of a veteran who has a service-connected disability rate at 50 percent or more. (38 U.S.C. 612)

* * * * *

(j) *Home health service.* Home health services determined by the Veterans Administration to be necessary for effective and economical treatment of a disability may be furnished to any veteran to include home improvement and structural alterations as are necessary to assure the continuation of treatment or to provide access to the home or to essential lavoratory and sanitary facilities.

(1) The cost to the Veterans Administration or reimbursement by the Veterans Administration to the veteran will not exceed $2,500 for home improvement or structural alterations to veterans being treated for a service-connected disability, and,

(2) Will not exceed $600 for veterans being treated for a nonservice-connected disability and then only to veterans receiving authorized posthospital care under the authority of § 17.60(f) or to veterans rated at 50 percent or more service connected. (38 U.S.C. 612(f))

§ 17.60a [Amended]

18. Section 17.60a is amended by deleting the word "him" and inserting the words "the Administrator" in the last sentence.

§ 17.60d [Amended]

19. Section 17.60d is amended by deleting the word "he" and inserting the words "the veteran" in the first sentence and by deleting the word "his" and inserting the words "his or her" in the last sentence of paragraph (a).

20. Sections 17.60f, 17.60g and 17.60h are added to read as follows:

§ 17.60f Mental health services.

Mental health services, as defined in § 17.30(l)(2), may be furnished the members of the immediate family, or legal guardian of the person or the individual in whose household such person certifies an intention to live, provided the person is eligible for care under provisions of §§ 17.47, 17.54, or 17.60 (a), (b) or (f). (38 U.S.C. 601(5), 601(6), 612, 613(b))

§ 17.60g Priorities for medical services.

Unless compelling medical reasons indicate otherwise, eligible veterans shall be furnished outpatient medical services on a priority basis in the following order:

(a) To any veteran for a service-connected disability,

(b) To any veteran with a service-connected condition, rated at 50 percent or more,

(c) To any veteran with a disability rated as service connected,

(d) To any veteran eligible under the provisions of § 17.60(i). (38 U.S.C. 612(i))

§ 17.60h Immunizations under national programs.

Veterans receiving care for any disability in a Veterans Administration health care facility may have administered to them vaccines for immunization as part of a national immunization program. Participation by veterans in a national immunization program must be voluntary. (38 U.S.C. 612(j))

§ 17.96 [Amended]

21. Section 17.96 is amended by deleting "VA Hospital" and inserting "VA Medical Center".

22. Section 17.96 is revised to read as follows:

§ 17.98 Authority to approve sharing agreements, contracts for scarce medical specialist services and contracts for other medical services.

The Chief Medical Director is delegated authority to enter into

(a) Sharing agreements authorized under the provisions of 38 U.S.C. 5053 and § 17.210 and which may be negotiated pursuant to the provisions of 41 CFR 8-3.204(c);

(b) Contracts with schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans Administration health care facilities (including, but not limited to, services of physicians, dentists, podiatrists, optometrists, nurses, physicians' assistants, expanded function dental auxiliaries, technicians, and other medical support personnel); and

(c) When a sharing agreement or contract for scarce medical specialist services is not warranted, contracts authorized under the provisions of 38 U.S.C. 213 for medical and ancillary services. The authority under this section generally will be exercised by approval of proposed contracts or agreements negotiated at the health care facility level. Such approval, however, will not be necessary in the case of any purchase order or individual authorization for which authority has been delegated in § 17.99. All such contracts and agreements will be negotiated pursuant to 41 CFR Chapters 1 and 8. (38 U.S.C. 212, 213, 4117, 5053)

§ 17.99 [Amended]

23. Section 17.99 is amended by deleting "VA hospital" and "his" and inserting "VA medical center" and "his or her".

24. Section 17.100 is amended as follows:

(a) By deleting the words "he executes" and "he is" and inserting the words "the person executes" and "he or she is" in paragraph (h)(1).

(b) By deleting the word "station" and inserting the word "facility" in the first sentence of paragraph (1).

(c) By revising the introductory portion preceding paragraph (a) and paragraphs (a), (c), (d), (e), (f) and (k) and adding paragraph (g)(3) so that the added and revised material reads as follows:

§ 17.100 Transportation of claimants and beneficiaries.

Transportation at Government expense will be authorized for eligible claimants and beneficiaries. In no event shall payment be made under the provision of this section: unless the persons claiming reimbursement have been determined eligible based upon an annual declaration and certification of inability to defray expensed of such travel (except for the veteran receiving benefits for or in connection with a service-connected disability; for the cost of travel by privately-owned vehicle in any amount in excess of the cost of such travel by public transportation unless public transportation is not reasonably accessible or would be medically inadvisable; for the cost of travel in excess of the actual expense incurred by any person as certified by that person in writing.)(38 U.S.C. 111) Travel will be authorized for the following purposes:

(a) *Admission.* (1) Admission of applicants under §§17.47 and 17.54.

(2) Hospital admission for observation and examination.

(3) Admission for domiciliary care of applicant under § 17.47(c)(3) and (d).

* * * * *

(c) *Preparatory and posthospital care.* When necessary to the provision of medical services furnished veterans under § 17.60(e) and (f). The authority under this paragraph is subject to the exceptions stated in paragraph (h) of this section.

(d) *Authorized absence.* Transportation will not be furnished beneficiaries who are on authorized absence, to depart from or return to Veterans Administration health care facilities, except that if a patient or member in such status develops an emergent condition and the patient or member (or guardian, if there be one) is without funds to return such patient or member to a Veterans Administration health care facility, travel may be approved by the Director of the Veterans Administration facility to which the patient or member is to be returned.

(e) *Interfacility transfers for treatment, diagnosis, or domiciliary care.* Prior consent of the District Medical Director will be had for transfers of patients or members en bloc within the area, and of both District Medical Directors if interarea transfers are involved. Interfacility transfer will include transfer from a Veterans Administration medical center to nursing home care.

(f) *Discharge.* (1) Upon regular discharge from hospitalization for treatment, observation and examination, or nursing home, or domiciliary care, return transportation to the point from which the beneficiary had proceeded, or to another point if no additional expense be thereby caused the Government.

(2) A patient in a terminal condition may be discharged to his or her home or transferred to a hospital suitable and nearer that home, regardless or whether travel so required exceeds that covered in proceeding to the hospital of original admission.

(3) Transportation may be furnished to a point other than that from which a patient had proceeded to a hospital upon a showing of bona fide change of address of the patient's residence during the period of hospital care.

(4) No return transportation will be supplied a patient who receives an irregular discharge from hospital or nursing home care, unless the patient executes an affidavit of inability to defray the expense of return transportation.

(g) *Outpatient services.* * * *

(3) Claimants identified in § 17.30(m)(2) are entitled to reimbursement of transportation costs when authorized to report to a Veterans Adminsitration health care facility. (38 U.S.C. 601(6))

* * * * *

(k) *Furnishing transportation and other expenses incident thereto.* In furnishing transportation and other expenses incident thereto, as defined, the Veterans Administration may (1) issue requests for transportation, meals, and lodging; or (2) reimburse the claimant, beneficiary or representative, for payment made for such purpose, upon due certification of vouchers submitted therefor; or (3) make mileage allowance. The provisions of § 17.100, 17.101 or 17.102 will be complied with in all instances when transportation costs are claimed. (38 U.S.C. 111)

* * * * *

§ 17.101 [Amended]

25. Section 17.101 is amended by deleting the word "his" in paragraph (b).

26. Immediately preceding § 17.119, a new center title is added to read "Automotive Equipment and Driver Training".

27. Section 17.119a is added to read as follows:

§ 17.119a Obtaining vehicles for special driver training courses.

The Administrator may obtain by purchase, lease, gift or otherwise, any automobile, motor vehicle, or other conveyance deemed necessary to conduct special driver training courses at Veterans Administration health care facilities. The Administrator may sell, assign, transfer or convey any such automobile, vehicle or conveyance to which the Veterans Administration holds title for such price or under such terms deemed appropiate by the Administrator. Any proceeds received from such disposition shall be credited to the applicable Veterans

Administration appropriation. (38 U.S.C. 1903(e)(3))

28. A new § 17.123b is added and the former § 17.123b is amended and redesignated § 17.123c so that §§ 17.123b and 17.123c now read as follows:

§ 17.123b Posthospital outpatient dental treatment.

The Chief, Dental Service may authorize outpatient dental care which is reasonably necessary to complete treatment of a nonservice-connected dental condition which was begun while the veteran was receiving Veterans Administration authorized hospital care. (38 U.S.C. 612(b)(5))

§ 17.123c Patient responsibility in making and keeping dental appointments.

Any veteran eligible for dental treatment on a one-time completion basis only and who has not received such treatment within 3 years after filing the application shall be presumed to have abandoned the claim for dental treatment.

§ 17.155 [Amended]

29. Section 17.155 is amended as follows:

(a) By deleting the words "his death" and inserting the word "death" in the first sentence and by deleting the word "he" and inserting the words "he or she" in the last sentence of paragraph (a).

(b) By deleting the words "his discretion he" and inserting the words "the Director's discretion he or she" in paragraph (b).

(c) By deleting the word "he" and inserting the words "the Director" in the first sentence of paragraph (f).

(d) By revising paragraph (c) as follows:

§ 17.155 Autopsies.

* * * * *

(c) If it is suspected that death resulted from crime or the cause of death is unknown and if the United States has jurisdiction over the area where the body is found, the Director of the Veterans Administration facility will inform the appropriate District Counsel of the known facts concerning the death. Thereupon the District Counsel will transmit all such information to the United States Attorney for such action as may be deemed appropriate and will inquire whether the United States Attorney objects to an autopsy if otherwise it be appropriate. If the United States Attorney has no objection, the procedure as to autopsy will be the same as if the death had not been reported to him or her.

* * * * *

§ 17.161 [Amended]

30. Section 17.161 is amended by deleting the title "Assistant Chief Medical Director for Administration and Facilities" and inserting the title "Assistant Chief Medical Director for Administration" in paragraph (b).

31. Immediately preceding § 17.165, the center title is changed to read "Aid to States for Care of Veterans in State Homes".

32. Section 17.165 is amended as follows:

(a) By deleting the words "of a war" in paragraph (c) and deleting "§ 17.166a(c)" and inserting "§ 17.166a(b)" in paragraph (d).

(b) By revising the introductory portion preceding paragraph (a) as follows:

§ 17.165 Recognition of a State home.

A State-operated facility which provides hospital, domiciliary or nursing home care to veterans must be formally recognized by the Administrator as a State home before Federal aid payments can be made for the care of such veterans. Any agency of a State (exclusive of a territory or possession) responsible for maintenance or administration of a State home may apply for recognition by the Veterans Administration for the purpose of receiving aid for the care of veterans in such State home. A State home may be recognized if: (38 U.S.C. 210, 641)

* * * * *

§ 17.165a [Amended]

33. Section 17.165a is amended by deleting the words "his recommendation" and "his decision" and inserting the words "a recommendation" and "the decision".

§ 17.165b [Amended]

34. Section 17.165b is amended by deleting the word "war" in the last sentence and inserting the citation "(38 U.S.C. 641, 210)" at the end of the section.

35. Section 17.165c is revised to read as follows:

§ 17.165c Aid for period prior to recognition prohibited.

Payment of Federal aid will not be made for domiciliary, nursing home or hospital care for any period prior to the date of notification of recognition of a State home, and aid for domiciliary, nursing home or hospital care furnished any veteran in such home will not be paid for any period prior to the receipt of application for such care on behalf of such veteran except as provided for in § 17.166d. (38 U.S.C. 643)

36. Section 17.165d is added to read as follows:

§ 17.165d Prerequisites for payments to State homes.

No payment or grant may be made to any State home unless the State home meets the standards prescribed by the Administrator. These standards, with respect to nursing home care, shall be no less stringent than those prescribed by the Administrator for community nursing homes. (38 U.S.C. 642(a))

37. Sections 17.166, 17.166a, 17.166b and 17.166c are revised to read as follows:

§ 17.166 Aid for domiciliary care.

Aid may be paid to the designated State official for domiciliary care furnished in a recognized State home for any veteran if the veteran is eligible for domiciliary care in a Veterans Administration facility. (38 U.S.C. 641)

§ 17.166a Aid for nursing home care.

Aid may be paid to the designated State official for nursing home care furnished in a recognized State home for any veteran if:

(a) The veteran needs nursing home care and:

(1) Has a service-connected disability for which nursing home care is being provided, or

(2) Has a nonservice-connected disability and is unable to defray the expenses of nursing home care and so states under oath, or

(3) Was discharged or released from active military, naval or air service for disability incurred or aggravated in line of duty, or

(4) Is in receipt of, or but for the receipt of retirement pay would be entitled to receive, disability compensation, and

(b) The quarters in which the nursing home care is provided are in an area clearly designated for such care and not intermingled with those of either hospital patients or domiciliary members. (38 U.S.C. 641, 642(a))

§ 17.166b Aid for hospital care.

Aid may be paid to the designated State official for hospital care furnished in a recognized State home for any veteran if:

(a) The veteran is eligible for hospital care in a Veterans Administration facility, and

(b) The quarters in which the hospital care is carried out are in an area clearly

designated for such care, specifically established, staffed and equipped to provide hospital type care, are not intermingled with the quarters of nursing home care patients or domiciliary members, and meet such other minimum standards as the Veterans Administration may prescribe.

§ 17.166c Amount of aid payable.

The amount of aid payable to a recognized State home shall be at the per diem rates of $5.50 for domiciliary care, $10.50 for nursing home care, and $11.50 for hospital care. In no case shall the payments made with respect to any veteran exceed one-half of the cost of the veteran's care in the State home. (38 U.S.C. 641)

§ 17.166d [Amended]

38. Section 17.166d is amended by deleting the word "he" and inserting the words "he or she" in the last sentence.

39. In § 17.210, paragraph (d) is added to read as follows:

§ 17.210 Sharing specialized medical resources.

* * * * *

(d) Reimbursement for medical care rendered to an individual who is entitled to hospital or medical services (Medicare) under subchapter XVIII of chapter 7 of title 42, United States Code, and who has no entitlement to medical care from the Veterans Administration, will be made to such facility, or if the contract or agreement so provides, to the community health care facility which is party to the agreement, in accordance with:

(1) Rates prescribed by the Secretary of Health, Education and Welfare, after consultation with the Administrator, and

(2) Procedures jointly prescribed by the Secretary and the Administrator to assure reasonable quality of care and service and efficient and economical utilization of resources. (38 U.S.C. 5053)

§ 17.212 [Amended]

40. Section 17.212 is amended by deleting "his" in the first sentence.

§ 17.220 [Amended]

41. Section 17.220 is amended by deleting "title IX of the Public Health Service Act" and inserting "part F, title XVI of the Public Health Service Act."

[FR Doc. 79-22399 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1276-7]

Approval and Promulgation of Implementation Plans; Alabama: Proposed Plan Revisions

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

ACTION: Proposed rule.

SUMMARY: EPA today proposes conditional approval action on the State Implementation Plan (SIP) revisions which the Alabama Air Pollution Control Commission submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended 1977, with regard to nonattainment areas. The SIP revisions were submitted April 19, 1979, under the title "Alabama Air Pollution Control Commission State Implementation Plan Revision April 1979". Portions of the submitted SIP revision concerning the particulate nonattainment areas of Jefferson and Etowah Counties will be addressed in a separate **Federal Register** notice. This is being done because of the recent decision in *United States Steel Corp.* vs. *United States Environmental Protection Agency,* Civ. No. 78-1922, and *Republic Steel Corp.* vs. *Environmental Protection Agency,* Civ. No. 78-1927 (5th Circuit, decided May 3, 1979), setting aside the Administrator's designation of these two counties as nonattainment for particulates. EPA has found the nonattainment revisions conditionally approvable contingent on correction of the indicated deficiencies.

The State asserts that the revisions concerning the sulfur dioxide nonattainment areas will be submitted at a later date, so the present approval does not include the SIP for sulfur dioxide in those areas. The revisions concerning the sulfur dioxide nonattainment areas will be addressed in a separate **Federal Register** notice when they are submitted.

The public is invited to submit written comments on these proposed actions.

DATES: To be considered, comments must be submitted on or before August 20, 1979. A thrity-day comment period is being used for two reasons. First, public availability of the SIP revision was announced in the **Federal Register** on May 9, 1979. Second, the issues contained in the SIP are straightforward and are not so complex as to warrant a longer comment period.

ADDRESSES: Written comments should be addressed to Raymond Gregory of Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by date of publication may be examined during normal business hours at the following locations:

Public information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

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

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama, 36130.

FOR FURTHER INFORMATION CONTACT: Raymond Gregory, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courland Street, N.E., Atlanta, Georgia, 30308, 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION:

Background

In the March 3, 1978, **Federal Register** (43 FR 8962), a number of areas within the State Alabama were designated as not attaining certain National Ambient Air Quality Standards. The areas presently designated nonattainment for the primary (P) and secondary (S) standards for total suspended particulate matter (TSP) are:

A. That portion of Jackson County surrounding the Tennessee Valley Authority's Widows Creek Plant (P)(S).

B. That portion of Mobile County within a section of downtown Mobile (P)(S).

C. A portion of Morgan County including portions of the City of Decatur (S).

The areas designated nonattainment for photochemical oxidants (ozone) are:

A. Jefferson County;
B. Mobile County;
C. Madison County;
D. Morgan County;
E. Russell County.

Implementation plan revisions under Part D of Title I of the Clean Air Act were officially submitted to EPA by the State on April 19, 1979, for all the foregoing areas and pollutants except Jackson County (TSP). The State has asserted that the Jackson County TSP designation was based on noncompliance with the SIP by one source and that the present control strategy is adequate. EPA agrees with the State's analysis.

Receipt of the Alabama revisions was first announced in the **Federal Register** of May 9, 1979 (44 FR 27183). The Alabama revisions have been reviewed by EPA in light of the Clean Air Act as amended 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) and need not be repeated in detail here. A supplement to the April 4 notice was published on July 2, 1979 (44 FR 38583) involving, among other things, conditional approval.

EPA proposes to conditionally approve the plan where there are minor deficiencies and the State provides assurances that it will submit corrections or additional information by a specified date. This notice solicits comment on approvals, conditional approvals, and disapprovals. A conditional approval will mean that the restictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

General Discussion

Section 172(b) of the CAAA of 1977 contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents, adequacies, and items proposed for conditional approval in the Alabama submittal.

172(b)(1) [SIP provisions shall] be adopted by the State (or promulgated by Administrator under section 110(c)) after reasonable notice and public hearing;

Public hearings concerning the particulate nonattainment areas were held in Birmingham, Alabama, on December 19, 1978, and in Mobile, Alabama, on December 18, 1978, following 30 days public notice. These SIP provisions were adopted by the State on April 3, 1979.

A public hearing concerning the ozone nonattainment areas was held in Birmingham, Alabama on March 5, 1979, following 30 days public notice. These SIP provisions were adopted by the State on April 3, 1979.

172(b)(2) [SIP provisions shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable;

Comment is invited on the State's schedule for adoption of requirements for control of non-traditional sources (Table 2.2.6, Investigative Schedule for Secondary Attainment) for the Mobile TSP nonattainment area as it relates to attainment as expeditiously as practicable. The State projects attainment of the secondary standard by the end of 1987. Table 2.2.6 indicates adoption of control measures for reduction of carry-out of dust and mud from industrial facilities by January, 1985; for paving unpaved parking lots and unpaved roads by January, 1984; for control of truck spills on paved roads by January, 1986; and for reduction of emissions from area sources by January, 1985. EPA proposes to approve this portion.

172(b)(3) [SIP provisions shall] require, in the interim, reasonable further progress (as defined in Section 172(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a mimimum, of reasonably available control technology;

Reasonable further progress (RFP) graphs and calculations accompany each explanation of progress toward attainment for each required nonattainment area (that is, all areas except Jackson County (TSP), and Morgan County (TSP)). The SIP calls for meeting the TSP and ozone national primary ambient air quality standards in all other areas by the end of 1982. Each area is discussed below.

Portions of Etowah and Jefferson Counties (TSP)—The U.S. Fifth Circuit Court of Appeals in *United States Steel* and *Republic Steel,* cited in the Summary, has ruled that the nonattainment designations for particulates were invalid because the requirements for proper public notice and comment were not followed. The attainment status of these two areas will be addressed in a separate Federal Register notice.

Portion of Jackson County (TSP)—The original designation was based on the noncompliance status of a particular power plant of the Widows Creek station of the Tennessee Valley Authority. Joint EPA and State enforcement action has been taken to assure compliance with the existing SIP. Since the present control strategy is considered adequate the new source review requirements, applicable for nonattainment areas, in the SIP (Chapter 16—Permits) will provide for maintenance of the National Ambient Air Quality Standards.

Portion of Mobile County (TSP)—The State has adopted additional control requirements for cement plants and grain elevators which are discussed under 172(b)(8). The State has also adopted a fugitive dust and fugitive emissions regulation which will be addressed under 172(b)(8). The State has projected attainment of the secondary particulate standard by the end of 1987. The State has adopted an "Investigation Schedule for Secondary Attainment" dealing with nontraditional sources for the Mobile area. EPA proposes to conditionally approve the primary attainment portion of the plan, contingent upon conditions specified in the discussion under 172(b)(8) being met, and proposes to approve the secondary attainment portion of the plan.

Portion of Morgan County (TSP)—The State maintains that already planned additional controls for existing plants will attain the secondary standard. EPA proposes to conditionally approve this strategy contingent on the State's submitting an RFP demonstration for this area.

Jefferson County (Ozone)—The State has calculated that an 18.2% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions will be obtained through the Federal Motor Vehicle Control Program (certification of new light duty vehicles and truck engines as meeting emission standards) and through regulations for volatile organic compounds (VOC) emitted by "major" sources, those with potential emissions equal to or in excess of 100 tons per year. The State projects that a 29% reduction will occur by 1982. Therefore, the area should become attainment by late 1981. EPA proposes to approve this portion of the plan.

Mobile County (Ozone)—The State has calculated that a 10% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions are to be obtained through the Federal Motor Vehicle Control Program and VOC regulations for major sources. The State projects that a 26.2% reduction will occur by 1982. Therefore, the area should become attainment by late 1980. EPA proposes to approve this portion of the plan.

Russell County (Ozone)—The State has calculated that with the revised national standard of 0.12 ppm, no reductions are necessary to attain the standard by 1982. EPA proposes to approve this portion of the plan.

Madison and Morgan Counties (Ozone)—These are classified as non-urban areas with no metropolitan area over 200,000 population. Thus the only requirement is the adoption of controls for major sources, which has been accomplished. EPA proposes to approve this portion of the plan.

Since VOC controls have been adopted statewide (except for the cutback asphalt category) and since EPA concurs with the VOC emission reduction figures calculated by the State, EPA proposes to approve this portion of the plan.

172(b)(4) [SIP provisions shall] include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each pollutant for each such area which is revised and resubmitted as frequently as may

be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a).

Except for the Mobile TSP area, appropriate emissions inventories for TSP and ozone (the inventory is for hydrocarbons which react with sunlight to form ozone), have been submitted. The State has submitted an inventory for the particulate sources in Mobile which is identified as a 1972 emissions inventory which the States asserts also represents emissions as of 1976. EPA is requesting certification from the State that the 1972 inventory is identical to the 1976 inventory. In addition, the State has been requested to make a commitment to an annual updating of the required inventories.

EPA proposes to give conditional approval to this portion of the plan contingent upon receipt of the requested submittals.

172(b)(5) [SIP provisions shall] expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

There is no identification and quantification of emissions from major new or modified sources. Therefore, offsets under Section 173 of the Clean Air Act will be required for these new sources. The State expects to be able to satisfy the offset requirement through emissions reductions in excess of the reductions needed to provide for Reasonable Further Progress.

172(b)(6) [SIP provisions shall] require permits for the construction and operation of new or modified stationary sources in accordance with Section 173 (relating to permit requirements);

The State has adopted a regulation to comply with the requirements of Section 173. EPA proposes to conditionally approve this regulation contingent on submittal of the changes indicated below.

The State has included a phrase not in the definition of "lowest achievable emission rate" (LAER) contained in the Clean Air Act. EPA proposes to conditionally approve the definition of LAER contingent on removal of the phrase "or can reasonably be expected to occur in practice".

The State has defined "source" as the word "facility" is defined in EPA regulations. In paragraph 16.3.2(b)(3), "major facility" is defined as the phrase "major source" is defined in EPA regulations. This reversal of definitions will likely create confusion in the new source review process. Furthermore, this reversal is not consistently maintained throughout Chapter 16; *i.e.*, in several instances the State reverts to the Federal usage of these terms. This internal inconsistency should be corrected.

EPA proposes to approve the applicability section of the permit requirements [16.3.2(c)] contingent on the State's revising it to apply also to those sources significantly impacting (as defined in the Interpretative Ruling (44 FR 3282)) a nonattainment area.

Subparagraph 16.3.2(c)(2) states,

The person certifies that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the State are in compliance with applicable emission limits or are on an acceptable schedule.

EPA interprets the term "acceptable schedule" (of compliance) to mean one which is consistent with the requirements of the Clean Air Act including Section 113(d). EPA proposes to approve this subject to the State's concurrence with this interpretation prior to final approval.

EPA proposes to conditionally approve subdivision 16.3.2(d)(1)(i) contingent upon removal by the State of the phrases "increase in" and "(or sources)" in the first sentence. As the sentence is presently written, these phrases imply that a new source may be exempted from the substantive permitting requirements if internal offsets are obtained which limit the increase in emissions to less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour—whichever is more restrictive. Since internal offsets are permitted only for modifications, not new sources, this ambiguity needs to be corrected in order for this provision to be approvable.

Where States adopt statewide VOC regulations, it is EPA's policy that the State has an accommodative SIP for VOC sources locating in non-urban areas (population under 200,000). This would allow a new source locating in a non-urban area to be exempt from the offset requirement. EPA proposes to conditionally approve the exception for volatile organic compound (VOC) sources (16.3.2(d)(3)(i)) from the offset requirement, if the EPA policy on adoption of statewide VOC controls is implemented before the exception is applied to a source. This would consist of adopting a statewide regulation for control of cutback asphalt.

EPA proposes to give conditional approval contingent on the State's removing the exemption under subparagraph 16.3.2(d)(5) which exempts those sources impacting a secondary nonattainment area from offset and LAER requirements. Under Section 173 permitting requirements of the Clean Air Act, no such exemption is allowed.

EPA proposes to conditionally approve the phrase "Maximum expected production rate" used in subparagraph 16.3.2(g)(5) concerning calculation of emission offsets on a tons-per-year basis until the State modifies the regulation so that it does not allow a calculated value greater than that which would be allowed under the approved plan. The regulation should also indicate that if the allowable emissions under the approved plan are greater than the source's potential emissions, the value determined for the potential emissions must be used.

EPA proposes to conditionally approve subparagraph 16.3.2(g)(6) contingent on the State's listing the specific legally enforceable mechanisms which the Director shall consider in determining that emission reductions used for offsets are legally enforceable. Alternatively, the State may specify that the offsets must be legally enforceable in a manner approved by the Director and the United States Environmental Protection Agency.

The requirements of Section 173 of the Clean Air Act include in the offset requirements those emissions from a source which would be classified as fugitive emissions. EPA proposes to conditionally approve the permitting regulations (Chapter 16) contingent on the State's including a definition of fugitive emissions and applying offset requirements applicable to these emissions.

The State must make applicable to offset requirements those emissions defined as fugitive emissions. The State must include a definition of fugitive emissions as well as a definition of secondary emissions.

172(b)(7) [SIP provisions shall] identify and commit the financial manpower resources necessary to carry out the plan provisions required by this subsection;

The State has identified adequate financial and manpower resources necessary to carry out the provisions of this SIP revision.

172(b)(8) [SIP provisions shall] contain emission limitations, schedules of compliance and other such measures as may be necessary to meet the requirements of this section.

The regulation adopted by the States for control of fugitive emissions (4.2.4) contains a schedule by which sources are to submit plans for the control of

both TSP fugitive dust and fugitive emissions. These plans are to represent "reasonable available control measures" (RACM). These measures (RACM) are identified in several documents listed in the regulation. Because this regulation is applicable to the TSP primary nonattainment areas, it should identify the emission limitations and legally enforceable procedures. EPA at this time has no way of insuring that the affected sources will submit approvable plans. EPA is proposing to conditionally approve this regulation contingent on the submittal by the State by December 15, 1979, of EPA approvable plans and schedules for the affected sources.

There is an apparent contradiction between the regulations for control of new cement plants (4.11.1(c)) and the regulation specifying New Source Performance Standards (NSPS) for new cement plants (12.2.2). Most of the requirements addressed in 40 CFR 60.60 for new Portland cement plants are not included in 4.11. EPA proposes to conditionally approve this regulation (4.11) for existing cement plants contingent on the State deleting its applicablity to new cement plants.

EPA proposes to approve the regulation (4.12) applicable to certain existing grain elevators located in Mobile County.

With respect to Volatile Organic Compound (VOC) regulations, the State has adopted statewide regulations, except for one RACT category (cutback asphalt), pertaining to the process and equipment specifications, and emission limitations necessary to meet the requirement that RACT be applied to these sources. Categorical compliance schedules are included. These regulations are for sources in the eleven categories required for this submittal which equal or exceed 100 tons of emissions per year.

The State's definition of VOC includes organic compounds (except those excluded) with a true vapor pressure of 1.5 psia under storage conditions. This definition is superseded when applicable by the (test) procedures in the regulation. EPA anticipates that the State's VOC definition will be superseded in certain cases by the (test) procedures. The governing factor will be the ability of the VOC to be detected using the (test) procedures thereby making this definition as stringent or more stringent than a definition containing a true vapor pressure limit of 0.1 mm Hg (millimeters of mercury).

Categories of sources controlled by presently adopted regulations include: (1) VOC/water separation; (2) loading and storage of VOC; (3) petroleum liquid storage; (4) gasoline terminals, plants, and dispensing facilities; (5) petroleum refinery sources; (6) surface coating of a) cans, b) coils, c) metal fruniture, d) large appliances, e) automobile and light duty trucks, f) paper, g) fabric and vinyl, and h) magnet wire; (7) solvent metal cleaning; and (8) cutback asphalt.

EPA proposes to conditionally approve two regulations concerning VOC control. The information in the Control Techniques Guideline (CTG) shows that nominal 10,000 barrel vessels prior to lease custody transfer must be controlled.* The regulation for petroleum liquid storage (6.4.3(b)) has applicability limits which are greater than those that are acceptable based on the information in the CTG document. The State should demonstrate that the impact on emissions is less than five percent of the controlled emissions from this category or that it impacts only less than 100-ton sources and is not necessary for attainment. EPA proposes conditional approval for the State's alternative (VOC) control (6.14.2) "bubble concept" which uses a plantwide weekly weighted average. This proposed conditional approval is contingent upon submittal of a revision by the State specifying source reporting requirements and compliance testing procedures.

The State has committed to adopt VOC regulations for additional RACT categories annually as they are developed by EPA.

EPA has determined that methyl chloroform (1,1,1 trichloroethane) and trichlorotrifluoroethane (freon 113) are not photochemically reactive compounds. As a result, Alabama's plan does not require their control to attain ozone standards. These volatile organic compounds (VOC), while not appreciably affecting ambient ozone levels, are potentially harmful. Methyl chloroform has been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform and freon 113 both eventually migrate to the stratosphere where they are suspected of contributing to the depletion of the ozone layer. Since stratosphere ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

With EPA's statement that methyl chloroform is not photochemically reactive, and the subsequent exemption, some sources, particularly existing degreasers, will be encouraged to utilize it in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. The use of this compound may be encouraged by exempting it in the SIP. This may further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources. EPA has issued guidance to the States allowing them to exempt these compounds from control.

State officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions. Alabama has indicated its intention to regulate these compounds once their effects are defined.

EPA proposes to approve this portion of the SIP.

172(b)(9) [SIP provisions shall] contain evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

A discussion of consultation with the public and local governments was included in the SIP. The State's analysis of the air quality, health, welfare, economic, energy, and social effects determines that the impact of the SIP will be beneficial. This portion of the SIP was a subject of the March 5, 1979, public hearing. The public had an opportunity to submit comments at that time. EPA proposes to approve this portion ofthe SIP.

172(b)(10) [SIP provisions shall] include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulations, ordinance, or other legally enforceable documents, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

*Based on the information in the CTG, EPA believes that the submitted regulation represents RACT, except as noted. On the point noted, the State regulation is not supported by the information in the CTG, and the State must provide an adequate demonstration that its regulation represents RACT, or amend the regulation to be consistent with the CTG.

In the State of Alabama, the Alabama Air Pollution Control Commission has full statutory authority for enforcing the SIP revisions. The Commission adopted on April 3, 1979, the regulatory revisions concerning particulates and ozone (volatile organic compounds). With the exceptions noted previously, schedules and timetables for compliance were included in the revisions.

172(b)(11) [SIP provisions shall], 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.

Paragraph 11 of subsection 172(b) does not apply to Alabama, since the national primary ambient air quality standards for photochemical oxidants and carbon monoxide will be attained by December 31, 1982.

Other Topics

In addition to the implementation plan for the nonattainment areas under Part D of the CAAA the SIP revisions contains a regulation (1.16) allowing a general "bubble provision" which could allow a "facility to reduce the level of control required at one source in exchange for an equal increase in the level of control required at another source." This regulation requires consistency with Federal and State law as well as SIP approval before a bubble emission limit becomes effective. With the qualifications placed on the use of the "bubble provision" by the State, EPA proposes to approve Alabama's "bubble provision" regulation.

Proposed Action

Based on the foregoing, EPA is proposing to conditionally approve the SIP under Part D of Title I of the Clean Air Act, as it relates to the attainment of ozone standards in Jefferson, Madison, Mobile, Morgan and Russell Counties and as it relates to the attainment of the particulate standards in Mobile, Morgan and Jackson Counties if the State corrects the deficiencies noted. Corrections required to undergo the SIP revision process must be submitted after undergoing the required procedures. EPA proposes to approve the remainder of the plan except for the other proposed conditional approvals noted earlier.

All submittals or revisions required by the conditional approval must be submitted by December 15, 1979. If these corrections are not forthcoming by December 15, 1979, EPA will act to disapprove the related plan provisions.

(Secs. 110, 173, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: July 16, 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-22431 7-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1277-4]

Approval and Promulgation of State Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule; Correction of typographical error.

SUMMARY: ERA's proposed language on application of the Clean Air Act restriction on new sources contains a typographical error. 40 CFR 52.24(e), as proposed at 44 FR 38585 col. 1 (July 2, 1979), should refer to "sections II.D and E" of the Offset Ruling (not sections III.D and E).

Since the subject matter of the sections referred to was described in both the proposed regulatory language and the preample, EPA believes there should have been little confusion and there is no need to extend the comment period, which ends August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Darryl Tyler, Chief, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, 919-541-5425.

Dated: July 12, 1979.

Michael P. Walsh,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-22555 Filed 7-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 141]

[FRL 1230-3]

Interim Primary Drinking Water Regulations; Amendments

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: These proposed regulations amend the National Interim Primary Drinking Water Reguations (NIPDWR), promulgated according to Section 1412 of the Safe Drinking Water Act, as amended, 42 U.S.C. § 300f *et seq.* at 40 FR 59566 (December 24, 1975) and 41 FR 28402 (July 9, 1976). These proposed amendments provide greater latitude to small public water systems for determination of compliance with the microbiological maximum contaminant levels (MCLs), specify alternative analytical techniques that have been approved by EPA for determining compliance with existing maximum contaminant levels, endorse fluoridation practices and add a statement to the NIPDWR clarifying the apparent contradiction between setting a MCL for fluoride and the beneficial uses of fluoride, add a statement to the NIPDWR that water samples taken by the State may be used to determine compliance, add a statement to the NIPDWR that clarifies that water systems shall submit to the State upon request any records required to be maintained by the NIPDWR, require water systems that have completed a public notification to submit to the State a representative copy of the public notification, change the time when results of monitoring are required to be submitted to the State, require community water systems to conduct monitoring and reporting for sodium levels in finished drinking water and require community water systems to implement corrosion control programs under State direction.

Modifications to the NIPDWR relating to non-community water systems are also proposed. These proposed amendments increase the latitude of the States with regard to noncommunity water systems by providing an additional year for completion of nitrate monitoring, allow some non-community systems to exceed the 10 mg/l nitrate level up to 20 mg/l under certain controlled conditions, provide latitude in turbidity monitoring requirements and include modifications to the bacteriological monitoring frequency and public notification measures.

In addition, increased latitude is provided to the States with repect to

requirements concerning public notification through the media for community water systems.

DATES: Comments should be received on or before September 12, 1979. The record will remain open for public inspection and inclusion of additional comments as appropriate. The proposed effective date is immediately upon promulgation except that the requirements for sodium monitoring and corrosion control will be effective 18 months after the date of promulgation. The Statement of Basis and Purpose Document, which provides additional supporting information for the sodium and corrosion control requirements, is available upon request from EPA headquarters and is available for reading at EPA regional offices.

Public hearing: A public hearing on these proposed amendments will be held August 29, beginning at 9:00 am.

ADDRESSES: Submit comments to: Comment Clerk, Amended National Interim Primary Drinking Water Regulations, ODW (WA-550), EPA, Washington, D.C. 20460. For further information contact: Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, ODW (WH-550), EPA, Washington, D.C. 20460. Telephone 202-472-5030.

Public hearing location: A public hearing location: A public hearing on these proposed amendments will be held at EPA, Waterside Mall, Room 2126, 401 M St. S.W., Washington, D.C., on August 29, beginning at 9:00 a.m. Persons wishing to attend are requested to confirm their attendance by telephone (202-472-5030).

FOR FURTHER INFORMATION CONTACT: Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, ODW (WH-550), EPA, Washington, D.C. 20460. Telephone 202-472-5030.

SUPPLEMENTARY INFORMATION: These proposed amendments to the National Interim Primary Drinking Water Regulations (NIPDWR) are intended to up-date the Regulations as the result of information gained subsequent to prumulgation of NIPDWR on December 24, 1975 and July 9, 1976 pursuant to Sections 1412, 1414, 1415, 1416, 1445 and 1450 of the Safe Drinking Water Act as amended ("SDWA" or the "Act", 42 U.S.C § 300f *et seq.*). Those regulations were published in the Federal Register at 40 CFR 59566 and 41 28402, respectively, and became effective on June 24, 1977. The additional information includes such materials as the completion of the National Academy of Sciences (NAS) report, "Drinking Water Health"; problems arising in the interpretation and implementation of monitoring requirements of the Regulations reported by the various States; the generation and reporting of additional data on the occurrence and health effects of the containmants; and the judicial interpretation of the adequacy of the existing Regulations in light of the directivees of the Safe Drinking Water Act.

The Safe Drinking Water Act, prescribes an orderly sequence of developmental actions leading to National Revised Primary Drinking Water Regulations. First, the Interim Primary Regulations are to be essentially modifications of the 1962 Public Health Service Drinking Water Standards, as revised by the EPA Advisory Committee on the Revision and Application of the Drinking Water Standards. Second, the National Academy of Sciences is to review the Interim Primary Regulations and make recommendations regarding contaminants in drinking water, preperatory to the development of Revised Primary Drinking Water Regulations. Section 1412(a) of the SWDA notes that the Interim Primary Regulations may be amended from time to time, and notes that the Revised Primary Regulations supersede the Interim Regulations only to the extent provided by the Revised Regulations. In other words, both regulations can exist simultaneously to the extent that they do not conflict with each other. These provisions of the Act thus provide for a considerable amount of latitude with amendments to the Interim regulations. This makes it possible to amend portions of the regulations, if so desired, or to defer major changes until Revised Regulations are developed. The Administrator has carefully considered all alternatives, and has decided to amend sections of the Interim Regulations at this time, while comprehensive Revised Regulations are being developed.

There are several reasons for this decision. While the Safe Drinking Water Act calls for issuance of revised regulations shortly after completion of the National Academy of Science's study, it was the Congresss' expectation that the National Academy of Science's report would provide sufficient bases for such revised regulations. However, the Academy was unable to make specific recommendations as to safe levels of contaminants in drinking water to be used as a bases for maximum contaminant levels. Rather, NAS provided background information, recommendations for further research, and recommendations regarding acceptable daily intakes for certain compounds.

Conversion of these recommendations and information into drinking water regulations is therefore a more lengthy and complex process than originally anticipated, and issuance of revised regulations in the prescribed time-frame became unrealistic. In addition, EPA has acquired extensive additional information from a number of sources. EPA has continued to conduct considerable research with respect to occurrence, health effects, and monitoring and analysis of contaminants in drinking water. EPA has also received considerable feedback from States and its own regional offices on the Interim Regulations based upon their implementation experience since the regulations went into effect in June 1977. Further, EPA has received valuable input from various sectors of the public such as local governments, water utilities, environmental groups and independent scientists and engineers from the research community.

Since the NIPDWR regulations went into effect, the States have encountered several problems with respect to the microbiological MCLs and the monitoring requirements for small public water systems. Greater latitude has also been urged with respect to requirements applicable to non-community systems and with the requirement of public notification through the media for all MCL violations applicable to community water systems. A number of alternative analytical techniques for use in determining compliance with the NIPDWR have also been approved by EPA. These additional techniques are listed in the Notice (Section 141.23, 141.24, 141.27).

On February 10, 1978, the U.S. Court of Appeals for the District of Columbia Circuit issued its opinion in the case challenging EPA's promulgation of the December 1975 NIPDWR, *Environmental Defense Fund v. Costle*, 578 F. 2d 337 (D.C. Cir. 1978). The Administrator's decision not to require public water systems at that time to monitor for sodium and sulfates, which were unregulated contaminants, was upheld as being within the proper exercise of authority afforded to the Administrator under the Act. The November 1977 amendments to the SDWA authorize the Administrator to prescribe special monitoring requirements for otherwise unregulated contaminants (this is, contaminants for which MCLs have not been established) and to require public water systems to notify the public of such levels (Sections 1445(a) and 1414(c)).

Special monitoring and notice requirements for sodium have been included in these proposed amendments to the NIPDWR. However, they are not strictly speaking NIPDWR in that they are authorized under Sections 1445(a) and 1414(c) of the Act, rather than Section 1412. Therefore, they will not be required to be adopted by States as a prerequisite to maintaining or obtaining primary enforcement responsibility under Section 1413 of the Act. They will also be separately enforceable.

EPA's monitoring regulations with respect to heavy metals such as lead and cadmium were also challenged in the above mentioned court case involving EPA's initial promulgation of the NIPDWR. The Court's majority opinion found that the monitoring requirements then established for lead and cadmium were within EPA's discretion and were upheld. A dissenting opinion would have partially remanded the regulations to EPA for more extensive testing and reconsideration of the petitioner's arguments in favor of more extensive monitoring requirements for heavy metals. The corrosion control requirements being proposed herein are intended to address the Court's concern in this area.

All existing MCLs will be re-evaluated in light of recently acquired data, particularly that contained in the National Academy of Sciences' report, "Drinking Water and Health," and other information including a comprehensive follow-up study by the National Academy of Sciences now underway. Resulting changes will be reflected in Revised National Primary Drinking Water Regulations to be proposed subsequently.

Microbiological Contaminants

This proposed amendment would allow States additional latitude in determining compliance by small public water systems with the MCL (monthly average) for microbiological contaminants. The existing regulations [40 C.F.R. 141.14(a)(1); (b)(1)(i); (b)(2)(i)] governing microbiological contamination require that public water systems meet the MCL based on a "monthly average" of the results of samples taken to determine the amount of microbiological contamination in the drinking water. The regulations also contain "single sample" requirements which limit the number of coliform bacteria that may be present in a sample taken from a specific location in the distribution system [141.14(a)(2), (3); (b)(1)(i), (ii), (iii); (b)(2)(ii), (iii)]. This amendment does not propose changes in the latter requirements.

The safe Drinking Water Act authorizes EPA to establish minimum sampling requirements for public water systems taking into account several factors including the population at risk. Accordingly, the present regulations require systems to take a minimum number of microbiological samples each month based on the number of persons being served. Thus, for example, systems serving between 25 and 1,000 persons must take at least one sample per month; systems serving between 8,501 and 9,400 persons must take at least 10 samples per month; and systems serving 970,001 to 1,050,000 persons must take at least 300 samples per month.

As stated previously, compliance with the bacteriological standard is determined both on the number of bacteria in a single sample and on the basis of a monthly average of the samples. Smaller systems taking fewer samples are more likely to violate the monthly average standard on the basis of only one sample showing coliform contamination (a "positive" sample) than are larger systems because of the mathematics of the averaging computation. For example, a system taking 10 samples per month with a single positive result of 11 coliforms would violate the monthly standard; whereas, a system taking 100 samples per month with a single positive result of 11 coliforms would not violate the monthly standard; thus, this might lead to erroneous conclusions regarding the quality of the water of the systems. While the EPA recommends that samples known to be defective, due to such occurrences as poor sampling or transit techniques, be discarded by the laboratory director before analysis, it also recognizes that samples can be unknowingly contaminated during the collection process, in transit or in the analytical process. Problems of this nature can impact severely on very small systems and require unwarranted expense of public notification while not increasing public health protection. The problem of one such sample distorting the monthly average primarily impacts systems taking 10 or fewer samples per month (systems that serve less than 9,400 persons).

In order to resolve this problem, EPA proposes to amend 40 CFR § 141.14(a)(1), (b)(1) and (b)(2), to permit State discretion in allowing certain public water systems serving fewer than 9,400 persons to exclude one (but only one) positive routine sample in the calculation to determine compliance with the monthly average if two conditions (safeguards) are satisfied. First, a sample must be collected on each of two consecutive days from the same sampling point beginning within 24 hours after it has been determined that a routine sample is positive as provided for in 40 CFR 141.21 (d)(1)(2)(3). Both of these samples, called "check" samples, must be negative for the presence of coliform bacteria. Otherwise, the positive routine sample must be included in the calculation of the monthly average and, if this results in a violation of 40 CFR § 141.14, the public must be notified under 40 CFR § 141.32 or § 141.16.

Second, regardless of whether the positive routine sample is followed by two consecutive negative "check" samples, the positive routine sample must be reported to the State under 40 CFR § 141.31(a) and a record of the sample must be retained by the public water system for five years under 40 CFR § 141.33(a). This precaution should allow either the State or the Public water system to detect a pattern of positive routine samples which might indicate a persistent problem with the bacteriological quality of the drinking water. This amendment will only be permitted in water systems that practice disinfection and that maintain an active residual disinfectant in the distribution system, and/or in those cases where the State has determined in writing that no unreasonable risk to health would exist as a result of this provision.

The existing regulations and the proposed amendments to the regulations provide three additional safeguards. First, water supply systems utilizing this amendment must take at least one additional routine sample in that period to replace the one that is discarded; second, the amendment can be applied only to one positive routine sample during two consecutive compliance periods (either months or quarters as the case may be). In general, a compliance period is one month, but some public water supplies may be on a quarterly schedule. If a system has more than one positive routine sample in a compliance period, those additional positive samples must be included in the average whether or not they are followed by two negative check samples (Note: EPA believes that more than one positive routine sample per compliance period is a more likely indicator of contamination of the drinking water rather than simple mishandling of the sample). Third, this amendment does not affect the "single sample" test set forth in the microbiological maximum contaminant level. That is, regardless of the monthly average of the microbiological

standards, a system exceeds the standard if the individual or "single samples" taken in any month exceed the maximum levels established in 40 CFR § 141.14(a)(2), (3); § 141.14(b) (1)(ii), (iii); and § 141.14(b)(2)(ii)(iii). It is emphasized that these provisions are not a substitute for proper sampling and analytical procedures including verification but merely provide latitude to the States to deal with small systems in the infrequent event of an improperly conducted sampling or test. It is not the intent of this amendment to allow public water supplies to reject samples known to be properly collected and analyzed.

Investigations into the nature of the problem should be made and corrective measures should be taken, especially in repetitive cases where the amendment is exercised more than once annually.

Comments are solicited on the merits of this modification of the regulations and on the adequacy of the safeguards as well as alternative suggestions for dealing with the problem of possible spurious samples leading to unnecessary public notification. This amendment is being made as an interim proposal while EPA is preparing comprehensive revisions of the microbiological standards for the Revised National Primary Drinking Water Regulations.

The amendment also provides that periods shall be used instead of semi-colons after after 40 CFR § 141.14(a)(1); § 141.14(b)(1)(i); and § 141.14(b)(2)(i) to make it clear that the microbiological limitations are composed of two separate maximum contaminant levels—the "monthly average" standard and the "single sample" standard.

In addition, Section 141.21(a) is being clarified to the effect that suppliers of water for community water systems and non-community water systems may engage the services of approved laboratories to monitor and analyze for coliform bacteria for the purpose of determining compliance with Section 141.14. Contrary to EPA's intent, the existing language in Section 141.21(a) has been interpreted by some to mean that the suppliers of water shall themselves monitor and analyze for coliform bacteria and could not use other private and State laboratories for this purpose. That interpretation was inconsistent with Section 141.28 which requires all analyses except turbidity and free chlorine residual to be performed in a laboratory approved by the State.

Sample Storage Time

Questions have arisen with respect to the preservation and storage of drinking water samples for microbiological analysis. The EPA believes that the samples should be analyzed as soon as possible following collection and certainly within 30 hours of collection. The 14th edition of *Standard Methods for Examination of Water and Wastewater* recommends that samples be processed within one hour of collection. If transit time extends beyond 6 hours, the sample should be refrigerated and consideration given to analysis by a local laboratory facility. *Standard Methods for Examination of Water and Wastewater* further recommends that since drinking water samples often have to be transported by mail, the total elapsed time between collection and analysis should not exceed 30 hours. Under extraordinary circumstances a 48 hour transit time will be permitted, but State programs should be developed to keep transit time to a minimum. Samples awaiting analysis after 48 hours should be rejected. Coliform bacteria, if present, ordinarily exist under starving conditions in high quality drinking water. Death rates of these organisms are greatly influenced by the lack of an organic nutrient source. Coliforms will also irreversibly attach to glass surfaces and thus be effectively lost to both the MF and MPN counting procedures since the organisms cannot easily be removed from the walls of the sample container. In addition, it is emphasized that long holding times can lead to excessive bacterial growth in the sample and essentially mask the true count of coliforms which could lead to erroneous conclusions. Finally, exceedingly long periods of time between collection and analysis of the water samples (transit time) may allow contamination to go unnoticed.

Additional studies on the preservation of drinking water samples for coliform determination and the time intervals between sampling and analysis are underway and should provide additional information within the next few months.

Alternative Analytical Methods

The National Interim Primary Drinking Water Regulations specify, in most cases, a single analytical procedure for determining the concentration of each contaminant. However, Section 141.27 states that alternative analytical techniques may be used with the written permission of the State, and with the concurrence of the Administrator of the U.S. Environmental Protection Agency. Proposals for an alternate method for nationwide use are initially evaluated by the EPA's Environmental Monitoring Support Laboratory (EMSL) with final review by the EPA's Office of Drinking Water. In order for an alternative method to be approved it must be deemed substantially equivalent to the prescribed test with precision and accuracy. In addition, the use of an alternate analytical method for determination of compliance with any maximum contaminant level (MCL) does not change the frequency of monitoring required.

A number of alternative analytical techniques have been approved by EPA at the request of some of the States. These techniques have been determined to be equivalent methods and are now acceptable for determining compliance with the NIPDWR. In addition to the alternative analytical methods now approved, several references ASTM methods, essentially identical to the originally specified procedures, have been added for the convenience of analysts. This proposed amendment incorporates approved analytical techniques and ASTM methods into the NIPDWR.

It should be noted that flameless atomic absorption, graphite furnace technique, requested by several States as an alternative method to conventional atomic absorption analysis, will soon be published in a revision of the 1974 EPA Methods Manual. In the meantime, the procedure "Methods for Metals in Drinking Water" (Interim Procedure) is available from the Director of the Environmental Monitoring and Support Laboratory, EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268.

Monitoring for Sodium in Drinking Water

This proposed amendment requires (1) monitoring of sodium levels in drinking water by community water supply systems at least annually for surface water systems and at least every three years for systems using groundwater sources. In addition, (2) suppliers must report the levels to EPA within ten days of receipt of the results and (3) suppliers must notify the public.

The sodium ion is an ubiuitous constituent of natural waters. It is derived geologically from the leaching of surface and underground deposits of salts such as sodium chloride, from the decomposition of sodium aluminum silicates and similar minerals and from the intrusion of sea water into fresh aquifiers. Salt spray from the sea is often the largest contributor of sodium ions within 50–100 miles of the seacoast. Some soils exhibit the property of ion exchange in which calcium ions in the water are replaced by sodium ions during normal leaching.

Human activities also contribute sodium ions to natural waters. The sodium chloride used as a deicing agent on roads enters water supplies in runoff from both roads and storage depots. Municipal use of water typically results in the addition of 20–50 mg/liter of sodium ion, primarily from urine and washing products. Procedures for water treatment often produce a finished water with geater sodium-ion concentration than the raw water from which it was derived. Sources of sodium ion in the treatment of water include sodium hypochlorite, sodium hydroxide, sodium carbonate and sodium silicate. Ion exchange softening, including home water softeners, may also significantly increase the sodium ion concentration in finished drinking water.

Information available at this time indicates that sodium concentrations can be extremely variable, both in surface and ground waters, depending on local circumstances. As a general rule, deep wells, unaffected by surface phenomena, tend to have relatively stable sodium concentrations. Other ground waters are affected by rainfall, and particularly in northern areas, by the use of sodium salts in de-icing of highways. Surface waters tend to show seasonal variations, and of course are affected by run-off, spills, and droughts.

Evidence indicates that excessive sodium intake contributes to an age related increase in blood pressure that culminates in hypertension in genetically susceptible people. Furthermore, in a recent study, high school students living in a community distributing drinking water having sodium concentration levels of 100 mg/1 had higher blood pressure levels than those residing in a community distributing water having a low sodium concentration level of 8 mg/1.

The NAS has estimated that about 15 to 20% of the population are at the risk of developing hypertension. Also a small segment of the U.S. population is on severely restricted diets which require a total sodium intake or less than 500 mg/day. These persons need water containing less than 20 mg/liter sodium ion. The EPA recommends that 20 mg/1 be a goal for public water systems.

A larger portion of the population, about 3%, is on sodium-restricted diets calling for sodium intake of less than 2,000 mg/day. Sodium intake from food is generally by far the major source of sodium intake. However, in many instances, where high sodium concentration levels in the drinking water occur, the contribution of sodium by water may constitute a significant fraction of the total sodium intake. Therefore, knowledge of the sodium ion content of the water supply and maintenance of it at the lowest practicable concentration is critical in arranging diets for persons who require a low sodium diet.

The current National Interim Primary Drinking Water Regulations (40 *FR* 59566) do not contain a MCL for sodium and monitoring is not required for this substance. EPA recommended in the NIPDWR and the proposed Secondary Drinking Water regulations (42 *FR* 17143) that States voluntarily monitor for sodium so that the public and physicians may be informed of the sodium content of available drinking water and so that they may take appropriate action when certain levels are exceeded. In addition, the National Academy of Sciences included sodium in its study of the health effects of inorganic chemicals and recommended that sodium concentration in water should be maintained at the minimum possible, and that provisions should be made for notifying persons on low sodium diets.

The sodium content of public water supplies should be known and this information should be disseminated so that persons who must restrict their sodium intake will be able to make appropriate adjustments to their diets.

Sodium was one of the issues of a petition for review of the NIPDWR. It was argued that monitoring for sodium should be mandatory rather than voluntary. The Court indicated that the study carried out by NAS may aid EPA in re-evaluating its approach to sodium. In the meantime, the 1977 Amendments to Sections 1414(c) and 1445(a) of the Safe Drinking Water Act have clarified EPA's authority to require monitoring, reporting and public notification of levels of any contaminant for which a MCL has not been established.

This proposed amendment establishes special monitoring, reporting and public notification requirements for sodium, and otherwise unregulated contaminant, as now authorized by the SDWA. Although it appears in 40 CFR Part 141, it has not, strikctly speaking, a NIPDWR. Therefore, it has been included in Subpart E of Part 141 which was established when EPA promulgated special monitoring requirements for organic chemicals in drinking water in 1975 (40 *FR* 59588, December 24, 1975). States will not be required to adopt these special requirements for sodium as a condition for maintaining or obtaining primary enforcement responsibility under Section 1413 of the SDWA. These requirements will be enforceable by EPA under the separate enforcement authorities provided under Sections 1414(c) and 1415 of the SDWA. Nevertheless, States are strongly urged to adopt these requirements as State drinking water regulations to minimize the federal enforcement role in primacy States. For this reason, it is proposed that these requirements would be effective 18 months following promulgation to afford States ample time to adopt these requirements. Comment is solicited as to whether these requirements should be made effective sooner.

The purpose of a sodium monitoring program is the assurance that affected persons are informed, in order to make any necessary adjustments in water usage. Suppliers of the water will be required to report to EPA the results of such sodium monitoring within 10 days follwing receipt of the reults. Results should be reported to the State instead, where the State has adopted these regulations. In addition, the supplier will be required to notify consumers and physicians of the sodium content of the water by either inclusion of a notice in the water bills of the system, or by any other regular mailing or by any other effective means within three months. The supplier of water will also be require to notify the State and appropirate local public health officials (local health department and physicians), of the sodium levels by written notice within three months. However, where the State has adopted this regulation and provides the notice to the local public health officials, the supplier may be relieved of this particular notice requirement. A copy of each notice sent in compliance with these requirements must be sent to EPA within 10 days of its issuance.

Comments are solicited regarding the merits of the proposed notification procedures. In those States that adopt these sodium monitoring, reporting and public notification requirements, it may not be necessary for suppliers of water to notify EPA at all, the States may wish to assume responsibility for notifying appropriate local health officials themselves. Another possible option is to limit public notification of the sodium levels in drinking water to physicians, without direct consumer notification. However, incorporation of such information in regularly issued water bills may be the most economical and efficient means for notification. Some water systems already routinely include water quality information with water bills, and other systems have found occasion to include such notice in bills under existing regulations.

It is proposed that monitoring and reporting of sodium concentration levels be performed at least annually in all community water systems utilizing surface water sources and at least every three years for community water systems utilizing only ground water sources beginning 18 months following promulgation. However, States and EPA may establish more frequent monitoring and reporting requirements in instances where it is suspected that significant fluctuation of seasonal variation in sodium concentration levels in the water supply occurs.

Analysis of sodium can be performed rapidly by the flame photometric method (*Standard Methods,* 14th ed., pg. 250) or by Atomic Absorption (*Methods for Chemical Analysis of Water and Waste,* pg. 147). It is estimated that a single sodium analysis performed by these methods will cost about $5, and a laboratory performing multiple sodium analyses can achieve considerable economy reducing the cost per sample to $2 or less.

At these rates, the total national cost to meet the monitoring requirements for sodium would range between $100,000 and $250,000 for the 60,000 community water supply systems involved. On the basis of these cost estimates, the additional annual monitoring cost increase per capita is expected to range from $0.08 to $0.20 for systems serving 25 people to less than $0.01 for systems serving more than 500 people. It should be noted that some States already either require or recommend monitoring for sodium, and some have established limits for sodium in drinking water; thus water suppliers who already monitor for sodium will not be impacted by this proposed regulation.

Comments are solicited regading the merits of the proposed notification procedures. The incorporation of information on the sodium content of water in regular bills might often be the most economical and efficient means for notification. Some water systems already routinely include water quality information with water bills, and other systems have found occasion to include notices of one sort or another in such bills as required by existing regulations. Comment is solicited on this option, as well as on the merits of more direct notification procedures in regard to sodium concentrations.

In addition, EPA is studying the feasibility of establishing Maximum Contaminant Levels (MCLs) for sodium in the Revised Primary Drinking Water Regulations. Comments are solicited on factors for determining the appropriate MCL, monitoring frequencies, and treatment technologies for sodium.

Fluoride

For more than 30 years, the controlled fluoridation of municipal water supplies has benefited the dental health of the nation. President Carter has expressed his personal endorsement of fluoridation as a safe, effective public health measure, and has promised the support of his Administration in speeding the time when "all Americans will share in the benefits that modern medicine has made possible." The Surgeon General and the U.S. Public Health Service strongly endorse the fluoridation of community water supplies at recommended concentrations, and stress that making fluoridated drinking water available to its residents is the single most important step a community can take to improve dental health. The EPA also endorses and encourages the practice of controlled fluoridation of community water supplies at recommended concentrations.

In light of this policy, a recent report by the General Accounting Office (GAO) noted that there has been some confusion as to the significance of the listing of a MCL for fluoride. For clarification and at the suggestion of the GAO, the EPA is proposing to amend Section 141.11 to include a statement which explains that fluoride at optimal levels can have beneficial effects in reducing the occurrence of tooth decay. By setting the MCL, the Agency did not want to give the impression that fluoride should be considered as a detrimental contaminant at concentration levels in drinking water below the MCL. While optimal levels of fluoride have beneficial effects, the MCL was established to protect against high concentrations of fluoride which can cause tooth damage (moderate to severe dental fluorosis). Thus, the establishment of a MCL and an acknowledgment of the benefits of fluoride in drinking water at optimum levels is not a contradiction. Other substances for which MCLs have been established may also have beneficial effects at levels below the MCL.

Compliance Monitoring and Record Maintenance

The purpose of this amendment is to clarify that monitoring samples that are taken by the State may be used to determine compliance with the NIPDWR. The present regulations state that compliance with any maximum contaminant level (MCL) is to be determined pursuant to the applicable monitoring and analysis requirements set forth in Subpart C of the NIPDWR. However, the monitoring and analysis requirements are directly applicable to the suppliers of water, and it is unclear as to whether the results of such compliance sampling performed by the supplier were meant to be the only samples that could be used to determine compliance with the regulations.

The language of this amendment will clarify that the State in a primacy State or the EPA in a non-primacy State under Subpart C of the NIPDWR has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.

In addition, a statement is being proposed to be included in the NIPDWR which would clarify that the water supplier would submit upon request to the State any records required to be maintained by the NIPDWR.

Corrosion Control

Section 141.30 is being added to require community water systems, as designated by the State, to carry out a corrosion control program which would initially identify the presence and source of corrosion products and follow with implementation of corrosion control measures. It is expected that States would designate only those systems that have problems with corrosive waters, and the amendment requires designation and initiation of the corrosion control program within 18 months of promulgation.

The corrosivity of drinking water is a parameter which has significant health and economic aspecs as well at aesthetic significance. The products of corrosion involving the aesthetic factor are dealt with in the National Secondary Drinking Water Regulations. Corrosivity is addressed in the primary regulations on the basis of health effects associated with the presence of such contaminants as metals and organic compounds being products of corrosion in the distribution system.

The question of the contribution of waterborne contaminants as opposed to air, food and dust sources on the total body burden, is being carefully examined. It is clear, however, in many circumstances, elevated lead levels, as well as elevated levels of cadmium, copper, zinc, asbestos and organic compounds in drinking water are caused by leaching from distribution systems as the result of the corrosive action of water.

Water supply systems distributing soft, aggressive waters are the most vulnerable to contamination by

corrosion products which adversely affect the public health.

In addition to the adverse health effects attributable to lead and cadmium, particularly, the NAS in "Drinking Water and Health" pointed out that increased incidence of cardiovascular disease appears to be associated with the consumption of soft, corrosive water. Certain trace metals are found in higher concentrations in soft than in hard water. Several such metals have been suggested as possible intermediaries in the increased cardiovascular disease rates associated with soft water. Based on very limited data, cadmium, lead, copper and zinc have been suspected to be possibly involved in the induction of cardiovascular disease. These metals often occur in plumbing materials and have been found to leach into soft drinking water.

There are a number of other hypotheses offered on how components of drinking water may affect cardiovascular function and disease; these generally fall into these classes:

1. that one or more of the principal "bulk" constituents of hardness in tap water are protective. Calcium and magnesium are the principal cations mentioned.

2. that one or more of the trace elements that tend to be present in hard water are protective.

3. that soft water contains some harmful elements,

4. that other factors are involved.

Regardless of the protective mechanisms, a voluminous body of literature suggests that in the United States and other developed nations, the incidence of many chronic diseases, but particularly cardiovascular diseases (heart disease, hypertension, and stroke), may be associated with various water characteristics related to hardness. Most of these reports indicate an *inverse* correlation between the incidence of cardiovascular disease and the amount of hardness.

Measures taken to reduce the corrosivity of water also modify the hardness or softness of the water, and thus may have a significant health as well as economic benefit.

The existing regulations governing the monitoring for inorganic compounds require that one sample per year for surface sources and one sample every three years for ground water sources be collected for analysis (40 CFR 141.23). However, these monitoring requirements are not adequate to assess the overall health risk associated with a community's water supply. The major source of lead, cadmium and other constituents in a drinking water supply can be from the corrosion of distribution and service lines and home plumbing systems, rather than from source waters. Occurrence of these contaminants is a function both of water quality and distribution system factors; thus only a monitoring and surveillance program, including a broad enough cross-section of households and high enough frequency of sampling while seeking out high probability areas, would be able to detect the presence of specific substances as a result of the corrosive action of the water.

The current monitoring requirements of the NIPDWR for heavy metals such as lead and cadmium were the subject, in part, of a petition for review of the primary regulations. The majority opinion of the Court deciding on the petition upheld the regulations as written, but suggested that more comprehensive monitoring of such contaminants might be considered. One judge expressed a dissenting view that EPA had not adequately addressed the petitioner's concerns about increased monitoring for lead and cadmium, and recommended remanding the regulations for incorporation of more extensive monitoring requirements.

In order to assure that corrosion-related compounds are adequately controlled, it is being proposed that a corrosion control program be implemented by those community water systems that have problems with corrosive waters under the direction of the State. States having primary enforcement responsibilty must determine and designate which water supply systems need to take action to identify and correct corrosive water problems by systems surveys, monitoring for corrosion related contaminants and by implementing corrosion control measures. Also, the State will oversee the administration of the corrosion control program and provide technical assistance where necessary, and report to EPA on the progress of such programs in their annual reports to the EPA as required in 40 CFR 141. Designation of the water supply systems and initiation of the corrosion control program would be required within 18 months of promulgation.

Any State determination that no public water system under its jurisdiction needs a corrosion control program will be reviewed annually by EPA. For purposes of maintaining or obtaining primary enforcement responsibility, after the effective date of these requirements, such a State will be required to demonstrate that it has adequate regulatory authority to (1) designate any system as needing a corrosion control program in the future and (2) to specify corrosion control requirements for any such system designated.

The proposed corrosion control program is summarized in the following statements:

(1) States would designate which community water supply systems would need to initiate surveys and control measures;

(2) States would set a schedule for implementation of the surveys and control measures;

(3) States would oversee the programs and provide technical assistance; and,

(4) States would report annually to EPA on the progress.

A number of approaches are available to survey the distribution systems to identify the presence and locations of materials which have the potential for contaminating drinking water supplies. These include, among others, consulting records, surveys at the consumers' homes, questionnaires, and possibly meter readers gathering information. It should be noted that home plumbing systems should be included in the survey. Although home plumbing systems may or may not be under the direct control of the water supplier, it is still necessary to identify the piping used to determine whether it may be a source of contamination which may be affected by corrosive waters.

The purpose of the sampling program is to provide a representative range of values establishing the frequency of occurrence and extent of contamination by such parameters as lead, cadmium, asbestos and organic compounds.

To ensure confidence in the results of monitoring, it is essential that the selection of sample sites, the frequency, number and manner of collection of samples take into account local and seasonal variations in water quality and other parameters afecting corrosivity which in turn influences contaminant concentrations at the consumers' taps. It is suggested that samples be taken from locations in the distribution system or at the consumer's tap where maximum contaminant concentration levels occur. Selection of such appropriate sample sites requires the evaluation of the physical properties of each particular distribution system.

Following identification of corrosive waters and resultant contaminants, steps should be taken to control the corrosion to the extent feasible. One of the problems associated with identification of and implementation of corrosion control measures is that there

are no simple, generally available means for measuring the corrosivity of water. There are a number of tests available for the determination of the corrosive properties of water utilizing pipe sections, metal coupons or water analyses. Unfortunately, most of these tests are not univerally applicable.

However, in many instances, an index or indices measuring the calcium carbonate stability of the water may be an acceptable measure of corrosivity. Although calcium carbonate stability indices are not ideal as a determinant for coorrosivity in all instances, they are applicable in the majority of cases to assess whether the water is corrosive.

The Agency is considering in this proposal establishing a MCL or MCLs for corrosion using one or more corrosivity indices. Further, the Agency believes that some corrosivity indices could be used as criteria by the State in classifying the corrosivity of the water at public water supplies. However, the Agency realizes that in some instances water may be rendered non-corrosive by means other than calcium carbonate stabilization such as the addition of corrosion inhibitors including zinc phosphates, sodium silicates and others. Therefore, allowances would be made for methods achieving non-corrosive waters not meeting a MCL based on the calcium carbonate stability of the water.

Among the indices being considered as MCLs for the appropriate circumstances are the Langelier Index (LI), the Ryznar Index (RI) or the Aggressive Index (AI) established in AWWA Standard C–400.

The Langelier Index defines the tendency of the water to form or dissolve calcium carbonate scales by comparing the saturation pH of the calcium carbonate (pHs) with the measured pH of the water, LI=pH−pHs. While negative values resulting from the difference between pH and pHs express the tendency of the water to be corrosive, positive values express a supersaturated condition indicating the formation of a protective scale of calcium carbonate on interior surfaces of the distribution system. At equilibrium, the LI has a value of 0.

The Ryznar Index is also calculated from the pHs of calcium carbonate saturation by the formula, RI=2 pHs−pH, and provides an indication of the relative scale forming or aggresive tendencies of the water. Calcium carbonate scale deposition increases proportionally as the index drops below 6, and corrosion increases as it rises above 6, with extremely aggressive conditions for values of 10 and above.

The Aggressive Index, established as a criterion for determining the quality of the water that can be transported through asbestos cement pipe without adverse effects, is calculated from the pH, calcium hardness (H) and the total alkalinity (A) of the water by the formula AI=pH+log (AH). An AI of 12 or above indicates non-aggressive water, while values of 10–11.9 is a possible indication of moderately aggressive conditions. AI values below 10 indicate extremely aggressive conditions.

Therefore, the MCLs being considered for corrosion are the following: LI>0, RI<6 and/or AI>12. For additional details regarding these indices and corrosion control measures, see the Statement of Basis and Purpose document.

Corrosive water is very costly to public water systems and consumers. The institution of corrosion control practices will result in cost savings as well as significantly reduce human exposure to many toxic substances.

Comments are solicited on all aspects of the proposed corrosion control program. The Agency recognizes that a sufficient amount of time will be necessary to complete the surveys and to implement the monitoring and corrosion control measures in order to minimize burdens on the financial, manpower and other resources available. Therefore, comments are solicited regarding the time frame to be allotted between the promulgation of this amendment and the deadline for compliance. In addition, comments are solicited on the merits of the proposed corrosion control program, on specific aspects of implementation of the programs by community water systems, and on the resources necessary to implement the program, including financial aspects and manpower requirements at the federal, state and local levels, and on reporting requirements.

Furthermore, the Agency is specifically soliciting comments regarding the establishment of MCLs based upon corrosivity indices for inclusion in these regulations upon promulgation.

Noncommunity Water Systems

The existing regulations recognize the difference between community and non-community systems in the applicability of different MCL and monitoring requirements. These proposed modifications further delineate and define this difference and the protection and surveillance that the Agency expects the States to exercise over the unique class of non-community systems. These modifications, for non-community water systems, provide an additional year for completion of nitrate monitoring, allow designated non-community systems to exceed the 10 mg/1 nitrate level under certain specified conditions, and modify the bacteriological and turbidity monitoring frequency and public notification measures. The rationale is discussed in the following paragraphs. It is emphasized that these amendments are consistent with the non-community water supply systems strategy which will be published in the Federal Register.

Turbidity Monitoring Frequency

This proposed amendment will allow States additional latitude in determining compliance with the turbidity MCL by non-community water systems. The present regulations [40 CFR § 141.22(a)] require that all systems sample drinking water for turbidity (cloudiness) at least once per day. EPA believes that this rigid requirement may not necessarily be appropriate for all non-community systems. Particular hardship may result because of the cost of monitoring. Congress expected that sampling frequency should be prescribed for systems taking population at risk and local conditions into account. (H. Rep. 93–1185, page 15). Accordingly, this proposed amendment would provide that States may allow a non-community water system to reduce its sampling frequency for turbidity to less than daily if the State determines and documents in writing that a specified reducing sampling frequency would not pose a health risk to the consumers served by that system.

The monitoring frequency determined by the State should reflect anticipated situations where turbidity may be elevated. In making this determination, States should perform a sanitary survey, as well as consider whether the area served by the public water system has a history of waterborne disease and whether the system and raw water source of the system is protected from significant microbiological contamination. Reducing the monitoring frequency will only be permitted where disinfection is practiced, and where a disinfectant residual is maintained in the distribution system. This amendment does not affect the maximum contaminant level for turbidity. Therefore, appropriate enforcement action may still be taken against non-community supplies who are found to exceed the MCL notwithstanding less frequent monitoring. Where turbidity

problems are found, the monitoring frequency should be increased.

EPA anticipates that non-community systems that are required to conduct turbidity monitoring at a reduced frequency may forward water samples to an approved or certified laboratory. The sample of water should be taken at such a time where the analysis can be made on the day the sample was taken. If longer storage is unavoidable, the sample may be stored in the dark for up to 24 hours. (*Standard Methods*, 14 ed., p. 132.)

Although this amendment allows latitude in the monitoring frequency for turbidity specifically for non-community water systems, such water systems should rely on the installation and operation of appropriate water treatment, including coagulation, sedimentation, filtration and disinfection to protect the public health from contamination of drinking water sources.

Nitrate

In many States, nitrate sampling and analyses have been performed for the non-community systems by the States and the States need more time to complete analyses. The Agency is proposing to modify the analysis completion date in 40 CFR § 141.23(a)(3) for nitrates for non-community systems from June 24, 1979, to June 24, 1980, in recognition of unavailability of laboratory capability to handle the large number of analyses in this short period of time. The Agency realizes that the States have initially been concentrating on community water systems and are now placing emphasis upon inventorying the non-community systems and another year before analyses are required would provide relief that is warranted.

It is also being proposed to allow nitrate levels to exceed the 10 mg/1 standard (up to 20 mg/1) for certain non-community systems which apply appropriate control measures. This is proposed in recognition of the fact that water in certain non-community systems, such as industrial plants, does not pose an acute health threat even if the 10 mg/1 nitrate standard is exceeded, because of the limited, adult population consuming that water. The modification also recognizes that the expenses necessary to treat for excessive nitrate levels may be beyond the capacity of the non-community system.

This waiver may only be granted by the State when (1) it is shown that such water will not be available to children under six months of age; (2) there will be a continuous posting of the fact that nitrate levels exceed 10 mg/1 and the potential health effects of exposure; (3) local physicians will be notified of nitrate levels that exceed 10 mg/1; (4) nitrites are not present in the water; and (5) no adverse health effects will result. Such a relaxation, however, does not apply to community water systems whose customers may be adversely affected from long-term exposure and only reflects the unique characteristics of the non-community systems. Section 141.11 is thus being amended to give discretionary authority to the States to allow nitrate levels up to 20 mg/1 in particular non-community systems and under specified conditions.

Comment is solicited as to the merits of extending the deadline for nitrate monitoring by non-community public water supplies and of allowing such systems to exceed the nitrate MCL up to 20 mg/1 under specified conditions.

Public Notice

Modifications to the public notice provisions of the NIPDWR are being proposed for non-community water systems. With respect to public notification, the transient users of a non-community water system, unlike those residents of a community system, are not expected to be interested in the past problems of the non-community system nor to provide any support for the correction of those previous problems. The paramount concern of the transient users is the quality of the drinking water at the time of use. This the proposal is to ensure that concurrent users are made aware of any deficient water quality and not to require notice of previous problems that have been corrected. Section 141.32(d) is being amended to require public notification to consumers of water supplied by non-community systems through continuous posting of violations of the NIPDWR and of the existence of variances and exemptions as long as they continue.

Comment is solicited as to whether this modifed public notification requirement will adequately inform users of non-community systems of the quality of the water should certain systems (i.e., schools) be excluded.

Coliform Monitoring

At present under 40 CFR § 141.21(c), the bacteriological monitoring frequency for non-community water systems can be modified by the State based upon the results of a sanitary survey which is defined under § 141.2(f). EPA proposes an amendment to provide the States with the discretion to modify this monitoring frequency based upon other factors, such as historical records or adequate well code enforcement, in addition to sanitary survey results. However, at least one coliform analysis must be performed before the monitoring frequency may be reduced. In proposing this the Agency is recognizing the fact that in some circumstances other factors may be just as reliable as a sanitary survey in judging the non-community system's ability to consistently produce safe drinking water.

This proposed amendment to Section 141.21 (c) would allow subsequent to initial sampling the States to exercise their discretion on a case-by-case basis to reduce or increase the sampling frequency of non-community systems for microbiological contamination based upon results of sanitary surveys, the existence of historical data regarding bacteriological quality of water, the existence of a prudently designed well construction code and conscientious enforcement thereof, or other appropriate factors. Thus, under these proposed amendments to the regulations, the States would have increased discretion to modify the monitoring, reporting and public notification requirements applicable to individual non-community water systems depending upon the characteristics of such systems.

Comments are solicited on the merits of the proposed amendments for the non-community systems.

Reporting of Compliance Data

Section 141.31(a) is proposed to be amended to require the suppliers of water to report the results of measurement or analysis to the primary enforcement agency no later than the tenth day of the month following the month in which the sample results are received by the system owner. The NIPDWR presently require that results be reported within 40 days following a test, and this amendment will enable the State to determine compliance by a water system within month's time. It can take almost two months to determine compliance under the current provisions of Section 141.31(a) which defeats the possibility of prompt corrective action. In addition, it is proposed to add Section 141.31(e) which states that water supply systems shall submit to the State upon request any records required to be maintained by the NIPDWR.

Public Notification

Under section 1414(c) of the SDWA and 40 CFR § 141.32 of the NIPDWR, a community water system is required to notify the public immediately through

notices in newspaper and the radio and television media of any failure to comply with an applicable MCL in addition to notifying its customers through water bills or by direct mail within three months of such failure.

An amendment to § 141.32(b) is proposed to provide greater latitude to the States to waive the media notification requirements applicable to a community water system under circumstances where such notification would not be meaningful; that is, where a violation has been corrected promptly after discovery, the cause of the violation has been effectively eliminated and the violation has not posed a risk to public health. Consumer notice as required by § 141.32(a) Would remain unchanged by this amendment.

EPA believes that this limited modification of the media notification requirements is authorized by the SDWA as well as consistent with its legislative history. Section 1414(c) gives the Administrator the discretion to establish by regulation the form, manner and frequency for giving public notice. It was contemplated that such regulations would be reasonably designed to implement the purposes of the SDWA, while not unduly burdening public water systems with unnecessary and counter-productive requirements. Thus, in House Report No. 93–1185 accompanying the SDWA, Congress explained that:

> The purpose of this notice requirement is to educate the public as to the extent to which public water systems serving them are performing inadequately in light of the objectives and requirements of this bill. Such public education is deemed essential by the Committee in order to develop public awareness of the problems facing public water systems, to encourage a willingness to support greater expenditures at all levels of government to assist in solving these problems, and to advise the public of potential or actual health hazards. (at page 24)

This public education function is well served by consumer notification of any failure to comply with a MCL, as well as media notification of continous violations or where the cause of the violation has not been duly corrected. Violations that are promptly corrected are not likely to be those which pose serious or long-term public health problems. Moreover, since the State is required to make an affirmative determination that a waiver of media notification is appropriate for any given circumstance, such waivers can certainly be denied where media notification would nevertheless be meaningful in terms of advising the public of any serious problem. No waiver would be appropriate, for example, where a system had a history of violations or where only interim measures had been taken to correct the problem. The good faith efforts of the system to comply and the nature of the violation should also be taken into account.

The House Report accompanying the passage of the SDWA also supports an interpretation that Congress intended that the three-month consumer notice would be sufficient under most situations to notify the public of corrected violations. Thus, Congress stated: "The Administrator's regulations should also require that *the three-month notice* include all violations not previously reported, even though they have been corrected at the time of notification." (emphasis added, at p. 24). The Three-month notice requirement refers to the consumer notice required by Section 141.32(a). This language is interpreted as providing greater flexibility to the Administrator to allow for waiver of the Section 141.32(b) requirements of media notification for corrected violations under appropriate circumstances so long as the purposes of the SDWA are not violated or circumvented. This is consistent with Congress' concern that public notification not unduly alarm the public.

This proposed amendment also attempts to be responsive to comments received from States and public water systems which expressed concern regarding the expense of media notification. Such expense is surely warranted where the public is informed of recurring violations or violations of a continuous nature. However, where violations have been corrected promptly after discovery and the cause of the violation effectively eliminated, such expense becomes less justified. Thus, we have chosen not to allow for waiver of the media notification requirements for every case where a violation has been corrected prior to the time that the notice would be issued. The public education function of the media notification requirements will still be served under most circumstances.

In addition, it is being proposed to add Section 141.31(d) which would require water systems to submit to the State, within ten days of the completion of public notification, a representative copy of each type of notice distributed, published, posted, and/or mode available to the persons served by the system and/or to the media.

Comments are solicited on the proposed amendments for the public notification procedure.

Economic and Energy Assessment

A detailed regulatory analysis of the proposed amendments was not conducted due to the routine nature of the amendments and the expected decrease in the economic burden associated with these amended National Interim Primary Drinking Water Regulations (NIPDWR). Further, these amendments are geneally not expected to have significant impacts upon resources or reporting requirements. The economics associated with each of the amendments are explained below. Energy impacts are negligible.

Changes in the microbiological monitoring and reporting requirements result in unquantifiable but known savings to local water supply facilities. The savings reflect fewer public notifications. Although these savings are relatively small on a national scale, they are significant to the water utilities affected.

It is anticipated that the proposed alternate analytical methods will have a minimal economic impact. For those laboratories that are presently utilizing the equipment for the new alternate methods, there will be cost savings, since the need for equipment purchase for the previously accepted methods will be eliminated. No changes in costs are expected in laboratories that do not adopt these procedures. The overall economic effect of the alternate procedures should be no cost increase, and in some cases a cost savings, since a greater analytical flexibility will be provided.

Changes in the regulations which affect non-community water systems will result in savings associated with reduced monitoring and public notification. Again, the extent of these reductions will be small in terms of national costs, but may be significant for individual suppliers.

Changes in public notification requirements will decrease costs. Some of these savings will be significant for small supplies.

Changes in the fluoride regulations are only for clarification, and will not affect the associated cost in any way.

As indicated previously, a requirement for monitoring and notification of sodium concentrations in drinking water will result in new costs to drinking water utilities. Total national annual costs associated with this regulation would range from $100,000 to $250,000. Annual per capita costs for the smallest systems (25–500 customers) are expected to range from $0.20–$0.08. For larger systems, such costs would be less than $0.01. These new costs do not

impact all public water systems because some States already require sodium monitoring.

The corrosion control program in the proposed regulation will add a small increment of cost for utilities determined to have corrosive waters as compared to a significant benefit in (1) reduction of contaminants at the consumer's tap (such as lead) and (2) cost savings due to extending the useful life of distribution system materials.

The corrosion control programs will involve additional monitoring, possible treatment technology applications, and an increase in the workloads of State program staffs.

Many systems have already instituted corrosion control measures and thus these regulations will not impact those systems. Therefore, the estimate given below should be considered as a maximum level and it is expected that the total annual cost would be much less. While a precise count of the number of systems that will be impacted by these regulations cannot be made, a study conducted in 1976 estimated that approximately half of the water supply systems in the country have problems associated with corrosive water. A study estimated that the national annual costs of stabilizing corrosive waters would be approximately $27 million which in turn would result in an estimated economic savings of $375 million annually. The following information was used in this estimate: a total population of 180 million persons is served by community water systems; investment in community water-distribution systems comprises about 60 percent of the capital cost of water utilities; replacement cost of community systems is estimated to be $125 billion; sixty percent of the total is $75 billion; even with stable waters, distribution capacity of new piping declines with age at a rate of 1 percent/year and with unstable waters the decline commonly doubles thus producing an excess loss of 1 percent per year; and half of the water supply systems have problems of corrosive water.

The specific costs associated with stabilizing corrosive water are presented in the Statement of Basis and Purpose. For example, using line for pH control, it is estimated that the total annual per capita costs for the smallest systems (25–500 customers) range from $16.40 to $5.00. For larger systems (50,000–1 million customers) such costs would be $0.80–$0.25. A recent estimate (see the Basis and Purpose Document) has determined that 16% of public water supply systems have aggressive waters. Certainly, many of these studies have already instituted corrosion control measures; thus, the above costs will not impact those systems.

In regards to monitoring associated with the proposed corrosion control program, the specific analytical methods do not generally require sophisticated equipment and procedures. The corrosion indices involve measurement of such parameters as hardness, alkalinity, pH, total dissolved solids, and temperature; in a number of cases, the water supply system will need to analyze for more specific parameters such as lead but it is not expected to be of any cost significance. Thus, the costs of monitoring are not expected to be significant.

Comments are solicited on the resource impacts of these proposed amendments including costs and resource implications at the Federal, State and local levels.

Comments and Public Hearing

Drafts of these proposed amendments have been reviewed by EPA Regional offices, State program officials, a number of water utilities, the State Liaison Group of the Committee of State Sanitary Engineers, and the National Drinking Water Advisory Council (NDWAC). Comments were received and incorporated into these amendments as appropriate. Most comments received were favorable to the proposed amendments because of the additional latitude provided for meeting the NIPDWR. In addition, a number of comments were received specific to a number of the amendments. Among these were comments on the following: the population cut-off for the microbiological amendments, the application of the amendments for turbidity monitoring to both community and non-community systems, the sodium reporting requirements, the amendments to the nitrate MCL for non-community water systems, and the corrosion control program. Comments received to date will receive further consideration along with comments to be received on these proposed regulations.

Interested persons may participate in this rule-making process by submitting written comments in triplicate to the Comment Clerk, Amended National Interim Primary Drinking Water Regulations, Office of Drinking Water (WH-550), EPA, 401 M Street, S.W., Washington, D.C. 20460.

Further information may be obtained from Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, ODW (WH-550), EPA, 401 M Street, S.W., Washington, D.C. 20460.

Comments are solicited on the merits of all of the aspects of these proposed amendments of the NIPDWR and in particular on the microbiological modifications and the adequacy of the safeguards, on the alternative analytical methods, on the sodium monitoring requirements, on the corrosion control program and on the proposed MCLs for corrosivity, on the changes in the non-community regulations, and on the public notification requirements. Comments should be received on or before September 17, 1979. The record will remain open for public inspection and inclusion of additional comments as appropriate. The proposed effective date is immediately upon promulgation except that the requirements for sodium monitoring and corrosion control will be effective 18 months after date of promulgation. The Statement of Basis and Purpose Document which provides additional supporting information for the sodium and corrosion control requirements is available upon request at EPA headquarters, 401 M Street, S.W., Washington, D.C., and for reading at EPA regional offices. A public hearing on these proposed amendments will be held at EPA, Waterside Mall, Room 2126, 401 M St., S.W., Washington, D.C., on August 29, beginning at 9:00 am. Persons wishing to attend are requested to confirm their attendance by telephone (202–472–5030).

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

Dated: July 12, 1979.

Douglas M. Costle,

Administrator.

Accordingly, 40 CFR Part 141 is amended as follows:

1. Amending § 141.14(a)(1) to read as follows:

§ 141.14 Maximum microbiological contaminant levels.

(a) * * *

(1) One per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to § 141.21 (b) or (c), except that, at State discretion systems required to take 10 or fewer samples per month may be authorized to exclude one positive routine sample per month from the monthly calculation if: (A) the State

determines that the supplier provides and maintains an active disinfectant residual in the distribution system, and/or the state determines in writing to the public water system that no unreasonable risk to health existed under the conditions of this modification; (B) the supplier initiates a check sample on each of two consecutive days from the same sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and (C) the original positive routine sample is reported and recorded by the supplier pursuant to § 141.31(a) and § 141.33(a). The supplier shall report to the State its compliance with the conditions specified in this paragraph and a summary of the corrective action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

* * * * *

(2) Amending § 141.14(b)(1)(i) to read as follows:

* * * * *

(b)(1) * * *

(i) more than 10 percent of the portions (tubes) in any one month pursuant to § 141.21 (b) or (c) except that, at State discretion, systems required to take 10 or fewer samples per month may be authorized to exclude one positive routine sample resulting in one or more positive tubes per month from the monthly calculation if: (A) the State determines that the supply maintains an active disinfectant residual in the distribution system, and/or the State determines in writing to the public water system that no unreasonable risk to health existed under the circumstances; (B) the supplier initiates a check sample on each of two consecutive days from the sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and (C) the original positive routine sample is reported and recorded by the supplier pursuant to § 141.31(a) and § 141.33(a). The supplier shall report to the State its compliance with the conditions specified in this paragraph and a summary of the action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

* * * * *

(3) Amending § 141.14(b)(2)(i) to read as follows:

(b)(2) * * *

(i) more than 60 percent of the portions (tubes) in any month pursuant to § 141.21 (b) or (c), except that, at State discretion, systems required to take 10 or fewer samples per month may be authorized to exclude one positive routine sample resulting in one or more positive tubes per month from the monthly calculation if: (A) State determines that the supplier maintains an active disinfectant residual in the distribution system, and/or the State determines in writing to the public water system that no unreasonable risk to health existed under the circumstances; (B) the supplier initiates two consecutive daily check samples from the same sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and (C) the original positive routine sample is reported and recorded by the supplier pursuant to § 141.31(a) and § 141.33(a). The supplier shall report to the State its compliance with the conditions specified in this paragraph and a summary of the corrective action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

(4) Amending § 141.27 to read as follows:

§ 141.27 Alternative analytical techniques.

(a) With the written permission of the State, concurred in by the Administrator of the U.S. Environmental Protection Agency, an alternative analytical technique may be employed. An alternative technique shall be accepted only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this part.

(b) In addition to the analytical methods prescribed under § 141.23, the following alternative analytical techniques may be used to determine compliance with Sections 141.11, 141.12, and 141.13:

(1) Arsenic—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(2) Arsenic—Silver Diethyldithiocarbamate Method, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 9–10, EPA Office of Technology Transfer, 1974.

(3) Barium—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(4) Cadmium—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(5) Chromium—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(6) Fluoride—Automated Alizarin Fluoride Blue, Ref: "Standard Methods for the Examination of Water and Wastewater," *14*, pp. 614–616, 1975.

(7) Fluoride—Modified Automated Alizarin Fluoride Blue, Ref: "Fluoride in Water and Wastewater Industrial Method #129–71W," December 1972, Technicon Industrial Systems, Tarrytown, New York 10591.

(8) Fluoride—Automated Electrode Method, Ref: "Fluoride in Water and Wastewater," Technicon Industrial Method #380–75WE," February 2, 1976, Industrial Systems, Tarrytown, New York.

(9) Fluoride—Zirconium Eriochrome Cyanine R, Ref: "Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases," USGS, Book 5, Chapter A 1, pp. 90–93.[2]

(10) Lead—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(11) Mercury—Automated Cold Vapor Technique, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 127–133, EPA Office of Technology Transfer, 1974.

(12) Nitrate—Automated Hydrazine Reduction, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 185–194, NERC Analytical Quality Control Laboratory, 1971.

(13) Nitrate—Automated Cadmium Reduction, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 207–212, EPA Office of Technology Transfer, 1974.

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[1] "Methods for Metals in Drinking Water" (Interim Procedure) is available from the Director of EMSL, EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268. The various furnace devices are considered to be atomic absorption techniques. Methods of standard addition are to be followed as noted on p. 78 of "Methods for Chemical Analysis of Water and Wastes," EPA Office of Technology Transfer, 1974. As with other approved analytical procedures for metals, the technique applicable to *total* metals must be used.

[2] Copies available from: Water Quality Branch, National Center, U.S. Geographical Survey, 112201 Sunrise Valley Drive, Reston, Virginia 22092.

(14) Organics—Gas Chromatographic, Ref: "Methods for Analysis of Organic Substances in Water," USGS, Book 5, Chapter A 3, pp. 24–39.[2, 3]

(15) Organics (Pesticides)—"Standard Methods for the Examination of Water and Wastewater," 14th Ed., 1975. Organochlorine Pesticides, part 509A, pp. 555–564, Chlorinated Phenoxy Acid Herbicides, part 509B, pp. 565–569.

(16) Selenium—Hydride generation—atomic absorption spectrophotometry, USGS. Method, I–1667–77, 1976.

(17) Selenium—Flameless Atomic Absorption, Graphite Furnace Technique, Ref: Atomic Absorption Newsletter, *14*, No. 5, pp. 109–116, 1975.

(18) Silver—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(19) Turbidity—Nephilometric method with Styrene Divinylbenzene Polymer Standards.[4]

* * * * *

(5) Amending § 141.23(f) (6) and (10) to read as follows:

§ 141.23 Inorganic chemical sampling and analytical requirements.

(f) * * *

(6) Mercury—Flameless Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 118–126, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or 1977 Annual Book of ASTM Standards, part 31, Method D3223–73, pp. 396–402.

(f) * * *

(10) Fluoride-Electrode Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 172–174, or "Methods for Chemical Analysis of Water and Wastes," pp. 65–67, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or 1977 Annual Book of ASTM Standards, part 31, Method D1179–72, pp. 342–344, or Colorimetric Method with Preliminary Distillation, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 171–172 and 174–176, or "Methods for Chemical Analysis of Water and Wastes," pp. 59–60, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or 1977 Annual Book of ASTM Standards, part 31, Method D1179–72, pp. 340–342.

* * * * *

(6) Amending § 141.24 (e) and (f) to read as follows:

§ 141.24 Organic chemical sampling and analytical requirements.

* * * * *

(e) Analysis made to determine compliance with § 141.12(a) shall be made in accordance with "Method for Organochlorine Pesticides in Industrial Effluents, "MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973, or "Organochlorine Pesticides in Water," 1977 Annual Book of ASTM Standards, part 31, Method D3086–72T, pp. 609–624 or "Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water" Interim—Pending Issuance of Methods for Organic Analysis of Water and Wastes.

(f) Analysis made to determine compliance with § 141.12(b) shall be conducted in accordance with "Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973, or "Chlorinated Phenoxy Acid Herbicides in Water," 1977 Annual Book of ASTM Standards, part 31, Method D3478–75T, pp. 595–602.

* * * * *

(7) Amending § 141.11(c) to include the following footnote to the MCLs:

* * * * *

§ 141.11 Maximum contaminant levels for inorganic chemicals.

(c) * * *

Fluoride at optimal levels in drinking water has been shown to have beneficial effects in reducing the occurrence of tooth decay.

(8) Adding a new § 141.30 to read as follows:

§ 141.30 Corrosion control.

(a) When notified by the State, a community public water system identified as having corrosive waters shall initiate a survey and sampling program to establish water quality conditions in the distribution system and at the consumer's tap to determine the presence of corrosion products, including such compounds as lead, cadmium, asbestos, and organic compounds. Within 18 months of promulgation of this section, States will designate the community water supply systems that have corrosive waters. At that time, States will set a schedule for implementation and completion of the surveys and implementation of the corrosion control measures by the public water supply systems. The States will direct the program, provide technical assistance, and report to EPA annually on the progress of the State's designation and implementation of the corrosion control programs.

(1) The public water system shall conduct a survey, as prescribed by the State, to locate and identify the sources of specific corrosion products in the distribution system and in the home plumbing systems.

(2) The public water system shall collect samples for analyses from a number of sites at different locations, representative of the distribution system and home plumbing system, as determined by the State, where the potential presence of specific corrosion products are suspected. Priority for sampling shall be given to sites where the potential for contamination is greatest.

(3) Based on the results obtained from the survey and sampling program, the public water system shall implement appropriate programs for controlling corrosion to assure that every consumer receives safe drinking water.

(b) Analyses of the samples collected shall be in compliance with the requirements set forth in Section 141.23 of the NIPDWR. The States may also establish analytical requirements for contaminants not included in the NIPDWR as approved by EPA.

(9) Amending § 141.22(a) to read as follows:

§ 141.22 Turbidity sampling and analytical requirements.

(a) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with § 141.13 except that States may allow a non-community water system to reduce this sampling frequency if the State determines in writing that a reduced sampling frequency will not pose a risk to public health. The option of reducing the turbidity monitoring frequency shall be permitted only in those public water systems that practice disinfection and which maintain an active residual disinfectant in the distribution system, and in those cases where the State has determined in writing that no unreasonable risk to health existed under the circumstances of this option.

[3] Only the six pesticides named in the Interim Primary Drinking Water Regulations are included: Endrin, Lindane, Methoxychlor, Toxaphene; 2,4–D; and 2,4,5–TP (Silvex). Federal Register, Vol. 40, No. 248, pp. 59570–59571, Dec. 24, 1975.

[4] Additional information on this method is available from the Environmental Monitoring and Support Laboratory until the 1974 EPA manual is updated. Commercial products of Amco–AEPA–1 Polymer are available from AMCO Standards International Inc., 230 Polaris Avenue, No. C., Mountain View, California 94043.

The turbidity measurements shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 350–353, or "Methods for Chemical Analysis of Water and Wastes," pp. 295–298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

* * * * *

(10) Amending § 141.11 (a) and (d) to read:

§ 141.11 Maximum contaminant levels for inorganic chemicals.

(a) The MCL for nitrate is applicable to both community water systems and non-community water systems except as provided by in paragraph (d). The levels for the other organic chemicals apply only to community water systems. Compliance with maximum contaminant levels for inorganic chemicals is calculated pursuant to § 141.23.

* * * * *

(d) At the discretion of the State, nitrate levels not to exceed 20 mg/l may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the State that:

(1) Such water will not be available to children under 6 months of age; and

(2) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure; and

(3) Local physicians, including pediatricians and obstreticians, will be notified of nitrate levels that exceed 10 mg/l; and

(4) Nitrites are not present in the drinking water; and,

(5) No adverse health effects will result.

* * * * *

(11) Amending § 141.21 (a) and (c) to read as follows:

Subpart C—Monitoring and Analytical Requirements

§ 141.21 Microbiological contaminant sampling and analytical requirements.

(a) Suppliers of water for community water systems and non-community water systems shall analyze or use the services of an approved laboratory for coliform bacteria for the purpose of determining compliance with § 141.14. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 662–688, except that a standard sample size shall be employed. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the 5 tube most probable number (MPN) procedure (fermentation tube method) shall be 5 times the standard portion. The standard portion is either 10 milliliters or 100 milliliters as described in § 141.14 (b) and (c). The samples shall be taken at points which are representative of the conditions within the distribution system.

* * * * *

(c) The supplier of water for a non-community water system shall be responsible for sampling for coliform bacteria in each calendar quarter during which the system provides water to the public. Such sampling shall begin within two years after the effective date of this part. If the State, on the basis of a sanitary survey, the existence of additional safeguards such as a protective and enforced well code, or accumulated analytical data, determines that some other frequency is more appropriate, such frequency shall be the frequency required under these regulations. Such frequency shall be confirmed or modified on the basis of subsequent surveys or data. The frequency shall not be reduced until the non-community system has performed at least one coliform analysis of its drinking water and shown to be in compliance with § 141.14.

* * * * *

(12) Amending § 141.23(a)(3) to read as follows:

§ 141.23 Inorganic chemical sampling and analytical requirements.

(a) * * *

(3) For non-community water systems, whether supplied by surface or ground sources, analyses for nitrate shall be completed by June 24, 1980. These analyses shall be repeated at intervals determined by the State.

Subpart D—Reporting, Public Notification and Recordkeeping

(13) Amending § 141.31(a) to read as follows:

§ 141.31 Reporting requirements.

(a) Except where a shorter reporting period is specified in this part, the supplier of water shall report to the State the results of any test, measurement, or analysis required by this part within 10 days following receipt of such results by the supplier; except that results of analyses performed more frequently than once per month, such as turbidity and bacteriological testing, can be accumulated and reported at one time by the tenth day of the month following the month in which the samples were analyzed.

(14) Amending § 141.32(d) to read as follows:

§ 141.32 Public notification.

* * * * *

(d) If a non-community water system fails to comply with an applicable maximum contaminant level established in Subpart B of this part, fails to comply with an applicable testing procedure established in Subpart C of this part, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required pursuant to Section 1445(a) of the Act, the supplier of water shall give notice by continuous posting of such failure or granting of a variance or exemption to the persons served by the system as long as the failure or granting of a variance or exemption continues. The form and manner for such notice shall be prescribed by the State and shall ensure that the public using the system is adequately informed of the failure or granting of the variance or exemption.

* * * * *

(15) Amending § 141.32(b)(3) to read as follows:

§ 141.32 Public notification.

* * * * *

(b) * * *

(3) Except that the requirements of this subsection (b) may be waived by the State if it determines that the violation has been corrected promptly after discovery, the cause of the violation has been eliminated, and the violation has not posed a risk to public health.

(16) Amending § 141.28 to read as follows:

§ 141.28 Approved laboratories.

(a) For the purpose of determining compliance with § 141.21 through § 141.27, samples may be considered only if they have been analyzed by a laboratory approved by the State except that measurements for turbidity and free chlorine residual may be performed by any person acceptable to the State.

(b) Nothing in this Part shall be construed to preclude the State or any duly designated representative of the State from taking samples or from using the results from such samples to

determine compliance by a supplier of water with the applicable requirements of this Part.

(17) Amending § 141.31 to add two subsections (d)(e) to read as follows:

§ 141.31 Reporting requirements.

* * * * *

(d) The water supply system, within ten days of completion of each public notification required pursuant to § 141.31, shall submit to the State a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

(e) The water supply system shall submit to the State within the time stated in the request copies of any records required to be maintained under § 141.33.

* * * * *

(18) Amending Subpart E to read as follows:

Subpart E—Special Monitoring Regulations for Organic Chemicals and Otherwise Unregulated Contaminants

* * * * *

(19) Amending Subpart E by adding a new § 141.41 to read as follows:

§ 141.41 Special monitoring for sodium.

(a) Suppliers of water for community public water systems shall collect and analyze water samples representative of the distribution system for the determination of sodium concentration levels at least annually for systems utilizing surface water sources in whole or in part, and at least every three years for systems utilizing solely ground water sources. The supplier of water may be required to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

(b) The supplier of water shall report to EPA the results of the analyses for sodium within 10 days following receipt of the results. The supplier of water shall not be required to report the results to EPA where the State has adopted this regulation and results are reported to the State.

(c) The supplier of water shall notify persons served by the system of the sodium content of the drinking water by either inclusion of a notice in the water bills of the system issued after receipt of the results or, by any regular mailing, or any other effective means within three months. The supplier of water shall also notify the State and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this paragraph shall be sent to EPA within 10 days of its issuance. The supplier of water is not required to notify appropriate local public health officials of the sodium levels where the State has adopted this regulation and provides such notice in lieu of the supplier.

(d) Analyses for sodium shall be performed by the flame photometric method in accordance with the procedures described in *"Standard Methods for the Examination of Water and Wastewater,"* 14th Edition, pp. 250–253, or by the atomic adsorption method in *"Methods for Analysis of Water and Waste,"* p. 147.

[FR Doc. 79-22238 Filed 7-18-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[44 CFR Part 67]

[Docket No. FI-5643]

Proposed Flood Elevation Determinations for the Town of Collinsville, De Kalb County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Collinsville, De Kalb County, Alabama.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Collinsville, Alabama. Send comments to: Mayor Ray R. Thatts or Margaret Osborne, City Clerk, City Hall, P.O. Drawer N. Collinsville, Alabama 35961.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Collinsville, De Kalb County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Wills Creek	Just upstream of Alabama Highway 68.	675
	Just downstream of Copeland Bridge.	679
Little Wills Creek	Just upstream of County Road 51.	679
	Just upstream of Broad Street.	716
Little Wills Creek Tributary.	Approximately 100 Feet upstream of Reed Street.	723

(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: July 5, 1979.

Charles M. Plaxico Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22127 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5644]

Proposed Flood Elevation Determinations for the City of Greenville, Butler County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Greenville, Butler County, Alabama.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Soil Conservation Office, Greenville, Alabama.

Send comments to: Mayor Janice Etheredge, or Mr. James R. Salter, Building Inspector, City Hall, P.O. Box 158, Greenville, Alabama 36036.

FOR FURTHER INFORMATION CONTACT: Mr Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Greenville, Butler County, Alabama in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are most stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stallings Creek	Approximately 100 feet upstream of southern corporate limits.	347
	Just upstream of Alabama Highway 10.	356
	Approximately 100 feet downstream of I-65.	363
Stallings Creek Tributary No. 1.	Just upstream of southern corporate limits.	349
	Approximately 200 feet upstream of County Road.	350
Stallings Creek Tributary No. 2 Peavy Creek.	Western corporate limits 1400 feet south of State Highway 10.	351
Stallings Creek Tributary No. 4.	Approximately 200 feet upstream of the confluence with Stallings Creek.	361
Persimmon Creek	Just upstream of southern corporate limits.	330
	Just upstream of U.S. Highway 31.	337
	Just upstream of confluence of Persimmon Creek Tributary No. 3—Tanyard Branch.	340
	Approximately 100 feet downstream of Alabama Highway 10.	349
	Just upstream of northern corporate limits.	364
Persimmon Creek Tributary No. 1.	Just upstream of southern corporate limits.	349
	Approximately 300 feet upstream of Highlands Road.	369
	Approximately 200 feet upstream of Ogelsby Street.	370
Persimmon Creek Tributary No. 3.	Just upstream of Cunningham Street.	360
Tanyard Branch	Just upstream of Commerce Street.	371
	Just upstream of North Conecuh Street.	381
Persimmon Creek Tributary No. 4.	Just upstream of the confluence with Persimmon Creek.	351
Persimmon Creek Tributary No. 5.	Approximately 100 feet upstream of the confluence with Persimmon Creek.	356

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22128 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5645]

Proposed Flood Elevation Determinations for the City of Talladega, Talladega County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Talladega, Talladega County, Alabama.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Building Inspector's Office, City Hall, Talladega, Alabama.

Send comments to: Mayor Charles Osborne, or Jackson Hardy, Building Inspector, City Hall, P.O. Box 498, Talladega, Alabama 35160.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Talladega, Talladega County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Talladega Creek	Just downstream of Louisville and Nashville Railroad.	506
Isbell Branch	Approximately 60 feet upstream of Bemiston Avenue.	515
	Approximately 90 feet upstream of East South Street.	542
	Just downstream of North West Street.	546
	Approximately 65 feet upstream of North East Street.	551
	Approximately 70 feet downstream of 15th Street extended.	566
Shady Lane Creek	Just upstream of Shady Lane Circle.	574
	Approximately 110 feet downstream of Allison Mill Road.	590
	Just downstream of Hilldale Drive.	633
Oak Hill Creek	Approximately 80 feet downstream of Maintenance Dept. Road.	544
	Approximately 50 feet upstream of South Court Street.	559
	Approximately 70 feet upstream of Cherry Street.	576
Adams Creek	Just upstream of Jackson Street.	555
	Approximately 50 feet upstream of Howard Street.	556
Brecon Creek	Approximately 50 feet upstream of Broome Street.	556
	Just upstream of Intersection of 19th Street and Jemison Street.	564
	Approximately 100 feet downstream of Dumas Avenue.	570
Johnson Creek	Approximately 200 feet upstream of Coosa Street.	572
	Approximately 60 feet downstream of Morgan Street.	579
Shocco Creek	Just upstream of Southern Railroad Bridge.	549
	Old Shocco Road	571

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22129 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5646]

Proposed Flood Elevation Determinations for the Town of Valley Head, De Kalb County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Valley Head, De Kalb County, Alabama.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Clerk, City Hall, Valley Head, Alabama.

Send comments to: Mayor Pro Tem Eugene Smith or Ms. Barbara Davis, Town Clerk, City Hall, Valley Head, Alabama 35959.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Valley Head, De Kalb County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in thier flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Wills Creek	Just upstream of City Park Bridge.	993
	Just downstream of the Southern Railway.	1,009
	Just upstream of Southern Railway.	1,015
	Just downstream of School Street.	1,021
	Just downstream of southernmost crossing of Highway 117.	1,036
Valley Head Branch	Just upstream of Southern Railroad.	1,016
	Just upstream of Private Drive.	1,030

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22130 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR PART 67]

[Docket No. FI-5647]

Proposed Flood Elevation Determinations for the City of Brookland, Craighead County, Ark., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Brookland, Craighead County, Arkansas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Community Building and Fire Station, Brookland, Arkansas.

Send comments to: Mayor Eugene T. Barnett, City Hall, P.O. Box 85, Brookland, Arkansas 72417.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Brookland, Craighead County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Maple Slough Ditch.	Just upstream of St. Louis Southwestern Railroad Bridge.	260
	Approximately 200 feet upstream of State Highway No. 1 bridge.	261

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22131 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5648]

Proposed Flood Elevation Determinations for the City of Caraway, Craighead County, Ark., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Caraway, Craighead County, Arkansas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Caraway, Arkansas.

Send comments to: Mayor Calvin Jackson or Ms. Shirley Conner, City Secretary, City Hall, Highway 158, Caraway, Arkansas 72419.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Caraway, Craighead County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
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.	226

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22132 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5649]

Proposed Flood Elevation Determinations for the Unincorporated Areas of Columbia County, Ga., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Columbia County, Georgia.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Columbia County Planning Department, 108 Davis Road, Martinez, Georgia 30907.

Send comments to: Mr. Stephen Scablewski, County Administrator, or Mr. Lynn Noris, Jr., Chairman of the Columbia County Planning Commission, P. O. Box 4660, Martinez, Georgia 30907.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the unincorporated areas of Columbia County, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Savannah River	Northeastern Corporate Limits.	164
	Just upstream of Furys Ferry Road (State Highway 28).	204
Reed Creek	Just downstream of Stevens Creek Road.	196
	Just upstream of Furys Ferry Road (State Highway 28).	217
	Just downstream of Columbia Road.	323
Stevens Creek Road Tributary.	Just downstream of the Sewage Treatment Plant Access Road.	196
	Just upstream of Sewage Treatment Plant Access Road.	201
Bowen Pond Tributary	Just upstream of Marlboro Street.	267
Westhampton Tributary No. 1.	Approximately 300 feet upstream from the confluence with Bowen Pond Tributary.	255
Westhampton Tributary No. 2.	Approximately 300 feet upstream from the confluence with Bowen Pond Tributary.	265
Westhampton Tributary No. 3.	Approximately 200 feet upstream from the confluence with Bowen Pond Tributary.	271
West Lake Tributary	Approximately 640 feet upstream of the confluence with Reed Creek.	202
	At private road approximately 750 feet upstream from the confluence with Reed Creek.	213
Furys Ferry Road Tributary East.	Approximately 300 feet upstream from the confluence with Reed Creek.	214
Furys Ferry Road Tributary West.	Just upstream of a private road, approximately 160 feet upstream from the confluence with Reed Creek.	216
Wynngate Tributary	Just downstream of Old Petersburg Road.	261
Bonaire Heights Tributary.	Approximately 450 feet upstream from the confluence with Wynngate Tributary.	274
El Cordero Estates Tributary.	Approximately 740 feet upstream from the confluence with Wynngate Tributary.	312
Old Evans Road Tributary.	Approximately 350 feet upstream from the confluence with Reed Creek.	276
Holiday Park Tributary	Approximately 3,000 feet upstream from the confluence with Reed Creek.	315
	Just downstream of Columbia Road.	370
	Just upstream of Columbia Road.	376
Owens Road Tributary	Approximately 200 feet upstream from the confluence with Holiday Park Tributary.	322
Upper Reed Creek Tributary.	Approximately 300 feet upstream from the confluence with Reed Creek.	309
Watery Branch	Point Comfort Road	200
Watery Branch Tributary.	Approximately 250 feet upstream from the Confluence with Watery Branch.	204
Jones Creek	Just downstream of Furys Ferry Road.	217
Furys Ferry Road Tributary North.	Approximately 400 feet upstream from the confluence with Jones Creek.	216
Furys Ferry Road Tributary South.	Approximately 450 feet upstream from the confluence with Jones Creek.	225
Jones Creek Tributary No. 1.	Approximately 500 feet upstream from the confluence with Jones Creek.	226
Seaboard Railroad Tributary.	Approximately 350 feet upstream from the confluence with Jones Creek.	227
Marshall Pond Tributary.	Approximately 200 feet upstream from the confluence with Jones Creek.	247
Jones Creek Tributary No. 2.	Approximately 100 feet upstream of the confluence with Jones Creek.	260
Jones Creek Tributary No. 3.	Approximately 100 feet upstream of the confluence with Jones Creek.	272
Bettys Branch	Just upstream of Washington Road.	278
Mt. Enna Branch	Just upstream of Silver Lake Road.	237

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
	Just upstream of Washington Road.	270
Washington Road Tributary.	At the confluence of Bettys Branch Tributary.	294
Bettys Branch Tributary.	Approximately 500 feet upstream of the confluence with Washington Road Tributary.	306
Gibbs Road Tributary..	Approximately 250 feet upstream of the confluence with Bettys Branch.	295
Uchee Creek.....	Approximately 1,000 feet upstream of Washington Road.	208
Tudor Branch.....	Just upstream of Lewiston Road.	241
	Just downstream of Columbia Road (State Highway 232).	283
Crawford Creek.....	Just downstream of Columbia Road.	313
	Just downstream of Oakley Pirkle Road.	330
Columbia Road Tributary East.	Just downstream of Columbia Road.	322
	Just upstream of Columbia Road.	326
Columbia Road Tributary West.	Approximately 350 feet upstream of confluence with Crawford Creek.	320
Wymberly Tributary	Approximately 400 feet upstream from the confluence with Crawford Creek.	324
Oakley Pirkle Road Tributary.	Just downstream of Oakley Pirkle Road.	346
	Just upstream of Oakley Pirkle Road.	361
Oak Lake Tributary West.	Approximately 500 feet upstream from the confluence with Crawford Creek.	343
Oak Lake Tributary East.	Just upstream of Rockdale Drive.	349
Old Belair Road Tributary East.	Just upstream of a private road, approximately 775 feet upstream from the confluence with Crawford Creek.	360
Old Belair Road Tributary West.	Approximately 450 feet upstream from the confluence with Crawford Creek.	362
Walton Branch.....	Approximately 1,000 feet upstream from the confluence with Tudor Branch.	249
	Just upstream of Columbia Road.	284
Walton Branch Tributary.	Approximately 400 feet upstream from the confluence with Walton Branch.	285

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22133 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5206]

Proposed Flood Elevation Determinations for the City of Baldwin City, Douglas County, Kans., Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 F.R. 13507 of the Federal Register of March 12, 1979.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The following:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Tributary B.....	About 100 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,002

Should be corrected to read:

Tributary B.....	About 100 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,001

(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: July 5, 1979.

Charles M. Phaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22134 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-01-M

[44 CFR Part 67]

[Docket No. FI-5650]

Proposed Flood Elevation Determinations for the City of Bromley, Kenton County, Ky., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bromley, Kenton County, Kentucky.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of Chairman of the Board of Trustees, 226 Boone Street, Ludlow, Kentucky.

Send comments to: Mr. Earl Ransom, Chairman of the Board of Trustees, 226 Boone Street, Ludlow, Kentucky 41016.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Bromley, Kenton County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)], 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Main Street (Extended)	496
Pleasant Run Creek	Just upstream Elm Street	496
	Moore Street (Extended)	496

(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: June 28, 1979.

Charles M. Plaxico, Jr.,

Federal Insurance Administrator.

[FR Doc. 79-22135 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5651]

Proposed Flood Elevation Determinations for the Town of Kentwood, Tangipahoa Parish, La., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Kentwood, Tangipahoa Parish, Louisiana.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Clerk, City Hall, Kentwood, Louisiana.

Send comments to: Mayor Nicholas Saladino, City Hall, 308 Avenue G, Kentwood, Louisiana 70444.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Kentwood, Tangipahoa Parish, Louisiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Button Creek	Just downstream of LA Highway 1051.	206
	Just downstream of Interstate I-55 Culvert.	211
	Just upstream of Westmoreland Road.	227
Tangipahoa River	Just downstream of LA Highway 38.	196

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22136 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5652]

Proposed Flood Elevation Determinations for the City of Newton, Newton County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Newton, Newton County, Mississippi.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Newton, Mississippi.

Send comments to: Mayor Preston Bealty or Mr. Daryl Ford, Director of Public Works, City Hall, P.O. Box 300, Newton, Mississippi 39345.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Newton, Newton County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Potterchitto Creek	Just upstream of Ford Avenue Extension.	382
potterchitto Creek, Tributary 1.	Just downstream of U.S. Highway 80.	379
Stream One	Just upstream of Illinois Central Gulf Railroad.	384
	Just upstream of Third Avenue.	394

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22137 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5653]

Proposed Flood Elevation Determinations for the City of Petal, Forrest County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Petal, Forrest County, Mississippi.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, Petal, Mississippi.

Send comments to: Mayor Snyder O. Smith or Pricilla Daniels, City Clerk, P.O. Box 564, Petal, Mississippi 39465.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Petal, Forrest County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinance that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Leaf River	Just upstream River Avenue (Main Street).	146
	Just upstream Southern Railway.	150
Greens Creek	Just downstream Main Street	160
	Just downstream Chapell Hill Road.	171
Unnamed Tributary	Just upstream George Avenue.	148
	Approximately 100 feet upstream 8th Avenue.	153

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22138 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5654]

Proposed Flood Elevation Determinations for the Town of Union, Newton County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Union, Newton County, Mississippi.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Union, Mississippi.

Send comments to: Mayor James E. Ogeltree, or Mr. T. G. Weaver, City Clerk, City Hall, 404 Bank Street, Union, Mississippi 39365.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Union, Newton County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Chunky Creek	125 Feet downstream of Main Street.	472
	At Airport Road	488
Chunky Creek, Tributary 1.	At Front Street	470
	Just upstream of State Route 492.	481
Chucky Creek, Tributary 2.	90 Feet upstream of Illinois Central Gulf Railroad Spur Track.	481

(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: July 5, 1979.

Charles M. Plexico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22135 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5655]

Proposed Flood Elevation Determinations for the City of Yazoo City, Yazoo County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Yazoo City, Yazoo County, Mississippi.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Mayor, Yazoo City, Mississippi. Send comments to: Mayor Charles Fulgham or Mr. Harrell Gromberry, City Clerk, P.O. Box 689, Yazoo City, Mississippi.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Yazoo City, Yazoo County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Willis Creek	At State Highway No. 3	102
	Approximately 400 feet upstream of Field Road.	104
	Approximately 70 feet upstream U.S. Highway 49E.	127
Fifteenth Street Ditch	At confluence with City Ditch.	99
	At Smith Street	100
Storm Drain Ditch At Ninth Street.	At Champlin Avenue	99
	At Prentiss Street	100
	Approximately 20 feet upstream of Lamar Avenue.	102
Lintonia Avenue Canal	At confluence with City Ditch.	99
	At Water Street	109
	Just downstream of Calhoun Avenue.	111
	Just upstream of Grand Avenue.	115
	Just upstream of Jackson Avenue.	123
	Approximately 200 feet upstream of Webster Avenue.	128
Town Creek	At Water Street	98
	At Washington Street (and Leake Street).	117
	Just upstream of Monroe Street.	127
	Approximately 110 feet upstream of confluence of Town Creek Lateral.	136
Town Creek Lateral	Approximately 90 feet upstream of confluence with Town Creek.	142
City Ditch	Just upstream of Broadway Street.	98
	Just upstream of Champlin Avenue.	99
	At Fifteen Street	99

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator

[FR Doc. 79–22140 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5656]

Proposed Flood Elevation Determinations for the City of Franklin, Warren County, Ohio, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Franklin, Warren County, Ohio.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 35 East Fourth Street, Franklin, Ohio. Send comments to: Mr. Bernard Eicholz, City Manager of Franklin, City Building, 35 East Fourth Street, Franklin, Ohio 45005.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Franklin, Warren County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Great Miami River	Downstream Corporate Limits.	671
	Baxter Road (Extended)	675
	Chicago & Northwestern Railroad.	678
	Park Avenue (Upstream)	681
	Bryant Avenue (Extended)	682
	Upstream Corporate Limits	684
Clear Creek	Confluence with Great Miami River.	671
	Baxter Road (Upstream)	673
	Chicago & Northwestern Railroad (Upstream).	679
	Union Road	684
Clear Creek	Confluence of Beam Ditch	688
	State Route 123 (Upstream)	690
	Interstate 75 (Downstream)	696
	Interstate 75 (Upstream)	699
	Private Driveway 5,920 feet upstream of I–75 (Upstream).	710
	Upstream Corporate Limits	714
Greens Run	Confluence with Tommy's Run.	702
	Interstate 75 Culvert Outlet	719
	Interstate 75 Culvert Inlet	725
	State Route 123 (Upstream)	730
	Beal Road Culvert Inlet	733
	Private Driveway 211 feet upstream of Beal Road (Upstream).	733
Beam Ditch	Confluence with clear Creek	688
	State Route 123 (Upstream)	692
	4th Street (Upstream)	707
	Thomas Drive (Extended)	717
	Martha Road Culvert Outlet	724
	Moore Drive Culvert Inlet	735

(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: June 28, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22141 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5657]

Proposed Flood Elevation Determinations for the City of Snyder, Kiowa County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Snyder, Kiowa County, Oklahoma.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 721 E Street, Snyder, Oklahoma. Send comments to: Mayor J. D. Von Tungeln, 703 E Street, Snyder, Oklahoma 73566.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Snyder, Kiowa County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1	Just downstream of "C" Street.	1849
	Just upstream of U.S. Highway 183.	1952

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 2	Just downstream of "C" Street.	1355
	Just downstream of 13th Street.	1357

(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: July 5, 1979.

Charles M. Plaxico, Jr.

Acting Federal Insurance Administrator.

[FR Doc. 79-22142 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5658]

Proposed Flood Elevation Determinations for the Town of Black Mountain, Buncombe County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Black Mountain, Buncombe County, North Carolina.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Black Mountain, North Carolina.

Send comments to: Mayor Chester T. Sobol, or Mr. Mack Kirkpatrick, Town Manager, City Hall, 225 W. State Street, Black Mountain, North Carolina 28711.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Black Mountain, Buncombe County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swannanoa River	Just upstream of Blue Ridge Road.	2306
	Just upstream of Southern Railway.	2355
Flat Creek	Just upstream of U.S. Highway 70.	2364
	Just downstream of Cotton Avenue.	2403
Tomahawk Branch	Approximately 528 feet upstream of the confluence with Swannanoa River.	2287
	Just upstream of U.S. Highway 70.	2314
Camp Branch	Approximately 528 feet upstream of the confluence with Swannanoa River.	2323
	Just downstream of the confluence of Tributary to Camp Branch.	2347
Unnamed Tributary to Camp Branch.	Approximately 90 feet upstream of the confluence with Camp Branch.	2348

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22143 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR PART 67]

[Docket No. FI-5659]

Proposed Flood Elevation Determinations for the City of Balcones Heights, Bexar County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Balcones Heights, Bexar County, Texas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Secretary's Office, City Hall, San Antonio, Texas.

Send comments to: Mayor Webster or Mr. William F. Hall, City Secretary, City Hall, 123 Altgett Avenue, San Antonio, Texas 78201.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Balcones Heights, Bexar County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood

Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, feet national geodetic vertical datum
East Woodlawn Ditch.	Just downstream of West Service road of I-10 (or Frontage Road) at Exit of the South Culvert thru Interstate HWY I-10.	800
	Just upstream of West Service Road of I-10 (or Frontage Road) at Exit of the North Culvert thru Interstate HWY I-10.	828

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Federal Insurance Administrator.

[FR Doc. 79–22144 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5660]

Proposed Flood Elevation Determinations for the City of Katy, Harris County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Katy, Harris County, Texas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Katy, Texas.

SEND COMMENTS TO: Honorable John G. Morrison, Mayor of Katy, P.O. Box 617, Katy, Texas 77450.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Katy, Harris County, Texas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Cane Island Branch	Southern Corporate Limits	133
	Upstream Interstate Highway 10.	135
	First Street Upstream.....	142
	Tenth Street Downstream	143
	Northern Corporate Limits.....	148

(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: June 28, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22145 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5661]

Proposed Flood Elevation Determinations for the City of Natalia, Medina County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Natalia, Medina County, Texas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the

City Secretary, or Mr. Jay Richardson, Natalia, Texas.

Send comments to: Mayor Dan Vera, P.O. Box 270, Natalia, Texas 78059.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Natalia, Medina County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Chacon Creek	At U.S. Highway 81	669
Fort Ewell Creek	Just upstream of FM 471	677

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22146 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5662]

Proposed Flood Elevation Determinations for the Town of Shavano Park, Bexar County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Shavano Park, Bexar County, Texas.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of Town Clerk, City Hall, 99 Saddle Tree Road, San Antonio, Texas 78231.

Send comments to: Mayor William E. Sharp, 99 Saddle Tree Road, San Antonio, Texas 78231.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Shavano Park, Bexar County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
East Fork Olmos Creek.	Approximately 280 feet downstream of DeZovala Road.	925
	Hunter Branch Road (extended).	943
Turkey Creek tributary	Just downstream of Broken Bough Street.	948
	Just downstream of Turkey Creek Street.	954
	Just downstream of Harry Wurzbach Highway.	974
Mossey Cup tributary..	Just downstream of Channel Dam.	
Gage tributary.....	Just downstream of Harry Wurzbach Highway.	912
	Just upstream of Harry Wurzbach Highway.	919
	Just downstream of Bent Oak Street.	942
Salado Creek.....	Southeastern corporate limits (extended).	902

(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: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22147 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5663]

Proposed Flood Elevation Determinations for the City of Moundsville, Marshall County, W. Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Moundsville, Marshall County, West Virginia.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 800 6th Street, Moundsville, West Virginia.

Send comments to: Mr. Richard Escalenti, City Manager of Moundsville, 800 6th Street, Moundsville, West Virginia 26041.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Moundsville, Marshall County, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Ohio River	Upstream corporate limits	653
	Downstream corporate limits	652

(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: June 28, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22148 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 187]

[CGD 79-063]

Re-Examination and Refusal of Licenses

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revise its regulations governing the re-examination of applicants for licenses to operate small passenger vessels. Under present regulations, applicants who fail their first examination are required to wait a period of one month before being re-examined. This proposal would reduce the waiting period to ten days in order to lessen the economic consequences to persons who are dependent upon the operation of small passenger vessels for their livelihood.

DATES: Comments must be received on or before September 19, 1979.

ADDRESSES: Comments should be submitted to and are available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Leo G. Vaske, Merchant Vessel Personnel Division, Office of Merchant Marine Safety, Room 8212, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-2251.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Written comments should include the document number (CGD 79-063), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is contemplated, but one may be held at a time and place set out in a later notice in the **Federal Register**, if requested in writing by an interested person desiring to comment orally at a public hearing and raising a genuine issue.

Drafting Information

The principal persons involved in the drafting of this proposal are: Lieutenant Commander Leo Vaske, Project Manager, Office of Merchant Marine Safety, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Rule

In Part 187 of Title 46, Code of Federal Regulations, the Coast Guard has established licensing requirements for operators of vessels of less than 100 gross tons engaged in carrying more than six passengers.

Applicants for these licenses must demonstrate familiarity with principles of vessel control, seamanship, and related nautical matters by satisfactorily completing a written examination administered by the Officer in Charge, Marine Inspection in the District where application is made. Regulations presently in effect require a minimum waiting period of one month before an applicant who fails a licensing examination may be re-examined. In light of the short operating season for small passenger vessels that exists in many parts of the country, the Coast Guard recognizes the financial burden that a one month waiting period might place upon those intending to engage in the operation of these craft. Under temporary guidelines that were in effect from September 22, 1978 to April 1, 1979, the minimum waiting period for re-examination was reduced to ten days. The Coast Guard found that safety interests involving the operation of small passenger vessels were not adversely affected by this liberalized procedure. It is therefore proposing to

amend its regulations to give this procedure permanent effect.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" published in February 26, 1979 (44 FR 11034), and is not considered a significant rulemaking. A draft evaluation of the proposal has been prepared and included in the public docket. This may be obtained from the Marine Safety Council at the address indicated above.

In consideration of the foregoing, the Coast Guard proposes to amend Part 186 of Title 46, Code of Federal Regulations by revising paragraph (a) of § 187.05–15 to read as follows:

§ 187.05–15 Re-examinations and refusal of licenses.

(a) Any applicant for license or endorsement who has been duely examined or re-examined and refused may come before the same Officer in Charge, Marine Inspection, for re-examination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than ten days from the date of the applicant's last failure.

* * * * *.

(46 U.S.C. 390b, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: July 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79–22402 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–14–M

Notices

Federal Register
Vol. 44, No. 140
Thursday, July 19, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Jurisdiction of Certain Lands Within the Sequoia National Forest; Transfer to the Department of the Interior

Notice is hereby given that administrative jurisdiction of the lands described below is transferred from the Forest Service, Department of Agriculture, to the National Park Service, Department of the Interior. This action is in accord with the Act of November 10, 1978, (92 Stat. 3467). The affected lands have previously been administered as part of the Sequoia National Forest.

Effective on the date of publication of this notice in the **Federal Register**, the lands more particularly described as follows will be administered as part of the Sequoia National Park:

All parts of T. 17 S., R. 31 E.; T. 17 S., R. 32 E. and T. 18 S., R. 31 E., MDM, California, which are north of the hydrographic divide passing through FAREWELL GAP and which were not added to or made part of Sequoia National Park by the provisions of the Act of Congress approved July 3, 1926, 44 Stat. 818, and,

All those lands added to the Sequoia National Game Refuge by Act of Congress approved August 14, 1958, (72 Stat. 604), more particularly described as:

Beginning at the E¼ corner of Section 12, T. 17 S., R. 30 E., MDM, thence N.0°15'E. along the township line for a distance of 401.0 feet to the point of beginning for the tract hereinafter described:

Thence N.0°15'E., 910.0 feet to a point; thence N.89°45'W., 450.0 feet to a point; thence S.0°15'W., 910.0 feet to a point; thence S.89°45'E., 450.0 feet to the point of beginning.

Dated this 13th day of July, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-22267 Filed 7-18-79; 8:45 am]

BILLING CODE 3410-11-M

Tuolumne Wild and Scenic River Study Report and Environmental Impact Statement; Public Hearing

Notice is hereby given that public hearings will be held to obtain formal public comment on the content and alternatives in the river study report. The segments of the river analyzed in the alternatives lie partially within Yosemite National Park, the Stanislaus National Forest, and other public lands administered by the Bureau of Land Management. The segment is entirely within Tuolumne County, California.

For two hours prior to each hearing, government personnel familiar with the study will be available for informal discussions. The hearings will be held according to the following schedule:

August 4, 1979—1 p.m.–5 p.m.

The Forum Building, Columbia College, Sawmill Flat Road, Columbia, California.

August 7, 1979—2 p.m.–4:30 p.m., 7 p.m.–9 p.m.

Stanislaus County Center Number 3 Auditorium, Corner of Oakdale Road and Scenic Drive, Modesto, California.

August 9, 1979—2 p.m.–4:30 p.m., 7 p.m.–9 p.m.

California Hall, 625 Polk Street, San Francisco, California.

August 11, 1979—1 p.m.–5 p.m.

Kaiser Center, 300 Lakeside Drive, Oakland, California.

The hearings will adhere to the schedule shown and a ten-minute limit on all oral statements will be imposed. A court reporter will make verbatim transcript of all statements. Copies will be available for public purchase.

Pre-registration for each hearing will be utilized by the presiding officer to establish a preliminary schedule for oral presentations. Those wishing to pre-register should send their name, address, telephone number, organization represented (if any), and which hearing they will be attending to: Tuolumne Wild and Scenic River Study, Stanislaus National Forest, 19777 Greenley Road, Sonora, California 95370. Requests for pre-registration must be received by August 1, 1979 to be considered.

Registration will also be available at the door the day of each hearing. After all pre-registered comments have been received, those registering at the door will be heard. The hearing will be conducted so as to provide an equal opportunity for everyone interested in the critical issues to present their points of view in a fair and orderly manner. The order of presentation will be established with this in mind. The presiding officer may extend the closing time if, in his judgment, it is determined that new information relevant to the study will be forthcoming.

Information about the study and report may be obtained either by writing to the Forest Supervisor, Stanislaus National Forest, 19777 Greenley Road, Sonora, California 95370, or by calling Carl W. Rust, Study Team Leader, at 209–532–3671.

Individual and organizations may express their views by appearing at the hearings or may submit written comments for inclusion in the official record to the Forest Supervisor by September 11, 1979.

Dated: July 12, 1979.

Douglas Leisz,

Acting Chief, Forest Service.

[FR Doc. 79-22266 Filed 7-18-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 35786]

Authority to Air-Wisconsin

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 79–7–86.

SUMMARY: The Board is proposing to grant Ft. Wayne-Pittsburgh authority to Air Wisconsin (Docket 35786) and any other fit, willing and able applicants, the fitness of which can be established by officially noticeable material. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than August 16, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than August 1, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Linda Small, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428, (202) 673-5369.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Air Wisconsin, Inc., City of Ft. Wayne Board of Aviation Commissioners, and the Greater Ft. Wayne Chamber of Commerce.

The complete text of Order 79-7-86 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: July 13, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22355 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-7-64]

Nonstop Air Route Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-7-64.

SUMMARY: The Board has decided to award certificated nonstop air route authority under the Federal Aviation Act in Seattle-San Francisco/Los Angeles markets to Alaska Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., and Northwest Airlines, Inc.; in Seattle-San Francisco/Los Angeles/San Diego and satellite markets to Hughes Air Corp. d/b/a Hughes Airwest, Pacific Southwest Airlines, and Western Air Lines, Inc.; and to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file and serve upon all persons listed below, no later than August 16, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than August 1, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 36116, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Steven K. McKinney, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-6064.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Air California, Alaska Airlines, Inc., Braniff Airways, Inc., Continental Airlines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, Northwest Airlines, Inc., Pacific Southwest Airlines, Western Air Lines, Inc., the Alaska Transportation Commission, Greater Ketchikan Chamber of Commerce, Ketchikan Gateway Borough, Seattle Parties (Port of Seattle Commission, etc.), State of Alaska, State of California, Public Utilities Commission of the State of California, City of Newport Beach, and City of Long Beach.

The complete text of Order 79-7-64 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-7-64 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 12, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22354 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS) intends to grant to Bristol Laboratories (Bristol) of Syracuse, New York 13201, a division of Bristol-Myers Company of 345 Park Avenue, New York, New York 10022 a limited exclusive right in the United States and in some or all of a group of foreign countries (including Australia, Canada, France, Federal Republic of Germany, Great Britain, Japan and South Africa) for the manufacture, use and sale of the products and processes embodied in the following two inventions disclosed in five U.S. patents and patent applications together with divisions and reissues thereof and foreign patents and patent application counterparts thereof:

(1) "1,2-Diaminocyclohexane Platinum (II) Complexes having Antineoplastic Activity" disclosed in U.S. Patent Application No. 719,689, filed September 2, 1976, issued on September 19, 1978 as U.S. Patent 4,115,418; divisional Application No. 769,888, filed February 18, 1977; and a continuation Application No. 855,910, filed November 29, 1977.

(2) 4-Carboxyphthalato (1,2-Diaminocyclohexane) Platinum (II) and Alkali Metal Salts Thereof", disclosed in U.S. Patent Application No. 828,926, filed August 29, 1977, issued on January 30, 1979 as U.S. Patent 4,137,248; and divisional Application No. 926,035, filed on July 19, 1978.

All five patents and patent applications have been assigned to the Government of the United States of America, as represented by the Administrator of Veterans Affairs for the applications under invention (1) and assigned to the United States of America, as represented by the Secretary of Health, Education and Welfare for the applications under invention (2). Custody of the rights to each of these inventions has been transferred to the Secretary of Commerce.

Copies of the U.S. Patents and Patent Applications listed herein can be obtained from the Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce, P.O. Box 1423, Springfield, VA 22151.

With respect to each U.S. Government-owned invention identified herein, a public announcement stating that the invention was available for licensing in the United States and perhaps also in foreign countries was published in the **Federal Register** (FR) and two other publications shortly after each U.S. Patent Application was issued. The announcement for each invention was made more than six months prior to this notice. The availability of invention (1) was announced in the **Federal Register** of October 5, 1977 at page 54326; the availability of invention (2) was announced in the **Federal Register** of June 13, 1978 at page 25458. In addition, with respect to each invention identified herein, NTIS has undertaken promotional efforts designed to encourage applications for licenses from U.S. companies to practice these inventions. To date, these promotional efforts have not resulted in the request

for, or granting of, any nonexclusive licenses under these patents. It has been determined therefore, in accordance with the Federal Property Management Regulations for Licensing of Government-owned Inventions (41 CFR 101–4.103.3) that these inventions are available for limited exclusive license.

Bristol Laboratories holds exclusive licenses under the Rosenberg *et al* U.S. Patent Applications on the use of the original cis-Platinum II Compounds, for treatment of malignant tumors, and has conducted extensive animal and clinical testing to demonstrate efficacy and safety as an antineoplastic drug. Bristol received a New Drug Application (NDA) approval from the Food and Drug Administration for cisplatin in December 1978, and is marketing dosage forms of its product Platinol for use in testicular and ovarian cancer. If granted a license under the new inventions herein, Bristol will conduct extensive animal tests comparing efficacy with cisplatin and new candidates on these and other types of cancer together with toxicological work to obtain Investigational New Drug (IND) approval. Bristol would then sponsor clinical work on the most promising candidates to obtain NDA approval and market the successful candidate as antineoplastic drugs.

The proposed limited exclusive license to be granted by NTIS to Bristol will be a royalty-bearing license for a term of five years from the date of New Drug Approval in the United States as to the U.S. license and five years from first commercial sale in any licensed foreign country as to each foreign country licensed, but no longer than eight years from the effective date of the license agreement as to any country. The license may be revoked by NTIS in accordance with Title 41 CFR 101–4.1

The proposed limited exclusive license granted to Bristol will be subject to an irrevocable, nonexclusive, nontransferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States.

The proposed limited exclusive license will be granted by NTIS to Bristol unless on or before September 17, 1979, NTIS receives (1) an application for a nonexclusive license from a responsible U.S. applicant to practice the inventions identified herein in the United States or the foreign countries listed herein and NTIS determines that such applicant has already brought or is likely to bring the inventions to the point of practical application within a reasonable period under a nonexclusive license; or (2) written evidence and argument establishing that it would not be in the public interest to grant the proposed limited exclusive license to Bristol.

Written data, inquiries, comments or objections concerning this proposed limited exclusive license should be submitted to the Office of Government Inventions and Patents, National Technical Information Service, Springfield, Va. 22161. NTIS shall maintain and make available for public inspection a record of all decisions made in this matter and the basis therefor. This record shall contain copies of all written data, inquiries, comments, or objections received by NTIS and pertaining to the proposed limited exclusive license.

Dated: June 25, 1979.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 79–22357 Filed 7–18–79; 8:45 am]

BILLING CODE 3510–04–M

Department of the Army

Winter Navigation Board on Great Lakes—St. Lawrence Seaway; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Winter Navigation Board to be held on 6–7 August 1979 at the 31st floor auditorium of the Anthony J. Celebrezze Federal Building located at 1240 East 9th Street in Cleveland, Ohio. The meeting will be in session from 1:00 p.m., EDST until 4:00 p.m. on 6 August 1979 and from 9:00 a.m. until 12:00 p.m. on 7 August 1979.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension demonstration investigations being conducted pursuant to Pub. L. 91–611, as amended by Pub. L. 93–251 and Pub. L. 94–587. This will be the last meeting of the Winter Navigation Board before the Demonstration Program ends 30 September 1979.

The primary purpose of the meeting is to review the final draft of the Demonstration Program Final Report which reviews the activities conducted during the eight years of the program. Status updates will be presented on the Survey Report and several related reports.

The meeting will be open to the public, subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendees.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. Jeffery W. Groska, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226–6770.

By Authority of the Secretary of the Army:

Rome D. Smyth,

Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

July 16, 1979.

[FR Doc. 79–22257 Filed 7–18–79; 8:45 am]

BILLING CODE 3710–08–M

DEFENSE DEPARTMENT

Engineers Corps

Intent To Prepare a Supplemental Environmental Impact Statement for a Proposed Flood Control Project—Saw Mill River, Elmsford, N.Y.

AGENCY: U.S. Army Corps of Engineers, DOD

ACTION: Notice of Intent to Prepare a Supplemental Environmental Impact Statement.

SUMMARY: 1. Description of Proposed Action.—Original plan comprised of levee and walls. New Plan envisions channel modification for the length of the project. The bottom width of the proposed channel will be 30 feet with a 1 on 2 slope.

2. Reasonable Alternatives.—No action. No other alternative is cost effective.

3. Scoping Process.—a. Public Involvement.—Contact will be made with those agencies, groups or individuals who commented on the draft and final statement. Any others who are interested in the proposed change should contact EIS coordinator listed below.

b. Significant Issues Requiring In-depth Analysis.—Water Quality impacts archeological and cultural impacts aquatic population impacts.

c. Assignments.—None Anticipated.

d. Environmental review and consultation.—Review will be as outlined in CEQ regulations date Nov. 1978 and Corps Regulations. (Not yet published) No additional permits or licenses are required.

4. Scoping Meeting will ☐* will not ☐ be held.

*Date: 6 Sept 1979, time: 3 p.m., location: Town Hall, Greenburgh, N.Y.

5. Estimate date of statement availability, April 1980.

Address: Project Manager, Nanen-Cy, Attn: Duncan Schweitzer, Tel No. (212) 264–9078. EIS Coordinator, Nanen–E, Attn: Peter Doukas, Tel No. (212) 264–4662. U.S. Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007.

Dated: July 9, 1979.

[FR Doc. 79–22366 Filed 7–18–79; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of June 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749–7626.

Firm Name, Address, and Audit Date

Henry Whitman Exxon, 502 S. Main St., Lovington, NM 88260—June 1, 1979.

Lervies 66 Service, 424 S. Main St., Lovington, NM 88260—June 1, 1979.

Lonnie Moore, d.b.a. Moore's Exxon, 1712 Fifth St., Wichita Falls, TX 76301—June 1, 1979.

Chapa Chevron, 1539 S. Grant, Odessa, TX 79761—June 1, 1979.

Pollard Shell, 2401 W. County Road, Odessa, TX 78760—June 4, 1979.

Hoffer Exxon Service Station, 2530 Paris Road, Chalmette, LA 70043—June 5, 1979.

Lake Oak Shell, 6300 Elysian Fields Ave., New Orleans, LA 70122—June 8, 1979.

Bubber Shell, 2020 Airline Highway, Kenner, LA 70062—June 8, 1979.

Jake's Texaco, 4001 Highway 90 West, Avondale, LA 70094—June 4, 1979.

Golden For Exxon, 2021 S. Ruth, Sulphur, LA 70663—June 4, 1979.

Great Southwest Exxon, 840 Northwest Highway 360, Arlington, TX 76011—June 5, 1979.

Southway Exxon, 218 Jefferson Blvd., Box 2922, Lafayette, LA 70502—June 5, 1979.

Bruce's Gulf Service, 1100 N.E. Evangeline Hwy, Lafayette, LA 70501—June 6, 1979.

Marie's Amoco, 1301 Grand Caillou, Route 2, Houma, LA 70360—June 5, 1979.

Park Vista Exxon, Route 3, Box 456, Creswell Lane & U.S. Hwy 167, Opelousas, LA 70570—June 6, 1979.

Hudson's Texaco, 5602 Lovers Lane, Dallas, TX 75206—June 5, 1979.

Fowler Texaco, 4275 Northwest Highway, Dallas, TX 75220—June 5, 1979.

Bob's Service Station, 2636 Hillburn Dr., Dallas, TX 75227—June 5, 1979.

Quail Valley Texaco, 2465 FM 1092, Missouri City, TX 77459—June 8, 1979.

Tulane Avenue Gulf, 3326 Tulane Ave., New Orleans, LA 70119—June 11, 1979.

Carolyn Park Shell, 701 Perren Drive, Arabic, LA 70032—June 12, 1979.

Decker Exxon Service Center, 1005 East Judge Perez Dr., Chalmette, LA 70043—June 12, 1979.

Stanley's Gulf Service, 927 East Airline Highway, Kenner, LA 70062—June 13, 1979.

Avondale Shell Service, 2901 Highway 90 West Avondale, LA 70094—June 13, 1979.

Kern's Car Care Center, 5920 Veterans Memorial Blvd., Metairie, LA 70003—June 14, 1979.

Oakley's Gulf, 2358 Royal Lane, Dallas, TX—June 8, 1979.

McGee's Exxon, 8239 Preston Road, Dallas, TX—June 13, 1979.

Laury's Gulf Western, 1601 S. Grant, Odessa, TX 79763—June 8, 1979.

East Main Texaco, 2501 E. Main St., Farmington, NM 87401—June 6, 1979.

Northgate Exxon Servicenter, P.O. Box 3421, Highway 167, Lafayette, LA 70502—June 21, 1979.

Country Club Exxon, 888 Gause Blvd., Slidell, LA 70458—June 21, 1979.

Ralph Hambree, 5001 Trail Lake, Fort Worth, TX 76000—June 22, 1979.

Marvin Branson, 2601 E. Belknap, Fort Worth, TX 76001—June 22, 1979.

Johnny Guess Exxon, 120 North Gold Ave., Deming, NM 88030—June 18, 1979.

Chester E. Ennis, d.b.a. Interstate Chevron, P.O. Box 12589, El Paso, TX 79912—June 15, 1979.

Frank Lucky Shell, 1124 McRae Blvd., El Paso, TX 79925—June 13, 1979.

Hector Trijillo Gulf, I–20 and Mesa Road, El Paso, TX 79912—June 15, 1979.

Robert J. McCarthy Shell, 8160 Gateway East, El Paso, TX 79907—June 19, 1979.

Frank S. Baron, d.b.a. Baron's Texaco, 11075 Gateway East, El Paso, TX 79935—June 20, 1979.

Glenn Adams Chevron, 1272 Lomaland, El Paso, TX 79907—June 20, 1979.

Goodwin Chevron, 6301 Montana, El Paso, TX 79925—June 22, 1979.

Jesus R. Lopez, 5990 Montana, El Paso, TX 79902—June 22, 1979.

C. C. Potts, d.b.a. Lomaland Exxon, 11101 Gateway West El Paso, TX 79935—June 21, 1979.

E. L. Gavlik Shell, 1100 Airway Blvd., El Paso, TX 79925—June 22, 1979.

Billie Ray Green, d.b.a. No Trees Service Station, Highway 302, No Trees, TX 79759—June 26, 1979.

Dale Kidd, d.b.a. Dale Kidd Service Sta., P.O. Box 846, Lamesa, TX 79331—June 26, 1979.

R. L. Deere, d.b.a. Deere Service Station, 909 N. 4th St., Lamesa, TX 79331—June 28, 1979.

Campus Service Center, 615 W. Abram, Arlington, TX 76010—June 28, 1979.

Mobil Station, 901 E. Pioneer Parkway, Arlington, TX 76010—June 27, 1979.

Ball Oil Company, 5001 River Oak, Ft. Worth, TX 76114—June 26, 1979.

Kerr-McGee, 2326 W. Shadegrove, Irving, TX—June 25, 1979.

River Oak Shell, 2606 Kirby Dr. Houston, TX 77098—June 28, 1979.

H & L 66 Service, 247 W. Harrison Ave., New Orleans, LA 70124—June 26, 1979.

Lake Terris Exxon, 1600 Robert Lee Blvd., New Orleans, LA 70124—June 26, 1979.

Mundi Exxon, 244 W. Harrison, New Orleans, LA 70124—June 29, 1979.

Bruce Exxon, 5503 Veteran Memorial Blvd., Metarie, LA 70001—June 29, 1979.

McCurry Exxon, 8011 Highway 90 West, Avondale, LA 70094—June 29, 1979.

Radclif Texaco, 9317 Airline Highway, New Orleans, LA 70118—June 29, 1979.

Issued in Dallas, Texas on the 11th day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement.

[FR Doc. 79–22244 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of May 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749-7626.

Firm Name, Address, and Audit Date

Beard Texaco, 8450 Gulf Freeway—May 2, 1979.

Isabel O. Jueco d.b.a., Shell Service Center, 6463 E. Northwest H'wy, Dallas, TX 75231—May 4, 1979.

Port Aransas Exxon, 607 Alister, Port Aransas, TX—May 9, 1979.

C. H. Dietz d.b.a., Dietz Texaco, LBJ at Midway, Dallas, TX—May 7, 1979.

Michael E. Batt d.b.a., Texaco, 2501 14th St., Plano, TX 75074—May 7, 1979.

Charles Hollingsworth d.b.a., Hollingsworth Exxon, 9701 N. Central Expressway, Dallas, TX 75231—May 7, 1979.

Harris Shelton Exxon, 11730 Preston Road, Dallas, TX 75230—May 7, 1979.

Kim's Texaco, 3201 South Staples, Corpus Christi, TX—May 9, 1979.

Wilson Chevron, 1806 Wyoming, N.E., Albuquerque, NM 87112—May 11, 1979.

Joe B. Marquez d.b.a., Joe's Chevron Service, 108 Cornado West, Santa Rosa, NM 88435—May 17, 1979.

Elvin B. Snider, Snider's Texaco, 6400 N.W. 39th Expressway, Bethany, OK 73008—May 16, 1979.

Sanderson Walker d.b.a., Walker Exxon Sta., 702 S. W.W. White Rd., San Antonio, TX 78220—May 14, 1979.

Hector Davis d.b.a., Davis Texaco, 5346 Roosevelt, San Antonio TX 78214—May 14, 1979.

Jerry Etheredge d.b.a., Promenade Car Care, 1050 N. Coit Rd., Richardson, TX 75080—May 18, 1979.

West Explanade Shell, Inc., 3534 Edenborn Ave., Metairie, LA 70002—May 25, 1979.

Bob Irwin d.b.a., Bob's Classen Texaco, 2301 Classen Blvd., Oklahoma City, OK 73118—May 23, 1979.

Benjamin Ike Phelps d.b.a., Ike's Rocking S Truck Stop, P.O. Box 61, H'way 59 South, Livingston, TX 77351—May 21, 1979.

McCowen's Service Center, 3520 Palmer Highway, Texas City, TX 77590—May 18, 1979.

Meyerland Gulf Service, 5001 Beechnut, Houston, TX 77035—May 23, 1979.

Randy Lynn Pitts d.b.a., Pitt's Exxon, 502 S. Garland, Garland, TX 75040—May 11, 1979.

Earl W. Allen d.b.a., Earl's Shell, 3023 Inwood, Dallas, TX 75235—May 12, 1979.

Ronald E. Johnston d.b.a., I-20 West Exxon Service, 7295 Greenwood Rd., Shreveport, LA 71109—May 21, 1979.

Causeway Shell Service Ctr, 3200 Veterans Blvd., Metairie, LA 70002—May 30, 1979.

Terry Parkway Exxon, 502 Terry Parkway, Gretna, LA 70053—May 31, 1979.

Pearce Exxon, I-20 and South Grant, Odessa, TX 79760—May 25, 1979.

Howard Bell d.b.a., Marland Exxon, 100 E. Marland, Hobbs, NM 88240—May 31, 1979.

Issued in Dallas, Texas on the 11th day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement.

[FR Doc. 79-22245 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50154-6010-01-77 and 50154-6010-02-77]

Baltimore Gas & Electric Co.; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 15, 1979, Baltimore Gas and Electric Company (BG&E) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Brandon Shores Units 1 and 2 as existing facilities pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95-620 (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Brandon Shores Units 1 and 2 are new or existing powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before August 9, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

Charles A. Falcone, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128I, Washington, D.C. 20461, Phone (202) 254-4750.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, Phone (202) 633-8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128L, Washington, D.C. 20461, Phone (202) 254-7442.

SUPPLEMENTARY INFORMATION:

Baltimore Gas and Electric Company (BG&E) is a corporation organized under the laws of the State of Maryland. BG&E supplies electric service in the metropolitan area of Baltimore, Maryland, including all or portions of nine adjacent Maryland counties. BG&E stated that it executed contracts and purchase orders in the 1972-79 period for the construction of two 610 MW, oil or coal fired turbine generators, to be known as Brandon Shores Units 1 and 2, in Anne Arundel County, Maryland, and that commercial operation is scheduled for January 15, 1982, and January 15, 1984, respectively. A conference was held at BG&E's request on June 13, 1979.

On June 15, 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, BG&E requested that ERA classify Brandon Shores Units 1 and 2 as existing facilities.

In accordance with Section 515.6 of the Revised Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. BG&E supported its request for classification by providing evidence in support of their claim that BG&E would suffer both a substantial financial penalty and that there would be a significant impairment of reliability if Brandon shores Units 1 and 2 were cancelled. A summary of the evidence requirements and BG&E's response to those requirements follows:

Substantial financial penalty—Pursuant to Section 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of Section 515.7(b)(1) of the Revised Interim Rule, BG&E provided the following information:

Brandon Shores Unit 1

—total projected cost on 11/9/78 was $224,396,000

—total recoverable expenditures were $8,501,000

—total claimed financial penalty (including obligation and cancellation charges as of 11/9/78) was $166,144,000 or 74 percent of total projected project cost on 11/9/78.

Brandon Shores Unit 2

—total projected cost on 11/9/78 was $211,173,000

—total recoverable expenditures were $5,641,000

—total claimed financial penalty (including obligation and cancellation charges as of 11/9/78) was $53,927,000 or 26 percent of total projected project cost on 11/9/78.

Adverse effect on electric system reliability—Pursuant to Section 515.6(b) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant was to begin operation assuming that the proposed powerplant is not completed. Demonstration of an adverse effect on the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to the evidence requirements of Section 515.7(c)(1) of the Revised Interim Rule, BG&E provided the following materials:

—A description of the BG&E service area and its interconnection with other utilities.

—Peakload projections, projected capacity, and reserve margin for the 1982–1989 period for BG&E's service area. Similar information was supplied for the Pennsylvania-New Jersey-Maryland Interconnection, of which BG&E is a member.

There appears to be a reasonable likelihood that Brandon Shores Units 1 and 2 will be determined to be existing facilities. ERA hereby invites all interested persons to submit written comments on this matter applicable to each of these units separately or both of these units together. Each request for classification will be decided separately on the facts applicable to the particular unit.

The public file, containing BG&E's request for classification and supporting materials, is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday–Friday, 8 a.m.–4:30 p.m.

Issued in Washington, D.C., on July 12, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–22243 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 52371–1571–04–77]

Chalk Point Unit No. 4, Potomac Electric Power Co.; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 5, 1979, Potomac Electric Power Company (PEPCO) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Chalk Point Unit No. 4 as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, (44FR17464) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95–620 (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Chalk Point Unit No. 4 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested person to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before August 9, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone: (202) 634–2170.

Charles A. Falcone, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128I, Washington, D.C. 20461, Phone: (202) 254–7450.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, Phone: (202) 633–8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128L, Washington, D.C. 20461, Phone: (202) 254–7442.

SUPPLEMENTARY INFORMATION: Potomac Electric Power Company (PEPCO) is a corporation organized under the laws of the District of Columbia. PEPCO supplies electric service in a compact 643-square-mile service area in metropolitan Washington, D.C.

PEPCO stated that it executed all major contracts in the March 12, 1971–November 8, 1978, period for the construction of a 600 MW, No. 6 fuel oil fired cycling unit, to be known as Chalk Point Unit No. 4, Prince Georges County, Maryland, and that commercial operation is scheduled for May 1, 1982. On June 5, 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, PEPCO requested that ERA classify Chalk Point Unit No. 4 as an existing facility.

In accordance with Section 515.6 of ERA's Revised Interim rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. PEPCO supported its request for classification by providing evidence on ERA Form 300A in support of their claim that their consumers would suffer both a substantial financial penalty and that there would be a significant impairment of reliability if Chalk Point Unit No. 4 were not permitted to proceed as an oil-burning facility.

A summary of the evidence requirements and PEPCO's response to those requirements follows:

Substantial financial penalty—Pursuant to Section 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of Section 515.7(b)(1) of the Revised Interim Rule, PEPCO provided the following information:

—total projected cost on 11/9/78 was $167,946,000
—total project expenditures on 11/9/78 were $116,948,000
—total recoverable expenditures were $66,081,000
—total claimed financial penalty (including obligation and cancellation charges as of 11/9/78) was $52,903,000 or 32 percent of total projected project cost.

Adverse effect on electric system reliability—Pursuant to Section 515.6(b) of the Revised Interim rule, ERA will classify a facility as existing upon a demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant was to begin operation assuming that the proposed powerplant is not completed. Demonstration of an adverse effect on the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to the evidence requirements of Section 515.7(c)(1) of the Revised Interim Rule, PEPCO provided the following materials:

—A description of the PEPCO service area and its interconnection with other utilities.
—Peakload projections, projected capacity, and reserve margin for the 1978–1979 period for PEPCO's service area.

There appears to be a reasonable likelihood that Chalk Point Unit No. 4 will be determined to be an existing facility. ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing PEPCO's request for classification and supporting materials, is available for inspection upon request at:

ERA, Room B–110, 2000 M Street NW., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on July 12, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–22242 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that an Interim Remedial Order for Immediate Compliance (IROIC) was issued by the Office of Enforcement, ERA, to the firm listed below during the month of May 1979. This IROIC concerns prices charged by a retail motor gasoline dealer in excess of maximum lawful selling prices for motor gasoline. To prevent further irreparable harm to the public interest which might result if this firm continued to charge prices the lawfulness of which could not be justified, the IROIC was issued in accordance with 10 CFR 205.199D and ordered the firm to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the Mandatory Petroleum Allocation and Price Regulations, Title 10, Code of Federal Regulations.

In the alternative, the firm was ordered to come forth within five days with support for the lawfulness of the maximum lawful selling prices it otherwise contends are appropriate.

For further information regarding this IROIC, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749–7626.

Firm Name, Address, and Audit Date

George W. Everett, d.b.a. Everett's Mobil, 2135 Northwest Highway, Garland, Tex. 75050—May 14, 1979.

Issued in Dallas, Texas on the 11th day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement.

[FR Doc. 79–22246 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Interim Remedial Orders for Immediate Compliance (IROICs) were issued by the Office of Enforcement, ERA, to the firms listed below during the month of June 1979. These IROICs concern both prices charged by retail motor gasoline dealers in excess of the maximum lawful selling prices for motor gasoline and discriminatory business practices. To prevent further irreparable harm to the public interest which might result if the firms continued these pricing and business practices, the lawfulness of which could not be justified, IROICs were issued in accordance with 10 CFR 205.199D and ordered the firms to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height;

3. Properly maintain records required under the Mandatory Petroleum Allocation and Price Regulations, Title 10, Code of Federal Regulations; and

4. Cease and desist from employing any form of discrimination practices as set forth in 10 C.F.R. 21062(b) and conform its business practices to those practices followed during the base period.

In the alternative, these firms were ordered to come forth within five days

with support for the lawfulness of its business practices and the maximum lawful selling prices they otherwise contend are appropriate.

For further information regarding these IROICS, please contact Wayne I. Tucker, District Manager of Enforcement, Southeast District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749-7626.

Firm name, address, and audit date.

D & M Service Center #2, d.b.a. French's Texaco, 302 Pat Booker, Universal City, Tex.—June 15, 1979.

Paul's Texaco, 1033 Pat Booker, Universal City, Tex.—June 15, 1979.

Tom Gillespie, d.b.a. Gillespie Texaco, 1110 N. Washington, Beeville, Tex. 78102—June 20, 1979.

Red Carpet Car Wash, 600 Building, Corpus Christi, Tex. 78404—June 29,1979.

Issued in Dallas, Texas, on the 11th day of July, 1979.

Wayne I. Tucker,

Southwest District, District Manager of Enforcement.

[FR Doc. 79-22247 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-15-NG]

Natural Gas Pipeline Co. of America, et al.; Authorization Application

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of the application by Natural Gas Pipeline Company of America (Natural), Michigan Wisconsin Pipeline Company (Mich Wisc), Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee) and Texas Eastern Transmission Corporation (TETCO) (collectively, Applicants), for authorization to import a total volume of 2.19 Tcf of natural gas over a period of 20 years beginning November 1, 1980, and ending October 31, 2000, at a rate of up to 335,000 Mcf per day, as adjusted. This gas will be purchased from ProGas Ltd. (ProGas), a Canadian corporation, by Applicants pursuant to individual gas sales agreements dated May 17, 1979. The agreements provide for the delivery of gas at a point on the International Boundary near Emerson, Manitoba, by TransCanada Pipeline Ltd. (TransCanada) to Great Lakes Gas Transmission Company (Great Lakes) and by Great Lakes to Mich Wisc to an existing delivery point near Farwell, Michigan. Mich Wisc will then deliver the gas to Natural, TECTCO and Tennessee at interconnecting delivery points. The Natural gas subject to this application will be purchased from ProGas at the current border price of $2.30 per million Btu established or as in the future may be adjusted by the Canadian National Energy Board (NEB).

ADDITIONAL INFORMATION: In accordance with this application, ProGas will sell to each Applicant not less than 25 percent of the gas purchase volume of 300,000 Mcf authorized to be imported from ProGas. This volume will be available from ProGas until November 1, 1985, at which time 20 percent of this volume will be made available by ProGas for purchase by TransCanada. In each subsequent year of the contract the amount of gas available for purchase by TransCanada will be increased by 20 percent. If TransCanada does not purchase all of the available gas, the surplus will become available to Applicants.

The Agreements provide for the delivery of gas to Applicants at a point on the International Boundary near Emerson, Manitoba. However, subject to certification and construction of the Northern Border Pipeline and southern Canadian portions of the Alaska Gas Pipeline, Applicants will receive their gas at a point on the international border near Monchy, Saskatchewan, for transportation through the Northern Border System.

It is expected that the gas will be delivered by TransCanada to Great Lakes, by Great Lakes to Mich Wisc and by Mich Wisc to Natural, TETCO and Tennessee. Great Lakes has advised Applicants that it will have the capacity to transport the gas without additional facilities as the result of an amendment to its transportation contract with TransCanada filed as Rate Schedule T-4 to Great Lakes' FERC Gas Tariff, Volume 2. According to this amendment, TransCanada will agree to use its northern system to transport those volumes of gas which would otherwise be transported by Great Lakes under the T-4 Contract.

OTHER INFORMATION: The ERA invites petitions for intervention in this proceeding. Such petitions are to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 157.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on the 20th day after the date of publication of this notice in the **Federal Register.**

A person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

This application is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0240-25. Petitions to intervene are invited.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

A copy of applicants' petition is available for public inspection and copying in Room B110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

DATES: Petitions to intervene: to be filed on or before August 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street N.W., Room 6318, Washington, D.C. 20461, Telephone (202) 254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, Telephone (202) 633-9380.

Issued in Washington, D.C., on July 12, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-22241 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-001, ERA Case No. 55023-9053-01-12 and 55023-9053-02-12]

Acceptance of Exemption Request

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of Acceptance of Exemption Request Pursuant to the Interim Rules of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 15, 1979, Anheuser-Busch, Incorporated (Anheuser-Busch) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two major fuel burning installations (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (Pub. L. 95–620) which prohibits the use of petroleum and natural gas in new major fuel burning installations. Criteria for petitioning for an exemption from the provisions of FUA were published at 44 FR 28530 (May 15, 1979), and at 44 FR 28950 (May 17, 1979). Anheuser-Busch proposes to install two 143,700,000 Btu/hr oil and natural gas fired boilers at their Los Angeles, California brewery. Anheuser-Busch has requested:

1. A permanent exemption for each unit from the prohibitions because of asserted inability to comply with applicable environmental requirements by using coal.

2. A permanent exemption for each unit from the prohibitions because of asserted inability to comply with applicable environmental requirements by using petroleum coke.

3. A permanent exemption for each unit from the prohibitions because of an asserted inability to comply with applicable environmental requirements by using refuse derived fuel (RDF).

4. A permanent exemption from the prohibitions because of an asserted lack of supply of low Btu gas derived from coal at a cost which does not substantially exceed the cost of using imported petroleum; and

5. A permanent exemption from the prohibitions because of asserted site limitations on the use of solar energy.

FUA imposes statutory prohibitions against the use of natural gas and petroleum by new major fuel burning installations which consist of a boiler. ERA's decision in this matter will determine whether the two proposed boilers will qualify for one or more of the requested exemptions.

In accordance with the provisions of Sections 701(c) and (d) of FUA and Section 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before September 4, 1979. A request for a public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA–FC–79–001 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 634–2170.

Constance Buckley, Chief, New MFBI Branch Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 254–7766.

James H. Heffernan, Assistant General Counsel for Coal and Leasing Regulations, Office of General Counsel, Department of Energy, 1200 Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461 Phone (202) 633–8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3218, Washington, D.C. 20461, Phone (202) 254–7442.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration, on May 15 and 17, 1979, published in the **Federal Register** interim rules to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95–620). The Act prohibits the use of natural gas and petroleum in certain new major fuel burning installations and powerplants unless an exemption to do so has been issued by ERA.

ERA at the request of Anheuser-Busch has conducted a number of prepetition conferences to discuss the filing of a permanent exemption request. Anheuser-Busch's major concerns related to the burning of coal at its 76 acre Los Angeles Brewery located in the San Fernando Valley, California. The facility is within the jurisdiction of the California South Coast Air Quality Management District (SCAQMD).

In accordance with Part 502 of the interim rules, a Fuels Decision Report (FDR) was required for this exemption request. FUA requires that an FDR be prepared to afford the company an opportunity to demonstrate that it has rigorously explored and objectively evaluated all reasonable alternatives to the use of oil and natural gas.

During one of the prepetition conferences, ERA and Anheuser-Bush agreed to the scope of the FDR to include only five fuels:

1. Coal;
2. Petroleum coke;
3. Refuse derived fuel;
4. Low Btu gas from coal; and
5. Solar energy.

Anheuser-Busch's exemption requests address an inability to use coal, petroleum coke, or refuse derived fuel (RDF) which is predicated upon their asserted inability to comply with the South Coast Air Basin's NOx emission requirements using these fuels. Because of the nature of a brewery's operation and the "batching system" of processing the product, which requires differing steam loads, Anheuser-Busch's FDR asserts that potential NOx control systems would not perform within the perimeters of applicable environmental requirements.

In requesting an exemption based upon its inability to use a low Btu gas derived from coal, Anheuser-Busch contends in its FDR that the use of this fuel in its two proposed new boilers would substantially exceed the cost of using imported petroleum. ERA's implementing regulations specify that the cost of using an alternate fuel will be deemed to substantially exceed the cost of using imported petroleum if the cost ratio is 1.3 or greater using the methods and assumptions specified in the regulations. Anheuser-Busch claims there is no supply of low Btu coal gas available to the expanded brewery and, therefore, factored into its fuels study the cost of installing and operating an on-site coal gasification plant. Anheuser-Busch claims the installation and operation of such a coal-gas plant would substantially exceed the cost of using imported oil, and has therefore requested an exemption on those grounds.

Anheuser-Busch claims that the use of solar energy is not feasible due to site limitations. The company contends that the use of solar energy to produce process steam has never been demonstrated at the production rate and temperature required by the expanded brewery. Moreover, Anheuser-Busch asserts that there is not sufficient on-site space to locate the requisite solar collectors.

Anheuser-Busch asserts that the potential use of fuel mixtures in their proposed MFBI's is not economically or technically feasible. The company's FDR enumerates the following contentions in regard to potential fuels mixtures:

1. A mixture with coal (75% coal and 25% natural gas or petroleum) would violate the NOx emissions of the SCAQMD;

2. A mixture with petroleum coke (75% petroleum coke and 25% natural gas or

petroleum) would violate the NOx limitations imposed by SCAQMD;

3. Site limitations preclude the use of a mixture of 75% solar and 25% natural gas or petroleum;

4. A mixture of 75% RDF and 25% petroleum or natural gas, would violate the NOx emission limitations of the SCAQMD; and,

5. The use of low Btu gas from coal in a mixture with 25% petroleum or natural gas would substantially exceed the cost of using imported petroleum.

At an informal conference held after the submission of the FDR, ERA requested that the petitioner reevaluate the use of mixtures involving coal to identify that amount of coal that could feasibly be utilized in the proposed boilers and, at the same time, meet the SCAQMD NOx emission standards. ERA notes that should the two proposed boilers receive the requested exemptions, the two units would be capable of consuming 19,272,000 gallons of oil per year. Anheuser-Busch submitted supplemental information on July 9, 1979.

At the conference referenced above, Anheuser-Busch was also to evaluate that amount of solar enery which could feasibly be utilized by the Los Angeles Brewery, given the available roof and ground space. Anheuser-Busch also submitted this information to ERA on July 9, 1979.

Some additional information has been requested from Anheuser-Busch in support of their petition to construct the two proposed units and Anheuser-Busch supplied such data on July 9, 1979.

ERA hereby accepts the filing of this petition as adequate for filing. ERA retains the right to request additional relevant information from Anheuser-Busch at any time during the pendency of these proceedings were circumstances or procedural requirements may so require.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at:

ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on July 11, 1979.

Robert L. Davies,

Acting Assistont Administrotor, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-22314 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of June 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597-3870.

Firm Name, Address, ond Audit Dote

Village Exxon Center, 170 Seventh Avenue South, New York, N.Y. 10014—June 12, 1979.
Bob & Lou Service Center, 134-30 Atlantic Avenue, Richmond Hill, N.Y.—May 31, 1979.
JAF Service Center, 132-40 So. Conduit Avenue, South Ozone Park, N.Y. 11430—May 31, 1979.
Midland Service Station, 2247 Utica Avenue, Brooklyn, N.Y. 11234—June 13, 1979.
Tomval Service Center, 1896 Bruckner Boulevard, Bronx, N.Y. 10473—June 14, 1979.
Salzar Brothers, 1860 Webster Avenue, Bronx, N.Y. 10467—June 22, 1979.
J & D Service, 1870 East Gun Hill Road, Bronx, N.Y. 10467—June 28, 1979.
Bob's Service Center, 13 Brown Street, Maynard, Mass.—June 19, 1979.
Frank Lecrenski Mobil, 33 Main Street, Westfield, Mass.—June 18, 1979.
Murray's Mobil, 162 S. Hampton Road, Westfield, Mass.—June 18, 1979.
Jon's Service Center Mobil, 460 East Main Street, Westfield, Mass.—June 19, 1979.
Center City Exxon, Elm & Franklin, Westfield, Mass.—June 20, 1979.
Browning's Mobil Station, College Highway, Wouthwick, Mass.—June 20, 1979.
Boldue's Gulf, 1225 Parker Street, Springfield, Mass.—June 20, 1979.
Ronald Scott Mobil, 467 Longmeadow Street, Longmeadow, Mass.—June 20, 1979.
Winnie's Auto Service, 410 Longmeadow Street, Longmeadow, Mass.—June 20, 1979.
Sullivan's Arco, 711 Bliss Road, Longmeadow, Mass.—June 21, 1979.
Ike's Exxon, 917 Shaker Street, Longmeadow, Mass.—June 21, 1979.
State Line Mobil, 1730 Longmeadow Street, Longmeadow, Mass.—June 21, 1979.
Lavoie's Getty, Boston Avenue, Springfield, Mass.—June 21, 1979.
Copp's Hill Mobil, 522 Commercial Street, Boston, Mass.—June 18, 1979.
Wayland Shell, 322 East Commonwealth Road, Wayland, Mass.—June 27, 1979.
Mike's Sunoco Station, 815 Butler Street, Pittsburgh, Pa.—June 28, 1979.
Lindsay Mobil Station, 5161 Route 8 & Hardies Road, Gibsonia, Pa. 15044—June 28, 1979.

Issued in Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manoger of Enforcement.

[FR Doc. 79-22318 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Offices of Enforcement, ERA, and the firms listed below during the month of June 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the Federal Register. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597-3870.

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
Frank's Fuel Wholesale, Inc. & Frank's Fuel, Inc., 11 River Street, North Tarrytown, N.Y. 10591.	$90,000	#2 oil	11/1/73 to 11/30/74.	Government purchasers.
American Consumers, Inc., 777 Pattison Avenue, Philadelphia, Pa. 19147.	45,000	#2 oil	11/1/73 to 12/31/74.	All retail customers.

Issued in Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22317 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Atlantic Aviation Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on Potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date; June 19, 1979.

COMMENTS BY: August 17, 1979.

ADDRESS: Send comments to: Herbert Maletz, New York Audit Group Manager, U.S. Department of Energy 252 Seventh Avenue, New York, New York 10001.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, New York Audit Group Manager, U.S. Department of Energy, 252 Seventh Avenue, New York, New York 10001, 212/620-6706.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Atlantic Aviation Corporation of Wilmington, Delaware. 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

Atlantic Aviation Corporation ("Atlantic") with its home office located in Wilmington, Delaware is a fixed base operator engaged in the retail sale of aviation fuels 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 Atlantic, the Office of Enforcement of the ERA, and Atlantic entered into a consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through January 31, 1978 ("audit period"), Atlantic allegedly overcharged its retail class of purchaser in sales of aviation fuels.

2. It is alleged that Atlantic incorrectly computed its maximum legal selling price in its sale of aviation fuels to its retail class of purchaser during the audit period. As a result, Atlantic charged prices in excess of those permitted under 10 CFR § 212.93(a).

3. This Consent Order constitutes neither an admission by Atlantic that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Atlantic has violated such regulations.

4. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Atlantic 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 transaction specified in I.1. above, the sum of $40,928.33 within thirty (30) days of the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are indentified, 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 Herbert Maletz, New York Audit Group Manager, U.S. Department of Energy, 252 Seventh Avenue, New York, New York 10001. You may obtain a free copy of this Consent Order by writing to the same address or by calling 212/620-6706.

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 Atlantic Aviation Corporation Consent Order". We will consider all comments we

receive by 4:30 p.m., local time, on August 17, 1979. You should identify any information or data which, in your opinion, is confidential and submit in accordance with the procedures in 10 CFR § 205.9(f).

Issued in New York, New York on the 6th day of July, 1979.

Herbert M. Heitzer,

Northeast District Manager of Enforcement.

[FR Doc. 79-22320 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Belco Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date July 9, 1979. Comments by August 22, 1979.

ADDRESS: Send comments to: Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001, 212/620-6706.

SUPPLEMENTARY INFORMATION: On July 9, 1979, the Office of Enforcement of the ERA executed a Consent Order with Belco Petroleum Corporation of New York, New York. 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

Belco Petroleum Corporation (Belco), with its home offices located in New York, New York, is a firm engaged in the production and sale of crude petroleum, 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 Belco, the Office of Enforcement, ERA, and Belco entered into a Consent Order, the significant terms of which are as follows:

1. During the period August 16, 1973 through December 31, 1975 (audit period), Belco allegedly overcharged the Husky Oil Company in the sale of old domestic crude petroleum from its Wyoming fields.

2. It is alleged that Belco incorrectly computed its allowable ceiling price for old domestic crude petroleum which it sold during the audit period. As a result, Belco charged prices in excess of those permitted under 10 CFR § 212.73(a) and 6 CFR § 150.354(c).

3. This Consent Order constitutes neither an admission by Belco that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Belco has violated such regulations.

4. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Belco agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $137,940 within thirty (30) days of the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001. You may obtain a free copy of this Consent Order by writing to the same address or by calling 212/620-6706.

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 Belco Petroleum Corporation Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on August 22, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in New York, New York on the 6th day of July, 1979.

Herbert M. Heitzer,

Northeast District Manager of Enforcement.

[FR Doc. 79-22319 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Indian Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date June 21, 1979.

COMMENTS BY: August 17, 1979.

ADDRESS: Send comments to James J. Dowd, Audit Director, Department of Energy, Office of Enforcement, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: Same.

SUPPLEMENTARY INFORMATION: On June 21, 1979, the Office of Enforcement of the ERA executed a Consent Order with Indian Oil Company, Inc. of Madison, Maine. 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

Indian Oil Company, Inc. (Indian), with its home office located in Madison, Maine, is a firm engaged in the retailing of gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 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 Indian, the Office of Enforcement, ERA and Indian entered into a Consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through July 1, 1974, it is alleged by DOE that Indian recovered in its sales of motor gasoline, revenues in excess of amounts allowed if selling prices were calculated in accordance with the applicable price rule, 10 CFR 212.93, (as preceded by 6 CFR 150.359) which states that "a seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchased concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned".

2. Without Indian admitting any violation concerning any applicable regulations or rules, agrees to refund the excess revenues (plus all applicable interest).

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Indian agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $145,583 (including interest) in accordance with the schedule set forth in the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to James J. Dowd, Audit Director, Department of Energy, Office of Enforcement, Northeast District, 150 Causeway Street, Boston, Massachusetts 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Indian Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 17, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22321 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Interim Remedial Orders for Immediate Compliance (IROICs) were issued by the Office of Enforcement, ERA, to the firms listed below during the month of June 1979. These IROICs concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling prices for motor gasoline. To prevent futher irreparable harm to the public interest which might result if these firms continued to charge prices the lawfulness of which could not be justified, these IROICs were issued in accordance with 10 CFR 205.199D and ordered the firms to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the Mandatory Petroleum

Allocation and Price Regulations, Title 10, Code of Federal Regulations.

In the alternative, these firms were ordered to come forth within five days with support for the lawfulness of the maximum selling prices they otherwise contend are appropriate.

For further information regarding these IROICs, please contact Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597–3870.

Firm Name, Address, and Audit Date

Fifth Avenue International Auto Center, 2 West End Avenue, New York, N.Y. 10023—June 12, 1979.

Egbert Square Servicecenter, 1650 Forest Avenue, Staten Island, N.Y. 10302—June 13, 1979.

La-Roma, 1100 Webster Avenue, Bronx, N.Y. 10456—May 31, 1979.

Boston Road Service Station, 2475 Boston Road, Bronx, N.Y. 10467—June 20, 1979.

Savon, 35th Avenue & Junction Blvd., Queens, N.Y.—June 25, 1979.

Bowery Service Station, 326 Bowery, New York, N.Y. 10014—June 25, 1979.

J.V. Service Station, 447 Third Avenue, Brooklyn, N.Y. 11215—June 25, 1979.

Windsor Park Service Station, 219th Street & Horace, Harding Boulevard, Bayside, N.Y. 11364—June 25, 1979.

Krokus Service, 980 East 233rd Street, Bronx, N.Y. 10466—June 27, 1979. Rusty's Gulf, 2015 Waverly—Nobles Swissvale, Pa. 15218—June 4, 1979.

Ted's Exxon, U.S. Route 19, Bradley, W. Va. 25818—June 4, 1979.

Newman's Exxon Servicenter, Routes 2, 7, & 20, New Martinville, W. Va. 26155—June 4, 1979.

Eaton's Gulf Service, 1601 7th Street, Parkersburg, W. Va. 26101—June 4, 1979.

Millers Union 76, 505 Virginia Street, West Charlestown, W. Va. 25302—June 4, 1979.

Rossmoyne Exxon, 4800 Gettysburg Pike, Mechanicsburg, Pa. 17055—June 4, 1979.

Martin's Sunoco, 260 Smok Highway, Meadville, Pa. 16335—June 4, 1979.

Blattenberger Gulf, 600 Lincoln Way East, Chambersburg, Pa. 17201—June 4, 1979.

Valley Drive Exxon, North Valley Drive, Sprague, W. Va. 25926—June 4, 1979.

Adams Exxon, Murtland & Ridge Avenue, Washington, Pa. 15301—June 4, 1979.

Burchard's Exxon, 5th & Avery Street Parkersburg, W. Va. 26101—June 4, 1979.

Clark's ARCO, 5600 William Flynn Highway, Gibsonia, Pa. 15044—June 4, 1979.

First Street Exxon, 101 Fifth Avenue, Huntington, W. Va 25701—June 4, 1979.

Gold's Exxon, 735 Fifth Avenue, Huntington, W. Va. 25701—June 4, 1979.

Noble's Exxon, 418 First Avenue South, Nitro, W. Va. 25143—June 4, 1979.

Ressler's Bedford Exxon, North Richard Street, Bedford, Pa. 15522—June 4, 1979.

Miller Auto Supply Co., 217 Elm Street, Oil City, Pa. 16301—June 4, 1979.

Zimmerman's Exxon, 407 North 21st Street, Camphill, Pa. 17011—June 4, 1979.

Balzert's Exxon, 1650 Babcock Boulevard, Millville, Pa. 15201—June 4, 1979.

Johnson's Amoco, 1428 Main Avenue, Nitro, W. Va. 25143—June 4, 1979.

Tanner's Exxon, 210 Belmont Avenue, Bala Cynlyd, Pa 19004—June 27, 1979.

Devon ARCO, Lancaster Avenue & Boulevard Road, Devon, Pa. 19333—June 29, 1979.

Kevin L. Foody, 18th & Arlington Avenue, Pittsburgh, Pa. 15210—June 26, 1979.

Dean Miller Sunoco, 48 Crennett Avenue, Crafton, Pa. 15205—June 26, 1979.

Boron Oil, 999 Greentree Road, Pittsburgh, Pa. 15220—June 26, 1979.

Sy Service Station, 3349 Webster Avenue, Bronx, N.Y. 10467—June 30, 1979.

Baychester Mobil, 500 Baychester Avenue, Bronx, N.Y. 10475—June 30, 1979.

H & R Shell, 3355 East Tremont Avenue, Bronx, N.Y. 10461—June 30, 1979.

Peter's Exxon, 1985 Bruckner Boulevard, Bronx, N.Y. 10472—June 30, 1979.

McGuire's Service Station, 3553 East Tremont Avenue, Bronx, N.Y. 10469—June 30, 1979.

78th Street Service Center, 78–03—31st Avenue, Jackson Heights, N.Y. 11370—June 29, 1979.

Mr. Magic Car Wash, 427 Mt. Lebannon Boulevard, Castle Shannon, Pa.—June 27, 1979.

Airport Mobil, 1473 Beces School Road, Coraopolis, Pa. 15108—June 27, 1979.

Mercatoris Oil Co., 517 W. Spring Street, Titusville, Pa.—June 29, 1979.

Weaver's Quaker, 101 Main Street, Oil City, Pa 16301—June 27, 1979.

Lucky Eleven, 301 Duncomb Street, Oil City, Pa. 16301—June 28, 1979.

Issued Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manger of Enforcement, Northeast District.

[FR Doc. 79–22315 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Northeast Petroleum Industries, 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 June 19, 1979. Comments by August 17, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway St., Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, PA 19102, telephone number 215–597–3870.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Northeast Petroleum Industries, Inc., of Chelsea, Massachusetts. 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

Northeast Petroleum Industries, Inc. (Northeast) with its home office located in Chelsea, Massachusetts, is a Firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain disputes and avoid the necessity of any administrative proceedings by the Office of Enforcement of the ERA as a result of its audit of Northeast, the Office of Enforcement, ERA and Northeast entered into a Consent Order which includes a settlement agreed to by both parties to resolve all issues without resort to lengthy proceedings which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Northeast in sales of No. 6 residual fuel oil in cargo lots from November 1, 1973 through June 30, 1975.

2. The ERA contends that Northeast recovered in its cargo lot sales of No. 6 residual fuel oil revenues in excess of those allowed by 10 CFR § 212.93, as preceded by 6 CFR § 150.359. Northeast contends that its revenues from No. 6 cargo lot sales did not exceed amounts allowed in accordance with the cited price rule.

3. Execution of the Consent Order constitutes neither a finding of any nature by the DOE nor an admission of the same by Northeast with respect to cargo lot sales of No. 6 residual fuel oil.

4. In order to resolve its disputes with the ERA, Northeast agrees to refund $490,000, which amount represents a settlement of the proceedings and includes interest.

5. The provisions of 10 CFR § 205.199J are applicable to the Consent Order, except that subsection (c) of that regulations is not applicable.

II. Disposition of Refunded Amount

In this Consent Order, Northeast agrees to refund, in full settlement of the audit and any civil proceedings by the Office of Enforcement, ERA with respect to the transactions specified above, the sum of $490,000 in accordance with a schedule set forth in the Consent Order. The amount of the settlement will be refunded in the form of both direct payments to readily identifiable customers and certified checks made payable to the United States Department of Energy, which will be delivered to the Assistant Administrator for Enforcement, ERA. Those payable to the DOE will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts due to customers that are not readily identifiable in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded amounts 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 the revenues recovered have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, any adverse effects of the revenues recovered have become so diffused that it is a practical impossibility to identify specific, adversely affected persons. In such cases, 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 205.199I9(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 to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments On Northeast Petroleum Industries, Inc., Consent Order". We will consider all comments we receive by 4:30 p.m., local time on August 17, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, PA on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22322 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, 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: June 19, 1979. Comments by August 17, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway St., Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, PA 19102, telephone number 215-597-3870.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Northeast Petroleum Industries, Inc., of Chelsea, Massachusetts. 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

Northeast Petroleum Industries, Inc. (Northeast), with its home office located in Chelsea, Massachusetts, is a firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain disputes between the Office of Enforcement of the ERA and Northeast in the course of its audit of Northeast, the Office of Enforcement, ERA and Northeast entered into a Consent Order which includes a settlement agreed to by both parties to resolve all issues without resort to lengthy proceedings which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Northeast in sales of gasoline from November 1, 1973 through April 30, 1974.

2. The ERA contends that Northeast recovered in its sales of gasoline revenues in excess of those allowed by 10 CFR § 212.93, as preceded by 6 CFR § 150.359. Northeast contends that its revenues from sales of gasoline did not exceed amounts allowed in accordance with the cited price rule.

3. Execution of the Consent Order constitutes neither a finding of any nature by the DOE nor an admission of the same by Northeast with respect to sales of gasoline.

4. In order to resolve its disputes with the ERA, Northeast agrees to refund $459,635, which amount represents a settlement of the audit proceeding and includes interest.

5. The provisions of 10 CFR § 205.199J are applicable to the Consent Order, except that subsection (c) of that regulation is not applicable.

II. Disposition of Refunded Amount

In this Consent Order, Northeast agrees to refund, in full settlement of the audit and any civil proceedings which might be brought by the ERA with respect to the transactions specified above, the sum of $459,635 in accordance with a Schedule of Payments set forth in the Consent Order. The amount of the settlement will be refunded in the form of certified checks made payable to the United States

Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded amounts 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 the revenues recovered have either been passed through as higher prices to subsequent purchasers or any adverse effects of the revenues recovered have become so diffused that it is a practical impossibility to identify specific, adversely affected persons. In such cases, 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 of 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 to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Northeast Petroleum Industries, Inc., Consent Order". We will consider all comments we receive by 4:30 p.m., local time on August 17, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, PA on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22323 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Wellen Oil, Inc.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Wellen Oil, Inc., on Hackensack River, Foot of Howell Street, Jersey City, New Jersey 07306. This Proposed Remedial Order charges Wellen Oil with pricing violations in the amount of $849,713, connected with the resale of No. 2 heating oil during the time period November 1, 1973, through December 31, 1973.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Herbert Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

On or before August 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Philadelphia, Pennsylvania, on the 6th day of July 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22316 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-373]

Columbia Gulf Transmission Co.; Application

July 11, 1979.

Take notice that on June 18, 1979, Columbia Gulf Transmission Company (Applicant), 3805 West Alabama, Houston, Texas 77027, filed in Docket No. CP79-373 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 5,000 Mcf of natural gas per day with Gulf Oil Corporation (Gulf), all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to an advance payment agreement dated December 15, 1975, between Columbia Gas Transmission Corporation (Columbia Gas) and OXY Petroleum, Inc. (OXY), Columbia Gas has the right to purchase OXY's gas in Block 31, South Timbalier Area, offshore Louisiana, which gas is remote from Applicant pipeline system.[1] In order to receive this supply of gas into its pipeline system for Columbia Gas, Applicant has entered into an exchange agreement dated March 22, 1979, with Gulf, whereby Gulf would receive the gas from Applicant via a pipeline of the Block 31 producers at Gulf's existing South Timbalier Block 35 "D" Platform, and Gulf would deliver thermally equivalent volumes into Applicant's existing 12-inch pipeline on Gulf's "B" Platform in South Timbailer Block 36.

Applicant states that in consideration for Gulf's undertaking the South Timbalier exchange, Applicant has agreed to an exchange with Gulf whereby Applicant would receive certain gas from Sea Robin Pipeline Company (Sea Robin) for the account of Gulf at Erath, Louisiana, in exchange for which Applicant would deliver to Gulf at Venice, Louisiana, the gas volumes Applicant receives from the Grand Isle Processing Plant of Exxon Company, U.S.A., in Jefferson Parish Louisiana. That exchange is to be on a gas-for-gas basis, i.e., without assessment by Applicant of a transportation charge. The latter exchange is described as part of an arrangement for which Applicant has its application pending in Docket No. CP79-256.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

[1] Applicant indicates that Columbia Gas is currently negotiating to purchase OXY's 29.17 percent interest in Block 31, and is also negotiating to purchase Mono Power Company's 17 percent interest in Block 31.

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22274 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-496]

Commonwealth Edison Co.; Filing of Interconnection Agreement

July 12, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edision Company on July 6, 1979, tendered for filing a new Interconnection Agreement between Commonwealth Edison Company, Northern Indiana Public service Company, and Commonwealth Edison Company of Indiana, Inc. dated July 1, 1979. The new agreement supersedes old agreements, and amendments thereto, and provides for the interchange of electric power and energy between Commonwealth Edison Company and Northern Indiana Public Service Company.

The new agreement includes service schedules for the exchange of Limited Term Power, Emergency Energy, Economy Energy, Short Term Power, Maintenance Energy and General Purpose Energy at several existing and two new points of interconnection.

Copies of the fining were served upon the Illinois Commerce Commission, Springfield, Illinois, and the Public Service Commission of Indiana, Indianapolis, Indiana, as well as Northen Indiana Public Service Company and Commonwealth Edison Company of Indiana, Inc.

Any person desiring to be heard or to protest said Application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979, protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22275 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-498]

Commonwealth Edison Co.; Filing

July 12, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on July 9, 1979 tendered for filing a new interconnection agreement between itself and Central Illinois Light Company. This agreement replaces an existing agreement between the parties on file with the Commission as Commonwealth Edison Company FERC Electric Service Tariff No. 6.

The new agreement provides service schedules for the exchange of Limited Term Power, Emergency Energy, Economy Energy, Short-Term Power, Maintenance Energy and General Purpose Energy at two points of interconnection.

Copies of the filing were served upon Central Illinois Light Company and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22276 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-225]

Consolidated Gas Supply Corp.; Petition To Amend

July 12, 1979.

Take notice that on June 13, 1979, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP78-225 a petition to amend the order issued August 23, 1978, in the instant docket pursuant to Section 7 of the Natural Gas Act for authorization to retain 0.29 mile of 8-inch pipeline, Line No. TL-367, in lieu of abandoning same, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the Order issued August 23, 1978, Consolidated was authorized, inter alia, to abandon 0.29 mile of 8-inch pipeline, Line No. TL-367, between the Lightburn Compressor Station and Wymer Junction, Lewis County, West Virginia. Consolidated indicates that it would retain Line No. TL-367 in transmission service for use as a supplementary feed for consumers in its Weston, West Virginia, distribution area and proposes to make the minor pipeline and related modifications necessary to effect the operation.

Consolidated further indicates the estimated capital cost of these facility modifications would be $67,281 and would be financed from funds on hand.

Consolidated proposes to install minor connecting, metering, regulating, and heating facilities at Lightburn Station, in order to retain Line TL-367 in service. These facilities would essentially replace similar or identical facilities and would be located on existing sites owned by Consolidated and used for similar purpose. No additional sales or services are proposed.

Consolidated states that retention of Line TL-367 would permit it to provide a supplementary source of gas to its customers in the Weston, West Virginia,

distribution area, which has in recent years been supplied during portions of the winter months with wet gas from Line No. H–32, a component of Consolidated's wet gas pipeline system. Under the instant proposal, this area would receive supplemental supplies of dry gas from storage through Line Nos. TL–367 and H–32. This would eliminate the need for fluid removal operations for this supply, with a resulting savings in operating and maintenance expenditures, while helping to insure continuity of service to Consolidated's customers in the Weston, West Virginia, area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22277 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP78–391, et al.]

Great Plains Gasification Associates, et al.; Order Granting Petitions To Intervene and Consolidating Proceedings

Issued: July 6, 1979.

Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Co., Docket No. CP78–391; Columbia Gas Transmission Corp. Michigan Wisconsin Pipe Line Co., Natural Gas Pipe Line Co., of America, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Transcontinental Gas Pipe Line Corp., Docket Nos. CP75–278, CP77–556; Great Lakes Gas Transmission Co., Docket No. CP75–283.

On March 26, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wisc) and ANG Coal Gasification Company (ANG) filed in Docket No. CP75-278 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the sale by ANG to Mich-Wisc of commingled natural gas and synthetic natural gas (SNG) produced from coal, and (2) the construction and operation by Mich-Wisc of pipeline and compressor facilities to enable it to receive and transport such gas to its existing customers. On March 31, 1975, Great Lakes Gas Transmission Company filed in Docket No. CP75–283 a related transportation application pursuant to Section 7(c) of the Natural Gas Act. On May 9, 1977, Mich-Wisc and ANG amended their initial proposal to reflect co-ownership of the coal gasification facilities by ANR Gasification Properties Company (ANP) and PGC Coal Gasification Company. ANR thereby replaced ANG as the applicant. On August 8, 1977, PGC and American Natural Pipeline Company filed in Docket No. CP77–556 an appliation for the same project. All dockets related thereto were consolidated in Docket Nos. CP75–278, *et al.* on August 22, 1977.

On June 2, 1978, Great Plains Gasification Associates (Great Plains), as successor in interest to ANR Gasification Properties Company (ANP) and PGC Coal Gasification Company (PGC), filed in Docket No. CP78–391 an amendment to the applications for certificates of public convenience and necessity previously filed by ANP and PCC in Docket Nos. CP75–278 and CP77–556. By the amendment, Great Plains requested authority (1) to make jurisdictional sales of commingled gas in quantities equivalent on a Btu basis to the output of the Mercer County Coal gasification plant, less line loss incurred in the transportation of the gas to the customer pipeline companies, and (2) to restructure its rates to reflect the nonavailability of federal loan guarantees, the formation of the Great Plains consortium, and the requirements of prospective lenders.

Although the June 28, 1978 notice of the Great Plains amendment in Docket No. CP78–391 included Docket Nos. CP75–278 and CP77–556 in the heading and noted that those persons who filed for intervention in Docket Nos. CP 75–278 and CP75–556 need not file for intervention in Docket No. CP78–391, the notice did not formally consolidate the amendment with the previously consolidated proceedings in Docket Nos. CP75–278, *et al.* In view of the fact that the proceedings in Docket Nos. CP78–391 and CP75–278, *et al.*, involve common questions of law and fact, we hereby formally consolidate the proceedings for all purposes as provided in Section 1.20(b) of the Rules of Practice and Procedure.

After due notice of the applications and amendments by publication in the **Federal Register**, many interested persons filed petitions or notices to intervene in the proceedings. The following timely petitions have not yet been acted upon:

PGC Coal Gasification Company
Tennessee Gas Pipeline Company
Tenneco SNG, Inc.
Elizabethtown Gas Company
Entex, Inc.
Dayton Power & Light Company
Columbia Gas of Virginia, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Maryland, Inc.
Columbia Gas of West Virginia, Inc.
Columbia Gas of Kentucky, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of New York, Inc.
Northern Natural Gas Company
Transcontinental Gas Pipe Line Corporation
Long Island Lighting Company
Northern Illinois Gas Company
United Cities Gas Company
Northern Indiana Public Service Company
Iowa-Illinois Gas & Electric Company
Interstate Power Company
Peoples Gas Light & Coke Company and North Shore Gas Company
Iowa Power & Light Company
Cincinnati Gas & Electric Company and The Union Light, Heat & Power Company

Additionally, the Michigan Public Service Commission filed a timely notice to intervene in the proceedings as matter of right.

As sellers and distributors of natural gas, each timely petitioner named above has a substantial interest in the consolidated proceedings which is not adequately represented by existing parties to the proceeding. Each timely petitioner should, therefore, be granted intervention in the consolidated proceedings.

The following persons have filed late petitions to intervene in the proceedings:

Mississippi River Transmission Corporation
Northern States Power Company
Southern Natural Gas Company
Central Illinois Public Service Company
Wisconsin Southern Gas Company
Columbia Gas Transmission Corporation
National Fuel Gas Supply Corporation
North Carolina Utilities Commission

Petitioners Mississippi River Transmission Corporation and Wisconsin Southern Gas Company acknowledged their petitions were late

filed. Both filed petitions to intervene in Docket Nos. CP75–278, CP75–283, and CP77–556, all of which had a filing date of September 12, 1977 established by the Notice of Application and Consolidating Proceedings issued August 22, 1977. Mississippi River Transmission Company stated in its petition that the late filing was due to inadvertence, but indicated such minor delay would not prejudice any parties to the proceeding. Wisconsin Southern explained in its petition the Commission's Notice of Application and Consolidation issued August 22, 1977, did not come to petitioner's attention in time to prepare and file a petition to intervene within the date therein specified.

Petitioner Central Illinois Public Service Company filed its petition to intervene in the above-captioned matter on September 14, 1977, two days after the filing date. Southern Natural filed on July 20, 1978, one day after the filing date of July 19, 1978, established by the Commission's Notice of Amendment to Application issued June 28, 1978. As previously noted, such minor delays will have no prejudicial effect on any existing parties in this proceeding, and each petitioner herein involved has a substantial economic and legal interest in the applicants' proposed project.

Petitioner Northern States Power Company acknowledged the untimeliness of its petition filed January 20, 1978. However, the petitioner noted it will be bound by any Commission decision, intervention is necessary and appropriate to adequately represent the interests of its customers, and that its participation in the present proceedings is in the public interest.

Petitioner National Fuel Gas Supply Corporation stated in its petition filed September 19, 1978, that the Great Plains filing will have a direct and significant impact on the volume and level of rates at which National Fuel is able to purchase gas from three of the customer pipeline companies in the future. It notes that the petition was late-filed due to the press of other matters, but contends that the lateness of its intervention will not delay expeditious processing of the Great Plains application.

The North Carolina Utilities Commission filed a late notice of intervention on November 1, 1978. As the agency responsible for the regulation of natural gas rates in the State of North Carolina, the North Carolina Utilities Commission is interested in the costs of the proposed coal gasification project which will be borne, in part, by the ratepayers purchasing gas service in North Carolina.

Filing dates for each of the aforementioned dockets have been revised on several occasions, such revisions being mandated by new applications filed for the same project subsequent to significant changes of circumstance. The most recent filing date for these proceedings was September 18, 1978, established by a notice issued September 6, 1978. Although the petitions herein considered were technically late filed, in light of the particular developments and circumstances of this proceeding, it would be inequitable to deny such petitions while accepting others filed later chronologically, but within the specified filing date. As noted above, all petitioners have a substantial interest in the proceeding and the delay caused by their late filings will not prejudice any other parties herein. Consequently, good cause exists for granting the late filed petitions to intervene.

The Commission finds:

(1) Due to common issues of law and fact, consolidation of the foregoing applications is necessary, appropriate, and in the public interest.

(2) Participation by the above-named petitioners to intervene may be in the public interest and good cause exists to permit the late interventions.

The Commission orders:

(A) The applications in Docket Nos. CP75–278, CP77–556, CP75–283, and CP78–391 are hereby consolidated for all purposes.

(B) All of the above-named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission. *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions for leave to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The intervenors shall take the record as it now stands in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22278 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket Nos. G–4143, et al.]

Gulf Oil Corp., et al.; Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

July 3, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4143, D, 6/18/79	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Northern Natural Gas Company, Hugoton Field, Kearny, Finney, Haskell, and Seward Counties, Kansas.	(1)	
G-5716, D, 6/18/79	Northern Natural Gas Producing Company, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Finney County, Kansas.	To release gas for irrigation fuel	
CI64-670, D, 6/22/79	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	Arkansas Louisiana Gas Company, West Wilburton Field, Pittsburg County, Oklahoma.	(2)	
CI75-749, C, 11/9/76	Marathon Oil Company	El Paso Natural Gas Company, Dark Canyon Area, Eddy County, New Mexico.	(3)	14.65
CI77-345, C, 6/7/79	Amoco Production Company, P.O. Box 50679, New Orleans, La. 70150.	Sea Robin Pipeline Company, South Marsh Island Block 128 Field, Offshore Louisiana.	(4)	15.025
CI77-786, C, 6/14/79	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Ca. 94120.	Natural Gas Pipeline Company of America, Vermilion Block 262 Field, Offshore Louisiana.	(5)	15.025
CI78-317, C, 6/12/79	General American Oil Company of Texas, Meedows Building, Dallas, Texas 75206.	Columbia Gas Transmission Corporation, Block No. 34, East Cameron Area, Gulf of Mexico.	(6)	15.025
CI78-943, C, 6/15/79	Quintana Offshore, Inc., P.O. Box 3331, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, West Cameron Area Block 613 and Seller's "B" Platform Blocks A-349, 612 and 613, Gulf of Mexico.	(6)	15.025
CI78-950, C, 6/15/79	Quintana Oil & Gas Corp., P.O. Box 3331, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, West Cameron Area Block 613 and Seller's "B" Platform, Blocks A-349, 612 and 613, Gulf of Mexico.	(6)	15.025
CI79-486, A, 6/7/79	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Southern Natural Gas Company, South Pass Block 24 Field, Plaquemines Parish, Louisiana.	(7)	15.025
CI79-486, A, 5/23/79	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	United Gas Pipe Line Company, High Island Block 179 and Galveston Block 180, Offshore Texas.	(8)	14.65
CI79-489, A, 5/31/79	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Northern Natural Gas Company, Certain acreage in the Hugoton Field, Finney County, Kansas.	(9)	14.65
CI79-490, A, 5/31/79	General Crude Oil Company, P.O. Box 2252, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, South Pelto Area, Block 13, Offshore Louisiana.	(10)	15.025
CI79-491 (CI73-146), B, 6/1/79	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Block 77, East Cameron, Offshore Louisiana.	Lease expired for lack of production and was released on 11-7-76.	
CI79-492, A, 6/7/79	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Florida Gas Transmission Company, Big Escambia Creek Field, Escambia County, Alabama.	(11)	15.025
CI79-493, A, 6/14/79	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Block 540 Field, West Cameron Area, Offshore Louisiana.	(12)	15.025
CI79-494, A, 5/22/79	Anadarko Production Company, P.O. Box 1330, Houston, Texas 77001.	Trunkline Gas Company, High Island Block A-511, Offshore Texas.	(13)	14.65
CI79-495, B, 5/17/79	R. & S. Gas Company, Route #4, Box 36-13, Weston, W. Va. 26452.	Penova Interests now Warren Associates, Murphy District, Ritchie County, West Virginia.	(14)	
CI79-496, A, 6/11/79	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Northern Natural Gas Company, Block 261, Eugene Island Area, Offshore Louisiana.	(15)	15.025
CI79-497, E, 6/11/79	Gulf Oil Corporation (Succ. in Interest to Kewanee Oil Company) P.O. Box 2100, Houston, Texas 77001.	Gas Transport, Inc., Certain acreage located in the Grant and Tygart Districts, Jackson and Woods Counties, West Virginia.	(16)	14.65
CI79-498, A, 6/12/79	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, High Island Block 179 and Galveston Block 180, Offshore Texas.	(17)	14.65
CI79-499, A, 6/14/79	Marathon Oil Company (Operator), 539 South Main Street, Findlay, Ohio 45840.	Transcontinental Gas Pipe Line Corporation, West Cameron Area, West Cameron Block 619 Field, Offshore Louisiana.	(18)	15.025
CI79-504, A, 6/16/79	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Transcontinental Gas Pipeline Corporation, Galveston Area, Blocks A-131 and A-157 Field, Offshore Gulf of Mexico.	(4)	14.65
CI79-505, A, 6/4/79	American Natural Gas Production Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.	Michigan Wisconsin Pipe Line Company, South Pelto Block 13, Offshore Louisiana.	(19)	15.025
CI79-507, A, 6/6/79	Monsanto Company, 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Columbia Gas Transmission Corporation, OCS-G-2347 Lease, Galveston Area, Block A-157, South Addition, Federal Offshore Texas.	(20)	14.65
CI79-508, A, 6/16/79	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, East Cameron Block 97, Offshore Louisiana.	(21)	15.025
CI79-509, A, 6/21/79	Cabot Corporation, 1 Houston Center, Suite 1000, Houston, Texas 77002.	Western Gas Interstate Company, Sec. 17-T3N-R15ECM, Texas County, Oklahoma.	(22)	14.65
CI79-510, F, 6/18/79	Cotton Petroleum Corporation (Partial Succ. in Interest to Ladd Petroleum Corporation), Suite 4200, One William Center, Tulsa, Oklahoma 74172.	Colorado Interstate Gas Company, Federal No. 1-22-74 well, Sec. 22-T17N-R94W, Sweetwater County, Wyoming.	(23)	15.025
CI79-511, B, 6/25/79	George W. Graham, Inc., 400 First—Wichita Natl. Bank Building, Wichita Falls, Texas 76301.	Emory M. Spencer, Fulton Beach Field, Aransas County, Texas.	Gas to be sold directly to Natural Gas Pipeline Co. of America.	

[1] To allow gas to be diverted from interstate commerce to be used for pumping irrigation wells from wells in Sec. 36-22S-35W, Kearny County, Kansas.
[2] By Partial Assignment of Oil and Gas Lease dated 3-3-76, Marathon assigned its interest to a depth from the surface down to 12,560 feet to Mustang Production Company.
[3] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[4] Applicant is willing to accept a certificate in accordance with the Natural Gas Policy Act of 1978.
[5] Applicant is willing to accept a certificate under the Natural Gas Policy Act of 1978 subject to any rights (which are expressly reserved) which it may have to qualify for a higher contractually supported rate.
[6] Applicant is filing under Gas Purchase Contract dated 6-26-78, as amended 5-29-79.
[7] Applicant is filing under Gas Purchase Contract dated 10-17-78.
[8] Applicant is filing under Gas Sale and Purchase Contract dated 1-22-79.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated 6-1-50, as amended 2-15-79.
[10] Applicant is filing under Gas Sales Contract dated 5-17-79.
[11] Applicant is filing under Contract dated 12-6-78.
[12] Applicant is filing under Gas Purchase Contract dated 1-31-79.
[13] Applicant is filing under Gas Purchase Contract dated 1-11-79.
[14] Applicant is seeking permission to cancel the contract with Penova Interest (Warren Associates) and sell the gas to either Consolidated Gas Supply Corp. or Cabot Corp.
[15] Applicant is filing under Gas Purchase Contract dated 6-8-79.
[16] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by Contract dated 9-13-76.
[17] Applicant is filing under Gas Sale and Purchase Contract dated 5-9-79.
[18] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended and as modified by the Natural Gas Policy Act of 1978.
[19] Applicant is filing under Gas Sales Contract dated 3-14-79.
[20] Applicant is filing under Contract dated 5-30-79.
[21] Applicant is filing under Section 109 of the Natural Gas Policy Act of 1978.
[22] Applicant is filing under Gas Purchase Agreement dated 5-24-79.
[23] Applicant is successor to the interest of Ladd Petroleum Corporation in the Federal No. 1-22-74 well by virtue of an Assignment of Operating Rights between Ladd Petroleum Corporation and Applicant dated 1-15-79.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 79-22178 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-361]

The Inland Gas Co.; Application

July 11, 1979.

Take notice that on June 13, 1979, The Inland Gas Company (Inland), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP79-361 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for deliveries of natural gas to right-of-way and Kentucky Revised Statutes (KRS) customers, all as more fully set forth in the appendix hereto and in the application which is on file with the Commission and open for public inspection.

Inland proposes to construct and operate gas service taps and metering facilities for twelve rural, residential right-of-way customers and seventy-six KRS customers in Boyd, Floyd, Johnson, Knott, Lawrence and Magoffin Counties, Kentucky. The twelve right-of-way customers, the application indicates, have requested gas service pursuant to the terms of certain right-of-way agreements between them and Inland and the seventy-six KRS customers have requested gas service pursuant to a Kentucky statute (KRS 278.485) (see Appendix).

Inland, as a part of the consideration for the grant of a right-of-way, agreed to supply gas for one domestic dwelling located on each right-of-way. The volumes to be supplied to the twelve right-of-way customers are minimal and would not affect Inland's service to existing customers, the application indicates.

Inland further indicates that service to the seventy-six KRS customers would be from rural farm taps made on Inland's gathering and well lines and all of the gas so supplied would go for residential usage.

The average cost of each of the pipeline taps including the materials to be furnishing by Inland is estimated to be $205, for a total estimated cost of $18,040 and would be financed from internally generated funds.

Any person desiring to be heard to to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Inland to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix.—*Residential Right-of-Way Customers*

Name	Tap location	County
1. Victor Scherrer	Garrett	Knott.
2. Manis Shepherd	Garrett	Knott.
3. Alfie Inman	Garrett	Knott.
4. Victor Scherrer	Garrett	Floyd.
5. Michael Boleyn	Garrett	Floyd.
6. L. Wayne Potter	Garrett	Floyd.
7. Wayne Cox	Garrett	Floyd.
8. Joe Meadows	Water Gap	Floyd.
9. Jerry Combs	Garrett	Floyd.
10. Bill Lafferty	Water Gap	Floyd.
11. Curtis Ousley	Water Gap	Floyd.
12. Buford Ramey	Garrett	Floyd.

KRS Customers

Name	County	Line No.
1. Bert Holbrook	Boyd	AW-K106
2. Brenda Gray	Floyd	EG-29
3. Chalmer Honeycutt	Knott	IW-327
4. Ivis Vance	Knott	IG-
5. Darvin Allen	Magoffin	G-39
6. Larry M. Jones	Floyd	G-28
7. Joe Skeens	Floyd	EG-20
8. Ike Skeen	Floyd	DG-20
9. Edward H. Thomas	Knott	DG-20
10. Stan Bostic	Boyd	AG-124
11. Jerry Martin	Floyd	GG-60
12. Jim Lafferty, Jr	Floyd	EG-29
13. Paul Robinson	Floyd	EG-29
14. H. D. Calhoun	Boyd	AG-124
15. Ricky A. Bays	Floyd	DG-25
16. Benny Combs	Floyd	HG-79
17. Creed Acres	Floyd	HW-143
18. R. Percy Elkins	Knott	IG-93
19. Donny Williams	Magoffin	G-39
20. James Spradlin	Floyd	EG-35
21. Harold Williams	Magoffin	EG-39
22. Clyde Morton	Knott	HW-385
23. Harold Aleshire	Boyd	AG-8
24. Neil S. Watson	Floyd	G-108
25. Earl Bolen	Floyd	G-108
26. James W. Wiler	Lawrence	G-123
27. George Patrick	Knott	IG-92
28. Roland E. Gray	Floyd	EG-29
29. David Napier	Knott	IG-88
30. Wayne Hale	Magoffin	G-39
31. Hanson Holbrook	Floyd	G-39
32. Paul T. Hale	Magoffin	G-39
33. Harold R. B. Runyan	Boyd	AG-124
34. Wallace M. Conley	Johnson	G-123
35. Robert Bailey	Floyd	G-108
36. Morton Combs	Knott	G-108
37. Woats Chaffins	Knott	IG-88
38. Malcolm Brown	Floyd	G-123
39. Forest Porter	Floyd	EG-29
40. Claude Bowling	Floyd	G-108
41. Ples Baker	Knott	IG-92
42. Robert Ferguson	Lawrence	G-123
43. Clemon Slone	Knott	HG-82
44. Clyde Hazelett	Johnson	G-123
45. Teddy Ray Shepherd	Floyd	G-77
46. John L. Lemasters	Johnson	CG-12
47. J. B. Collins	Letcher	IW-518
48. Paul Auxier	Johnson	G-123
49. Woodrow Patrick	Knott	G-126
50. Michael Boleyn	Floyd	HG-80
51. Bert C. Parsley	Boyd	AW-K53
52. Willie Fairchild	Johnson	G-123
53. Tommy Waddell	Knott	IG-125
54. James R. Cline	Floyd	G-123
55. Billie Gayle Lafferty	Floyd	EG-29
56. Elzie Campbell	Floyd	G-123
57. Eddie Dean Lowe	Floyd	G-12
58. Jerry Combs	Floyd	G-108
59. Daisy Shepherd Holliday	Magoffin	G-39
60. Josephine Whitaker	Johnson	G-123
61. Eva M. Estep	Johnson	G-123
62. Richard K. Ratcliffe	Johnson	G-123
63. Dave Estepp	Johnson	G-123
64. Jay Handshoe	Magoffin	G-39
65. Glenn Childers	Floyd	G-123
66. Elwood Conley	Floyd	IW-143
67. Wanda Billings	Boyd	AG-124
68. John Adams	Knott	IW-315
69. Lloyd B. Wireman	Magoffin	G-39
70. Harold Green	Johnson	G-123
71. Don Davidson	Knott	IW-289
72. Paul Maddix	Boyd	AG-528
73. Hershel Slone	Floyd	G-108
74. Gold Howard	Floyd	G-108
75. Gordon Howard	Floyd	G-108
76. Polly Howard	Floyd	G-108

[FR Doc. 79-22273 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-499]

Louisville Gas & Electric Co; Filing

July 12, 1979.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E) on July 9, 1979, tendered for filing pursuant to the Interconnection Agreement between LG&E and Public Service Company of Indiana, Inc. (PSI) a Fifth supplemental Agreement.

LG&E indicates that said Supplemental Agreement provides for an increase in the demand charge for Short Term Power from 60¢ per kilowatt per week to 70¢ per kilowatt per week, and for the addition to said Interconnection Agreement of Service Schedule G providing for a special temporary connection of the systems of LG&E and PSI and the temporary

delivery of power and energy through such connection. Said Service Schedule G establishes compensation of $3,000 per month to be paid by PSI to LG&E for the duration of the temporary connection, estimated to be 19 months. Power and energy delivered by LG&E to PSI through such connection will be offset by concurrent deliveries by PSI to LG&E through other delivery points.

LG&E requests an effective date of September 16, 1979, with respect to the change in Short Term Power demand charge. With respect to the addition of Service Schedule G, LG&E requests waiver of the 60 day notice requirement so that said Service Schedule G may become effective August 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22279 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CS72-203, et al.]

Petro-Lewis Funds, Inc. (Successor in Interest to Ashland Exploration, Inc.); Applications for "Small Producer" Certificates [1]

July 12, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervence or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter beleives that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plum,

Secretary.

Docket No.	Date filed	Applicant
CS72-203	June 26, 1979[1]	Petro-Lewis Funds, Inc. (Succ. in Interest to Ashland Exploration, Inc.), P.O. Box 2250, Denver, Colorado 80201.
CS72-455[2-554]	June 1, 1979[2]	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.
CS73-553	June 7, 1979[3]	Phoenix Resources Company (Succ. to King Resources Company), 3555 N.W. 58th, Suite 300, Oklahama City, Okla. 73112.
CS79-422	June 15, 1979[4]	Jack Bleakley, 401 First Savings Building, 103 S. Irving, San Angelo, Texas 76902.
CS79-444	June 1, 1979	Harris Clay, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-445	June 1, 1979	Lawrence Valenstein, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-446	June 6, 1979	ICI Delaware Inc., Wilmington, Delaware 19897.
CS79-447	June 7, 1979	Oklahoma Energy Associates, 8401 Connecticut Ave., PH #3, Chevy Chase, Maryland 20015.
CS79-448	May 22, 1979	WYTEX Production Corporattion, Box 3632, Forth Smith, Arkansas 72913.
CS79-449	June 8, 1979	TABCO Producing Company, 5401 Wimbledon CT., New Orleans, LA. 70114.
CS79-450	June 8, 1979	Ira A. Schur, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-451	June 11, 1979	Bobby Joe May, 600 Beck Building, Shreveport, La. 71101.
CS79-452	June 11, 1979	Deborah Dawn Stephenson, 600 Beck Building, Shreveport, La. 71101.
CS79-453	June 11, 1979	Thomas N. Capucille, 3001 City National Bank Twr., Oklahoma City, Okla. 73102.
CS79-454	June 11, 1979	Jemes M. Raymond, *et al.*, 1210 Lois Street, P.O. Box 1445, Kerrville, Texas 78028.
CS79-455	June 13, 1979	Canso Oil & Gas, Inc., 37 Lewis Street, Hartford, Connecticut 06103.
CS79-456	June 14, 1979	Many States Oil Company, P.O. Box 987, Claremore, Okla. 74017.
CS79-457	June 14, 1979	Benjamin M. and John R. Peters, Jr., 3209 Armand Street, Monroe, Lousiana 71201.
CS79-458	June 14, 1979	Samuel R. Wynn (dba) Wynn Oil Company, 150 Hillsboro, Route #1, Marietta, Ohio.
CS79-459	June 18, 1979	LeClair-Westwood, Inc., 518 17th St., Suite 388, Denver, Colorado 80202.
CS79-460	June 18, 1979	Robert S. Moehlman, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.
CS79-461	June 18, 1979	Richard Phillips, P.O. Box 966, Corpus Christi, Texas 78403.
CS79-462	June 18, 1979	Starr Drilling Partnership, a Joint Venture, P.O. Box 966, Corpus Christi, Texas 78403.
CS79-463	June 18, 1979	Pres-Lo, Inc., P.O. Box 288, Winfiled, Kansas 67156.
CS79-464	June 18, 1979	Little Tiger Oil Company, Inc., P.O. Box 344, Carthage, Texas 75633.
CS79-466	June 22, 1979	Mary Ruth McCrory, Individual, P.O. Box 25764, Albuquerque, New Mexico 87125.
CS79-467	June 21, 1979	Proteus Petroleum, Inc., 226 Carondelet Street, Suite 210, New Orleans, Louisiana 70130.
CS79-468	June 21, 1979	Unidel Oil Corporation, Princes House, 95 Gresham Street, London, EC2V 7BS.
CS79-469	June 25, 1979	ENERGEX Corporation, 225 Fourth Street, Parkersburg, W. Va. 26101.
CS79-470	June 22, 1979	Houston Oil Fields Co., 802 First City Natl. Bldg., Houston, Texas 77002.
CS79-472	June 25, 1979	Carson Petroleum Corporation, 2190 Liberty Tower, Oklahoma City, Oklahoma.
CS79-473	June 25, 1979	G. T. & R. A. Kimbell Trust, 800 Oil & Gas Bldg., Wichita Falls, Texas 76301.

Docket No.	Date filed	Applicant
CS79-474	June 25, 1979	G. T. Kimbell Estate, 600 Oil & Gas Bldg., Wichita Falls, Texas 76301.
CS79-475	June 25, 1979	McCormick 1978 Oil & Gas Program, Two Allen Center, Suite 3600, Houston, Texas 77002.

[1] Petro-Lewis Funds, Inc. acquired through purchase as of 1-1-79, all of the working interest of Ashland Exploration, Inc. in natural gas produced and sold by Ashland to Southern Natural Gas Company from the Monroe Filed, Ouachita, Union and Morehouse Parishes, Louisiana, under Ashland's FERC GRS No. 103. Ashland's sale was made as successor-in-interest to United Carbon Company pursuant to certificate authorization issued 7-30-57, in Docket No. G-3913. Petro-Lewis Funds, Inc. certifies its intention to continue the sale of gas previously made under Ashland's Rate Schedule No. 103 to Southern Natural Gas Company under Petro-Lewis Funds, Inc's. small producer certificate in Docket No. CS72-203.

[2] Oleum Incorporated (Oleum) was acquired by Diamond Shamrock Corporation (Diamond Shamrock), a large producer, on 2-23-79. Oleum's status as a small producer has terminated effective as of the date of the acquistion.

[3] Phoenix Resources Comany is filing as successor to King Resources Company, for a Small Producer's Exemption.

[4] Being noticed to reflect a change of address.

[FR Doc. 79-22271 Filed 7-18-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. G-6296, et al.]

Tenneco Oil Co., et al., Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 10, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-6296, C, 10/20/78	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	El Paso Natural Gas Company, Jalmat Field, Lea County, New Mexico.	(1)	14.65
CI76-230, C, 4/24/78	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	El Paso Natural Gas Company, Parkway West Field, Eddy County, New Mexico.	(1)	14.65
CI78-519, C, 6/26/78	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Northwest Pipeline Corporation, Winchester Morrow Field, State CX Com. No. 1 Well, Eddy County, New Mexico.	(1)	14.65
CI78-519, C, 7/24/78	Gulf Oil Corporation	Millman South Field, Eddy County, New Mexico	(1)	14.65

[1] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 79-22272 Filed 7-18-79; 8:45 am]
BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 12, 1979.

The Federal Energy Regulatory Commission received notices from the Jurisdictional Agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Indiana Department of Natural Resources, Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–10945
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. John Aranyosi #4
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10946
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. John Aranyosi #3
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10947
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10948
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10949
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment #1–A
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10950
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment-Stewart-State #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10951
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc
5. Floyd Investment-Stuckey-State #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10952
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment-Stuckey-State #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10953
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Mary Anna Freemyer #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10954
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Mary Anna Freemyer #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10955
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Keiffer #1–A
6. East Mt. Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10956
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #2–A
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10957
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #3–A
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10958
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #1–B
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10959
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #1–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Cystal Oil Company

1. 79–10960
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #2–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10961
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.

5. Lawrence Kieffer #3–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10962
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #4–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10963
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10964
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey Community #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10965
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey #3
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10966
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey Community #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

Louisiana Office of Conservation

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–11064
2. 17–075–22465
3. 102
4. Exxon Corp
5. Orleans Levee Board No 90
6. Potash
7. Plaquemines, LA
8. 250.0 million cubic feet
9. June 27, 1979
10. United Gas Pipe Line Co

1. 79–11065
2. 17–127–20717
3. 102
4. Justiss-Mears Oil Co Inc
5. WX RC VU A W LA Pacific 2
6. Hattaway Branch
7. Winn, LA
8. 20.0 million cubic feet
9. June 27, 1979
10. United Gas Pipe Line Co

1. 79–11066
2. 17–127–20650
3. 102
4. Justiss-Mears Oil Co Inc
5. WX RB VU A Pardee 2
6. Hattaway Branch
7. Winn, LA
8. 30.0 million cubic feet
9. June 27, 1979
10. United Gas Pipe Line

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–11067
2. 30–025–25627
3. 103
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 423
6. Drinkard
7. Lea, NM
8. 227.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company, Northern Natural Gas Company, Getty Oil Company

1. 79–11068
2. 30–025–25549
3. 103
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 424
6. Drinkard
7. Lea, NM
8. 210.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Co, Northern Natural Gas Company, Getty Oil Company

1. 79–11069
2. 30–025–00000
3. 108
4. C E Long
5. Rector No 1
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 14.0 million cubic feet
9. June 27, 1979
10. Warren Petroleum Company

1. 79–11070
2. 30–025–00000
3. 108
4. Husky Oil Company
5. North Shore Woolworth #3
6. Mattix
7. Lea, NM
8. 11.4 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11071
2. 30–039–00000
3. 108
4. Joseph B Gould
5. Skelly No 2
6. Otero Chacra Field
7. Rio Arriba, NM
8. 175.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11072
2. 30–025–00000
3. 108
4. General Operating Company
5. State BC #2
6. E–K Yates-SR-Queen
7. Lea, NM
8. 3.6 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company

1. 79–11073
2. 30–025–07948
3. 108
4. Martindale Petroleum Corporation
5. Rocket Cain #1
6. Hobbs San Andres East
7. Lea, NM
8. 3.2 million cubic feet
9. June 27, 1979
10.

1. 79–11074
2. 30–025–00000
3. 108
4. Gulf Oil Corp
5. Eubank Well No 7
6. Drinkard
7. Lea, NM
8. 11.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11075
2. 30–025–00000
3. 108
4. Harris & Walton
5. J L Coates No 2
6. Jalmat Yates
7. Lea, NM
8. 1.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11076
2. 30–015–21244
3. 108
4. Read & Stevens Inc
5. Mesa Com #1
6. Cemetary Morrow
7. Eddy, NM
8. 10.8 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11077
2. 30–015–00000
3. 108
4. Read & Stevens Inc
5. Bogle Farms #2
6. Mesa Queen
7. Eddy, NM
8. 11.4 million cubic feet
9. June 27, 1979

10. Phillips Petroleum Company
1. 79–11078
2. 30–025–10823
3. 108
4. Millard Deck
5. May A #1
6. Langlie Mattix Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11079
2. 30–025–10745
3. 108
4. Millard Deck
5. Kelly State #4
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 4.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11080
2. 30–025–10743
3. 108
4. Millard Deck
5. Kelly State #1
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11081
2. 30–025–10744
3. 108
4. Millard Deck
5. Kelly State #2
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11082
2. 30–025–25380
3. 108
4. Millard Deck
5. L W White A #1
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 7.0 million cubic feet
9. June 27, 1979
10. Phillips Petroleum
1. 79–11083
2. 30–025–10742
3. 108
4. Millard Deck
5. Kelly State #3
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 9.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. 79–11084
2. 30–025–07943
3. 108
4. Martindale Petroleum Corporation
5. Carrie O Davis #1
6. Hobbs San Andres East
7. Lea, NM
8. .7 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11085
2. 30–025–07944
3. 108
4. Martindale Petroleum Corporation
5. Carrie O Davis #2
6. Hobbs San Andres East
7. Lea, NM
8. 1.3 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11086
2. 30–025–00000
3. 108
4. C E Long
5. Huston No 1
6. Eunice-Monument (G–SA)
7. Lea, NM
8. 7.0 million cubic feet
9. June 27, 1979
10. Warren Petroleum Company
1. 79–11087
2. 30–025–00000
3. 108
4. C E Long
5. Pech State No. 1
6. Jalmat Yates Seven Rivers
7. Lea, NM
8. 4.0 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11088
2. 30–025–00000
3. 108
4. C E Long
5. Shell-Staste No. 1
6. Jalmat Yates Seven Rivers
7. Lea, NM
8. 6.0 million cubic feet
9. June 27, 1979
10. Warren Petroleum Company
1. 79–11089
2. 30–025–07940
3. 108
4. Martindale Petroleum Corporation
5. Rocket Cain #2
6. Hobbs San Andres East
7. Lea, NM
8. 5.1 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11090
2. 30–025–07945
3. 108
4. Martindale Petroleum Corporation
5. Carrie O Davis #3
6. Hobbs San Andres East
7. Lea, NM
8. 3.2 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11091
2. 30–025–00000
3. 108
4. Warren Petroleum Co Div of Gulf Oil
5. South Penrose Skelly Unit Well No 18
6. Penrose Skelly
7. Lea, NM
8. 5.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11092
2. 30–039–20055
3. 108
4. Joseph B Gould
5. Skelly No 1
6. Otero Chacra Field
7. Rio Arriba, NM
8. 165.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11093
2. 30–039–07239
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–5 Unit #21
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 21.2 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State of Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 79–10969
2. 47–001–00824
3. 108
4. Allegheny Land and Mineral Co
5. A–605
6. Phillips District
7. Barbour, WV
8. 18.2 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10970
2. 47–033–01111
3. 108
4. Allegheny Land and Mineral Co
5. A–875
6. Clark District
7. Harrison, WV
8. 16.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10971
2. 47–041–01050
3. 108
4. Allegheny Land and Mineral Co
5. A–192
6. Court House District
7. Lewis, WV
8. 2.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10972
2. 47–033–00250
3. 108
4. Allegheny Land and Mineral Co
5. A–166
6. Simpson District
7. Harrison, WV
8. 6.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10973
2. 47–017–00600
3. 108
4. Allegheny Land and Mineral Co
5. A–155

6. McClellan District
7. Doddridge, WV
8. 2.2 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10974
2. 47–017–01801
3. 108
4. Allegheny Land and Mineral Co
5. A–561
6. Southwest District
7. Doddridge, WV
8. 1.5 million cubic feet
9. June 28, 1979
10. Consolidated Gas Supply Corp

1. 79–10975
2. 47–021–01407
3. 108
4. Allegheny Land and Mineral Co
5. A–171
6. Glenville District
7. Gilmer, WV
8. 2.3 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10976
2. 47–033–00965
3. 108
4. Allegheny Land and Mineral Co
5. A–580
6. Elk District
7. Harrison, WV
8. 7.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10977
2. 47–085–02670
3. 108 Denied
4. Allegheny Land and Mineral Co
5. A–199
6. Murphy District
7. Ritchie, WV
8. 2.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10978
2. 47–041–00686
3. 108 Denied
4. Allegheny Land and Mineral Co
5. A–109
6. Appalachian Basin
7. Lewis, WV
8. 1.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10979
2. 47–021–02687
3. 108
4. Allegheny Land and Mineral Co
5. A–604
6. Dekalb District
7. Gilmer, WV
8. 1.6 million cubic feet
9. June 28, 1979
10. Consolidated Gas Supply Corp

1. 79–10980
2. 47–041–00539
3. 108
4. Allegheny Land and Mineral Co
5. A–98
6. Hackers Creek District
7. Lewis, WV
8. 4.5 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10981
2. 47–041–00792
3. 108
4. Allegheny Land and Mineral Co
5. A–153
6. Hackers Creek District
7. Lewis, WV
8. 5.6 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10982
2. 47–041–00817
3. 108
4. Allegheny Land and Mineral Co
5. A–104
6. Courthouse District
7. Lewis, WV
8. 2.8 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10983
2. 47–083–00227
3. 103
4. Allegheny Land and Mineral Co
5. A–718
6. Middle Fork District
7. Randolph, WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp

1. 79–10984
2. 47–103–01148
3. 103
4. Allegheny Land and Mineral Co
5. A–758
6. Grant District
7. Wetzel, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10985
2. 47–033–01994
3. 103
4. Allegheny Land and Mineral Co
5. A–786
6. Sardis District
7. Harrison, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10986
2. 47–033–01943
3. 103
4. Allegheny Land and Mineral Co
5. A–772
6. Union District
7. Harrison, WV
8. .0 million cubic feet
9. June 28, 1979
10. Consolidated Gas Supply Corp

1. 79–10987
2. 47–041–02540
3. 103
4. Allegheny Land and Mineral Co
5. A–770
6. Hackers Creek District
7. Lewis, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10988
2. 47–033–01053
3. 103
4. Allegheny Land & Mineral Co
5. A–658
6. Eagle Dist
7. Harrison WV
8. 22.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10989
2. 47–033–01049
3. 103
4. Allegheny Land & Mineral Co
5. A–657
6. Sardis Dist
7. Harrison WV
8. 22.8 million cubic feet
9. June 28, 1979
10. Consolidated Gas Supply Corp

1. 79–10990
2. 47–097–01730
3. 103
4. Allegheny Land & Mineral Co
5. A–661
6. Union
7. Upshur WV
8. 25.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10991
2. 47–041–02120
3. 103
4. Allegheny Land & Mineral Co
5. A–653
6. Hackers Creek Dist
7. Lewis WV
8. 34.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10992
2. 47–085–02479
3. 108 Denied
4. Allegheny Land & Mineral Co
5. A–165
6. Murphy Dist
7. Ritchie WV
8. 2.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10993
2. 47–085–02590
3. 108 Denied
4. Allegheny Land & Mineral Co
5. A–189
6. Murphy District
7. Ritchie WV
8. 1.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10994
2. 47–085–02547
3. 108 Denied
4. Allegheny Land & Mineral Co
5. A–182
6. Murphy District
7. Ritchie WV
8. 2.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10995
2. 47–033–00963
3. 108
4. Allegheny Land & Mineral Co
5. A–603
6. Sardis District

7. Harrison WV
8. 20.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10996
2. 47–021–02789
3. 108
4. Allegheny Land & Mineral Co
5. A–636
6. Center District
7. Gilmer WV
8. 9.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10997
2. 47–033–00949
3. 108
4. Allegheny Land & Mineral Co
5. A–581
6. Union District
7. Harrison WV
8. 21.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10998
2. 47–103–00605
3. 108
4. Allegheny Land & Mineral Co
5. A–557
6. Grant District
7. Wetzel WV
8. 6.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10999
2. 47–013–02545
3. 108
4. Allegheny Land & Mineral Co
5. A–558
6. Washington District
7. Calhoun WV
8. 4.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11000
2. 47–033–00911
3. 108
4. Allegheny Land & Mineral Co
5. A–534
6. Union District
7. Harrison WV
8. 19.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11001
2. 47–041–01382
3. 108
4. Allegheny Land & Mineral Co
5. A–279
6. Hackers Creek District
7. Lewis WV
8. 2.6 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–11002
2. 47–041–01528
3. 108
4. Allegheny Land & Mineral Co
5. A–326
6. Hackers Creek District
7. Lewis WV
8. 2.2 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–11003
2. 47–041–01500
3. 108
4. Allegheny Land & Mineral Co
5. A–318
6. Hackers Creek District
7. Lewis WV
8. 5.3 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–11004
2. 47–085–02766
3. 108
4. Allegheny Land & Mineral Co
5. A–222
6. Murphy Dist
7. Ritchie WV
8. 2.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11005
2. 47–097–01003
3. 108
4. Allegheny Land & Mineral Co
5. A–323
6. Washington Dist
7. Upshur WV
8. 5.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11006
2. 47–085–03144
3. 108
4. Allegheny Land & Mineral Co
5. A–322
6. Murphy Dist
7. Ritchie WV
8. 3.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11007
2. 47–033–01025
3. 108
4. Allegheny Land & Mineral Co
5. A–641
6. Eagle District
7. Harrison WV
8. 15.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11008
2. 47–041–02101
3. 108
4. Allegheny Land & Mineral Co
5. A–639
6. Hackers Creek District
7. Lewis WV
8. 4.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11009
2. 47–097–01090
3. 108
4. Allegheny Land & Mineral Co
5. A–345
6. Washington District
7. Upshur WV
8. 8.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11010
2. 47–013–02550
3. 108
4. Allegheny Land & Mineral Co
5. A–559
6. Washington District
7. Calhoun WV
8. 5.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11011
2. 47–021–02608
3. 108
4. Allegheny Land & Mineral Co
5. A–560
6. Center District
7. Gilmer WV
8. 11.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11012
2. 47–097–01334
3. 108
4. Allegheny Land & Mineral Co
5. A–413
6. Union District
7. Upshur WV
8. .7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11013
2. 47–097–01335
3. 108
4. Allegheny Land & Mineral Co
5. A–414
6. Union District
7. Upshur WV
8. .5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11014
2. 47–097–01337
3. 108
4. Allegheny Land & Mineral Co
5. A–417
6. Union District
7. Upshur WV
8. 1.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11015
2. 47–097–01336
3. 108
4. Allegheny Land & Mineral Co
5. A–415
6. Union District
7. Upshur WV
8. 1.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11016
2. 47–033–00946
3. 108
4. Allegheny Land & Mineral Co
5. A–582
6. Union District
7. Harrison WV
8. 7.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11017
2. 47–041–02054
3. 108
4. Allegheny Land & Mineral Co
5. A–583
6. Freemans Creek
7. Lewis WV
8. 7.4 million cubic feet

9. June 28, 1979
10. Consolidated Gas Supply Corp
1. 79–11018
2. 47–067–00401
3. 108
4. Allegheny Land & Mineral Co
5. A–585
6. Homilton
7. Nicholas WV
8. 1.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11019
2. 47–017–01840
3. 108
4. Allegheny Land & Mineral Co
5. A–590
6. Southwest District
7. Doddridge WV
8. 8.1 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11020
2. 47–033–00912
3. 108
4. Allegheny Land & Mineral Co
5. A–533
6. Union District
7. Harrison WV
8. 21.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11021
2. 47–033–00983
3. 108
4. Allegheny Land & Mineral Co
5. A–607
6. Elk District
7. Harrison WV
8. 18.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11022
2. 47–021–01598
3. 108
4. Allegheny Land & Mineral Co
5. A–245
6. Glenville District
7. Gilmer WV
8. 1.1 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11023
2. 47–033–01933
3. 108
4. Allegheny Land & Mineral Co
5. A–704
6. Eagle District
7. Harrison WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11024
2. 47–001–00862
3. 103
4. Allegheny Land & Mineral Co
5. A–643
6. Pleasant Dist
7. Barbour WV
8. 27.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11025
2. 47–083–00224
3. 103
4. Allegheny Land & Mineral Co
5. A–739
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11026
2. 47–083–00228
3. 103
4. Allegheny Land & Mineral Co
5. A–741
6. Middle Fork District
7. Randolph WV
8. 41.4 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmissioin Corp
1. 79–11027
2. 47–083–00190
3. 103
4. Allegheny Land & Mineral Co
5. A–650
6. Roaring Creek District
7. Randolph WV
8. 56.8 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11028
2. 47–041–02105
3. 103
4. Allegheny Land & Mineral Co
5. A–660
6. Skin Creek District
7. Lewis WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11029
2. 47–083–00242
3. 103
4. Allegheny Land & Mineral Co
5. A–769
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11030
2. 47–097–01803
3. 103
4. Allegheny Land & Mineral Co
5. A–737
6. Union District
7. Upshur WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11031
2. 47–033–01209
3. 103
4. Allegheny Land & Mineral Co
5. A–735
6. Union District
7. Harrison WV
8. 61.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11032
2. 47–033–01208
3. 103
4. Allegheny Land & Mineral Co
5. A–734
6. Union Dist
7. Harrison WV
8. 37.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11033
2. 47–083–00222
3. 103
4. Allegheny Land & Mineral Co
5. A–716
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11034
2. 47–083–00223
3. 103
4. Allegheny Land & Mineral Co
5. A–717
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11035
2. 47–041–01510
3. 108
4. Allegheny Land & Mineral Company
5. A–319
6. Hackers Creek District
7. Lewis WV
8. 12.8 million cubic feet
9. June 26, 1979
10. Equitable Gas
1. 79–11036
2. 47–041–01261
3. 108
4. Allegheny Land & Mineral Company
5. A–236
6. Court House District
7. Lewis WV
8. 7.9 million cubic feet
9. June 26, 1979
10. Equitable Gas
1. 79–11037
2. 47–097–01368
3. 108
4. Allegheny Land & Mineral Co
5. A–374
6. Union Dist
7. Upshur WV
8. 12.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11038
2. 47–041–01158
3. 108
4. Allegheny Land & Mineral Company
5. A–218
6. Courthouse District
7. Lewis WV
8. 4.9 million cubic feet
9. June 26, 1979
10. Equitable Gas
1. 79–11039
2. 47–033–00975
3. 108
4. Allegheny Land & Mineral Co
5. A–594
6. Union District
7. Harrison WV
8. 4.3 million cubic feet
9. June 26, 1979

10. Consolidated Gas Supply Corp
1. 79–11040
2. 47–017–01841
3. 108
4. Allegheny Land & Mineral Co
5. A–592
6. Southwest District
7. Doddridge WV
8. 8.1 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11041
2. 47–017–01822
3. 108
4. Allegheny Land & Mineral Co
5. A–591
6. Southwest District
7. Doddridge WV
8. 10.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11042
2. 47–033–00967
3. 108
4. Allegheny Land & Mineral Co
5. A–602
6. Eagle District
7. Harrison WV
8. 21.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11043
2. 47–045–00951
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #65–074861
6. Logan Wyoming
7. Logan WV
8. 6.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11044
2. 47–045–00946
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #63–065161
6. Logan Wyoming
7. Logan WV
8. 6.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11045
2. 47–045–00875
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #55–048880
6. Logan Wyoming
7. Logan WV
8. 10.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11046
2. 47–045–00773
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #54–031390
6. Logan Wyoming
7. Logan WV
8. 13.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11047
2. 47–045–00581
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #49–025440
6. Logan Wyoming
7. Logan WV
8. 5.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11048
2. 47–045–00332
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #123—020180
6. Logan Wyoming
7. Logan WV
8. 10.1 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11049
2. 47–045–00262
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #106—018140
6. Logan Wyoming
7. Logan WV
8. 10.1 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11050
2. 47–109–00300
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #18—015700
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11051
2. 47–109–00315
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #82—016240
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11052
2. 47–109–00316
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #20—016250
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11053
2. 47–109–00317
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #21—016260
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11054
2. 47–109–00356
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #105—017610
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11118
2. 47–083–00231
3. 103
4. Allegheny Land & Mineral Co
5. A–764
6. Middle Fork District
7. Randolph WV
8. 27.4 million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp
1. 79–11119
2. 47–097–01845
3. 103
4. Allegheny Land & Mineral Co
5. A–760
6. Washington District
7. Upshur WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11120
2. 47–033–01252
3. 103
4. Allegheny Land & Mineral Co
5. A–759
6. Sardis District
7. Harrison WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11121
2. 47–091–00167
3. 103
4. Allegheny Land & Mineral Co
5. A–757
6. Knottsville District
7. Taylor WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11122
2. 47–033–01146
3. 103
4. Allegheny Land & Mineral Co
5. A–694
6. Sardis District
7. Harrison WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11123
2. 47–103–00633
3. 103
4. Allegheny Land & Mineral Co
5. A–695
6. Grant District
7. Hetzel WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11124
2. 47–033–01152
3. 103
4. Allegheny Land & Mineral Co
5. A–701
6. Eagle District
7. Harrison WV
8. 34.1 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11125
2. 47–083–00217
3. 103
4. Allegheny Land & Mineral Co
5. A–727
6. Middle Fork District
7. Randolph WV
8. 34.4 Million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp

1. 79–11126
2. 47–083–00239
3. 103
4. Allegheny Land & Mineral Co
5. A–768
6. Roaring Creek District
7. Randolph WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp

1. 79–11127
2. 47–083–00240
3. 103
4. Allegheny Land & Mineral Co
5. A–767
6. Roaring Creek District
7. Randolph WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp

1. 79–11128
2. 47–097–01571
3. 108
4. Allegheny Land & Mineral Co
5. A–472
6. Washington District
7. Upshur WV
8. 21.4 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11129
2. 47–097–01704
3. 108
4. Allegheny Land & Mineral Co
5. A–614
6. Bank District
7. Upshur WV
8. 12.1 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11130
2. 47–033–00996
3. 108
4. Allegheny Land & Mineral Co
5. A–610
6. Elk District
7. Harrison WV
8. 7.9 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11131
2. 47–041–02075
3. 108
4. Allegheny Land & Mineral Co
5. A–595
6. Freemans Creek District
7. Lewis
8. 12.8 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11132
2. 47–033–00979
3. 108
4. Allegheny Land & Mineral Co
5. A–596
6. Grant District
7. Harrison WV
8. 7.9 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11133
2. 47–033–00972
3. 108
4. Allegheny Land & Mineral Co
5. A–597
6. Union District
7. Harrison WV
8. 13.7 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11134
2. 47–097–01676
3. 108
4. Allegheny Land & Mineral Co
5. A–599
6. Washington District
7. Upshur WV
8. 18.4 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11135
2. 47–041–01643
3. 108
4. Allegheny Land & Mineral Co
5. A–371
6. Freeman Creek District
7. Lewis WV
8. 9.1 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11136
2. 47–033–01018
3. 108
4. Allegheny Land & Mineral Co
5. A–629
6. Union District
7. Harrison WV
8. 11.0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11137
2. 47–041–02094
3. 108
4. Allegheny Land & Mineral Co
5. A–626
6. Skin Creek District
7. Lewis WV
8. 13.9 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11138
2. 47–097–01741
3. 108
4. Allegheny Land & Mineral Co
5. A–625
6. Union District
7. Upshur WV
8. 11.2 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79–11139
2. 47–033–01007
3. 108
4. Allegheny Land & Mineral Co
5. A–619
6. Union District
7. Harrison WV
8. 19.7 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–11055
2. 17–712–40182–0000–0
3. 102
4. CNG Producing Company
5. B–1–S1
6. Ship Shoal
7. 271000
8. 2608.0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp Texas Gas Transmission Corporation Columbia Gas Transmission Corp

1. 79–11056
2. 17–721–40151–0000–0
3. 102
4. Arco Oil and Gas Atlantic Richfield
5. OCS G–1608 Well No D–15
6. South Pass Block 61 Field
7. 600000
8. 310.0 Million Cubic Feet
9. June 27, 1979
10. Southern Natural Gas Company

1. 79–11057
2. 17–704–40417–0000–0
3. 102
4. Transco Exploration Company
5. A–14
6. East Cameron
7. 263000
8. 15000.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line

1. 79–11058
2. 17–704–40414–0000–0
3. 102
4. Transco Exploration Company
5. A–13
6. East Cameron
7. 263000
8. 15000.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line

1. 79–11059
2. 17–704–40402–0000–0
3. 102
4. Transco Exploration Company
5. A–5
6. East Cameron
7. 263000
8. 15000.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line

1. 79–11060
2. 17–719–40093–0000–0
3. 102
4. Exxon Corporation
5. OCS–G 1495 No X–13
6. West Delta
7. 420000
8. 400.0 Million Cubic Feet

9. June 27, 1979
10. Southern Natural Gas Co
1. 79–11061
2. 17–708–40201–0000–0
3. 102
4. Shell Oil Company
5. B–10
6. South Marsh Island
7. 130000
8. 260.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line Corp
1. 79–11062
2. 17–719–40148–0000–0
3. 102
4. Exxon Corporation
5. OCS–G 1495 No. X–14
6. West Delta
7. 42000
8. 653.0 Million Cubic Feet
9. June 27, 1979
10. Southern Natural Gas Co.
1. 79–11063
2. 17–709–40086–01S1–0
3. 102
4. Gulf Oil Corporation
5. Eugene Island Block 238 No. F–5
6. Eugene Island
7. 238000
8. 12636.0 Million Cubic Feet
9. June 27, 1979
10. Sea Robin Pipeline Texas Eastern Transmission Corp.

U.S. Geological Survey, Albuquerque, N.Mex.

1. Control Number (F.E.R.C./State)
2. API Welll Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–11098
2. 05–067–06112–0000–0
3. 103
4. Mesa Petroleum Co.
5. Ute Indian 8A MV
6. Ignacio
7. La Plata, CO.
8. 90.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11099
2. 05–067–06218–0000–0
3. 103
4. Mesa Petroleum Co.
5. Ute Indian 9A
6. Blanco
7. La Plata, CO.
8. 220.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11094
2. 30–045–07316–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lackey B 17
6. Basin-Dakota Gas
7. San Juan, NM
8. 14.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11095
2. 30–039–21390–0000–0
3. 103
4. Jerome P. McHugh
5. Chris No. 2
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 70.0 Million Cubic Feet
9. June 27, 1979
10. Northwest Pipeline Corporation
1. 79–11096
2. 30–039–21406–0000–0
3. 103
4. Jerome P. McHugh
5. Chris No. 1 A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 89.0 Million Cubic Feet
9. June 27, 1979
10. Northwest Pipeline Corporation
1. 79–11097
2. 30–039–21405–0000–0
3. 103
4. Jerome P. McHugh
5. Chris No. 2 A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 99.0 Million Cubic Feet
9. June 27, 1979
10. Northwest Pipeline Corporation
1. 79–11100
2. 30–045–20630–0000–0
3. 108
4. Jerome P. McHugh
5. Uxnard No. 1
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 8.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11101
2. 30–039–20197–0000–0
3. 108
4. Jerome P. McHugh
5. Nordhaus No. 8
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 19.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11102
2. 30–039–20121–0000–0
3. 108
4. Southland Royalty Co.
5. Cat Draw No. 1
6. Basin Dakota
7. Rio Arriba, NM
8. 3.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Co.
1. 79–11103
2. 30–045–13116–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 10
6. Basin Dakota
7. San Juan NM
8. 7.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.
1. 79–11104
2. 30–045–09963–0000–0
3. 108
4. Southland Royalty Co
5. Nye #11
6. Basin Dakota
7. San Juan NM
8. 11.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.
1. 79–11105
2. 30–045–097209–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 12
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 3.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.
1. 79–11106
2. 30–045–09638–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 6
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 4.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.
1. 79–11107
2. 30–045–09753–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 5
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 6.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.
1. 79–11108
2. 30–025–24561–0013–0
3. 108
4. El Paso Natural Gas Company
5. Cooper Federal 1
6. Cooper-Morrow Gas
7. Lea, NM
8. 15.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11109
2. 30–045–10087–0000–0
3. 108
4. El Paso Natural Gas Company
5. Heaton Com A 13
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 20.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11110
2. 30–045–06492–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rowley 6
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 8.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11111
2. 30–039–05874–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hall 4
6. Blanco South-Pictured Cliffs Gas

7. Rio Arriba, NM
8. 9.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11112
2. 30–039–20312–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP No. 162
6. Blanco South-Picured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11113
2. 30–045–08689–0000–0
3. 108
4. El Paso Natural Gas Company
5. Murphy A COM 1
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11114
2. 30–045–21566–0000–0
3. 108
4. El Paso Natural Gas Company
5. Pierce A 3
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 5.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11115
2. 30–045–07316–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lackey B 17
6. Basin-Dakota Gas
7. San Juan, NM
8. 14.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11116
2. 30–045–08088–0000–0
3. 108
4. El Paso Natural Gas Company
5. Roelofs E 5
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 16.8 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

U.S. Geological Survey, Casper, Wyo.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–10944
2. 49–029–20707–0000–0
3. 103
4. Marathon Oil Company
5. Frisby A No. 18
6. Oregon Basin Field
7. Park WY
8. 250.0 Million Cubic Feet
9. June 22, 1979
10. Husky Oil Company, Big Horn Gypsum Co.

1. 79–10967
2. 49–007–20398–0000–0
3. 102
4. Gary Operating Company
5. Gary-Chambers-Federal No. 10–2
6. South Baggs
7. Carbon, WY
8. 120.0 Million Cubic Feet
9. June 26, 1979
10. Mountain Fuel Supply Co.

1. 79–10968
2. 49–007–20400–0000–0
3. 102
4. Gary Operating Company
5. Gary-Federal No. 10–4
6. South Baggs
7. Carbon, WY
8. 120.0 Million Cubic Feet
9. June 26, 1979
10. Mountain Fuel Supply Co.

1. 79–11117
2. 49–007–20401–0000–0
3. 102
4. Gary Operating Co.
5. Gary-Chambers Federal Nos. 2–4
6. South Baggs
7. Carbon, WY
8. 240.0 Million Cubic Feet
9. June 27, 1979
10. Mountain Fuel Supply 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 within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22292 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. E–7734]

Mid-Continent Area Power Pool Agreement; Granting Extension of Time

July 6, 1979.

On June 22, 1979, the MAPP Management Committee filed a motion for extension of time to file revised membership provisions as required by Commission order of June 5, 1979. The motion states, among other things, that in order to comply, the Participants to the MAPP Agreement must be given 60 days notice of amendments to the Agreement. On July 2, 1979, an objection to the extension was filed by the Alexandria Board of Public Works, *et al.*, stating, in part, that the amendments have previously been approved.

Upon consideration, notice is hereby given that an extension of time for complying with the Commission's order is granted to and including September 7, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22280 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. SA79–8]

Moselle Fuel Co.; Application for Adjustment

July 11, 1979.

Take note that on June 26, 1979, Moselle fuel Company filed with the Federal Energy Regulatory Commission an application for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). The applicant is located at P.O. Box 9998, North Station, Jackson, Mississippi, 39206.

The applicant states that it purchases gas in the South Williamsburg Field, Covington County, Mississippi, from the American Natural Gas Production Company and the Callon Petroleum Company under an intrastate contract dated September 27, 1978. The applicant further states that the contract has a primary term of six months and continues until cancelled by either party on thirty-days notice. According to the applicant, American Natural and Callon notified the applicant on June 1, 1979 that the contract would be terminated on July 1, 1979.

The applicant states that it delivers to the South Mississippi Electric Power association the gas that the applicant purchases under the subject contract.

In its filing in this docket, the applicant seeks the right of first refusal under section 315 of the NGPA on any new intrastate contract which concerns natural gas covered by the existing contract between the applicant, and American Natural and Callon. In addition, the applicant seeks a stay that will prohibit the termination of the subject contract pending a decision on the application filed in this docket.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's

Rules of Practice and Procedure, Order No. 24, issued March 22, 1979.

Any person desiring to participate in this adjustment proceding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed no later than July 25, 1979 and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22281 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CP71-163; and CP79-358]

Natural Gas Pipeline Co. of America; Application and Petition To Amend

July 12, 1979.

Take notice that on June 12, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP71-163 [1] a petition to amend the order issued May 7, 1971, as amended, in said docket pursuant to Section 7(c) of the Natural Gas Act authorizing utilization of an existing interconnection as a new redelivery point between Natural and Mobil Oil Corporation (Mobil), and concurrently, filed in Docket No. CP79-358 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain existing facilities used for the service authorized in Docket No. CP71-163, all as more fully set forth in the petition to amend and the application [2] which are on file with the Commission and open for public inspection.

Natural states that it entered into twenty-year gas exchange and purchase agreements, each dated November 25, 1970, with Union Texas Petroleum, a Division of Allied Chemical Corporation (Union Texas), whereby Union Texas would deliver gas from reserves in the ROC Field, Ward County, Texas, to Natural's existing gas gathering facilities in the ROC Field at or near the wellhead of Union Texas' gas wells. Natural agreed to purchase 50 percent of such gas and to exchange the remaining 50 percent which would be redelivered by Natural to Union Texas at a proposed point of interconnection at the existing pipeline facilities of the two companies in Jefferson County, Texas. Natural received authorization to exchange such gas and to construct and operate a tap and meter at the redelivery point in the Commission order issued on May 7, 1971, in Docket No. CP71-163. By order issued December 19, 1977, in Docket No. CI71-469 Mobil was designated as the successor to Union Texas in the transaction.

Natural indicates that on October 1, 1978, Natural and Mobil amended a November 25, 1970, gas exchange agreement to provide for a new delivery point for redelivery of gas by Natural to Mobil.

Since the ownership of the existing delivery point has been changed by Mobil's succession to Union Texas, a change in delivery point to an existing point of interconnection between Natural and Mobil located in Liberty County, Texas, would be beneficial to the operating efficiency of both parties.

Natural requests the Commission to delete the Jefferson County, Texas, delivery point from the existing authorization and proposes to abandon by removal the facilities constructed for the delivery of exchange gas in Jefferson County, Texas including approximately 485 feet of 6-inch pipeline, 80 feet of 4-inch pipeline, and a 4-inch measuring facility. Natural proposes to retain the meter facilities in stock and all other facilities would be sold as scrap, it is stated.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Natural to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22282 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-497]

Niagara Mohawk Power Corp.; Filing

July 12, 1979.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 9, 1979 tendered for filing as a rate schedule, an agreement between Niagara and Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (hereinafter collectively called GPU) dated July 1, 1979.

Niagara states that under the terms of the agreement, Niagara agrees to purchase, for resale to GPU, Short Term Power and Associated Energy from the Ontario Hydro Electric Commission (Ontario Hydro). Niagara also agrees to wheel this power and energy from Niagara's interconnection with Ontario Hydro to Niagara's interconnection with GPU.

Niagara requests waiver of the Commission's notice requirements in order to allow said agreement to become effective as of July 9, 1979.

According to Niagara copies of this filing were served upon GPU and the Public Service Commission State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

[2] The petition to amend and abandonment application are incorporated in the same instrument.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for Public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22283 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-52]

Pennsylvania Power & Light Co.; Application

July 12, 1979.

Take notice that on July 31, 1979, Pennsylvania Power & Light Company (Applicant), Two North Ninth Street, Allentown, Pennsylvania 18101, filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authority to issue up to $200 million of short-term unsecured Promissory Notes including commercial paper notes. Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.4 million persons.

The proceeds from the issuance of the Notes will be used principally as interim financing of Applicant's construction program, which will require approximately $1.545 billion over the 1979–1981 period.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[Docket Nos. G-10020; CI71-722]

Phillips Petroleum Co. (Operator), et al.; Order Approving Settlement

July 10, 1979

On October 9, 1974, Phillips Petroleum Company (Phillips) filed an application with the FPC pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its sale of natural gas from the Erath Field Unit (Erath gas) in Louisiana to Columbia Gas Transmission Corporation (Columbia).[1] Phillips claimed that Phillips' contract with Columbia had expired and that Phillips' Erath gas was now committed to Trunkline Gas Company (Trunkline) under a certificate and a contract on file as Phillips' rate schedule. Phillips explained that subsequent to its entering into a contract with Columbia it contracted to sell to Trunkline surplus Erath gas, defined as those volumes of gas in excess of the volumes necessary to maintain contractual deliveries to Columbia. Since the 20-year term of the Phillips-Columbia contract had expired, Phillips requested permission to abandon sales to Columbia in favor of sales to Trunkline.

Columbia opposed the application of Phillips, and the application was set for hearing by order issued April 29, 1976. The order consolidated for hearing the application of Phillips with a similar application to abandon an Erath Field Unit gas sale to Columbia filed by Getty Oil Company (Getty) in Docket Nos. G-2801 and CI72-50.

At the hearing two separate settlement agreements were tendered for certification to the FPC—one by Getty in Docket Nos. G-2801 and CI72-50 and the other by Phillips in Docket Nos. G-10020 and CI71-722. Thus, despite the consolidation of proceedings, the Getty and Phillips settlements were independent.[2]

By orders issued April 13, June 10, and August 3, 1977, in the consolidated proceeding the FPC approved the Getty settlement, rejected the Phillips settlement and remanded the proceeding to the Presiding Administrative Law Judge for such further hearings as he deemed necessary. At a further hearing session held August 19, 1977, Phillips tendered for certification to the FPC a revised settlement proposal. All parties present at the hearing, including the FPC Staff, concurred in the settlement. The Presiding Administrative Law Judge certified the offer of settlement to the FPC on August 23, 1977, and that certification was noticed on September 2, 1977. No comments have been received with respect to this settlement.

The revised Phillips settlement derives from the following historical context.

By order issued August 10, 1956, in Docket No. G-10020, Phillips was authorized to sell gas to United Fuel Gas Company (the predecessor in interest of Columbia). This sale was from the Erath Field Unit in Vermillion Parish, Louisiana, and was pursuant to an agreement between the parties which provided for Phillips' sale of all of its interest in Erath gas production (about 24% of total production) up to a maximum production of 100,000 Mcf per day. The agreement contained a reservation allowing Phillips to sell to other buyers those volumes in excess of the production over 100,000 Mcf/d.

On March 15, 1971, Phillips entered into an agreement with Trunkline for the sale of Phillips' interests in the gas produced from the Erath Field Unit subject to the reservation of volumes dedicated to Columbia. The FPC authorized this sale by order issued December 31, 1971, in Docket No. CI71-722. The Phillips-Trunkline contract clearly contemplated the continued purchase by Columbia of Phillips' interests in the first 100,000 Mcf/d production from the Erath Field Unit while Trunkline would purchase the excess over 100,000 Mcf. This was at a time when production from the Erath Field Unit was substantially greater than Phillips' 100,000 Mcf/d sales commitment to Columbia.

The Phillips-Trunkline contract provided that Trunkline would receive the first 15 million Mcf of gas free of any obligation to exchange and redeliver Erath gas to Phillips. After delivery of the first 15 million Mcf, Trunkline was obligated under the contract to receive and purchase 20% of the total quantity delivered and to receive, exchange, and redeliver 80% of the total quantity delivered by Phillips to Phillips for use in Phillips' refinery, chemical plants and other operations in the Gulf Coast area.

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

[2] In addition, a settlement agreement proposing a certain interim disposition of Phillips' Erath gas (Interim Settlement) was certified to the FPC. The Interim Settlement was approved for the limited period of December 29, 1976, to April 13, 1977, and is no longer at issue in this case. See the FPC's orders in this proceeding issued December 29, 1976, and August 3, 1977.

The twenty-year Phillips-Columbia contract expired by its own terms on November 1, 1974. Pending disposition of the application Phillips has continued its sales to Columbia pursuant to a new contract dated October 12, 1974. In April 1975, production in the Erath Field Unit fell below 100,000 Mcf/d. Since that time no deliveries have been made to Trunkline under the Phillips-Trunkline contract. Indeed, as of June 1977, the average daily production from the Erath Field Unit has declined to approximately 14,000 Mcf at 15.025 psia, of which approximately 3,440 Mcf per day are attributable to Phillips' interest.[3]

In relevant portion the Phillips revised settlement provides as follows:

1. On and after the date of an order approving this settlement proposal the daily volumes of gas production from the Erath Field Unit attributable to the total working interest of Phillips shall be apportioned as follows:

(a) Fifty percent (50%) of such volumes shall be delivered to Columbia free and clear of claims of others; and

(b) Fifty percent (50%) of such volumes delivered to Trunkline free and clear of claims of others.

2. From and after August 19, 1977, and extending until the date of an order approving this settlement proposal, Columbia agrees to "bank" for the benefit of Trunkline gas volumes equal to 50% of Phillips' average daily working interest production from the Erath Field Unit. After issuance of an order approving this settlement proposal, volumes banked in favor of Trunkline shall be delivered to Trunkline in the following manner. During the makeup period, Phillips may deliver up to 75% of its Erath Field Unit working interest volumes to Trunkline until such time as a balance has been achieved between the delivery entitlements of Trunkline and Columbia; provided, however, the makeup period shall not include the period between November 1 of any year and March 31 of the succeeding year.

3. Phillips agrees to waive any and all rights under the March 15, 1971 Phillips-Trunkline "Gas Purchase and exchange Agreement" to exchange and redelivery of any gas volumes for company use.

4. Without prejudice to the rates which Phillips may be entitled to collect in the future, Phillips shall initially be entitled to file for and collect a rate of 53¢ per Mcf plus 1¢ per annum escalations pursuant to Section 2.56(a)(5) of the Commission's Regulations plus applicable adjustments as to 80% of the volume delivered to Trunkline pursuant to the renewal contract between Phillips and Trunkline dated as of April 29, 1977. Phillips shall sell the remaining 20% of the volume delivered to Trunkline at the 29.5¢ per Mcf rate established in Opinion No. 749 plus applicable adjustments as required in Article V(3)(a) of the March 15, 1971 Phillips-Trunkline Gas Purchase and Exchange Agreement. No new rate filings or rate changes will be necessary for the continuation of Phillips' sale to Columbia pursuant to the October 12, 1974 Phillips-Columbia interim sales agreement.

The revised Phillips settlement, which is similar to the previously accepted Getty settlement, differs from Phillips' original settlement in two significant respects. First, this Phillips settlement is unanimous. Second, under this settlement Phillips would waive all rights to seek exchange and redelivery of Erath gas volumes reserves for company use. Instead, the volumes attributable to the working interest of Phillips in the Erath Field Unit would be apportioned 50% each to Columbia and Trunkline.

Production from the Erath Unit has been declining. Total production fell below 100,000 Mcf/d in April 1975 at which point deliveries to Trunkline ceased. Moreover, Phillips' interest in production dropped to an average of 2,353 Mcf/d during 1977. At that time Trunkline was curtailing deliveries to higher priority customers than Columbia. Trunkline's current situation has not improved, and, as of March 1979, Trunkline was curtailing 220,000 Mcf/d. Columbia, however, has filed for elimination of its curtailment plan.

We think Phillips' revised settlement is in the public interest and should be approved.

The Commission orders:

(A) The revised Phillips settlement as more fully set forth hereinbefore and on the record in this proceeding, is approved.

(B) The certificates issued to Phillips in Docket Nos. G–10020 and CI71–722 are amended consistent with the terms of the settlement approved herein.

(C) The proceedings in Docket Nos. G–10020 and CI71–722 are terminated.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-22285 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[3] This information is taken from Tr. 37 and monthly production reports of Texaco Inc. (operator of the Erath Field Unit) to the Louisiana Conservation Commission.

[Docket No. RI79–37]

Ralph L. Leaderbrand; Petition for Special Relief

July 10, 1979.

Take notice that on April 20, 1979, Ralph L. Leaderbrand, P.O. Box 1625, Shreveport, Louisiana 71165 filed a petition for special relief in Docket No. RI79-37 pursuant to Section 2.76 of the Commission's General Policy and Interpretations.

Leaderbrand requests a rate of $1.75 per Mcf for the sale of natural gas produced from certain lands and leaseholds located in Sibley Field, Webster Parish, Louisiana. United Gas Pipe Line is the purchaser. According to the petition, the rate increase is necessary to finance the replacement of an old compression unit.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with the requirements 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 July 31, 1979. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22286 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79–154]

Texas Eastern Transmission Corp.; Petition To Amend

July 10, 1979.

Take notice that on June 25, 1979, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79–154 a petition to amend the order of March 22, 1979 issued in said docket pursuant to Section 7(c) of the Natural Gas Act for authorization to increase the quantity of natural gas authorized to be transported for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the petition to amend which

is on file with the Commission and open to public inspection.

Petitioner requests the maximum daily transportation quantity to be increased from 700 dekatherms to 750 dekatherms equivalent of natural gas or such excess of 750 dekatherms that Petitioner is able to transport without impairing the ability of Petitioner to meet its other obligations. Petitioner indicates that the granting of this petition would increase the volume of supply to Transco's customers without requiring it to build additional facilities.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before July 31, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22289 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-371]

Texas Gas Transmission Corp.; Application

July 11, 1979.

Take notice that on June 18, 1979, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP79-371 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and the modification of an existing compressor in Morgan City, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate 1.35 miles of 8-inch pipeline located between the Lake Palourde 12-inch and 16-inch pipelines' terminus and the Morgan City Compressor Station in Assumption Parish. Applicant also requests authorization to modify the existing 112 horsepower compressor at Morgan City so as to convert such compressor from a flare gas compressor to a mainline compressor. Applicant estimates the total cost of constructing and modifying the proposed facilities to be $347,700, which cost Applicant would finance from funds on hand.

Applicant states that the requested authorization would allow it to remedy a class location problem on its Eunice-Thibodaux 20-inch pipeline which extends from Milepost 110.92 through Milepost 111.79. Such section of line, Applicant indicates, is considered to be a class 3 location [1] which means that the section must be operated by it at a maximum allowable operating pressure (MAOP) of 811 psig rather than at an MAOP of 1,168 psig, which was formerly the case when such section was considered to be a class 1 location. Applicant states the pressure limitation not only affects the aforementioned section of pipeline where the class location problem exists, but requires it to limit the pressure to 811 psig under the current mode of operations on all of its system east of the Lafayette Compressor Station.

Applicant states that the construction of the proposed pipeline along with the modification of the existing compressor at Morgan City will allow Applicant, in effect, to isolate and thus operate that portion of its system east of where the class location problem exists at 811 psig. Under the proposal herein, that portion of Applicant's main trunk system west of MP 110.92 can continue to be operated at its current MAOP, Applicant submits.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Natural Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure therein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22288 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[1] 49 CFR 192.611.

[Docket No. CP79-368]

Transcontinental Gas Pipe Line Corp.; Application

July 11, 1979.

Take notice that on June 18, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-368 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 3,500 dekatherms (dt) equivalent of natural gas per day on an interruptible basis for South Jersey Gas Company (South Jersey), one of Applicant's resale customers served under Rate Schedule CD-3, pursuant to Rate Schedule T, all as more fully set forth in the application of file with the Commission and open to public inspection.

Applicant states that South Jersey has purchased from Distrigas of Massachusetts Corporation (DOMAC) 1,740,000 dt equivalent of liquefied natural gas (LNG) per year and that South Jersey would arrange to have the natural gas equivalent of up to 3,500 dt of such LNG per day delivered to

Algonquin Gas Transmission Company (Algonquin), which would concurrently reduce its take of gas from Texas Eastern Transmission Corporation (Texas Eastern) by an equal amount. Texas Eastern would deliver the gas to Transco at existing interconnections between Applicant and Texas Eastern near Lambertville and Linden, New Jersey, it is said. Applicant proposes to transport and redeliver such quantities of gas to South Jersey at existing points of delivery to that customer.

Applicant states that it would charge South Jersey, under Rate Schedule T, an initial rate of 7.0 cents per dt for all quantities delivered hereunder and would retain, initially, 0.6 percent of the quantities received for transportation as make-up for compressor fuel and line loss.

It is asserted that South Jersey is experiencing substantial curtailment in deliveries of contract demand volumes from Applicant due to shortage of flowing gas supplies on Applicant's system and that the additional gas to be made available by DOMAC, which would reach this distributor with the assistance of Algonquin and Texas Eastern and by means of the proposed transportation service by Applicant, would help offset these curtailments under Applicant's Rate Schedule CD–3.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22290 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP79–326]

Transwestern Pipeline Co. and Cities Service Gas Co.; Application

July 11, 1979.

Take notice that on May 25, 1979, Transwestern Pipeline Company (Transwestern), P.O. Box 2521, Houston, Texas 77001, and Cities Service Gas Company (Cities), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP79–326 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 75,000 dekatherms equivalent of natural gas per day pursuant to an agreement, dated May 15, 1979, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that the gas would be sold by ONG Western, Inc. (ONG) to Transwestern pursuant to Section 311(b) of the Natural Gas Policy Act of 1978. The gas would be delivered to Cities through use of the interconnection between ONG's pipeline affiliate Oklahoma Natural Gas Company (Oklahoma Natural) and Cities in Woodward County, Oklahoma, and Cities would concurrently reduce the volumes received from Transwestern by an equivalent quantity at the existing delivery point between Cities and Transwestern in Hemphill County, Texas.

Applicants assert that the proposed exchange would avoid costly and time consuming duplication of pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22287 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–495]

Western Massachusetts Electric Co.; Purchase Agreement

July 12, 1979.

The filing Company submits the following:

Take notice that on July 9, 1979, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated May 1, 1979 between WMECO and Lyndonville Electric Department (Lyndonville).

WMECO states that the Purchase Agreement provides for a sale to Lyndonville of a specified percentage of capacity and energy from three gas turbine generating units during the summer period from May 1, 1979 to October 31, 1979.

WMECO requests the Commission, pursuant to Section 35.11 of its

regulations, waive the customary notice period and permit the rate schedule filed to become effective on May 1, 1979 in order for Lyndonville to meet its Capability Responsibility as a result of changes to their generation mix.

WMECO states that the capacity charge for the proposed service is a negotiated rate, and the variable and additional maintenance charges were derived from historical costs.

WMECO states that copies of this rate schedule have been mailed or delivered to WMECO, West Springfield, Massachusetts and Lyndonville, Vermont.

WMECO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for Public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22291 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Records and Reports, Employer Information Report EEO-1; Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1979 Employer Information Report EEO-1 required by 29 CFR 1602.7 is extended from March 31, 1979 to October 31, 1979. The payroll period for the EEO-1 report remains unchanged.

Signed at Washington, D.C. this 13th day of July 1979 for the Commission.

Eleanor Holmes Norton,

Choir, Equal Employment Opportunity Commission.

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 10, 1979.

A. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

LIBERTY NATIONAL CORPORATION, Oklahoma City, Oklahoma (mortgage banking activities; Oklahoma): to engage, through its subsidiary Liberty Mortgage Company, in the origination of conventional, FHA and VA mortgage loans. These activites would be conducted from offices in Edmund and Sand Springs, Oklahoma, serving respectively, Oklahoma and Logan Counties and Tulsa and Osage Counties, all in Oklahoma.

Board of Governors of the Federal Reserve System, August 10, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22248 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 13, 1979.

A. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

SECURITY PACIFIC CORPORATION, Los Angeles, California (financing, servicing, and leasing activities; California): to engage through its subsidiary, Pacific Leasing Corporation, in the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, the financing of personal property and

equipment and real property, and the leasing of such property or the acting as agent, broker, or advisor in the leasing and/or financing of such property, where at the inception of the initial lease the effect of the transaction (and, with respect to Governmental entities only, reasonable anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, and the servicing of such loans, other extensions of credit, financings and/or leases, as is authorized by the Federal Reserve Board under Regulation Y and the Bank Holding Company Act. Such activities would be conducted from offices located in San Francisco, California, serving the State of California.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, July 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22249 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Basalt Bancorp, Inc.; Formation of Bank Holding Company

Basalt Bancorp, Inc., Basalt, Colorado, has applied for the board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Basalt, Basalt, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22251 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Enders Co.; Formation of Bank Holding Company

Enders Company, Enders, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of First State Bank, Enders, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22252 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Guaranty Bancshares, Inc.; Formation of Bank Holding Company

Guaranty Bancshares, Inc., Mt. Pleasant, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C section 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of Guaranty Bond State Bank, Mt. Pleasant, Texas, and 80 per cent or more of the voting shares (less directors' qualifying shares) of The Talco State Bank, Talco, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22253 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Linden Bancshares, Inc.; Formation of Bank Holding Company

Linden Bancshares, Inc., Linden, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of the First National Bank of Linden, Linden, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 22254 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

North Community Bancorp, Inc.; Formation of Bank Holding Company

North Community Bancorp, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 94.6 per cent or more of the voting shares of North Community State Bank, Chicago,

Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22255 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Pacesetter Financial Corp.; Acquisition of Bank

Pacesetter Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Pacesetter Bank-Lansing, N.A., Lansing, Michigan, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22256 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel on Architectural and Engineering Services; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1; August 6-10, 1979, from 9:00 a.m. to 4:00 p.m. each day, room 606, J. W. McCormack Post Office & Courthouse, Post Office Square, Boston, Massachusetts 02109.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications for selection to furnish professional services for the following five (5) projects:

a. "Conversion & Modernization" Federal Building, U.S. Courthouse (formerly U.S. Post Office & Courthouse) New Haven, CT

b. "Special Studies and Surveys" Selected Projects within Region 1 (New England States)

c. "One Year Term Supplemental A/E Open End Fixed Price Contract" Vermont, New Hampshire and Maine

d. "One Year Term Supplemental A/E Open End Fixed Price Contract" Connecticut, Rhode Island, and Massachusetts (excluding Metropolitan Boston area—within Rte. 495)

e. "One Year Term Supplemental A/E Open End Fixed Price Contract" Metropolitan Boston area (within Rte. 495)

The meeting will be open to the public.

Dated: July 11, 1979

Alan E. Gorham,

Acting Regional Administrator.

[FR Doc. 79-22358 Filed 7-18-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6647-A and AA-6647-B]

Alaska Native Claims Selections

Correction

In FR Doc. 79-20044, appearing at page 37694 in the issue of Thursday, June 28, 1979, the following changes should be made:

1. On page 37694, second column, the second line of the first land description should read, "Secs. 13, 24 and 25 (fractional), all" and the eleventh line of the fifth land description should read, "Secs. 19 and 20, all;".

2. On page 37695, first column, the last word in the fifth and seventh lines of the third land description should read, "Akutan" and "Akun" respectively.

BILLING CODE 1505-01-M

[ES 20154, Survey Group 75]

Michigan; Filing of Plats of Survey

July 1, 1979.

On September 22, 1978, two plats of dependent resurvey and survey of omitted lands in T. 18 N., R. 17 W., and T. 18 N., R. 18 W., Michigan Meridian, Michigan were accepted. They will be officially filed in the Eastern States Office, Alexandria Virginia as of 10:00 a.m. on August 20, 1979.

Both plats represent: retracements of the original section boundaries; reestablishment of the meander lines of Pere Marquette Lake as shown in the original plats of survey for the subject townships; and extensions of survey to include lands erroneously omitted from the original surveys.

The acreages and lottings listed below describe the lands omitted from the original surveys. They encompass the areas between the reestablished original meander lines, which are now recognized as fixed boundary lines, of what was identified on the original plats of survey as Pere Marquette Lake. The newly surveyed lottings and acreages are:

Michigan Meridian, Michigan

T. 18 N., R. 17 W.,
- Sec. 24: lot 8 (5.47 acres), lot 9 (15.57 acres), lot 10 (7.13 acres), lot 11 (31.50 acres), lot 12 (12.80 acres), lot 13 (32.02 acres), lot 14 (40.12 acres), lot 15 (20.10 acres);
- Sec. 25: lot 4 (20.11 acres), lot 5 (39.55 acres), lot 6 (11.07 acres);
- Sec. 26: lot 6 (33.63 acres), lot 7 (33.41 acres), lot 8 (35.30 acres), lot 9 (10.59 acres), lot 10 (36.95 acres), lot 11 (27.16 acres), lot 12 (21.73 acres), lot 13 (38.48 acres), lot 14 (16.82 acres);
- Sec. 27: lot 5 (14.56 acres), lot 6 (14.07 acres), lot 7 (9.33 acres);
- Sec. 28: lot 4 (7.03 acres), lot 5 (8.65 acres), lot 6 (11.49 acres);
- Sec. 29: lot 4 (8.04 acres), lot 5 (33.42 acres);
- Sec. 30: lot 8 (27.60 acres), lot 9 (24.80 acres), lot 10 (26.36 acres), lot 11 (12.00 acres), lot 12 (38.19 acres), lot 13 (38.45 acres), lot 14 (40.53 acres), lot 15 (31.31 acres), lot 16 (17.09 acres), lot 17 (31.74 acres);
- Sec. 31: lot 2 (0.31 of an acre);
- Sec. 32: lot 5 (34.13 acres), lot 6 (28.75 acres), lot 7 (29.26 acres), lot 8 (13.56 acres);
- Sec. 33: lot 4 (39.61 acres), lot 5 (39.00 acres), lot 6 (49.13 acres), lot 7 (41.14 acres), lot 8 (23.45 acres), lot 9 (42.82 acres);
- Sec. 34: lot 5 (40.42 acres), lot 6 (40.59 acres), lot 7 (40.78 acres), lot 8 (41.02

acres), lot 9 (40.62 acres), lot 10 (40.38 acres), lot 11 (40.19 acres), lot 12 (40.03 acres), lot 13 (17.92 acres), lot 14 (26.40 acres), lot 15 (26.08 acres), lot 16 (20.20 acres);
Sec. 35: lot 4 (25.20 acres), lot 5 (38.84 acres), lot 6 (37.45 acres).
T. 18 N., R. 18 W.,
Sec. 24: lot 4 (12.24 acres), lot 5 (7.50 acres);
Sec. 25: lot 4 (15.78 acres), lot 5 (37.72 acres), lot 6 (26.74 acres), lot 7 (21.66 acres), lot 8 (6.59 acres), lot 9 (12.63 acres), lot 10 (35.26 acres), lot 11 (26.00 acres).

The areas described aggregate 1,943.57 acres, more or less.

The land described by the survey of T. 18 N., R. 17 W., is nearly level to gently rolling. Within the reestablished original meander lines, the land was mostly flat bottom land which was overflowed with water at the time of survey. Upland soils are generally sandy clay or sandy loam; whereas the soil of the omitted lands is characterized by fine sandy peat. Upland timber consists of elm, maple, ash and pine. Timber in the omitted lands is comprised of ash, basswood, elm, cedar, maple and tamarack, and other vegetation there consists of marsh grasses, bramble and brush. Much of the timber is dead, many of the trees having been uprooted by periodic high water conditions.

In T. 18 N., R. 18 W., the land described by the survey is also nearly level to gently rolling. Again, much of the land lying within the original meander lines is overflowed bottom land, that is, it consists of numerous marshes interspersed with bayous and channels. The upland soils are generally composed of sandy loam and sandy clay except in the land fill areas where the fill is mostly waste materials. The soil of the omitted lands is characterized by sandy peat. The small amount of upland timber consists of maple, ash, elm and oak; the timber in the omitted lands consists of ash, basswood, maple, elm, numerous snags and wind-fallen trees.

The following lands have been determined to be more than 50 percent swamp in character within the purview of the Swamplands Act of September 28, 1850. Therefore, title to these lands inured to the State of Michigan as of that date, and the lots are open only to selection by the State under that Act:

Michigan Meridian, Michigan

T. 18 N., R. 17 W.,
Sec. 23: lot 2;
Sec. 24: lots 8 through 15;
Sec. 25: lots 4 through 6;
Sec. 26: lots 6 through 14;
Sec. 27: lots 5 through 7;
Sec. 28: lots 4 through 6;
Sec. 29: lots 4 and 5;
Sec. 30: lots 8, 9, 11 through 15, 17;
Sec. 31: lot 2;
Sec. 32: lots 5 through 7;
Sec. 33: lots 4 through 9;
Sec. 34: lots 5 through 16;
Sec. 35: lots 4 through 6.
T. 18 N., R. 18 W.,
Sec. 24: lots 4 and 5;
Sec. 25: lots 4 through 11.

Lots 10 and 16, Sec. 30, and Lot 8, Sec. 32, T. 18 N., R. 17 W., were determined to be over 50 percent upland in character within the meaning of the Swamplands Act of September 28, 1850. They are, therefore, held to be public land. Except for valid existing rights, this land will not be subject to application, petition, location, selection or any other type of appropriation under any public law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to the filing of these plats should be sent to the Director, Eastern States, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22314, prior to August 10, 1979.

Lowell J. Udy,

Director, Eastern States.

[FR Doc. 79-22365 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Announces O & G Intensive Wilderness Inventory in Las Vegas District

The Las Vegas District Office, Bureau of Land Management has completed an intensive inventory of wilderness characteristics of some 2.1 million acres under its jurisdiction in Clark and Lincoln Counties, Nevada. The objective of the special inventory is to expedite decisions on oil and gas lease applications now on file for these lands in the Nevada State Office of the BLM.

The "Overthrust Belt Special Inventory" covered 46 of the Las Vegas District (NV-050) inventory units described in the wilderness document issued May 1, 1979 by the Nevada BLM State Office entitled "Draft Initial Inventory, Public Lands Administered by BLM Nevada." Specifically, the units inventoried are: 0161, 0220, 0221, 0222, 0223, 0224, 0225, 0226, 0230, 0231, 0232, 0233, 0235, 0236, 0238, 0411, 0422, 0423, 0425, 0428, and 04R-15; also 0118, 0121, 0122, 0123, 0124, 0125, 0156, 0157, 0162, 0163, and 0164; also 0136, 0137, 0139, 0143, 0144, 0145, 0155, 0159, 0166, 0412, 0414, 0438, 0440, 0441, and 0447.

A certain number of these units are being recommended for Wilderness Study Area status. These recommendations are being submitted to the public for comment until October 23. A document describing the recommended action on each inventory unit, along with a map, is being distributed to interested persons. Copies may be obtained from BLM, P.O. Box 5400, Las Vegas, NV 89102, or from BLM, 300 Booth St., Room 3008, Reno, NV 89509.

The Las Vegas district will conduct informational openhouses in Las Vegas, Moapa, and Caliente, Nevada during the week of July 29. Field trips to selected inventory units are planned for August 11, 18 and 25. A public forum to obtain comments on the proposals will be conducted in mid-October. Dates, times and locations of these events are being arranged at this writing. Details can be obtained from the BLM's Las Vegas District Office (702) 385-6403. Attendance at the field trips may necessarily be limited and persons on the trips will be expected to provide their own transportation, food, etc.

Written comments may be submitted at any time during the comment period. In addition, members of the public are encouraged to call or visit the district office to obtain additional information or to discuss the proposals.

Dated: July 9, 1979.

John S. Boyle,

Acting State Director, Nevada.

[FR Doc. 79-22362 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Announces Second IPP Intensive Wilderness Inventory in Las Vegas District

The Las Vegas District, Bureau of Land Management, has completed a second intensive wilderness inventory, covering some 100,000 public land acres, related to the Intermountain Power Project (IPP). A 30-day comment period is now underway on the findings of that inventory.

This IPP Special Inventory was accomplished to resolve a problem presented by the designation of the Delamar Wilderness Study Area (NV-050-0177). In the original IPP review, only land on the east side of the existing power line was inventoried. With the designation of the Delamar WSA, the only remaining option in that area was through land which had yet to be inventoried. This special inventory addresses that option.

Units inventoried in this action are five of those described in the wilderness document issued May 1, 1979 by the Nevada BLM State Office entitled "Draft Initial Inventory, Public Lands Administered by BLM Nevada." They are: 0155, 0201, 0216, 0217, and 01R-16 (shown on the map as part of 0156, but actually a separate unit consisting of

that part of 0156 on the west side of Highway 93.)

All or part of one or more of these units may be recommended for wilderness study area status. These recommendations are being submitted to the public for comment until August 24. A document describing the recommended action on each unit, along with a map, is being distributed to interested persons. Copies may be obtained from BLM, P.O. Box 5400, Las Vegas, NV 89102, or from BLM, 300 Booth St., Room 3008, Reno, NV 89509.

An open house to discuss the recommendations and to receive comment on them will be conducted in the Las Vegas District Office Conference Room on August 15, 1979, from 1 to 4 p.m. and from 7 to 9 p.m. Written comments may be submitted at any time during the comment period. In addition, members of the public are encouraged to call or visit the district office to obtain additional information or to discuss the proposals.

John S. Boyle,

Acting State Director, Nevada.

[FR Doc. 79-22361 Filed 7-18-79 8:45 am]

BILLING CODE 4310-84-M

Oregon, Ironside Grazing Management Plan, Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will be preparing an Environmental Impact Statement (EIS) in connection with determining range resource use and management on 980,000 acres of public land in portions of the Baker and Vale Districts in east-central Oregon. The final statement is to be completed by September 30, 1980.

The proposed grazing management program has evolved from coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the proposed program are to enhance the vegetative resource, improve range conditions, provide quality habitat for wildlife and wild horses, provide a continuous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archeological and historical sites.

The EIS will discuss alternatives to the proposed grazing management program. Some of the expected alternatives include no action, no livestock grazing, and a lower level of grazing than the proposal. Other alternatives which could be considered include a higher level of grazing than the proposal and adjustment to present capacity without new range improvements.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used to assist in making final decisions for managing livestock grazing in the Ironside EIS area.

Public scoping meetings will be held concentrating on identifying the significant issues which must be discussed in detail in the EIS. Also to be discussed in the meetings are the various alternatives that could realistically be addressed in the EIS. Public expression in those areas of concern will be sought.

The two scheduled public meetings are as follows:

Baker Community Center, 2600 Grove Street, Baker, Oregon, 7:30 p.m., August 15, 1979.

Treasure Valley Community College, Room W-10, Weese Building, Ontario, Oregon, 8:00 p.m., August 16, 1979.

Further information may be obtained from the following individuals:

Gordon R. Staker, District Manager, Bureau of Land Management, P.O. Box 987, Baker, Oregon 97814, Telephone: (503) 523-6391.

Fearl M. Parker, District Manager, Bureau of Land Management, P.O. Box 700, Vale, Oregon 97918, Telephone: (503) 473-3144.

Roland D. Smith, EIS Team Manager, Bureau of Land Management (911.1), P.O. Box 2905, Portland, Oregon 97208, Telephone: (503) 231-6950.

Dated: July 13, 1979.

Murl Storms,

State Director.

[FR Doc. 79-22363 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-84-M

[I-14558]

Realty Action; Public Lands in Cassia County, Idaho

The following described lands have been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the appraised fair market value shown:

Legal Description: Boise Meridian, Idaho; Acreage: 11.25; Value: $2800.00.

T. 16 S., R. 25 E.,
Sec. 11, S½SE¼SE¼NE¼NE¼;
Sec. 12, S½SW¼SW¼NW¼NW¼, SE¼SW¼NW¼NW¼, S½NE¼SE¼NW¼NW¼, S½SE¼NW¼NW¼.

The sale will be held on approximately the 25th day of September, 1979. The lands are being offered as a direct non-competitive sale to Mr. Roscoe Ward, the owner of the adjoining tract and improvements on the sale tract, who unintentionally occupied and developed the tract as his homesite and ranch headquarters under the mistaken belief that the tract was part of his privately owned land. Disposal by direct sale to Mr. Ward, rather than by public auction, will legalize his occupancy of the lands, preserve his homesite, protect his equity investment in the improvements on the lands, and eliminate an undue hardship if he were compelled to cease his occupancy and remove or dispose of his improvements.

The sale will resolve a complicated trespass situation. The lands have not been used and are not required for any federal purpose. They are not suitable for management by another federal department or agency. Disposal would best serve the public interest. The sale will be consistent with the Bureau of Land Management's planning for the lands. Disposal would have no adverse impact on local planning and zoning as the county commissioners have recommended the disposal of the lands to Mr. Ward.

The terms and conditions applicable to the sale are: 1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of these lands will be subject to all valid existing rights.

Detailed information concerning the sale, including the planning documents, land report and environmental assessment report, is available for review at the Burley District Office, 200 S. Oakley Highway, Route 3, Box 1, Burley, Idaho 83318.

On or before September 4, 1979, interested parties may submit comments to the Secretary of the Interior (LLM-320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior and the required payment, plus the cost of publishing the notice, shall be requested of Mr. Roscoe Ward. Such payment, in

full, shall be in accordance with 43 CFR 1822.1–2.

Wm. L. Mathews,

State Director.

[FR Doc. 79–22360 Filed 7–18–79; 8:45 am]

BILLING CODE 4310–84–M

Vale District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Vale District Advisory Board will be held on August 16, 1979.

The Board meeting scheduled for June 28, 1979 was not held because a quorum of the members were not present.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management at 365 "A" St., West, Vale, OR 97918.

The agenda for the meeting will include: (1) Proposed expenditure or range betterment funds in fiscal year 1980 and (2) Discussions on the development of Allotment Management Plans, subject to the completion of the Ironside Environmental Impact Statement.

The meeting is open to the public. Interested persons may make oral statements to the board, or may file written statements for the board's consideration. Anyone wishing to make oral statement must notify the District Manager, Bureau of Land Management, 365 "A" St., West, Vale, OR 97918, by August 15, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available during regular business hours for public inspection and reproduction within 30 days following the meeting.

Fearl M. Parker,

District Manager.

July 3, 1979.

[FR Doc. 79–22364 Filed 7–18–79; 8:45 am]

BILLING CODE: 4310–84–M

INTERNATIONAL COMMUNICATION AGENCY

[Delegation Order No. 79–2]

Delegation of Authority; General Counsel

Pursuant to the authority vested in me as Director of the International Communication Agency by Reorganization Plan No. 2 of 1977; by section 204(c) of the Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95–426; 92 Stat. 974; 22 U.S.C. 1475b; approved October 7, 1978); and by Executive Order 12048 of March 27, 1978 (43 FR 13361–13362); I hereby delegate to the General Counsel:

1. the authority to take custody and control of the Agency seal; and

2. the authority to cause the seal to be affixed to official documents or records of the Agency.

The documents or records to which the seal is authorized to be affixed shall include international agreements; attestations of audio-visual materials as coming within the scope of the Beirut Agreement; certified copies of Agency documents or records to be filed with courts, administrative tribunals or other Governmental entities; and in particular cases, documents of official interest to private persons.

The General Counsel is further empowered to cause the seal to be affixed to such other documents as determined to be necessary or desirable for the Agency in the sole discretion of the General Counsel.

Dated: July 13, 1979.

John E. Reinhardt,

Director.

[FR Doc. 79–22395 Filed 7–18–79; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No 79–9]

Thomas Calvin Cloud III, M.D., Hopson City, Ala.; Hearing

Notice is hereby given that on March 2, 1979, the Drug Enforcement Administration, Department of Justice issued to Thomas Calvin Cloud, III, M.D., Hopson City, Alabama, an Order to Show Cause as to why the Drug Enforcement Administration registration AC7156296 issued to Respondent pursuant to 21 U.S.C. 823 should be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Admistration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, August 1, 1979, in Room 604, Jefferson County Courthouse, 716 N. 21st Street, Birmingham, Alabama.

Dated: July 13, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79–22368 Filed 7–18–79; 8:45 am]

BILLING CODE 4110–09–M

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Meeting

July 16, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1. Date: August 6, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category A applications in Foreign Languages and Literatures submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

2. Date: August 8, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Sociology-Anthropology submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

3. Date: August 8, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Fellowships in Category A applications in Foreign Languages and Literatures submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

4. Date: August 10, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Archaeology, Architecture and Art submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

5. Date: August 10, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Fellowships in Category A and B applications in Music submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

6. Date: August 13, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Modern British and American Poetry; Theatre and Film; and Writing submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

7. Date: August 14, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in American History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

8. Date: August 14, 1979. Time: 9 a.m. to 5:30 p.m. Room: 1025. Purpose: To review Fellowships in Category A applications in Religious Studies submitted to the National

Endowment for the Humanities for projects beginning after January 1, 1980.

9. Date: August 15, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Classical, Italian, Hispanic and Far Eastern Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

10. Date: August 17, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Political Science and Non-Western History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

11. Date: August 21, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in French, German, Near-Eastern and Russian Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

12. Date: August 21, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Fellowships in Category A applications in Non-Western History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

13. Date: August 22, 1979. Time: 9 a.m. to 5:30 p.m. Room: 1134. Purpose: To review applications in the Social Sciences that have been submitted to the General Research Program of the National Endowment for the Humanities for projects beginning November 1, 1979.

14. Date: August 27, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in American Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

15. Date: August 31, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category A applications in European History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79–22299 Filed 7–18–79; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–358 OL]

Cincinnati Gas & Electric Co., Et Al. (William H. Zimmer Nuclear Station); Resumption of Evidentiary Hearing

July 13, 1979.

The evidentiary hearing in this proceeding will resume at 9:30 a.m. on Tuesday, August 7, 1979, in Room 805 at the U.S. District Court, U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45202. To the extent necessary, such hearings will continue on August 8–10, 1979, beginning at 9 a.m. each day.

Dated at Bethesda, Maryland, this 13th day of July, 1979.

The Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman.

[FR Doc. 79–22338 Filed 7–18–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. S50–599 and S50–600]

Commonwealth Edison Co., et al. (Carroll County Site) Order Scheduling Special Prehearing Conference

Pursuant to 10 CFR 2.751a, on August 15, 1979 (and on August 16, 1979, if necessary) beginning at 9:30 a.m., local time, a Special Prehearing Conference will be held in the City Council Chamber, Savanna City Hall, 101 Main Street, Savanna, Illinois 61074, in order to:

1. Permit identification of the key issues in the proceeding;

2. Take any steps necessary for further identification of the issues;

3. Consider all intervention petitions to allow the presiding officer to make such preliminary or final determinations as to the parties to the proceeding as may be appropriate; and

4. Establish a schedule for further actions in the proceeding.

Further, pursuant to 10 CFR 2.714(b), as amended, not later than fifteen (15) days prior to the holding of the Special Prehearing Conference, any person who filed a petition for leave to intervene shall file a supplement to his petition to intervene which must include a list of contentions which petitioner seeks to have litigated in the matter and the bases for each contention set forth with reasonable specificity.

Limited appearance statements will not be received at the above mentioned conference, but will be received at any subsequent prehearing and/or at the beginning of the evidentiary hearing.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of July 1979.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman.

[FR Doc. 79–22339 Filed 7–18–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR–26 issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment deletes pressurizer level as an input to safety injection actuation, and requires actuation of safety injection based on two out of three channels of low pressurizer pressure.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 29, 1979, (2) Amendment No. 56 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of July, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 79-22340 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2623]

Duke Power Co. (Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station); Resumption of Evidentiary Hearing

July 13, 1979.

Please take notice that the evidentiary hearing in the above-captioned case will resume on Monday, August 6, 1979 at the Board Room of the Mecklenburg County Administration Building, located at 720 East Fourth Street, Charlotte, North Carolina, commencing at 9:30 a.m., local time. On Tuesday, August 7-10, 1979, the evidentiary hearings will be held at the Commissioners Board Room at the Charlotte-Mecklenburg Educational Center, located at 701 East Second Street, Charlotte, North Carolina, commencing at 8:00 a.m., local time.

It is so ordered.

Dated at Bethesda, Maryland, this 13th day of July 1979.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman.

[FR Doc. 79-22341 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp.; Authorization To Resume Operation

The United States Nuclear Regulatory Commission issued an Order (the Order) on May 16, 1979 (44 FR 29765, May 22, 1979), to the Florida Power Corporation (FPC or licensee), holder of Facility Operating License No. DPR-72, for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility or Crystal River Unit 3), confirming that the licensee accomplish a series of actions, both immediate and long-term, to increase the capability and reliability of the facility to respond to various transient events. In addition, the Order confirmed that the licensee would maintain the plant in a shutdown condition until the following actions had been satisfactorily completed:

"(a) Upgrade the timeliness and reliability of delivery from the Emergency Feedwater System by carrying out actions as identified in Enclosure 1 of the licensee's letter of May 1, 1979."

"(b) Develop and implement operating procedures for initiating and controlling emergency feedwater independent of Integrated Control System control."

"(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or turbine trip."

"(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action."

"(e) All licensed reactor operators and senior reactor operators will have completed the TMI-2 simulator training at B&W."

By letter dated May 1, 1979 and supplemented by five letters dated May 16, June 12, 15, 22, and 1979, FPC has documented the actions taken in response to the May 16 Order. Notice is hereby given that the Director of Nuclear Reactor Regulation (the Director) has reviewed this submittal and has concluded that the licensee has satisfactorily completed the actions prescribed in items (a) through (e) of paragraph (1) of Section IV of the Order, that the specified analyses are acceptable and the specified implementing procedures are appropriate. Accordingly, by letter dated July 6, 1979, the Director has authorized the licensee to resume operation of Crystal River Unit 3. The bases for the Director's conclusions are more fully set forth in a Safety Evaluation dated July 2, 1979.

Copies of (1) the licensee's letter dated May 1, 1979 and five letters dated May 16, June 12, 15, 22, and 29, 1979, (2) the Director's letter dated July 6, 1979 and (3) the Safety Evaluation dated July 2, 1979, are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and are being placed in the Commission's local public document room in the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 6th day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-22344 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license and its appended Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment modified the Technical Specifications by changing the required sodium hydroxide concentration in the reactor building spray chemical additive tank and by increasing the required shutdown margin during Modes 4 and 5. The action satisfies the requirements of license condition 2.C.(4). This condition is therefore removed from the license.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 25 and July 3, 1979, (2) Amendment No. 20 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-22342 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specifications to permit power operation during Cycle 2 at the currently authorized power level of 2452 MWt.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with Cycle 2 operation at an increased power level of 2544 MWt was published in the Federal Register on March 28, 1979 (44 FR 18569). No request for a hearing or petition for leave to intervene was filed following this notice of proposed action. At the licensee's request, the Commission has postponed action on the power increase.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 28, 1979 and March 15, 1979, as supplemented May 25, 1979, (2) Amendment No. 19 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3d day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-22343 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which amended the license for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment authorizes a limited extension of the completion dates for certain plant modifications which we have required to improve the level of fire protection at Oyster Creek. In addition, this action allows some changes to some of the modifications being made to improve the level of fire protection at the facility.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 1, 1979, and the licensee's letters dated March 14, 1979 and June 26, 1979, (2) Amendment No. 38 to License No. DPR-16, (3) the Commission's related Safety Evaluation, and (4) Amendment No. 29 and its related Fire Protection Safety Evaluation dated March 3, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of June, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-22345 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482]

Kansas Gas & Electric Co. (Wolf Creek Nuclear Generating Station, Unit 1); Issuance of Director's Decision

The Commission published notices in the Federal Register on February 1 and February 20, 1979, to the effect that the Critical Mass Energy Project, the Mid-America Coalition for Energy Alternatives, and other persons had petitioned the Commission to suspend or revoke Construction Permit No. CPPR-147 for the Wolf Creek Nuclear Generating Station, Unit No. 1. 44 Fed. Reg. 6535, 10445. Since publication of these notices, the Commission has also received several other petitions that also requested suspension or revocation of the Wolf Creek construction permit. The bases of these petitions essentially concerned the acceptability of concrete at the Wolf Creek facility, particularly whether the base mat's concrete is of sufficient strength for its intended function and whether the quality assurance system at the facility is adequate to assure acceptable concrete work. These petitions have been treated as requests for action under 10 CFR 2.206 of the Commission's regulations.

Upon a review of the information presented in the petitions and a consideration of other pertinent information, I have determined not to order suspension or revocation of the Wolf Creek construction permit at this time. Accordingly, the various petitions requesting suspension or revocation of the construction permit are denied.

A copy of the decision will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and in the local Public Document Room for the Wolf Creek Generating Station at the Coffey County Courthouse, Burlington, Kansas 66839. A copy of the decision will also be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As also provided in 10 CFR 2.206(c) of the Commission's regulations, the decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Maryland, this 12th day of July, 1979.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 79-22346 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-516 and 50-517]

Long Island Lighting Co. (Jamesport Nuclear Power Station, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Richard S. Salzman, Chairman, Dr. W. Reed Johnson.

Dated: July 12, 1979.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 79-22347 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-258]

Omaha Public Power District; Issuance of Amendment to Facility Operating License and Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee) which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1 (the facility), located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to incorporate surveillance requirements for inspection of steam generator tubes and to replace the current inservice inspection Technical Specifications with an inservice inspection program that meets the requirements of 10 CFR 50.55a.

By letter dated July 2, 1979, as supported by the related safety evaluation, the Commission has also granted relief form certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection (testing) program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment, and letter and safety evaluation granting relief. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the application transmitted by letter dated August 22, 1977, as revised by letters dated September 8 and 28, and November 20, 1978, (2) Amendment No. 46 to License No. DPR-40, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated July 2, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4.

Division of Operating Reactors.

[FR Doc. 79-22348 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas & Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment revises certain provisions in Sections 6 and 5 (Administrative Controls) of Appendices A and B, respectively, to reflect changes in the corporate and facility organizational structure and a change in the Onsite Review Committee (OSRC).

The application for amendment complies with standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 18, 1979, (Proposed Change No. 77) as supplemented by letters dated May 11 and May 31, 1979, and (2) Amendment No. 42 to License No. DPR-13, including the Commission's related transmittal letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of July 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-22349 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

National Transportation Safety Board

[N-AR-79-29]

Accident Report, Safety Recommendations and Responses; Availability

Aircraft Accident Report

United Airlines, Inc., McDonnell-Douglas DC-8-61, N8082U, Portland, Oregon, December 28, 1978 (NTSB-AAR-79-7).—The National Transportation Safety Board has completed its investigation into the crash of Flight 173 and on July 6 made available copies of its formal investigation report. The DC-8, carrying 181 passengers and a crew of 8, crashed 6 miles southeast of the Portland International Airport while attempting a landing.

Investigation showed that the aircraft had delayed southeast of the airport at a low altitude for about 1 hour while the flightcrew coped with a landing gear malfunction and prepared the passengers for the possibility of a landing gear failure upon landing. The aircraft was destroyed; there was no fire. Eight passengers, the flight engineer, and a flight attendant were killed, and 21 passengers and two crewmembers were injured seriously.

The Safety Board determined that the probable cause of the accident was the failure of the captain to monitor properly the aircraft's fuel state and to respond to the low fuel state and the crewmember's advisories regarding fuel state. This resulted in fuel exhaustion to all engines. His inattention resulted form preoccupation with a landing gear malfunction and preparations for a possible landing emergency. Contributing to the accident was the failure of the other two flight crewmembers either to fully comprehend the criticality of the fuel state or to successfully communicate their concern to the captain.

The Safety Board learned that United Airlines had recently changed the fuel quantity gages on this aircraft from a direct reading digital-type to a three-figure indicator that must be multiplied by a factor of 100 to get the actual fuel tank values. The new total fuel gage, with an identical display of the same three-figure presentation as the individual tank gages, must be multiplied by a factor of 1,000 to get the actual total fuel value. The captain must have read the gage incorrectly.

Believing that the design can cause confusion, the Safety Board, in one of four recommendations resulting form the United accident, urged the Federal Aviation Administration to assure that the differences in fuel-quantity measuring instruments is stressed during flightcrew training and that the crews using the new system are made aware of the possibility of misinterpreting the gage readings.

The Board also noted that the complexity of current airline flight operations imposes considerable demands on flight crewmembers, particularly under high workload conditions. But the Board's accident investigation experience has indicated that at times some airline captains have failed to take advantage of important available resources, which include not only available equipment but also the assistance of a coordinated crew. The Board noted that first and second officers have not, in some cases, adequately monitored flight progress, positively communicated their observations, or actively assisted the captain in his management of the flight. To improve flightdeck management, the Safety Board urged FAA to issue an operations bulletin to all air carrier operations inspectors directing them to urge their assigned operators to ensure that their flightcrews are indoctrinated in principles of flightdeck management, emphasizing particularly the merits of participative management for captains and assertiveness training for other cockpit crewmembers. (For the complete text of recommendations A-79-32 through 34, issued May 11, and A-79-47, issued June 13, see 44 FR 28897, May 17, 1979, and 44 FR 36272, June 21, 1979, respectively.)

Aviation Safety Recommendation Letter

A-79-56 and 57.—On September 2, 1978, Antilles Air Boats, Inc., Flight 941, a Grumman G21A, N7777V, crashed while en route from St. Croix to St. Thomas, V.I. The pilot and three of the ten passengers died in the accident.

Board investigation of the accident revealed that N7777V was being operated at 8,200 lbs when the left engine failed. Single-engine flight was

impossible, and the aircraft crashed into the ocean. The Grumman G21A had a maximum gross takeoff weight of 8,000 lbs or less until April 1978, when FAA's Western Region approved Supplemental Type Certificate (STC) SA 3630 WE to increase the maximum gross takeoff weight to 8,750 lbs. After the accident involving N7777V and an FAA-sponsored G21A test flight which resulted in an accident last November 5, the Western Region attempted to revalidate STC SA 3630 WE, since FAA personnel stated that they doubted the validity of the STC and the capability of the G21A to operate under all conditions at 8,750 lbs. Last February 13 the Western Region conducted another G21A performance test flight. The aircraft could not meet the necessary performance requirements at 8,750 lbs and STC SA 3630 WE was canceled on February 26, 1979.

The Safety Board has learned that there are no reliable performance data available for the Grumman G21A. The aircraft was certificated in 1934 under requirements of Aeronautical Bulletin 7A, which required that an aircraft demonstrate single-engine climb capability, but did not specify any rates. As a result, no data were gathered and retained for future reference. The Grumman G21A is employed in passenger operations under 14 CFR Part 135, and certain modified G21A aircraft are authorized to operate up to 8,000-lb gross weight. In view of the contradictory performance data reported during four FAA test flights conducted during the past year, the Safety Board believes that the performance capability of the G21A must be determined accurately for the weights currently authorized.

Also, the Safety Board is concerned about procedures employed when STC SA 3630 WE was issued. Board investigation revealed that there was lack of management and quality control in the approval of the STC, as well as a lack of accuracy and procedures during the actual test flight. Deficiencies included the failure to note that the test aircraft did not have the designated engines, failure to compute the weight of the aircraft accurately, failure to determine zero thrust properly, and failure to verify instrument and gage accuracy. The Safety Board believes that the proper certification procedures exist to insure proper development of an STC. However, FAA personnel involved did not observe the procedures nor did they conduct the flight test satisfactorily.

Accordingly, on July 12 the Safety Board recommended that FAA:

Determine the performance data for Grumman G21A aircraft at current operating weights to insure that the appropriate certification requirements can be satisfied. (A–79–56) (Class II, Priority Action)

Insure that procedures for the proper development, testing, review, and quality control for the issuance of supplemental type certificates are complied with in each FAA Region. (A–79–57) (Class III, Longer Term Action)

Responses to Safety Recommendations

Highway

H–79–3 and 4.—Letter of July 2 from the State of Washington Department of Transportation concerns recommendations issued following investigation of a grade crossing accident near Elbe, Wash., last July 31. The letter is in response to the Safety Board's comments on Washington DOT's response of April 4 (44 FR 25954, May 3, 1979) to recommendations which asked that Washington DOT take steps to make certain modifications to the crossing and to survey other crossings in the State to determine the need for similar corrections.

The Safety Board on April 30 expressed concern about Washington DOT's contention that primary responsibility for railroad signal installation lies with the railroad company. The Board believes that this posture is inconsistent with current railroad-highway grade crossing safety trends, noting that a U.S. Department of Transportation report to Congress in 1971 and the August 1978 Federal Highway Administration (FHWA) publication, "Railroad-Highway Grade Crossing Handbook," both state:

> Most States have recognized that the demand and need for grade crossing improvements have been the result of development, growth, and public acceptance of motor vehicles and highways; that grade separation and grade crossing safety improvements are more significantly a part of the highway system rather than the railroad system; and that such safety projects benefit highway users more than railroads. This shifting of responsibility has occurred and still is occurring despite the findings of the courts that the States could legally and constitutionally require the railroads to bear the entire responsibility for grade crossings.

The Board also noted that since Federal funding for railroad-highway grade crossing improvements comes from FHWA through the State highway agency, responsibility for initiation of projects is shifting to that State agency. To be eligible for this funding, the State is required to keep an updated survey of these crossings and their conformance to current safety standards. The Safety Board is convinced that in instances where a public road crosses a railroad at grade, it is the responsibility of the public agency with jurisdiction over the roadway to insure the safety of the users of that crossing.

On May 2 the Safety Board forwarded copies of its original letter of recommendation, Washington DOT's April 4 response, and the Board's April 30 letter to the Chicago, Milwaukee, St. Paul, and Pacific R. R. Co. (the Milwaukee Road) on whose tracks the railroad-automobile collision took place. The Board asked that the Milwaukee Road field personnel be made aware of the problem and that the Board be informed of any action taken by either the railroad company or the State highway agency.

Washington DOT's July 2 response advises that the State of Wahington does keep safety records of the railroad-highway crossings. From these records and other data, crossings for 203 funding are prioritized. That prioritization is generally in accordance with NCHRP Report No. 50 but, in addition, accounts for the number of accidents occurring at the crossing. The following method is used:

1. A modified Voorhees formula is applied to 4,000 public crossings to develop the initial priority array.
2. The potential projects are examined in more detail from a prospectus outlining additional information.
3. A site evaluation is made considering four factors.
4. Accidents are analyzed.
5. All the data are computed in a formula to arrive at a rating for each of the crossings in order to develop the final priority array.

Washington DOT states that proposed railroad crossing improvements are selected from the priority array, in cooperation with the railroads, until all Federal funds currently available in the State are committed. The crossing in question had only the one reported accident, and NCHRP No. 50 specifically points out that a program to provide protection should not, except in very rare cases, be based on an individual crossing's accident experience. Washington DOT states that the single accident, though tragic, is taken to be random in nature and the ranking of this particular crossing is based on the objective site factors. The crossing near Elbe did not rate high enough on the priority array to rate funding for the present program but may be eligible for the next biennium program as a result of the new array, according to Washington DOT.

The State of Washington has been a forerunner in providing funds for protecting railroad crossings from State

funding resources, including the Grade Crossing Protection Fund administered by Washington State's Utilities and Transportation Commission. Washington DOT further notes that the railroads do not allow it to design their installations; also, the railroads are not convinced of the need for designing traffic signals at or near grade crossings as provided for in paragraph 8C–6 of the Manual on Uniform Traffic Control Devices.

Implementation of recommendations H–79–4, to evaluate and correct visibility problems from sunlight glare at all east-west rail-highway crossings, is ongoing in the State, Washington DOT reports, and this factor is reviewed as each crossing improvement project is developed. Since there may be better solutions than those mentioned, possibly additional research should be undertaken in this area.

H–79–10 and 11.—The National Highway Traffic Safety Administration on June 29 responded concerning recommendations issued following investigation of the overturning of an Ypsilanti, Mich., Boys Club bus on I–75 near Tifton, Ga. (See 44 FR 18748, March 29, 1979.) NHTSA plans to write the Governor of each State, calling attention to this accident and recommending that vehicles transporting persons on a nonscheduled, not-for-hire basis be subject to the same inspection, maintenance, and driver requirements which apply to the States' schoolbuses.

Marine

M–77–1 through 6.—On May 30 the U.S. Coast Guard responded to the Safety Board's comments of last November 1 regarding Coast Guard's previous response dated August 15, 1978 (43 FR 41102, September 14, 1978). This correspondence relates to recommendations developed as a result of the collision between the SS *Keytrader* and SS *Baune* on the lower Mississippi River on January 18, 1974.

With reference to M–77–1, the Safety Board noted that Coast Guard will pursue the concept of relating the solution time required for radar plotting problems to the setting of maximum safe speeds in limited visibility situations, and expressed the hope that Coast Guard's workload will permit early investigation of this concept. In response, Coast Guard states that it has determined that specifying maximum safe speeds based on time required to solve and interpret relative motion problems would not be feasible due to numerous variables. Coast Guard has prepared a draft legislative package which would revise current Inland, Great Lakes, and Western River Rules. These revised rules would conform as closely as possible to 1972 COLREGS (International Regulations for Prevention of Collisions at Sea). The package is under review and will be forwarded to Congress early this year. Rules 6 and 19 of the 72 COLREGS are being incorporated word-for-word. These rules address the determination of "safe speed" and operations in restricted visibility situations.

The Safety Board on November 1, with reference to recommendation M–77–2, stressed for the record its concern in forwarding this recommendation; namely, to call attention to the relationship between current strength, vessel speed, and maneuverability under limited visibility conditions. As the Board previously stated, when the strength of current exceeds a certain level, vessel navigation at speeds slow enough to make proper use of radar data may not be safe. Vessel operation during restricted visibility is dangerous; radar navigation under such conditions can be effective only if there is time to make use of the data to plot location and movements of other vessels. The current strength is a quantifiable factor that can be given limits within which two-way radar navigation ship traffic in a channel would be dangerous. The Board believes that the responsible mariners on the scene should have the benefit of a mathematical study of the possible reactions of vessels encountering various currents while navigating by radar in limited visibility. The Safety Board has closed its file on this recommendation with a note of unacceptable action on the part of the Coast Guard and will reconsider the relevancy of this issue in future accident investigations. Coast Guard had no comment.

With respect to recommendation M–77–3, the Safety Board considers the inclusion of a proficiency requirement for radar data processing in the "Radar Observer" endorsement for the deck officers license to be an appropriate step in compliance, and suggests that this information should be keyed to the solution time/vessel speed concept discussed in M–77–1. In response, Coast Guard expects to publish a proposed rule (CGD–193a) in August 1979 which would amend 46 CFR 10.05–46. The amended regulations would place greater emphasis on practical operational and interpretive skills and less on written examinations, Coast Guard stated. Applicants for a radar observer endorsement would be required to demonstrate these skills on a real-time radar simulator at a facility specifically approved by the Commandant.

Concerning M–77–4, the Board appreciates Coast Guard's action to publish information on the characteristics of sound signals beyond what is found in the 72 COLREGS, and asks for priority action to allow publication in the near future. The Board also asks that Coast Guard consider including this information in the Western River Rules of the Road revision. Coast Guard did not comment in its May 30 letter.

The Safety Board, with respect to M–77–5, said it was pleased with Coast Guard's reaction to the results of the testing of aluminum hatch covers. This recommendation file will be held open pending the outcome of the rulemaking activity and the results of the examination of possible substitution of more fire resistant hatch cover gaskets as mentioned in Coast Guard's October 11, 1977, letter. Coast Guard had no comment.

Regarding M–77–6, the Safety Board stated that the problem of emergency response to fires or other catastrophes is of great concern in all modes of transportation and has been most recently discussed in the marine mode in the investigation report on the Tank Barge 924 explosion and fire in Greenville, Miss. In reply to Coast Guard's response to recommendation M–78–8 concerning this subject, the Board proposed the possibility of Coast Guard leadership in developing a Federal-local coordinated effort in disaster mitigation. A fire allowed to burn for 53 hours is a hazard to everyone. The Board believes that Coast Guard has an obligation to determine where emergency-response problems exist and to propose solutions either in the form of Federal legislation, regulations, or local cooperation efforts. The file will be kept open on this issue, and the Board suggests that Coast Guard either document the statement that those lapses in ability to contain marine fires are "alleged gaps" or suggest legislation or regulatory changes to provide for this emergency response.

In response to the Board's November 1 comments on recommendation M–77–6, Coast Guard says it responds to requests for assistance where its resources allow. Primary responsibility for maintaining adequate fire response capability rests with the local port operators. New USCG boats have fire monitors and built-in fire pumps. Coast Guard has many longstanding agreements with local authorities in many metropolitan areas concerning fire contingency plans. In rural areas,

problems associated with the development of contingency plans are increased due to the many jurisdictions involved, Coast Guard stated. Due to its limited resources, Coast Guard believes that the emphasis on metropolitan areas where major marine fires are most likely to occur is the most feasible approach.

M–78–53 through 55.—On June 28 the U. S. Army Corps of Engineers responded to the Safety Board's June 7 inquiry as to the status of implementation of these recommendations, which were developed as a result of the Board's investigation and analysis of the collision of the Greek tankship M/V *Dauntless Colocotronis* and a sunken barge near New Orleans, La., on July 22, 1977. The recommendations asked the Corps of Engineers to develop, in conjunction with the U.S. Coast Guard, standards to define what constitutes a hazard to navigation in the Mississippi River so that 33 CFR Part 64 can be better enforced (M–78–53); to provide information to the Coast Guard concerning wrecks that are hazards to navigation in the Mississippi so that Coast Guard can publish an annual summary of such wrecks (M–78–54); and to adopt or develop improved techniques for locating the position of wrecks and determining the depth of water over wrecks in the Mississippi (M–78–55). (See also 43 FR 34222, August 3, 1978.)

The Army Corps of Engineers concurs in these recommendations and has taken the following actions to accomplish them.

With respect to M–78–53, discussions have been held with the Coast Guard Port Safety and Law Enforcement Division and Aids to Navigation Division to develop a standard definition of what constitutes a hazard to navigation in the Mississippi River. A joint task force expects to publish this definition prior to September 30, 1979. The Corps of Engineers is proposing that this standard definition be broadened to include all navigable waters under its cognizance.

Concerning recommendation M–78–54, a current Engineer Regulation, ER 1145–2–305, requires the District Engineer to ascertain, at once, whether navigation is obstructed or endangered. If the owner has not marked the obstruction, the District Engineer will request the local Coast Guard Commander to do so. Also, whenever the condition of any wreck which has been marked by the Coast Guard changes, due to any reason, so that markings are no longer needed, the District Engineer having jurisdiction will notify the Coast Guard District Commander at once.

With respect to M–78–55, U. S. Army Corps of Engineers districts having responsibilities for maintaining navigation channels on the Mississippi River have procured, or have available, a magnetometer for use in conducting surveys of underwater obstructions.

Railroad

R–78–41.—On June 6 the Federal Railroad Administration responded to the Safety Board's April 17 comments concerning FRA's previous response dated March 28 (44 FR 23392, April 19, 1979). The recommendation, one of a series issued following Board investigation of the rear end collision of an Amtrak passenger train by a Conrail commuter train at Seabrook, Md., on June 9, 1978, called on FRA to use its emergency powers to require any carrier with locomotives and/or cars equipped with General Railway Signal Company (GRS) cab signal systems to immediately establish instructions for the safe operation of trains so equipped until this equipment is repaired.

The Safety Board on April 17 acknowledged that a preliminary determination indicated that a design deficiency in GRS amplifiers allowed an improper cab signal aspect under certain track circuit energy conditions and asked to be advised further regarding the reported design flaw, as well as information regarding the corrective modification.

In response, FRA reports that recent correspondence with GRS indicates that empirical tests have been completed and data developed to support an acceptable fix to the GRS Cab Signal System amplifier and input circuit to the filter section. Modification to the input circuit to the filter section includes elimination of clipping diodes in advance of the filter in combination with tuning coils from the filter. FRA states that since mid-March 1979, GRS has shipped approximately 60 new amplifiers to replace the old ones. Wiring changes to implement the input modification began at the same time. Revisions to existing GRS instruction manuals will be published and provided to reflect changes in the equipment. The GRS cab signal modification program is expected to be completed by January 1981.

R–79–12 and 13.—Letter of June 19 from the Bay Area Rapid Transit (BART) District of Oakland, Calif., is in response to the Safety Board's May 17 comments on BART's previous response of April 12 (44 FR 28900, May 17, 1979). The recommendations were issued following investigation of the fire-cause fatality and damages on a BART train last January 17 and urged BART to include in its predispatching procedure an inspection of all undercar equipment covers to assure that such equipment covers are in place and properly secured (R–79–12) and to provide a suitable securement mechanism for all undercar equipment covers on BART's rolling stock (R–79–13).

The Safety Board's May 17 letter states with reference to R–79–12 that the employee sign-off procedure offers assurance that undercar covers will receive timely scheduled inspections. The Board notes with interest that the vehicle number will be stencilled on the covers, enabling BART to quickly inspect specific cars and to determine the source of inadequate maintenance, in the event that the problem of fallen covers recurs. The Board finds BART's response to R–79–12 satisfactory and advises that the recommendation has been closed—acceptable action.

With respect to R–79–13, the Safety Board asked for a more detailed response in the following areas:

1. In regard to the six covers utilizing pin securement, what criteria has been used in determining that they "do not appear to require modification at this time"? The Board seeks assurance that the continued use of pin securement will not create future safety problems.

2. With reference to BART's statement that "an assessment is currently underway to determine if an additional locking device is required for two-bolt covers," the Board asked to be advised of the result of the assessment and the details of whatever remedial action is being considered.

3. BART advised of a modification, including installation of a positive locking device, to the line switch box cover. The Board asked for a blueprint or drawing of the cover modification and wanted to know when the BART fleet will be so modified.

BART's June 19 response is accompanied by sketches of the proposed and ongoing cover modifications and supplies the following information in answer to the Board's queries:

1. The six covers utilizing pin securement are identified as the evaporator box covers. Each cover is mounted to the box with four spring snapover center latches and is equipped with two drilled clevis pins which have chained safety pins through them. These covers have had such securement since the vehicles were manufactured, and there is no record of their having fallen from a vehicle. A design review of these covers and a review of their past performance assures that continued use of the present evaporator box cover configuration will not create future safety problems.

2. BART has assessed all covers. The two-bolt covers are on semi-conductor and auxiliary electric boxes. These boxes will be modified. The materials are on order and modification is scheduled to commence by July 1, 1979. The auxiliary electric and semi-conductor box covers will be secured by two each, ⅜-inch nuts and studs. The studs will be drilled and a chanined safety pin inserted through each stud. Also, two other covers will be modified starting July 1: the motor control box and traction motor covers. The motor control box cover will be secured by three spring snapover center latches. Metal flange plates will be riveted to the cover and box with a clevis pin through the plates and secured by a chanined safety pin. The catch for the traction motor covers is found to be, in some cases, too small. They will be increased in size by welding additional material to them.

3. The line switch box cover fasteners are now being modified by drilling the securement bolt head and securing it with a chained safety pin. As of now, fleetwide modification is 93 percent complete.

R–79–through 31.—The State of New Jersey Department of Transportation on June 13 responded to recommendations issued last March 21 also in connection with the Seabrook, Md., train collision involving Conrail and Amtrak equipment. (See 44 FR 18570, March 29, 1979, and 44 FR 23392, April 19, 1979.)

Recommendation R–79–29 called on New Jersey DOT to change the emergency release mechanism for doors on all cars of the type involved in this accident so that the doors can be opened by passengers under emergency conditions, and properly identify the operating emergency equipment. New Jersey DOT responded to this recommendation as follows:

A. Arrow III (230 cars)

1. The emergency release mechanism for this group of cars is readily accessible and simple to operate. The panel enclosing the mechanism can be opened by pulling on a ring latch. No tool or key is required.

2. A new instruction decal will be applied to the outside surface of the panel. The letters will be warm red on a white background and will read:

In Case of Emergency

Passengers can open this access door by pulling on the ring handle.
Instructions on how to open the adjacent exit door are on the inside of this door.

3. An additional decal will be applied to the inside surface of the panel, specifically for passenger information. The letters will be warm red on a white background and will read:

Passenger Emergency Instruction

1. Move red emergency handle to the unlock position—direction of arrow.

2. Go to adjacent exit door panel and slide open.

B. Arrow II (70 cars)

The latch for opening the panel which encloses the door release mechanism is presently a pencil type lock which requires the use of a pencil or similar tool. This latch will be changed to the same type used on the Arrow III cars described in item A–1 above. Also, instruction decals will be applied as described in items A–2 and A–3 above.

C. Arrow I (33 cars)

These cars are not now in service and are scheduled for a major refit, at which time the design will be modified to provied similar ready access and easy operation of the door release mechanism as described in A–1 above. Instruction decals will be added as described in A–2 and A–3 above.

In response to R–79–30, which asked for a means for emergency personnel to open car door from the outside, New Jersey DOT expresses concern that providing easy access for emergency conditions creates the potential for a tremendous increase in vandalism with resultant very large increase in operating and maintenance costs for providing passenger service. However, a system has been designed which will permit the recommended access feature. It includes a breakable glass window (in an effort to deter non-emergency use). The rough estimate is $325 for each location recommended for providing such access. New Jersey DOT urges the Safety Board to reevaluate their position and recommendation for external door control operating mechanism.

Recommendation R–79–31 called for altering the interiors of commuter cars to correct the injury-producing features of the car design. New Jersey DOT responded as follows:

Seats. The Arrow III cars meet the recommendations The Arrow II cars will get new seats at planned rehabilitation and will meet the recommendations. The Arrow I cars will be reupholstered at time of rehabilitation and will meet the recommendations.

Coat Hooks. There are no coat hooks on the Arrow III and Arrow I cars and will be removed from the arrow II cars at time of rehabilitation.

Walkover Type Seats. New Jersey DOT is not clear concerning the Safety Board's position on walkover type seats and asks for clarification. It has been a very sensitive issue with commuters who desire to ride facing forward. Designs are available that would lock the seat in a manner similar to that used on automobiles, but use of such a device would increase operating costs.

Note: Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchsed by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

July 16, 1979.

[FR Doc. 79–22396 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–58–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review; Background

July 16, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public or significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete

and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377–4217

New Forms

Bureau of the Census
Economic Censuses Classification Report
Single time
Nonmail establishments in 1977 economic censuses, 650,000 responses, 162,500 hours
Office of Federal Statistical Policy & Standard, 673–7974.

Bureau of the Census
Farm Energy Consumption Survey—Test 1979
79–A35(T1)
Single time
Sample of farms in the 1978 census of agriculture, 1,500 responses, 1,125 hours
Office of Federal Statistical Policy & Standard, 673–7974.

DEPARTMENT OF ENERGY

(Agency Clearance Officer—John Gross—252–5214)

Revisions

Energy Company Financial Reporting System
EIA–28
Annually
Major energy companies, 81 responses, 257,313 hours.
Jefferson B. Hill, 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Agency Clearance Office—Peter Gness—245–7488)

New Forms

Center for Disease Control
Non-Influenza Acute Respiratory Disease
Surveillance system
On occasion
1,680 laboratories and clinics, 1,680 responses, 1,680 hours.
Off. of Federal Statistical Policy & Standard, 673,7974.

Health Care Financing Administration (Departmental)
Inventory of Health Care Facility Surveyors
HCFA–132T
Single time
State health facility surveyors, 2,000 responses, 1,000 hours.
Richard Eisinger, 395–3214.

Health Care Financing Administration (Medicare)
Special Computation for the Lesser of Reasonable Cost or Customary Charges (Hospitals and Hospital-SNF Complexes)
HCFA–2555
Annually
Hospitals-hospital-SNF complex, 40 responses, 240 hours.
Richard Eisinger, 395–3214.

Office of Human Development
Special Report on Substantial Gainful Activity Rehabilitations for the Trust Funds and SSI Programs
Single time
State VR Agencies, 83 responses, 664 hours.
Barbara F. Young, 395–6132.

Social Security Administration
Statement of Living Arrangements, Support and Maintenance/Additional Statement of Living Arrangements, Support and Maintenance
SSA–8005 & 8006
On occasion
Aged, blind, disabled applicants & recipients, 3,000,000 responses, 250,000 hours.
Barbara F. Young, 395–6132.

Reinstatements

Alcohol, Drug Abuse and Mental Health Administration
Division of Resource Development Product Utilization
Survey
Single time
Drug abuse personnel, 6,233 responses, 1,662 hours.
Richard Eisinger, 395–3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Agency Clearance Officer—John T. Murphy—755–5190)

New Forms

Housing Production and Mortgage Credit
*Application for Mobile Home Appraisal
92802
On occasion
Mortgage companies, 500 responses, 250 hours.
Arnold Strasser, 395–5080.

Revisions

Equal Opportunity
*State/Local Referral Agency Report
HUD–948
Other (See SF–83)
Fair housing agencies, 220 responses, 110 hours.
Arnold Strasser, 395–5080.

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

(Agency Clearance Officer—Robert J. Roeder—395–5132)

New Forms

President's Commission on Pension Policy
Pensions and Savings Survey Instrument
79–1
Single time
Single family non-farm households, 5,000 responses, 5,000 hours.
Arnold Strasser, 395–5080.

GENERAL SERVICES ADMINISTRATION

(Agency Clearance Officer—John F. Gilmore—566–1164)

Revisions

Report on Procurement by Executive Agencies and Civilian Executive Agencies
SF 37 & 37A
Semi-annually
U.S. Government, 204 responses, 408 hours.
Marsha D. Traynham, 395–6140.

OFFICE OF PERSONNEL MANAGEMENT

(Agency Clearance Officer—John P. Weld—632–7737)

New Forms

Pay Practices Interviewer's Guide for Tipped Employee
OPM 1399–A
Single time

Private establishments in four selected areas, 100 responses, 50 hours.
Marsha D. Traynham, 395–6140.

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–22388 Filed 7–18–79; 8:45 am]

BILLING CODE 3110–01–M

Performance Review Board, Senior Executive Service

Pursuant to the Civil Service Reform Act, (4314(c)(4) requires the appointment of Performance Review Board members be published in the **Federal Register.**

The following persons will serve on the Performance Review Board, which oversees the utilization and evaluation of the Office of Management and Budget's Senior Executive Service (OMB Manual Section 382):

Performance Review Board

James M. Frey, Chair (Term expires July 1981)
Harrison Wellford
Donald E. Crabill (Term expires July 1980)
Jerome D. Julius (Term expires July 1981)
John Merck (Term expires July 1980)

The Assistant to the Director for Administration will serve as Executive Secretary for the Board.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 79–22240 Filed 7–18–79; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Adjustment of Specialty Steel Quotas

Correction

In FR Doc. 79–21971, appearing at page 41362 in the issue of Monday, July 16, 1979, the fifth figure in the second column of figures in the table on page 41363 should read, "598" instead of "58".

BILLING CODE 1505–01–M

[Doc. 301–18]

American Institute of Marine Underwriters

On May 25, 1979, the Chairman of the Section 301 Committee formally received a petition from the American Institute of Marine Underwriters alleging discriminatory and unfair trade practices and policies by the Government of Argentina. The petition was filed pursuant to Section 301 of the Trade Act of 1974. The text of the petition and a request for written submissions by July 2, 1979, appeared in the **Federal Register** on June 4, 1979 (44 FR 32057).

1. Petitioner has requested that a hearing be held on this matter. Such hearing will be held on Tuesday, August 28, 1979, and if necessary, will continue on Wednesday, August 29, 1979. The hearing is to be held at the Office of the Special Representative for Trade Negotiations, 1800 G Street N.W., Washington, D.C., Room 730, beginning at 10:00 a.m.

2. Requests to present oral testimony and accompanying briefs must be received on or before August 20, 1979. Written briefs from those persons not wishing to present oral testimony should be received in the Office of the Special Representative for Trade Negotiations on or before the date of the hearing, August 28, 1979, in order to be considered by the Section 301 Committee.

Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all section 301 proceedings (15 CFR 2006 as amended by **Federal Register** notice of Tuesday, October 18, 1977, page 55611). Please note that all communications to the Chairman of the Section 301 Committee should be addressed to the Office of the Special Representative for Trade Negotiations, Room 715, 1800 G Street N.W., Washington, D.C. 20506.

(a) Submission of briefs and requests to present oral testimony.—Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR 2006.6 and 2006.7 (found in the **Federal Register** of August 28, 1975, page 39497).

(b) Rebuttal briefs.—In order to assure parties an opportunity to contest information provided by other interested parties in the written briefs and the oral testimony, rebuttal briefs may be filed by any party within 15 days after the transcript of the hearing becomes available.

(c) Attendance at hearings.—The hearings will be open to the public.

Richard R. Rivers,

Chairman, 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc. 79–22380 Filed 7–18–79; 8:45 am]

BILLING CODE 3190–01–M

Non-Rubber Footwear; Marketing Agreement with Republic of China

The following letter, concerning administration of the orderly marketing agreement with the Republic of China on non-rubber footwear has been sent to the Commissioner of Customs:

The Honorable Robert Chasen,
Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: A request has been received from Taiwan concerning the swing provision in paragraph 5(a) of the orderly marketing agreement on non/rubber footwear.

Accordingly, pursuant to operative paragraph (6) of Proclamation 4510 of June 22, 1977, you are hereby requested to increase the second year restraint levels applicable to non-rubber footwear imports entering under TSUS Item No. 923.90 by 10 percent, and TSUS Item No. 923.92 by 15 percent and to decrease the restraint level for nonrubber footwear imports entering under TSUS Item No. 923.91 by the same absolute amount. The adjusted restraint levels, therefore, will be:

923.90—11,000,000 pairs.
923.91—105,087,500 pairs.
923.92—8,912,500 pairs.

This letter will be published in the **Federal Register.**

Sincerely,

Robert S. Strauss.

Richard R. Rivers,

General Counsel.

[FR Doc. 79–22379 Filed 7–18–79; 8:45 am]

BILLING CODE 3190–01–M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting

The eighth meeting of the Presidential Commission on World Hunger will be held on Friday, August 10, 1979, in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W. Washington, D.C. The meeting will begin at 9:30 a.m. and conclude at approximately 4:30 p.m.

The agenda for the meeting will include discussion of draft portions of the Commission's Report.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to Presidential Commission on World Hunger, 734 Jackson Place, N.W. Washington, D.C. 20006. Reservations will be honored on the

basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79-22391 Filed 7-18-79; 8:45 am]

BILLING CODE 6820-97-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10778; 812-4493]

American General Enterprise Fund, Inc., and American General Shares, Inc., for an Order Exempting Proposed Transaction

July 13, 1979.

Notice is hereby given that American General Enterprise Fund, Inc. ("Enterprise") and American General Shares, Inc. ("Shares"), 2777 Allen Parkway, Houston, Texas 77019, which is comprised of two series, American General Capital Growth Fund ("Capital Growth") and American General Income Fund ("Income") (hereinafter collectively referred to as "Applicants"), each Applicant registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 15, 1979, and an amendment thereto on July 9, 1979, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of Shares into Enterprise through the exchange of shares of Enterprise, at net asset value, for the assets of Shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the proposed merger is part of an overall plan of consolidation of the mutual funds managed by American General Capital Management, Inc. ("AGCM"), the investment adviser of the Applicants and a wholly-owned subsidiary of American General Insurance Company. Such consolidation was undertaken by the independent directors of the Applicants and the other mutual funds managed by AGCM to effect significant economies, including the reduction of management fees and elimination of duplication of certain services and functions, which reduction would benefit Applicants' stockholders.

Applicants state that, as of February 28, 1979, the net assets of Enterprise, Capital Growth and Income were $148,308,048, $142,038,587 and $97,051,488, respectively. On that date Enterprise had 24,930,000 shares outstanding, Income had 16,145,000 shares and Capital Growth had 33,563,000 shares outstanding. Enterprise and Shares were organized under the laws of the State of Delaware in 1953 and 1936, respectively. Subsequetly they were reincorporated under the laws of the State of Maryland. Applicants represent that since the same investment adviser, principal underwriter and stock transfer agent serve each Applicant, and since the Applicants have certain overlapping directors, the Applicants may be deemed to be under "common control" and, therefore, "affiliated persons" of each other within the meaning of Section 2(a)(3)(C) of the Act.

Applicants state that the merger is contingent upon: (1) Approval by the holders of at least 50 percent of the outstanding stock of Shares and Enterprise; (2) approval by the majority, as defined in the Act, of the stockholders of Income and of Capital Growth; (3) receipt of a ruling by the Internal Revenue Service or an opinion of counsel that the merger will constitute a tax-free reorganization; (4) issuance of the Order requested by the Application referred to herein; and (5) approval by necessary state and federal regulatory authorities.

Applicants state that it is proposed that Shares be merged with and into Enterprise and the separate existence of Shares cease pursuant to a Plan and Articles of Merger ("Plan") dated June 8, 1979, between Shares and Enterprise. The number of shares to be issued to the shareholders of Income and Capital Growth will be determined by dividing the aggregate net asset value of Income and Capital Growth by the per share net asset value of Enterprise, all to be determined as of the close of the New York Stock Exchange on the effective date of the merger, which is expected to be August 31, 1979. On the effective date of the merger, all of the property and assets of Income and Capital Growth will be transferred to Enterprise and their outstanding shares will be converted into shares of Enterprise. Enterprise will also succeed to all of the liabilities and obligations of Capital Growth and Income. The valuation procedures to be used in determining the net assets of each Applicant are the same. Each Applicant will pay its respective expenses of the merger, which are estimated to be approximately $52,000 for Income, $123,500 for Capital Growth, and $128,000 for Enterprise. No tax adjustment will be made to the net assets of either Applicant to reflect any potential income tax effect which might result from any differences in the proportionate amount of capital loss carryforwards of each Applicant because of the difficulty in predicting the potential use by Capital Growth or Income or by Enterprise of such loss carryforwards. Since the stockholders of both Income and Capital Growth are expected after the merger to own more than 20% of the outstanding shares of Enterprise, the entire amount of capital loss carryforward of Income and Capital Growth at the effective date of the merger should be available to Enterprise.

At any time prior to consummation of the merger the Board of Directors or President of either Applicant may waive any of the terms or conditions of the Plan benefiting such Applicant, if in the opinion of the Board of Directors or President such waiver will not have a material adverse effect on the benefits intended under the Plan to accrue to the stockholders of each Applicant. The number of shares of Enterprise received by each stockholder of Income and Capital Growth will promptly after the effective date of merger be registered on the books of Enterprise without any action being required on the part of any stockholder. Each such stockholder will be advised of the number of shares so registered. Holders of certificates for shares of Income or Capital Growth will immediately become owners of the appropriate number of shares of Enterprise, but no certificates will be issued until any outstanding Capital Growth or Income certificate is tendered to the transfer agent. If the registration with respect to any shares is to be changed, the stockholder will be responsible for any transfer taxes incurred, and must provide a signature guarantee on the instrument of transfer. All dividends and distributions paid on shares of the merged fund will be paid to the stockholder in cash or reinvested in shares of the merged fund in accordance with any option previously in effect, unless the stockholder furnishes different instructions to the transfer agent in writing.

Applicants also state although there are a number of variations in the investment restrictions of Enterprise, Capital Growth and Income none of such variations are considered by AGCM to be of material significance in the management of their portfolios. If the merger is consummated, the investment restrictions and policies of Enterprise will become the investment restrictions and policies of the merged fund. In addition, the application states

that in the opinion of AGCM, the pro-forma composition of the merged fund's portfolio is presently compatible with Enterprise's fundamental policies, objectives and investment restrictions. Therefore, no sales of securities in the portfolios of Capital Growth or Income will be required to conform those portfolios to the fundamental policies, objectives and restrictions of the merged fund. However, the application also states that because of differing investment strategies of the portfolio managers for the three separate funds there will be some realignment of the current Capital Growth and Income portfolios concurrent with the merger. The extent of such realignment will depend upon an appraisal of the fundamental attractiveness and compatibility with Enterprise's investment strategy (but not fundamental policies, objectives and restrictions) of the securities owned by Capital Growth and Income.

Applicants state that it is contemplated that most securities not considered compatible with Enterprises' investment strategy prior to the merger will be sold before the effective date of the merger.

Applicants state that Capital Growth is a plaintiff in several pending class actions involving a capital loss to Capital Growth of $2,128,538 in 1971 upon the sale of securities of Viatron Computer Corporation. A partial settlement has been reached with certain of the defendants whereby $1,850,000 will be paid to a settlement fund. Of this amount, $250,000 is required to be deposited in an escrow account for indemnification of the underwriter defendants against any loss or expense incurred by such underwriters as a result of claims asserted by the remaining defendants, and approximately $300,000 is expected to be allocated to pay certain past and future litigation expenses. The remaining $1,300,000 is expected to be allocated among all purchasers of Viatron securities between 1969 and 1971 who file claims for losses. A hearing pursuant to the notice of settlement is scheduled for August 15, 1979. All legal fees and expenses paid by Capital Growth (amounting to approximately $305,000) in prosecuting this litigation have been charged off and no amounts attributable to this litigation are included in the calculation of Capital Growth's net asset value. Applicants state that no prediction can be made of the amount Capital Growth may ultimately receive from the settlement because the settlement agreement and the amount provided therein are subject to judicial approval upon hearing after notice to class members, because the amount of the settlement fund which is allocable to Capital Growth depends upon the amount of the allowed claims filed by other members of the class and because of the possibility of a claim by the settling defendants for indemnification as provided in the settlement.

If the merger is consummated, any amounts which would otherwise accrue to Capital Growth after the effective date as a result of the class actions will be paid to the merged fund. Thus, the merger will have the effect of diluting the benefit received by Capital Growth stockholders from any payments made following the merger. All legal fees incurred after the merger will be borne by all stockholders of the merged fund (Enterprise). If the merger is not consumpted, any recovery and all future legal expenses will accrue to and be borne by the Capital Growth Stockholders. Reimbursement of the legal fees and expenses which Capital Growth has incurred in prosecuting this litigation would be expected to be received out of any recovery which may be approved by the court.

The application states that the Board of Directors of Shares specifically considered the Viatron litigation and the dilution which would result from the merger in Captial Growth's interest in any recovery realized after the effective date of the merger. The Board, after weighing the benefits of the merger and taking into account the probable delays and the speculative nature of any recoveries as well as the difficulty of determining Capital Growth's share of any interim settlement, should it be approved and upheld on appeal, concluded in its business judgment that, after taking into account such potential dilution, the merger was in the best interests of stockholders of Capital Growth.

Applicants state that the investment objective of Income varies from that of Capital Growth and Enterprise in that the latter emphasize growth of capital whereas Income seeks primarily high current income, and secondarily long-term growth of capital and income. Depsite the Income portfolio's higher percentage of debt securities and preferred stock, it is the opinion of Applicants' investment adviser that the portfoilo is not incompatible with the investment objectives and restrictions or the portfolio as of February 28, 1979, of Enterprise. Applicants state, nevertheless, that for those stockholders of Income who wish to retain their investment in a mutual fund which seeks an income or a combined income and growth objective there will be afforded an opportunity to exchange their Enterprise stock for stock of American General Capital Bond Fund, Inc. ("Capital Bond") or Harbor Fund, Inc. ("Harbor"). This exchange privilege may be exercised without payment of the normal $5 charge for such exchanges or any sales charge. Capital Bond and Harbor pursue an income and a growth and income investment objective, respectively. Such an exchange would constitute a taxable transaction.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal knowingly to sell to or purchase from such investment company any security or other property subject to certain exceptions. Section 17(b) of the Act provides that the Commission may upon application, exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Applicants state that since the proposed merger may be deemed to involve the purchase and sale of securities and other property between affiliated registered investment companies, unless exempted, it may be deemed to violate Section 17(a) of the Act. Applicants represent that the terms of the proposed merger are reasonable and fair and do not involve overreaching on the part of any person concerned since the assets of Shares are being acquired by Enterprise in exchange for shares of Enterprise on the basis of their respective net asset values.

Applicants assert that consummation of the proposed merger is expected to benefit their stockholders through an overall reduction in operating expenses. This reduction will result primarily from the ability of the merged fund, through its larger size, to take advantage of breakpoints in the current investment advisory fee schedule. In addition, Applicants claim that the proposed merger will eliminate certain operating expenses which would be duplicative in absence of the merger. Finally, Applicants state that the distributor of Enterprise, Capital Growth, and Income believes that the merger could result in

improved marketability of the shares of the merged fund as compared to individual experience of the three separate funds.

Notice is further given that any interested person may, not later than August 7, 1979 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22385 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–437]

Beech Creek Railroad Co. et. al.; Application and Opportunity for Hearing

July 13, 1979.

In the matter of Beech Creek Railroad Company; Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Cleveland and Pittsburgh Railway Company; Michigan Central Railroad Company; Northern Central Railway Company; Philadelphia, Baltimore and Washington Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Pittsburgh, Youngstown and Ashtabula Railway Company; and United New Jersey Railroad and Canal Company File No. 81–437, Securities Exchange Act of 1934 Section 12(h).

Notice if hereby given that Beech Creek Railroad Company; Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Cleveland and Pittsburgh Railway Company; Michigan Central Railroad Company; Northern Central Railway Company; Philadelphia, Baltimore and Washington Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Pittsburgh, Youngstown and Ashtabula Railway Company; and United New Jersey Railroad and Canal Company (the "Applicants") have filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") seeking an exemption from the requirement to file reports pursuant to Section 13 of the 1934 Act.

The Applicants state, in part: 1. The Applicants are subject to the reporting provisions of Section 13 of the 1934 Act.

2. The Applicants, which were organized as railroad corporations, leased all of their rail properties to the Penn Central Transportation Company ("PCTC").

3. On June 21, 1970, PCTC entered reorganization proceedings and discontinued rental payments to the Applicants. In 1973, the Applicants also filed for reorganization.

4. On March 17, 1978, the Reorganization Court approved a plan of reorganization for PCTC and each of the Applicants (the "Plan") and directed that it be submitted to the creditors, claimants and stockholders of each class entitled to vote thereon.

5. The Plan was approved by all classes entitled to vote except for three classes of stock of one Applicant (Pittsburgh, Fort Wayne and Chicago Railway Company), with respect to which the Reorganization Court found that the Plan made adequate provisions for their fair and equitable treatment.

6. On October 24, 1978, the Applicants became wholly-owned subsidiaries of The Penn Central Corporation (the new name of reorganized PCTC) and the former public bondholders and stockholders of the Applicants became bondholders and stockholders of The Penn Central Corporation.

In the absence of an exemption, the Applicants are required to file pursuant to Section 13 of the 1934 Act and the rules thereunder, quarterly reports on Form 10–Q for the period ended September 30, 1978. Applicants believe that their request for an order exempting them form the provisions of Section 13 of the 1934 Act is appropriate, in view of the fact that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20005.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be address: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 79–22327 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–536]

EDP Marketing Corp.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that EDP Marketing Corporation ("Applicant") has filed and application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the reporting requirements of Section 15(d) of the 1934 Act.

The Application states in part:

(1) The Applicant is a New York corporation subject to the reporting provisions of Section 15(d) of the 1934 Act.

(2) The Applicant is a wholly-owned subsidiary of Greyhound Computer Corporation.

(3) As a result of a merger Applicant became a wholly-owned subsidiary of Greyhound Computer Corporation on April 27, 1979.

(4) On August 30, 1978, Applicant filed with the Commission a Certification Pursuant to Rule 12g–4 with respect to its common stock and its common stock purchase warrants expiring May 1, 1979, advising the Commission that each such security was held of record by less than 300 holders.

(5) On or about May 3, 1979, Applicant filed with the Commission a Notice Pursuant to Rule 15d–6 in which Applicant reported the suspension of its duty to file reports pursuant to Section 15(d) of the Act.

In the absence of an exemption, Applicant is required to file with the Commission pursuant to Section 15(d) of the 1934 Act, an annual report on Form 10–K for the fiscal year ended April 30, 1979. Applicant argues that no useful purpose would be served in filing the required report.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22328 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–516]

Electronic Arrays, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Electronic Arrays, Inc. (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states that as a result of a merger on December 6, 1978, it became an indirect wholly-owned subsidiary of Nippon Electric Co., Ltd., and all of its outstanding common stock was converted into the right to receive a cash payment of $5 per share.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22329 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–541]

Executone, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Executone ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Sections 13 and 15(d) of that Act.

The Applicant states, in part:

(1) On April 20, 1979, Applicant became a wholly-owned subsidiary of Continental Telephone Corporation ("Continental"). As a result of the merger, Applicant no longer has any public stockholders or debenture holders.

(2) Debentures and common stock of Executone were struck from listing and registration on the American Stock Exchange ("Exchange") effective March 2, 1979, and May 4, 1979, respectively, pursuant to application by the Exchange to this Commission.

In the absence of an exemption, Applicant would be required to file periodic reports for the year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate since it now has no publicly held stock or debentures.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to

whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22330 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-546]

Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Gardner-Denver Company ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "Act") for an order exempting Applicant from the provisions of Section 15(d) of that Act.

The Application states, in part:

1. On April 30, 1979 Applicant became a wholly-owned subsidiary of Cooper Industries, Inc. As a result of the merger, Applicant no longer has any public stockholders.

2. Applicant's stock has been removed from listing on the New York and Midwest Stock Exchanges.

In the absence of an exemption, Applicant would be required to file periodic reports for the year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) of the Act is appropriate inasmuch as it is now a wholly-owned subsidiary and has no publicly held common stock.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22331 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-476]

GI Toy Corp. (Successor in interest to Gabriel Industries, Inc.); Application and Opportunity for Hearing

July 13,1979.

Notice is hereby given that GI Toy Corp. (successor to Gabriel Industries, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") seeking an exemption from the requirement to file reports pursuant to Sections 13 and 15(d) of the Exchange Act.

The Applicant states, in part:

1. The Applicant is subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On August 14, 1978, CBS (Del.) Inc. ("CBS (Del.)"), a Delaware corporation and an indirectly wholly-owned subsidiary of CBS, Inc. ("CBS"), a New York corporation, formed for the purpose of this transaction, was merged with and into Gabriel Industries, Inc. ("Gabriel") pursuant to an Agreement and Plan of Merger dated as of July 18, 1978, which was approved by the stockholders of Gabriel on August 14, 1978. Each share of the common stock of Gabriel outstanding on the effective date of the merger was (subject to the right of dissenting stockholders) converted into $17.90 in cash, and each share of the common stock of CBS (Del.) outstanding on the effective date was converted into one share of the common stock of Gabriel. As a result, GI Toy Corp., a wholly owned subsidiary of CBS and the sole stockholder of CBS (Del.), became the owner of 100% of the voting securities of Gabriel. Subsequently and on the same date, Gabriel was merged with and into GI Toy Corp., which thereby became the successor in interest to Gabriel.

In the absence of an exemption, Applicant is required to file pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10-K for its fiscal year ending December 31, 1978. Applicant believes that its request for an order exempting it from the provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant believes that the time, effort and expense involved in preparation of the additional annual reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20005.

Notice if further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exahange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request,and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22332 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01

[File No. 81-379]

Gracious Estates Properties, Ltd.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Gracious Estates Properties, Ltd. (the "Applicant"), an Iowa Limited Partnership, has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting the Applicant from the requirement pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations promulgated thereunder to file Part I of the quarterly report on Form 10-Q.

The Applicant, whose units are held by approximately 2,300 persons, is in the business of owning and operating two mobile home residential park facilities. It submits that the requested exemption should be granted for the following reasons:

1. There is no trading market for the Applicant's securities;

2. Limited Partners may sell or transfer their units only with the consent of the General partner;

3. Only a small number of units have been transferred;

4. The preparation of the report incurs expenses which are disproportionate to the benefits derived by Limited Partners; and

5. The ongoing business of the Applicant is not subject to material change.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exhange Commission, 1100 L Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22333 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-511]

Marathon Enterprises, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Marathon Enterprises, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the reporting requirements of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. Applicant is a New Jersey corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On February 23, 1979 Applicant became a wholly-owned subsidiary of Charmont Delaware, Inc. as the result of a merger.

3. There is only one holder of any class of Applicant's securities.

4. There is no trading in Applicant's securities.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act.

The Applicant argues that no useful purpose would be served in filing such reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22334 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16019; File No. SR-NYSE-79-21]

New York Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 14, 1979, the above-mentioned self-regulatory orgnization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The amendment provides for an increase in Gratuity Fund death benefits from $20,000 to $100,000 and an increase of contributions from $15 to $75.

Purpose of Proposed Rule Change

The Gratuity Fund is designed to provide for families of deceased members of the New York Stock Exchange. The present gratuity payment of $20,000 was established in 1930. The proposed constitutional amendments are designed to increase this payment to $100,000, while at the same time increasing contributions from $15 to $75. The increases are designed to recognize the effects of inflation and still adequately provide for the families of deceased members.

Basis Under the Act

The proposed constitutional amendments are consistent with Section 6(b)(4) of the Act as follows:

(i) Inapplicable.

(ii) Inapplicable.

(iii) Inapplicable.

(iv) The constitiutional amendments provide for the equitable allocation of reasonable dues, fees, and other charges among the members of the Exchange.

(v) Inapplicable.

(vi) Inapplicable.

(vii) Inapplicable.

(viii) Inapplicable.

Comments Received From Members, Participants, or Others

Selected firms were asked to comment on the proposed increases. Comments were received from Donaldson, Lufkin & Jenrette Secruities Corporation, Merrill Lynch & Co. Inc., and Smith Barney, Harris Upham & Co. Incorporated. These letters are attached as Exhibit II.

Burden on Competition

There will be no burden on competition.

Basis for Rule Change Being Put Into Effect Pursuant to Section 19(b)(3)

In accordance with Section 19(b)(3)(A)(ii) the proposed amendments take effect immediately, as they change a due, fee, or other charge imposed by the New York Stock Exchange, Inc.

At any time within sixty days of the date of filing of these proposed rule changes, the Commission summarily may abrogate the change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments covering the foregoing. Persons desiring to make writtem 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 offices 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 August 9, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 12, 1979.

[FR Doc. 79-22337 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-543]

Scholl, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Scholl, Inc. (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting it from the periodic reporting requirements under Section 15(d) of the 1934 Act.

The Applicant states:

(1) On April 2, 1979, Applicant became a wholly-owned subsidiary of Schering-Plough Corporation. As a result of the merger, Applicant no longer has any public security holders.

(2) The merger was approved by the stockholders of the Applicant at a special meeting held on March 19, 1979, proxies for which were solicited in accordance with the requirements of Regulation 14A under the 1934 Act.

(3) Applicant has filed a report on Form 8-K reporting consummation of this merger.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person no later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22335 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-460]

Wasko Gold Products Corp.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Wasko Gold Products Corp. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from the provisions of Sections 13 and 15(d) of that Act.

The Application states, in part:

1. On January 16, 1979, Roneu Jewlers, Inc. purchased shares of the Applicant's common stock in an amount which, when combined with the shares acquired by it through a subsequent tender offer gave it 99% ownership of the Applicant's outstanding common shares.

2. As a result of these acquisitions the number of shareholders of the Applicant was reduced to approximately 61 persons.

3. Applicant's registration under Section 12(g) of the 1934 Act terminated on June 29, 1979.

In the absence of an exemption, Applicant would be required to file a report on Form 10-Q for the period ended June 30, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate since its common stock is no longer actively traded in the over-the-counter market and the time, effort and expense involved in preparation of the report would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capital Street, N.W., Washington, D.C. 20549, and should state briefly the

nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22336 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10779; 812-4488]

Webster Cash Reserve Fund, Inc.; Filing of an Application for an Order of Exemption

July 13, 1979.

Notice is hereby given that Webster Cash Reserve Fund, Inc. ("Applicant"), 10 Hanover Square, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 6, 1979, and an amendment thereto on July 5, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares to the nearest one cent on a share value of one dollar using a time other than as of the close of trading on the New York Stock Exchange ("Stock Exchange"). Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it registered under the Act on June 5, 1979, as a "money market" fund designed as an investment vehicle for investors who desire to place their assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. To this end, Applicant seeks to provide such investors with a convenient means of investing short-term funds where the direct purchase of money market instruments may be undesirable or impracticable. Applicant further represents that its portfolio will be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed as to principal and interest by the United States Government, its agencies or instrumentalities; certificates of deposit, including those issued by U.S. banks (or a foreign branch thereof) and savings and loan and similar associations; high-grade commercial paper; and repurchase agreements. According to the application all investments by the Applicant will be limited to obligations maturing within one year from the date of acquisition, and the average maturity of all such investments (on a dollar weighted basis) will be 120 days or less.

According to the application, Applicant proposes to determine its net asset value, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar and to the extent reasonably practicable to take steps to maintain this price. Applicant further proposes to determine its net asset value using a time other than the close of trading on the Stock Exchange. In this regard, Applicant represents that prior to the commencement of Applicant's operations, the board of directors of Applicant, including a majority of the directors who are not interested persons of Applicant, will have determined that it is appropriate to compute Applicant's net asset value per share for purposes of effecting sales, redemptions and repurchases of it shares, solely as of 12:00 Noon, New York time, and to require that notice of intent to purchase, redeem or repurchase shares of Applicant must be given prior to 12:00 Noon, New York time, in order for such purchases, redemptions and repurchases to be effected on the same day. Applicant further represents that such determination by its board of directors described above will be reviewed no less frequently than annually.

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Subsection (b) of Rule 22c–1 defines the term "current net asset value" of a redeemable security as that value computed on each day during which the New York Stock Exchange is open for trading, not less than once daily as of the time of the closing on such exchange. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for porfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such fund's proper protfolio valuation as required by Rule 2a–4. On the basis of the foregoing, Applicant requests an exemption from the provisions of Rule 2a–4 and 22c–1 under the Act, to permit Applicant to determine its net asset value in the manner and at the time set forth above.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon applications, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly

intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that many of its investors desire an investment vehicle which offers a stable net asset value per share and a relatively constant return on their investments. According to the application, the exemptive relief requested will enable the Applicant to achieve these objectives. Applicant further believes that many of its existing shareholders would seek other investment alternatives if such investors could not expect under ordinary circumstances that Applicant's shares could be purchased and redeemed at a constant net asset value per share.

With respect to Applicant's proposal to determine its net asset value solely as of 12:00 Noon, New York time, rather than as of the close of trading on the Stock Exchange, Applicant represents, that this policy, coupled with the requirement that notice of intent to purchase, redeem or repurchase its shares must be given prior to 12:00 Noon, New York time, in order for such purchases, redemptions or repurchases to be effected on the same day as requested, will aid in the effective management of its portfolio. In this regard, Applicant states that, in order to make investments which will immediately generate income, Applicant must have federal funds available to it. Thus, Applicant will accept orders for the purchase of its shares only when it has received federal funds on the purchase date. According to the application, the earlier in the day that Applicant is aware of cash available for investment through net purchases of its shares, the more time Applicant has to analyze the available investment alternatives and secure the most attractive and beneficial terms.

According to the application, Applicant further proposes to pay its daily dividend of net income to shareholders of record as of 12:00 Noon, New York time (including shares purchased but excluding shares redeemed on that day). In view of the above and the fact that Applicant's portfolio securities will not be listed on any stock exchange, the Management of Applicant can perceive no benefit to shareholders in computing Applicant's net asset value for a second time as of the close of trading on the Stock Exchange, aside from technical compliance with Rule 22c–1. According to the application, purchasers of Applicant's shares would not receive the dividend declared on the day of purchase if their shares were purchased at net asset value determined as of the close of trading on the Stock Exchange, nor would stockholders redeeming their shares at that time receive the proceeds of redemption on the same day. Applicant further asserts that opportunities for dilution of the value of its outstanding securities will not be present if the requested exemption permitting Applicant to compute its net asset value solely as of 12:00 Noon, New York time, is granted.

Applicant submits that the exemptions it requests are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant has further agreed that the following conditions may be imposed in any order granting the exemptions it has requested:

1. Applicant states that it will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that it will not (i) purchase an instrument with a remaining maturity of greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days;

2. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from one dollar.

3. Applicant states that it will effect a policy that its portfolio will be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed as to interest and principal by the U.S. Government or its agencies or instrumentalities; certificates of deposit, including those issued by U.S. banks (foreign branches thereof) and savings and loan and similar associations; and high grade commercial paper. Applicant further states that all commercial paper and certificates of deposit purchased by it shall meet the following criteria at the time of purchase: Investments in bank certificates of deposit and bankers' acceptance will be limited to banks and savings and loan and similar associations having total assets in excess of one billion dollars; and the commercial paper purchased by Applicant will consist only of obligations (a) rated Prime–1 by Moody's Investors Service, Inc. ("Moody's") or A–1 by Standard & Poor's Corporation ("Standard & Poor's"), or (b) issued by companies having an outstanding unsecured debt issue currently rated Aa or better by Moody's or AA or better by Standard & Poor's. Applicant will also invest in repurchase agreements pertaining to the foregoing classes of money market instruments provided such agreements are limited to transactions with financial institutions believed by Applicant's investment adviser to provide minimal credit risks.

Notice is further given that any interested person may, not later than August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22384 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 79-103]

Renewal of the Rules of the Road Advisory Committee

This is to give notice pursuant to the Federal Advisory Committee Act, Public Law 92-463, approved October 6, 1972, that the Rules of the Road Advisory Committee has been renewed by the Secretary of Transportation commencing July 1, 1979.

The Rules of the Road Advisory Committee was established pursuant to the Secretarial Directive dated May 4, 1949, to provide advice and consultation to the Marine Safety Council of the U.S. Coast Guard with respect to matters affecting the Rules of the Road.

The committee is composed of approximately 20 members who possess expertise in navigation rules, common maritime practices, and problems relating to the four sets of the Rules of the Road. The present efforts of the committee are directed towards the unification of present Inland, Western Rivers, and Great Lakes Rules to comply with the mandate of rule 1(b) of the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Interested persons may seek additional information by writing: Commandant (G-WLE), U.S. Coast Guard, Washington, D.C. 20590, or by calling (202) 426-4958.

Dated: July 11, 1979.

L. L. Zumstein,

Rear Admiral, U.S. Coast Guard, Chief, Office of Public and International Affairs.

[FR Doc. 79-22400 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held August 21 through 23, 1979, Air Transport Association of America, Conference Room A, 5th Floor, 1709 New York Avenue, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting held May 23 through 25, 1979; (3) Report on FAA Microwave Landing System Program; (4) Report on European Organization for Civil Aviation Electronics (EUROCAE) Working Group 19 Activities; (5) Report on status of SC-139 Working Groups Activities; (6) Coordination of Working Group Reports; (7) Working Groups Meet in Separate Sessions; (8) Committee Closing Plenary Session; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on July 13, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-22293 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

Materials Transportation Bureau

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes August 20, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Application

Application No.	Applicant	Regulation(s) affected	Nature of Application
8229-N	Atlas Powder Co., Dallas, Tex	49 CFR 172.504	To authorize the transport vehicle containing combined shipments of nitro carbo nitrate (oxidizer) and blasting agent, n.o.s. (blasting agent) to be placarded as blasting agent only.
8230-N	G. Frederick Smith Chemical Co., Columbus, Ohio	49 CFR 173.263(a)(26), 173.268(b)(6), 173.269(a)(4), 173.272(1)(3).	To authorize shipment of certain oxidizers and corrosive liquids in FEP teflon bottles of 8 oz. and 1 pt. capacity, tightly packed in DOT specification 33A cases, which cases are overpacked not to exceed twelve per outside packaging.
8231-N	ANF Industries, Paris, France	49 CFR 173.315	To authorize shiipment of certain compressed gases (refrigerants) in non-DOT specification IMCO type 5 portable tanks.
8232-N	ANF Industries, Paris France	49 CFR 173.315	To authorize shipment of certain flammable and non-flammable compressed gases in non-DOT specification IMCO type 5 portable tanks.
8233-N	National Aeronautics and Space Admn., Greenbelt, Md.	49 CFR 173.304	To authorize shipment of propane in unmarked, non-DOT specification cylinders, similar to DOT specification 4E without a safety relief valve.
8234-N	G. Magyar S.A., Dijon, France	49 CFR Part 173, Subparts D, F, H, and J.	To authorize shipment of various flammable, corrosive, and poisonous liquids and ORM A materials, in non-DOT specification IMCO type 1 portable tanks.
8235-N	Mobay Chemical Corp., Pittsburgh, Pa	49 CFR 173.346	To authorize shipment of certain poisonous liquids, class B, in non-DOT specification portable tanks.

New Application

Application No.	Applicant	Regulation(s) affected	Nature of Application
8236-N	Ford Motor Co., Dearborn, Mich	49 CFR Parts 171 thru 178	To qualify a passive restraint system containing class B explosives as a non-regulated material.
8237-N	Sanders Associates, Inc., Nashua, N.H	49 CFR 172.101, 173.102, and 175.3.	To authorize shipment of a Rapidly Deployable Surveillance System (RDSS) composed of several lithium batteries and a DOT Specification 3HT cylinder charged with nitrogen.

This notice of receipt of applications for new exemptions is pubished in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 10, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-22373 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes August 3, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Application No., Applicant and Renewal of Exemption

2709-X, U.S. Department of the Army, Washington, D.C.—2709.
3121-X, U.S. Department of the Army, Washington, D.C.—3121.
3415-X, U.S. Department of the Army, Washington, D.C.—3415.
3600-X, U.S. Department of the Army, Washington, D.C.—3600.
4262-X, Schlumberger Well Services, Houston, Tex.—4262.
4459-X, American Life Support Corp., Cambridge, Md.—4459.
4719-X, Allied Chemical Corporation, Morristown, N.J.—4719.
5022-X, National Aeronautics and Space Admn., Washington, D.C.—5022.
5179-X, Union Carbide Corporation, Tarrytown, N.Y.—5179.
5248-X, Static Control Systems/3M, St. Paul, Minn.—5248.
5600-X, Ozark-Mahoning Company, Tulsa, Okla.—5600.
5600-X, Amoco Oil Company, Whiting, Ind.—5600.
5746-X, U.S. Department of the Army, Washington, D.C.—5746.
5767-X, Chemed Corporation, Cincinnati, Ohio—5767.
5777-X, U.S. Department of the Army, Washington, D.C.—5777.
5876-X, FMC Corporation, Philadelphia, Pa.—5876.
5945-X, Air Products and Chemicals, Inc., Allentown, Pa.—5945.
6122-X, Pennwalt Corporation, Buffalo, N.Y.—6122.
6253-X, Contrans, Hamburg, Germany—6253
6267-X, Coastal Industries, Inc., Carlstadt, N.J.—6267
6477-X, E. I. Du Pont de Nemours & Company, Wilmington, Del.—6477
6658-X, U.S. Department of Energy, Washington, D.C.—6658
6759-X, IMC Chemical Group, Inc., Allentown, Pa.—6759
6759-X, E. I. Du Pont de Nemours & Company, Wilmington, Del.—6759
6759-X, Hercules Incorporated, Wilmington, Del.—6759
6826-X, Atlantic Research Corporation, Gainesville, Va.—6826
6978-X, Liquid Energy Corporation, The Woodlands, Tex.—6978
7001-X, Clegg Corporation, Jacksonville, Fla.—7001
7035-X, Owens-Illinois, Inc., Toledo, Ohio—7035
7052-X, Mallory Battery Company, Tarrytown, N.Y.[1]—7052
7097-X, Plant Products Corporation, Vero Beach, Fla.—7097.
7820-X, Compagnie des Containers Reservoirs, Neuilley-Sur-Seine, France—7820.
7886-X, W. M. Barr & Company, Memphis, Tenn.[2]—7886.
7925-X, A/S Cheminova, Lemvig, Denmark [3]—7925
7944-X, Dow Chemical Co., Houston, Tex.[4]—7944
8005-X, Hugonnet S.A., Paris, France—8005
8012-X, Compagnie des Containers Reservoirs, Neuilley-Sur-Seine, France—8012
8012-X, Bignier Schmid-Laurent, Ivry Sur Seine, France—8012
8037-X, Mauser Packaging, Ltd., New York, N.Y.[5]—8037

6763-P, Hill Brothers Chemical Co., City of Industry, Calif.—6763.
6902-P, Synthatron Corporation, Parsippany, N.J.—6902.
6939-P, Allied Chemical Corporation, Morristown, N.J.—6939.
7023-P, Texas Instruments, Incorporated, Dallas, Tex.—7023.
7052-P, Industrial Solid State Controls, Inc., York, Pa.—7052.
7526-P, Sherex Chemical Company, Inc., Dublin, Ohio—7526.
7607-P, Gulf Science and Technology Co., Pittsburgh, Pa.—7607.
7820-P, Transport International Containers S.A., Paris, France—7820.
7857-P, Ramat Hovav Ltd., Beer Sheva, Israel—7857.
7983-P, Sanyo Electric Co., Ltd., Osaka, Japan—7983.

[1] To authorize increase of lithium from 5 grams per cell to 10 grams, remove restrictions of one battery to each inner box, and increase the size of each cell from 4 cubic inches to 10 cubic inches.

[2] To authorize cargo vessel as an additional mode of transportation.

[3] To provide for a portable tank identical to those presently authorized except for lining and use of insulation.

[4] To authorize modification to portable tank framework on model D-912 and to add new portable tank model D-916 with 4,000 gallon capacity for shipment of various flammable, combustibles, and corrosives.

[5] To authorize use of fiber drums having steel tops and bottoms in addition to the presently authorized drums with plywood tops and bottoms, for shipment of nitrocellulose, wet.

8005–P, G. Hartig, K.G., Mannheim, Germany—8005.
8060–P, SLEMI, Páris, France—8060.
8190–P, Stauffer Chemical Company, Westport, Conn.—8190.
8231–P, Societe Auxiliaire de Transports et d'Industries, Paris, France—8231.
8231–P, G.R.P. Cisterne S.A. Chiasso, Chiasso, Switzerland—8231.
8231–P, Eurotainer, Paris, France—8231.
8231–P, Compagnie Des Containers Reservoirs, Neuilley-sur-Seine, France—8231.
8231–P, General Container Service, Chiasso, Switzerland—8231.
8232–P, G.R.P. Cisterne S.A. Chiasso, Chiasso, Switzerland—8232.
8232–P, Societe Auxiliaire de Transports et d'Industries, Paris, France—8232.
8232–P, Eurotainer, Paris, France—8232.
8232–P, Compagnie Des Containers Reservoirs, Neuilley-sur-Seine, France—8232.
8232–P, General Container Service, Chiasso, Switzerland—8232.
8236–P, Talley Industries, Inc., Mesa, Ariz.—8236.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 10, 1979.

Douglas A. Crockett,

Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79–22372 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–60–M

St. Lawrence Seaway Development Corporation

Advisory Board; Change of Meeting Location and Time

The meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation originally scheduled for 11:00 a.m., July 26, 1979, O'Hare Hilton, adjacent to O'Hare Airport, Chicago, Illinois, has been rescheduled for 2:00 p.m. at the offices of the Seaway Corporation at 800 Independence Avenue, SW., Washington, D.C., on the same date.

In all other respects the notice which appeared at page 40756 of the Federal Register of July 12, 1979, remain in effect.

Issued in Washington, D.C., on July 12, 1979.

D. W. Oberlin,

Administrator.

[FR Doc. 79–21999 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–61–M

DEPARTMENT OF THE TREASURY

Customs Service

Privacy Act of 1974; Automated Index to Central Enforcement Files

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final notice, new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, this notice is to advise the public that the United States Customs Service is implementing a new system of records—the Automated Index to Central Enforcement Files—Treasury/Customs 00.285. The system consists of an index of reports (both regulatory and criminal) and correspondence relating to individuals in the Treasury Enforcement Communications System (TECS).

In March 1975, the Central Files of the Information Management Division began microfiching all incoming enforcement documents and materials which support a TECS record. The microfiched records of all documents are sequentially located in the microfiche files. The Central Files Index indicates the particular frame of a fiche where the document can be found.

The system is designed to provide users with all inclusive index to all enforement information related to a given subject. The subject may be a person, vehicle, vessel, aircraft, business, identifying number, or investigation case number. One query of the Central Index will furnish the user seeking information on a particular subject with the location of all relevant document in the microfiche files.

The Automated Index to Central Enforcement Files is to function like the card catalog in a library. Its objective is to provide users with a single index to all enforcement information, regardless of source, associated with an identified subject.

EFFECTIVE DATE: This system is effective July 19, 1979. Also see the rule appearing under the Rules and Regulations section of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Russell Berger, Entry Procedures and Penalties Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202–566–8681).

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Privacy Act of 1974, Customs published a notice of the proposed system of records and the proposed rule in the Federal Register, 44 FR 15825 (March 15, 1979) and 44 FR 16941 (March 20, 1979), respectively, proposing to implement the Automated Index to Central Enforcement Files. No comments were received from the public regarding the documents, nor were comments received from the Office of Management and Budget, the Senate, or the House of Representatives on the reports sent to them.

DRAFTING INFORMATION: The principal author of this document was Russell Berger, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and of style.

Dated: July 9, 1979.

W. J. McDonald,

Assistant Secretary (Administration).

Treasury/Customs 00.285

SYSTEM NAME:

Automated Index to Central Enforcement Files.

SYSTEM LOCATION:

Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and /or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instruments Reporting), 4789 (Currency Transaction Report), 90.22–1 (Foreign Banking Act Report).

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, investigation Program Analyst (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Treasury Department Order No. 165, revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 1624; 19 U.S.C. 66; 31 CFR 103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosure required in administration of the Freedom of Information act (5 U.S.C. 552). (c) To provide management statistics associated with arrests or seizures. (d) Used by Customs to identify high theft areas, types of cargo must likely to be pilfered or stolen, to connect seemingly unrelated Customs thefts cases and to provide management information such as the value and volume of goods stolen from international shipping. (e) To determine effective allocation of resources for surveillance and search operations by consideration of past violations and selective intelligence information. For additional information see Appendix AA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape, microfiche.

RETRIEVABILITY:

Name, personal identification numbers, Customs case number, document's central file number.

SAFEGUARDS:

(1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all office of Investigations terminals and all Office of Enforcement Support Headquarters and San Diego terminals.

RETENTION AND DISPOSAL:

Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning or shredding the microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a.

[FR Doc. 79-22381 Filed 7-18-79; 8:45 am]

BILLING CODE 4810-21-M

VETERANS ADMINISTRATION

New Medical Center, Camden, N.J.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration Medical Center, Camden, New Jersey," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred location of the medical center is a 10.5±acre site in downtown Camden near the Cooper Medical Center. The Veterans Administration Medical Center will have, as a maximum, 360 hospital beds, 120 nursing home care beds and the necessary outpatient and support functions.

The Final Statement discusses the environmental impact of the New Medical Center at the preferred location and evaluates this and other alternatives including "No Action". In addition, this document contains comments and responses to the Draft Impact Statement. The impact statement is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Single copies of the Final Environmental Impact Statement may be obtained on request to the above office.

Dated: July 13, 1979.

By direction of the Administrator.

Maury S. Cralle' Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-22392 Filed 7-18-79; 8:45 am]

BILLING CODE 8320-01-M

National Cemetery, Federal Region IV; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration National Cemetery, Federal Region IV," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

This final Environmental Impact Statement evaluates the adverse and beneficial effects of creating a new National Cemetery in Federal Region IV. For each of three alternative sites—Fort Gillem, Georgia, Fort Mitchell, Alabama, and Fort Jackson, South Carolina—eleven categories of economic, social and physical environmental effects are examined and compared with existing conditions. For each site and for each category of impact, measures to mitigate impacts are described. Alternatives to these sites are discussed as is the no-action alternative. Significant comments received by the Veterans Administration during the 45-day public review period are included, each followed by an appropriate response. Factual corrections have been made to the text of the EIS based on comments received. Finally, a list of preparers, bibliography and index to available appending materials is provided.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Single copies of the Final Statement may be obtained on request to the above office.

Dated: July 16, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-22393 Filed 7-18-79; 8:45 am]

BILLING CODE 8320-01-M

National Cemetery, Federal Region V; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration National Cemetery, Federal Region V," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

Two alternative sites, both on the General Services Administration's list of excess Federal lands, were analyzed in the draft Environmental Impact Statement (March 1979) for potential environmental impacts resulting from development as a National Cemetery. An analysis of the Veterans Administration's preferred site at Fort Custer in South Central Michigan indicated no significant impact as a result of the proposed action. An analysis of the alternative site at Plumbrook, near Sandusky in north central Ohio, indicated that the adverse environmental impacts primarily related to groundwater conditions would make this site environmentally less preferable.

The final Environmental Impact Statement contains the comments received on the draft and responses to those comments as well as a final summary of impacts expected at the environmentally preferred alternative site, Fort Custer, Michigan.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202–389–2526). Single copies of the Final Statement may be obtained on request to the above office.

Dated: July 16, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79–22384 Filed 7–18–79; 8:45 am]

BILLING CODE 8320–01–M

INTERSTATE COMMERCE COMMISSION

[Notice No. 110]

Assignment of Hearings

July 16, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107021 (Sub-328F), North American Van Lines, Inc. Transf to modified procedures.

MC 115826 (Sub-365F), W. J. Digby, Inc., Tranf to Modified Procedures.

MC 93649 (Sub-26F), Gaines Motor Lines, Inc., now assigned for hearing on September 17, 1979 (5 days), at New York, NY, in a hearing room to be later designated.

MC 96992 (Sub-13F), Highway Pipeline Trucking Co., transferred to modified procedures.

MC 143621 (Sub-4F), Tennessee Steel Haulers, Inc., now assigned for hearing on July 30, 1979 (2 days), at Nashville, TN, is canceled and application dismissed.

MC 41581 (Sub-1F), Wagner Tours, Inc., now being assigned for hearing on September 17, 1979 (1 week), at Newark, NJ, in a hearing room to be designated later.

MC 119632 (Sub-83F), Reed Lines, Inc., now being assigned for hearing on September 24, 1979 (2 days), at New York, NY in a hearing room to be designated later.

MC 146119 F, Winstor Coach Corp., now being assigned for hearing on September 26, 1979 (3 days), at New York, NY in a hearing room to be designated later.

MC 59135 (Sub-38F), Red Star Express Lines of Auburn Inc., now being assigned for hearing on October 10, 1979 (3 days), at Albany, NY in a hearing room to be designated later.

MC 172 (Sub-9F), Robert E. Wade., now being assigned for hearing on October 15, 1979 (1 week), at Albany, NY in a hearing room to be designated later.

MC 114211 (Sub-379F), Warren Transport, Inc., transferred to Modified Procedure.

MC 108341 (Sub-124F), Moss Trucking Company, Inc., transferred to Modified Procedure.

MC 108119 (Sub-121F), E. L. Murphy Trucking Company., now being assigned for hearing on October 9, 1979 (1 day), at Birmingham, AL in a hearing room to be designated later.

MC 114334 (Sub-41F), Builders Transportation Company, now being assigned for hearing on October 10, 1979 (3 days), at Birmingham, AL in a hearing room to be designated later.

MC 145794 (Sub-1F), Ards Trucking Company, Inc., now being assigned for hearing on October 15, 1979 (1 day), at Atlanta GA in a hearing room to be designated later.

MC 116254 (Sub-230F), Chem-Haulers, Inc., now being assigned for hearing on October 16, 1979 (1 day), at Atlanta GA in a hearing room to be designated later.

MC 118831 (Sub-165F), Central Transport, Inc., now being assigned for hearing on October 17, 1979 (3 days), at Atlanta GA in a hearing room to be designated later.

MC 1515 (Sub-258F), Greyhound Lines, Inc., now being assigned for hearing on October 31, 1979 (3 days), at Tallahassee, FL continued to November 5, 1979 (2 days), at Albany, GA. and November 8, 1979 (2 days) at Columbus, GA in a hearing room to be designated later.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–22378 Filed 7–18–79; 8:45 am]

BILLING CODE 7035–01–M

Fourth Section Applications for Relief

July 16, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43719, Southwestern Freight Bureau, Agent No. B–10, petroleum oil, in tank carloads, from Baytown, Tex. to Institute, W. Va., in supp. 152 to its Tariff ICC SWFB 4684, effective August 18, 1979. Grounds for relief—market competition.

FSA No. 43720, Seaspeed Services No. 6, intermodal rates on general commodities, in containers, from ports on the Mediterranean Sea to rail terminals on the United States Gulf and Pacific Coasts by way of interchange points on the United States Atlantic Coast, in its Tariff ICC SSPU 301, FMC No. 8, effective August 10, 1979. Grounds for relief-water competition.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–22375 Filed 7–18–79; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29078]

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Request for Expedited Handling of Abandonment

AGENCY: Interstate Commerce Commission.

ACTION: Proposed establishment of expedited abandonment procedure.

SUMMARY: The Trustee in Reorganization for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) has notified the Commission that on or about August 8, 1979, he intends to submit an abandonment application embracing all of the railroad's lines west of Miles City,

MT. The Trustee has requested expedited handling of the application. Because of the MILW's critical financial position, the Commission proposes to establish an expedited procedure to decide the anticipated application within 155 days after filing.

DATE: Comments to the proposed procedure should be filed no later than August 7, 1979.

ADDRESS: An original and 12 copies of comments should be sent to: Office of Proceedings, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave. NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Michael Brenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: On June 27, 1979, Stanley E. G. Hillman, Trustee in Reorganization for the MILW, submitted a supplemental waiver petition and request for expedited handling in Docket No. AB–7 (Sub-No. 86F), *Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Abandonment—Portions of Pacific Coast Extension in Montana, Idaho, Washington, and Oregon.* We do not normally entertain comments to petitions for waiver of our regulations governing the filing of applications. In very important cases (such as this one) we do sometimes publish the petition and receive comments. But the need for expedited action here, in view of the MILW's position, precludes such action. Instead, the waiver petitions are being treated in the abandonment proceeding. Briefly, the waiver requests relate to (a) the base period for accounting and traffic data; (b) the category 1 (vis-a-vis category 2) distinction provided in 49 CFR § 1121.23(d)(1978); (c) the notice timing as set forth in 49 CFR § 1121.30(b)(1978); and (d) certain informational requirements contained in the abandonment, energy, and environmental reporting requirements. Any party to the abandonment proceeding contemplated by the waiver petition may, after the application is filed and upon showing good cause, request the submission of additional information.

Unlike the waiver petition, the request for expedited handling involves departure from our standard evidentiary and decisional processing of abandonment applications. We believe that an agency can establish its own procedures without providing an opportunity for comment. We also believe that in this particular instance we should solicit public reaction to the proposal.

The application now anticipated in Docket No. AB–7 (Sub-No. 86F) would seek authority for abandonment of all MILW lines west of Miles City, MT. That application would be the first of several large-scale abandonment proposals for lines outside what the MILW now calls its "Miles City Sub Core," *i.e.*, those lines west of Miles City, and generally south and west of LaCrosse, WI and Davis Junction, IL. The MILW has suggested the following timetable for disposition of the proceeding in Docket No. AB–7 (Sub-No. 86F):

August 8, Application filed.
August 9, Investigation instituted.
August 22, Application accepted.
September 12, Protests due. Draft environmental impact statement issued.
September 24, Hearings commence.
October 26, Hearings conclude.
November 12, Briefs due.
November 27, Reply briefs due.
December 24, Administratively final decision issued.

Recognizing the extraordinary strain the schedule would place upon Commission resources, the MILW has indicated that it will cooperate fully in lessening the burden.

Background

On April 23, 1979, the Trustee petitioned the United States District Court for the Northern District of Illinois for an order directing partial embargo of freight operations. The Trustee indicated that the railroad did not have sufficient cash available to continue service over its entire system. He had determined that a "core" MILW system could continue to operate for the foreseeable future, however, and that the truncated system would have the greatest possibility for economic viability within a reasonable time.

By order No. 158A, entered June 1, 1979, the Reorganization Court denied the Trustee's request, finding that it was without authority to enter such an order. Determining that the requested embargo would constitute a *de facto* abandonment, the Court noted that only if a railroad is faced with imminent "cashlessness" is it justified in abandoning service. The Court concluded that the MILW was not "cashless" and that its continued operation was therefore not "impossible."

Although recognizing that it may authorize abandonment only with our approval, the Reorganization Court related its belief that the Trustee's proposal would promote the public interest. The court also opined that the Trustee's evidence clearly suggested that reorganization of the entire MILW would be highly impractical if not impossible. Further, although not finding the MILW "cashless", the court observed that the Trustee would soon confront that condition, and that continued operation of the railroad for any length of time depends almost entirely upon financial relief from Congress.

We note that section 1170 of the new Bankruptcy Act, 11 U.S.C. § 1170, Pub. L. No. 95–598, 92 Stat. 2549, 2643 (November 6, 1978), empowers the bankruptcy courts to authorize abandonments by railroads filing for reorganization after the effective date of the new act (October 1, 1979). The Reorganization Court plainly implied that, had it the power to do so, it would have directed embargo as the Trustee requested. We believe that the Court's statements and observations present a clear indication that the MILW's financial problems could precipitate a crisis affecting the railroad's entire system.

Expedited Procedure

We propose to establish an expedited procedure tailored specifically for the exigency posed by the MILW's severe fiscal difficulties. Our proposal does not represent a retreat from or an abrogation of our established procedural mechanisms. Adoption of special evidentiary and decisional procedures are necessitated by the emergency which the MILW's acute problems present.

Upon receipt of the anticipated application, we intend to institute immediately an investigation on our own motion. *See* 49 U.S.C. § 10904(c)(1). Interested persons would be required to file comments within 30 days after the Trustee files the application. Because we feel that the proposed abandonment proceeding would be of general transportation importance and that timely execution of our functions would require it, we also intend to void the requirement for an initial decision and to set the matter for consideration by the entire Commission. *See* 49 U.S.C. § 10327(c).

We propose to commence hearings on or about the 35th day after the filing of the application. We anticipate holding a primary hearing before an administrative law judge, who would hear the case-in-chief of the MILW Trustee and protestants. We also expect to conduct a series of secondary hearings in various communities affected by the abandonment. The secondary hearings, before administrative law judges or employee

boards, would afford persons unable to attend the primary hearing an opportunity to place on the record comments regarding the abandonment proposal.

Hearings would be scheduled to continue for about 45 days, and the draft environmental impact statement would be issued about two weeks before hearings conclude. Briefs of both applicants and protestants would be due about 15 days after the close of hearings, and reply briefs would be due about 30 days after hearings. Comments on the draft environmental impact statement would be due with reply briefs, and a final statement would issue about two weeks thereafter.

We propose to issue a final decision no later than 45 days following the date on which reply briefs are due. Under this expedited approach, we would reach a final decision within 155 days of the date the Trustee files the application.

To summarize, the procedure would adhere to the following timetable:

Day	Date	Action
0	8/8	Application filed.
30	9/7	Comments due.
33	9/10	Hearings commence.
65	10/12	Draft environmental impact statement issued.
79	10/26	Hearings conclude.
96	11/12	Briefs due.
111	11/27	Reply briefs due. Comments on draft environmental impact statement due.
124	12/10	Final environmental impact statement issued.
155	1/10	Administratively final decision issued.

To the extent that the proposed schedule, or minor deviations from it, would conflict with comment or review periods provided in our environmental regulations (*e.g.*, 49 CFR §§ 1108.14(d) and .16(a)) or abandonment regulations (*e.g.*, 49 CFR § 1121.36(d)), we would waive application of those rules.

Certain abandonments pending in the region would be consolidated with Docket No. AB–7 (Sub-No. 86F) unless decisions on the pending applications would be delayed by consolidation. The proceeding might, therefore, embrace the applications pending in Docket Nos. AB–7 (Sub-No. 64F) (discontinuance and abandonment between East Spokane, WA, and Metaline Falls, WA), AB–7 (Sub-No. 69F) (abandonment between Winifred Junction, MT, and Winifred, MT), and AB–7 (Sub-No. 78F) (abandonment between Fairfield, MT, and Agawam, MT).

This notice and request for comments provides an opportunity for a proceeding. An original and 12 copies of comments should be submitted no later than August 7, 1979.

Authority for this proceeding and for the proposals which it contemplates derives from 49 U.S.C. §§ 10304–06, 10327(c), and 10904(c)(1). This proceeding is instituted pursuant to 5 U.S.C. § 553.

This notice shall be served upon the United States Department of Transportation; the governors of the states of Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin; the Public Service Commission and designated state rail agency in each of those states; Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and all persons appearing on the service lists in the following proceedings: Docket Nos. AB–7 (Sub-No. 64F), AB–7 (Sub-No. 69F) and AB–7 (Sub-No. 78F). Notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing with the Director, Office of the Federal Register.

Dated July 12, 1979.

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

Commissioner Christian not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–22377 Filed 7–18–79; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 100]

Decision-Notice

Decided: June 28, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before August 20, 1979, (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. (Board Member Hill not participating).

H. G. Homme, Jr.,

Secretary.

MC 531 (Sub-382F), filed March 26, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *living micro organisms* liquid, in bulk, in tank vehicles, from Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 730 (Sub-434F), filed March 8, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: A. G. Krebs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Oakley, KS, and Valentine, NE, over U.S. Hwy 83, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, and serving junction U.S. Hwys 36 and 83 and junction U.S. Hwys 30 and 83 for purposes of joinder only, (2) Between Austin, MN, and Rockford, IL: From Austin, MN, over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Rockford, IL, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, and serving junction U.S. Hwy 53 and Interstate Hwy 90 and junction Interstate Hwys 90 and 94 for purposes of joinder only, (3) Between Mankato, MN, and Milwaukee, WI: From Mankato, MN, over U.S. Hwy 14 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, WI, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, serving junction U.S. Hwys 65 and 14, junction U.S. Hwy 53 and Interstate Hwy 90, and junction Interstate Hwys 90 and 94 for purposes of joinder only, (4) Between New Meadows, ID, and Spokane, WA: From New Meadows, ID, over U.S. Hwy 95 to junction U.S. Hwy 195, then over U.S. Hwy 195 to Spokane, WA, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, and (5) Between Cincinnati, OH, and Trenton, NJ: From Cincinnati, OH, over U.S. Hwy 50 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Trenton, NJ, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, serving junction U.S. Hwy 50 and Interstate Hwy 495, and junction Interstate Hwy 95 and U.S. Hwy 30 for purposes of joinder only. (Hearing site: Washington, DC, or San Francisco, CA.)

MC 5470 (Sub-177F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918—16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soda ash*, in bulk, in dump vehicles, (1) from Granite City, IL, to points in CT, IN, KY, MI, NJ, NY, OH, PA, VA, WV, and WI, and (2) from South Heights, PA, to points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, NJ, and points in CT, IL, KY, MI, MN, VA, and WI. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 5470 (Sub-178F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities*, in bulk, (1) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI), restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Owens-

Illinois Corp. (Hearing Site: Washington, DC, or Cleveland, OH.)

MC 5470 (Sub-179F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, in dump vehicles, from Buffalo, NY, to points in OH. (Hearing Site: Washington, DC, or Buffalo, NY.)

MC 5470 (Sub-180F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime, limestone, and limestone products*, in dump vehicles, from York, PA, to points in CT, DE, MD, MI, NJ, NY, OH, RI, VA, and WV. (Hearing Site: Washington, DC, or Philadelphia, PA.)

MC 7840 (Sub-13F), filed March 19, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. To operate as a *common carrier*, by motor vehicle, in interstate or forrign commerce, over irregular routes, transporting (1) *paper and paper products;* and (2) *material, equipment, and supplies*, used in the manufacture and shipping of paper and paper products, between Burlington, IA, Cincinnati, OH, Gary, IN, Gilman, VT, Kalamazoo, MI, Lyons Falls, NY, Norwood, OH, and Plattsburgh, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, restricted against the transportation of traffic from Plattsburgh, NY to MI and OH. (Hearing site: Washington, DC.)

MC 11220 (Sub-166F), filed March 5, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: Phineas Stevens, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Houston, TX, and Baton Rouge, LA: (a) From Houston over Interstate Hwy 10 to Baton Rouge and (b) from Houston over U.S. Hwy 90 to junction TX Hwy 12, then over LA Hwy 12 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, and return over the same routes, (2) Between Houston, TX, and Freeport, TX: (a) From Houston over TX Hwy 288 to Freeport, and (b) from Houston over TX Hwy 35 to junction TX Hwy 288, then over TX Hwy 288 to Freeport, and return over the same routes, (3) Between Houston, TX, and Texarkana, AR–TX, over U.S. Hwy 59, (4) Between Mineola, TX, and Port Arthur, TX, over U.S. Hwy 69, (5) Between Tenaha, TX, and Beaumont, TX, over U.S. Hwy 96, (6) Between Dallas, TX, and Greenville, MS: From Dallas over U.S. Hwy 77 to Gainesville, TX, then over U.S. Hwy 82 to Greenville, and return over the same routes, (7) Between Fort Worth, TX, and Little Rock, AR: (a) From Fort Worth over TX Hwy 183 to Dallas, TX, then over Interstate Hwy 30 to Little Rock, and (b) from Dallas over U.S. Hwy 67 to Little Rock, and return over the same routes, (8) Between Fort Worth, TX, and Jackson, MS (a) over Interstate Hwy 20 and (b) over U.S. Hwy 80, (9) Between junction U.S. Hwys 259 and 82 near DeKalb, TX, and junction U.S. Hwys 259 and 59 near Nacogdoches, TX: From junction U.S. Hwys 259 and 82 over U.S. Hwy 259 to junction U.S. Hwy 59, and return over the same route, (10) Between Gladewater, TX, and Corsicana, TX: From Gladewater over U.S. Hwy 271 to Tyler, TX, then over TX Hwy 31 to Corsicana, and return over the same route, (11) Between Shreveport, LA, and Buffalo, TX, over U.S. Hwy 79, (12) Between Livingston, TX, and DeRidder, LA, over U.S. Hwy 190, (13) Between Zavalla, TX, and Jasper, TX, over TX Hwy 63, (14) Between Arthur City, TX, and Paris, TX, over U.S. Hwy 271, (15) Between Palestine, TX, and Mansfield, LA, over U.S. Hwy 84, (16) Between Texarkana, AR–TX, and junction U.S. Hwys 71 and 190 near Krotz Springs, LA: From Texarkana over U.S. Hwy 71 to junction U.S. Hwy 190, and return over the same route, (17) Between Shreveport, LA, and Lake Charles, LA, over U.S. Hwy 171, (18) Between junction U.S. Hwys 165 and 90 near Iowa, LA, and Montrose, AR, over U.S. Hwy 165, (19) Between Crowley, LA, and Turkey Creek, LA, over LA Hwy 13, (20) Between Lafayette, LA, and El Dorado, AR, over U.S. Hwy 167, (21) Between Leesville, LA, and Natchitoches, LA: From Leesville over LA Hwy 8 to junction LA Hwy 28, then over LA Hwy 28 to junction U.S. Hwy 84 near Archie, LA, then over U.S. Hwy 84 to junction LA Hwy 6, then over LA Hwy 6 to Natchitoches, and return over the same route, (22) Between Toomey, LA, and New Orleans, LA, over U.S. Hwy 90, (23) Between Lafayette, LA, and junction LA Hwy 182 and U.S. Hwy 90 near Jeanerette, LA: From Lafayette over LA Hwy 182 to junction U.S. Hwy 90, and return over the same route, serving all intermediate points on routes (1) through (23) above, and serving as off-route points, Camden and East Camden, AR; Colfax, Fort Polk, Haynesville, Lockport Mathews, and St. Martinville, LA; Kilgore and Tatum, TX and points in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Grayson, Harris, Jefferson, Johnson, Kaufman, Liberty, Orange, Parker, Rockwall and Tarrant Counties, TX, and serving as off-route points the facilities of International Paper Company, at or near Camden, AR, and Springhill, LA; the facilities of Texas Power and Light Co., near Reklaw, Talco, and Trinidad, TX; and the facilities of Texas Utilities Services, Inc., near Athens, Mount Pleasant, and Tatum, TX, (24) Between Fort Smith, AR, and Texarkana, AR–TX, over U.S. Hwy 71, serving no intermediate points, (25) Between Little Rock, AR and El Dorado, AR, over U.S. Hwy 167, serving no intermediate points, (26) Between Jackson, MS, and Birmingham, AL, over Interstate Hwy 20, serving no intermediate points, (27) Between Bossier City, LA, and Hope, AR: From Bossier City over LA Hwy 3 to LA–AR State line, then over AR Hwy 29 to Hope, and return over the same route, (28) Between Kountze, TX, and junction TX Hwy 326 and U.S. Hwy 90 near Nome, TX: From Kountze over TX Hwy 326 to junction U.S. Hwy 90, and return over the same route, (29) Between junction TX Hwy 62 and U.S. Hwy 96 near Buna, TX, and junction TX Hwys 62 and 12 near Mauriceville, TX: From junction TX Hwy 96, over TX Hwy 62 to junction TX Hwy 12, and return over the same route, (30) Between Newton, TX, and Orange, TX, over TX Hwy 87, serving junction TX Hwys 87 and 12 for purpose of joinder only, (31) Between Huntsville, TX, and Livingston, TX, over U.S. Hwy 190, (32) Between Corrigan, TX, and Woodville, TX, over U.S. Hwy 287, (33) Between junction TX Hwy 147 and U.S. Hwy 69 near Zavalla, TX, and San Augustine, TX, serving junction TX Hwys 147 and 103 for purpose of joinder only: From junction TX Hwy 147 and U.S. Hwy 69 over TX Hwy 147 to San Augustine, and return over the same route, (34) Between Lufkin, TX, and junction TX Hwy 103 and U.S. Hwy 96, serving junction TX Hwys 103 and 147 for purpose of joinder only: From Lufkin

over TX Hwy 103 to junction U.S. Hwy 96, and return over the same route, (35) Between Nacogdoches, TX, and Center, TX, over TX Hwy 7, (36) Between Nacogdoches, TX, and San Augustine, TX, over TX Hwy 21, (37) Between Nacogdoches, TX, and Pollok, TX, over TX Hwy 7, (38) Between Nacogdoches, TX, and Alto, TX, over TX Hwy 21, (39) Between Center, TX, and junction TX Hwy 7 and U.S. Hwy 84 near Joaquin, TX: From Center over TX Hwy 7 to junction U.S. Hwy 84, and return over the same route, (40) Between Tyler, TX, and Henderson, TX, over TX Hwy 64, (41) Between Tyler, TX and Palestine, TX, over TX Hwy 155, (42) Between Athens, TX, and Palestine, TX: From Athens over TX Hwy 19 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Palestine, and return over the same route, (43) Between Athens, TX, and Jacksonville, TX, over U.S. Hwy 175, (44) Between Athens, TX, and junction TX Hwy 19 and U.S. Hwy 80 near Fruitvale, TX, serving junction TX Hwy 19 and Interstate Hwy 20 for purpose of joinder only: From Athens over TX Hwy 19 to junction U.S. Hwy 80, and return over the same route, (45) Between Bonham, TX, and Greenville, TX: From Bonham over TX Hwy 78 to junction TX Hwy 11, then over TX Hwy 11 to Wolfe City, TX, then over TX Hwy 34 to Greenville, and return over the same route, (46) Between Greenville, TX, and Paris, TX, over TX Hwy 24, (47) Between Paris, TX, and Sulphur Springs, TX, over TX Hwy 19, (48) Between Terrell, TX, and Greenville, TX, over TX Hwy 34, (49) Between Paris, TX, and Mount Pleasant, TX, over U.S. Hwy 271, serving Bogata, TX for purpose of joinder only, (50) Between junction TX Hwy 37 and U.S. Hwy 82 near Clarksville, TX, and Mount Vernon, TX, serving Bogata, TX for purpose of joinder only: From junction TX Hwy 37 and U.S. Hwy 82 over TX Hwy 37 to Mount Vernon, and return over the same route, (51) Between New Boston, TX, and Linden, TX, over TX Hwy 8, serving junction TX Hwy 8 and U.S. Hwy 67 for purpose of joinder only, (52) Between Linden, TX, and Daingerfield, TX, over TX Hwy 11, (53) Between Sulphur, LA, and DeQuincy, LA, over LA Hwy 27, (54) Between DeQuincy, LA and DeRidder, LA, over LA Hwy 27, (55) Between junction LA Hwy 26 and U.S. Hwy 90 and Oberlin, LA, serving junction LA Hwy 26 and U.S. Hwy 190 and junction LA Hwys 26 and 104 for purpose of joinder only: From junction LA Hwy 26 and U.S. Hwy 90 over LA Hwy 26 to Oberlin, and return over the same route, (56) Between junction LA Hwys 104 and 26 and junction LA Hwys 104 and 13 near Mamou, LA, serving junction LA Hwys 104 and 26 for purpose of joinder only: From junction LA Hwys 104 and 26 over LA Hwy 104 to junction LA Hwy 13, and return over the same route, (57) Between junction LA Hwys 29 and 13 near Eunice, LA, and Ville Platte, LA: From junction LA Hwys 29 and 13 over LA Hwy 29 to Ville Platte, and return over the same route, (58) Between LeBeau, LA, and junction LA Hwy 10 and U.S. Hwy 167 near Opelousas, LA: From LeBeau over LA Hwy 10 to junction U.S. Hwy 167, and return over the same route, (59) Between Ville Platte, LA, and Bunkie, LA, over LA Hwy 29, (60) Between Oberlin, LA, and junction LA Hwy 26 and U.S. Hwy 171 near DeRidder, LA: From Oberlin over LA Hwy 26 to junction U.S. Hwy 171, and return over the same route, (61) Between Pickering, LA, and Oakdale, LA, over LA Hwy 10, (62) Between junction LA Hwy 77 and Interstate Hwy 10 near Rosedale, LA, and junction LA Hwy 77 and U.S. Hwy 190: From junction LA Hwy 77 and Interstate Hwy 10 over LA Hwy 77 to junction U.S. Hwy 190, and return over the same route, (63) Between Oakdale, LA, and junction LA Hwy 10 and U.S. Hwy 167 near Ville Platte, LA, serving junction LA Hwys 10 and 13 for purpose of joinder only: From Oakdale over LA Hwy 10 to junction U.S. Hwy 167, and return over the same route, (64) Between Lecompte, LA, and Forest Hill, LA, over LA Hwy 112, (65) Between Pollock, LA, and Trout, LA: From Pollock over LA Hwy 8 to junction LA Hwy 772, then over LA Hwy 772 to Trout, and return over the same route, (66) Between Pollock, LA, and Bentley, LA, over LA Hwy 8, (67) Between Alexandria, LA, and Natchitoches, LA, over LA Hwy 1, (68) Between Natchitoches, LA, and Coushatta, LA: From Natchitoches over LA Hwy 1 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Coushatta, and return over the same route, (69) Between Natchitoches, LA, and Many, LA, over LA Hwy 6, (70) Between Mansfield, LA, and Coushatta, LA, over U.S. Hwy 84, serving junction U.S. Hwy 84 and LA Hwy 1 for purpose of joinder only, (71) Between Logansport, LA, and junction LA Hwy 5 and U.S. Hwy 171 near Gloster, LA: From Logansport over LA Hwy 5 to junction U.S. Hwy 171, and return over the same route, (72) Between Shreveport, LA, and junction LA Hwy 1 and U.S. Hwy 84 near Grand Bayou, LA, serving junction LA Hwy 1, and U.S. Hwy 84 for purpose of joinder only: From Shreveport over LA Hwy 1 to junction U.S. Hwy 84, and return over the same route, (73) Between Minden, LA, and junction LA Hwy 7 and U.S. Hwy 71 near Coushatta, LA: From Minden over LA Hwy 7 to junction U.S. Hwy 71, and return over the same route, (74) Between Bastrop, LA, and junction AR Hwy 81 and U.S. Hwy 82, serving junction LA Hwys 139 and 142 for purpose of joinder only: From Bastrop over LA Hwy 139 to LA–AR State line, then over AR Hwy 81 to junction U.S. Hwy 82, and return over the same route, (75) Between Crossett, AR, and junction LA Hwys 139 and 142, serving junction LA Hwys 139 and 142 for purpose of joinder only: From Crossett over AR Hwy 133 to AR–LA State line, then over LA Hwy 142 to junction LA Hwy 139, and return over the same route, (76) Between Monroe, LA, and Jonesboro, LA: From Monroe over LA Hwy 34 to junction LA Hwy 4, then over LA Hwy 4 to Jonesboro, and return over the same route, (77) Between Thibodaux, LA, and Houma, LA: From Thibodaux over LA 20 to junction LA Hwy 24, then over LA Hwy 24 to Houma, and return over the same route, (78) Between Gibson, LA, and Thibodaux, LA: From Gibson over LA Hwy 20 to Thibodaux, and return over the same route, and (79) Between New Iberia, LA, and Crowley, LA: From New Iberia over LA Hwy 14 to junction LA Hwy 13, then over LA Hwy 13 to Crowley, and return over the same route, serving as alternate routes for operating convenience only in (27)–(79), serving no intermediate points on routes (27) through (79), but serving for purposes of joinder only those points so specified on routes 30, 33, 34, 44, 49, 50, 51, 55, 56, 63, 70, 72, 74, and 75. (Hearing Site: Atlanta, GA, or Cincinnati, OH.)

Note.—Applicant intends to tack the requested authority with its present authority at common service points in AL, AR, LA, MS, OK, and TX.

MC 29934 (Sub-22F), filed March 21, 1979. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MA, RI, CT, NY, PA, NJ, MD, DE, VA, and DC, restricted to the

transportation of traffic originating at or destined to the facilities of Owens Illinois, Inc. (Hearing site: Washington, DC.)

MC 35320 (Sub-239F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Federal Prison, at or near Milan, MI, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Toledo, OH, or Washington, DC.)

MC 35320 (Sub-243F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Glasrock Products, Inc., at or near Barton, AL, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-244F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (excet those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Bancroft Industries, at or near Cabot, AR, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Little Rock, AR, or Washington, DC.)

MC 35320 (Sub-246F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (excet those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Activated Metals and Chemicals, Inc., at or near Sevierville, TN, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Knoxville, TN, or Washington, DC.)

MC 35320 (Sub-247F), filed March 22, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Gaubert Industries, Inc., at or near Hampton, GA, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-248F), filed March 22, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Lake Catherine Footwear, at or near Hot Springs, AR, an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Little Rock, AR, or Washington, DC.)

MC 42661 (Sub-145F), filed March 21, 1979. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points, in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 48441 (Sub-35F), filed March 21, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: Elizabeth A. Purcell, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MN, IA, MO, WI, IL, MI, IN, OH, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 48441 (Sub-39F), filed March 23, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fibre shipping drums*, from the facilities of The Continental Group, Inc., at or near Van Wert, OH, to points in IL, IN, and MI. (Hearing site: Washington, DC.)

MC 52704 (Sub-211F), filed March 21, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures,*

container components, glassware, and packaging products, (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MN, IA, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 59655 (Sub-18F), filed March 21, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap material* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, OH, IN, MD, DE, VA, NC, SC, GA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owen-Illinois, Inc. (Hearing site: Washington, DC, or New York, NY.)

MC 61825 (Sub-96F), filed March 21, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 64808 (Sub-40F), filed March 21, 1979. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 67450 (Sub-80F), filed February 2, 1979, previously noticed in the FR issue of May 9, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier,* motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt syrup,* from the facilities of Malt Products Corporation, at or near Maywood, NJ, to points in IL, IN, IA, OH, and WI. (Hearing Site: Chicago, IL.)

Note.—This republication deletes the in bulk restriction.

MC 68100 (Sub-25F), filed March 26, 1979. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles, from* Houston, TX, to points in AR, KS, LA, MO, NM, and OK. (Hearing Site: Houston, TX, or Tulsa, OK.)

MC 77424 (Sub-46F, filed March 21, 1979. Applicant: WENHAM TRANSPORTATION, INC. 3200 East 79th Street, Cleveland, OH 44104. Representative: James Johnson, (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 79687 (Sub-26F), filed March 21, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products:* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MI, IN, KY, TN, and GA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 95540 (Sub-1086F), filed February 22, 1979, previously noticed in the FR issue of June 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chain saws, snow-throwers, and garden, lawn, turf, and golf course care equipment,* from the facilities of the Toro Company, at or near Windom and Minneapolis, MN, and Tomah; WI, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, restricted to the transportation of

traffic originating at the named origins and destined to the named destinations.

NOTE: This republication includes Minneapolis, MN as an origin point. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 95540 (Sub-1091F), filed March 22, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, between points in AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Wichita, KS, or Washington, DC.)

MC 96324 (Sub-32F), filed March 21, 1979. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 110 South Columbus St., Alexandria, VA 22314. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *contoiners, container closures, contoiner components, glasswore, and pockoging products*, (2) *scrap moterials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *moteriols, equipment, ond supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MI, IL, KY, TN, MS, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC, or Toledo, OH.)

MC 107323 (Sub-53F), filed March 21, 1979. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment) between points in IL, IN, KY, MI, MN, OH, PA, NY, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 108341 (Sub-140F), filed March 19, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cranes and mochinery;* and (2) *ports, attochments, and occessories* for the commodities named in (1) above, from the facilities of Philadelphia Tramrail Company, at or near Philadelphia, PA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing Site: Philadelphia, PA, or Washington, DC.)

MC 108341 (Sub-141F), filed March 19, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles, and copper articles;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of Knight Metalcraft Corporation, at or near Portland, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing Site: Nashville, TN, or Washington, DC.)

MC 111201 (Sub-39F), filed March 21, 1979. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 200, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *contoiners, contoiner closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in AL, AR, DE, FL, GA, KY, LA, MD, MS, MO, NJ, NC, OK, PA, SC, TN, TX, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 111310 (Sub-38F), filed March 21, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, (a) from New Ulm, MN, to points in ND, SD, NE, KS, OK, MI, OH, WV, PA, MD, DE, NJ, NY, MA, CT, and RI, (b) from St. Paul, MN, and Milwaukee, LaCrosse, and Chippewa Falls, WI, to points in KS, and (c) from St. Louis, MO, to Hammond, IN; and (2) *moterials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Madison, WI, or St. Paul, MN.)

MC 113434 (Sub-127F), filed March 21, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A–5253 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, contoiner closures, container components, glossware, ond packoging products*, (2) *scrap moteriols*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materiols, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in IL, IN, IA, KY, MD, MN, MI, MO, NJ, NY, OH, PA, TN, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 114273 (Sub-575F), filed March 21, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the

manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AR, CO, DE, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 114290 (Sub-88F), filed March 19, 1979. Applicant: EXLEY EXPRESS, INC., 2610 SE 8th, Portland, OR 97202. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such businesses, between points in ID, OR, WA, UT, NV, CA, AZ, and MT. (Hearing Site: Portland, OR, or Seattle, WA.)

MC 114890 (Sub-91F), filed March 21, 1979. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals,* in bulk, from Mexico, MO, to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, OH, OK, TN, TX, and WI. (Hearing Site: St. Louis or Jefferson City, MO.)

MC 115331 (Sub-493F), filed March 19, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, chemical compounds, antifreeze, plastics, and plastic products* (except commodities in bulk); and (2) *materials, equipment, and supplies* used in the manufacture, distribution, or sale of the commodities named in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Co., at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Chicago, IL).

MC 115570 (Sub-20F), filed March 12, 1979. Applicant: WALTER A. JUNGE, INC., 3818 S. W. 84th Street, Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products;* and (2) *such commodities* as are dealt in or distributed by manufacturers and converters of cellulose materials, from Turlock and San Leandro, CA, to points in ID, OR, and WA, under continuing contract(s) with International Paper Company, of Portland, OR. (Hearing Site: Portland, OR.)

MC 115931 (Sub-85F), filed March 22, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe and plastic fittings;* and (2) *materials and supplies* used in the distribution of the commodities named in (1) above, (except commodities in bulk), from Bakersfield, CA, and Valley View, OH, to those points in the United States in and west of MI, IN, IL, MO, AR, and TX (except AK and HI). (Hearing Site: San Francisco, CA, or Reno, NV.)

MC 117940 (Sub-317F), filed March 14, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel and accessories, blankets, piece goods, and duffel bags;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, between the facilities of Pendleton Woolen Mills, at or near Portland, OR, on the one hand, and, on the other points in NE and PA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing Site: Portland, OR.)

MC 117940 (Sub-319F), filed March 23, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel strapping, seals, and strapping hand tools* (except commodities which because of size or weight require the use of special equipment), from points in IL, MI, NY, and OH to points in MN and WI. (Hearing Site: Minneapolis or St. Paul, MN.)

MC 119632 (Sub-89F), filed March 21, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Definance, OH 43512. Representative: Wayne C. Pence (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in CT, DE, IL, IN, KY, MA, MD, MI, MO, NJ, NY, NC, RI, PA, TN, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 119641 (Sub-162F), filed March 19, 1979. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, paneling, gypsum board, composition board, particleboard, and molding,* from Jacksonville and Jasper, FL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Indianapolis, IN, or Chicago, IL.)

MC 119654 (Sub-70F), filed March 21, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in PA

on and west of a line beginning at the NY–PA State line and extending along U.S. Hwy 219 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the PA–WV State line, and points in IL, IN, OH, KY, MO, WI, and MI, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 119670 (Sub-39F), filed March 21, 1979. Applicant: VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in IL, IN, KY, MI, MO, NC, PA, OH, TN, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 119741 (Sub-153F), filed March 22, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hog and pig skins and trimmings*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Geo. A. Hormel & Co., at Freemont, NE and Fort Dodge and Ottumwa, IA, to points in IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing Site: Minneapolis, MN.)

MC 119800 (Sub-3F), filed March 21, 1979. Applicant: PHILIP THOMAS TRUCKING, P.O. Box 742, Wynnewood, OK 73098. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt and fuel oil*, from Wynnewood, Ardmore, and Cyril, OK, to points, in TX, AR, and LA. (Hearing Site: Dallas or Ft. Worth, TX.)

MC 119864 (Sub-74F), filed March 21, 1979. Applicant: CRAIG TRANSPORTATION CO., a corporation, 26699 Eckel Road, Perrysburg, OH 43551. Representative: Dale K. Craig (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MI, TN, MD, DE, NJ, PA, OH, KY, IN, IL, WI, MO, IA, and MN, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 121060 (Sub-93F), filed March 14, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and supplies* used in the manufacture and distribution of construction materials, (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Russellville, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 121060 (Sub-95F), filed March 16, 1979. Applicant: ARROW TRUCK LINES, INC., Post Office Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Perth Amboy, NJ, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 121060 (Sub-96F) filed March 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Linden, NJ, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 121060 (Sub-97F) filed March 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Deposit, NY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 123054 (Sub-27F) filed March 21, 1979. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products; (2) scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MI, IN, KY, TN, and GA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 123310 (Sub-19F) filed March 22, 1979. Applicant: DOUG ANDRUS & SONS, INC., 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer,* in bulk, (1) from points in Yellowstone County, MT, to points in ID, OR, and WA. and (2) from points in UT, to points in ID, MT, OR, and WA. (Hearing Site: Boise, ID.)

MC 125091 (Sub-7F), filed March 23, 1979. Applicant: BOEHMER TRANSPORTATION, CORP., Mill and Union Streets, Machias, NY 14101. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. To operate as a *camman carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt,* in bulk, from the facilities of Domtar Industries, Inc., at or near Buffalo, NY, to points in Armstrong, Cambria, Cameron, Clarion, Clearfield, Elk, Forest, Jefferson, McKean, Potter, and Warren Counties, PA. (Hearing site: Buffalo, NY.)

MC 127303 (Sub-54F), filed March 21, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *cammon carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, cantainer compaments, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in MN, IA, MO, MI, WI, IL, IN, OH, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 127420 (Sub-1F), filed March 20, 1979. Applicant: FLEIG LEASING, INC., 1267 Burlington Road, Roxboro, NC 27573. Representative: G. C. Fleig (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles, and equipment, materials, and supplies* used in the distribution, installation, or manufacture of aluminum and aluminum articles, between those points in the United States in and east of MN, IA, NE, KS, OK, and TX, under continuing contract(s) with Hunter Douglas Inc., of Durham, NC. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 129410 (Sub-13F), filed March 22, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, IL 60014. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *cantract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sugar,* in bulk, in tank vehicles, from the facilities of American Crystal Sugar Company, at Chasta, MN, to points in IL, restricted to the transportation of traffic originating at the facilities of American Crystal Sugar Company, at Chasta, MN, under continuing contract(s) with American Crystal Sugar Company, of Moorhead, MN. (Hearing site: Chicago, IL.)

MC 127705 (Sub-73F), filed March 21, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Drawer 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46250. To operate as a *camman carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cantainers, cantainer closures, cantainer campanents, glassware, and packaging praducts,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MI, WI, IL, IN, KY, OH, WV, VA, NY, PA, MD, NJ, DE, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 133111 (Sub-2F), filed March 21, 1978. Applicant: JOT TRANSPORT, INC., 7990 National Highway, Pennsauken, NJ 08110. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18417. To operate as a *cantract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Pioneer Warehouse Corporation and Malloy Warehouse and Distribution Corp., at Pennsauken, NJ, on the one hand, and, on the other, points in MD, NJ, PA, NY, DE, and DC, under continuing contract(s) with Pioneer Warehouse Corp. and Malloy Warehouse and Distribution Corp., of Pennsauken, NJ. (Hearing Site: Philadelphia, PA.)

MC 135070 (Sub-36F), filed March 15, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. To operate as a *camman carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages* from points in Jefferson County, CO, to points in IA, KS, MO, NE, NM, OK, and TX; and (2) and *materials and supplies* used in and dealt with by breweries, in the reverse direction. (Hearing Site: Denver, CO.)

Note.—Dual operations may be involved.

MC 135170 (Sub-36F), filed March 23, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a *cantract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cantainers, cantainer closures, cantainer ends, and material, equipment, and supplies* used in the manufacture and distribution of containers (except commodities in bulk and those because of size or weight require the use of special equipment), between those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Crown Cork & Seal Co., Inc., of Philadelphia, PA. (Hearing Site: Washington, DC.)

MC 135170 (Sub-37F), filed March 23, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, paper and paper articles, and plastic articles,* from Hartsville, SC, to points in DE, MD, OH, PA, NY, NJ, NC, and DC; and (2) *scrap paper,* in the reverse direction, under continuing contract(s) with Sonoco Products Company, of Hartsville, SC. (Hearing Site: Washington, DC.)

MC 135454 (Sub-23F), filed March 21, 1979. Applicant: DENNY TRUCK LINE, INC., 893 Ridge Road, Webster, NY 14580. Representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a *common carrier,*

by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in NY, NJ, PA, MD, OH, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. NOTE: Dual operations may be involved. (Hearing site: Washington, DC.)

MC 135797 (Sub-196F), filed March 21, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AL, AR, FL, GA, IL, KS, KY, LA, MS, MO, NC, OK, SC, TN, TX, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 136161 (Sub-19F), filed March 19, 1979. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, chemical compounds, anti-freeze, plastics and plastic products* (except in bulk); and (2) *materials, equipment, and supplies* used in the manufacture, distribution or sale of commodities in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 136511 (Sub-32F), filed March 12, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, chemical compounds, anti-freeze, plastics and plastic products* (except commodities in bulk); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 136540 (Sub-4F), filed March 21, 1979. Applicant: REFINERS TRANSPORT SERVICE, INC., 4850 Bloomfield St., Jefferson, LA 70121. Representative: Edward A. Winter, 235 Rosewood Dr., Metairie, LA 70005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between Alton, IL, and points in AL, AR, FL, GA, LA, MS, MO, OK, TN, and TX, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Washington, DC.)

MC 138510 (Sub-12F), filed March 21, 1979. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue and Aloe Street, Pomona, NJ 08240. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages,* in containers, from Eden, NC, to Atlantic City and Wildwood, NJ, under continuing contract(s) with South Jersey Distributors Co., Inc., of Atlantic City, NJ. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 138741 (Sub-72F), filed March 14, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *treated lumber and lumber products,* from the facilities of Jennison-Wright Corporation, at Granite City, IL, to points in OH, MI, and WI. (Hearing site: St. Louis, MO.)

MC 138741 (Sub-73F), filed March 16, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, wood products, millwork, and particle board,* from the facilities of Pluswood Inc., at or near Oshkosh, WI, to points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, PA, TN, and TX. (Hearing site: Chicago, IL.)

MC 138741 (Sub-74F), filed March 21, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing granules* (except in bulk), from the facilities of GAF Corporation, at or near Annapolis, MO, to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, PA, TN, TX, and WI. (Hearing site: St. Louis, MO.)

MC 138841 (Sub-12F), filed March 23, 1979. Applicant: BLACK HILLS TRUCKING CO., a corporation, P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, between Kansas City, MO, and points in CA, CO, IL, IA, MN, OR, UT, WA, and WI, on the one hand, and, on the other, Rapid City, Deadwood, and Lead, SD, and Casper, WY, restricted to the transportation of traffic originating

at the named origins and destined to the indicated destinations. (Hearing site: Rapid City, SD.)

MC 139401 (Sub-1F), filed March 19, 1979. Applicant: EARL W. NORRIS, 3654 Gertrude Street, Omaha, NE 68147. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel,* from points in the Chicago, IL, commercial zone, to the facilities of Nebraska Engineering Company, at Omaha, NE, under continuing contract(s) with Nebraska Engineering Company, of Omaha, NE. (Hearing site: Omaha, NE.)

MC 141150 (Sub-10F), filed March 16, 1979. Applicant: ATLAS WAREHOUSING COMPANY, a corporation, 510 West Kearsley Street, Flint, MI 48506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in IL, OH, IN, and NY, to Flint, MI, and (2) from Flint, MI, to points in IN and OH, under continuing contract(s) with Atlas Sugar, Inc., of Flint, MI. (Hearing site: Lansing, MI.)

MC 141250 (Sub-1F), filed March 16, 1979. Applicant: CHARLTON TRANSPORT (QUEBEC) LIMITED, 458 22nd Ave., Blainville, Quebec, Canada. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles,* between points in the Province of Quebec, on the one hand, and, on the other, Champlain and Rouses Point, NY, and Derby Line, VT, and ports of entry on the international boundary line between the United States and Canada, at points in NY and VT, under continuing contract(s) with General Motors Corporation, of Oshawa, Ontario. (Hearing site: Washington, DC.)

MC 141500 (Sub-10F), filed March 23, 1979. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal* from Duluth, MN, to those points in WI on and north of U.S. Hwy 10, under continuing contract(s) with The C. Reiss Coal Company, of Sheboygan, WI. (Hearing site: Milwaukee, WI.)

MC 142000 (Sub-3F), filed March 26, 1979. Applicant: LOWELL SAMPSON, INC., 400 East Lundy Lane, Leland, IL 60531. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meat and bone meal, meat meal, blood meal and meat and bone meal tankage,* from Rochelle, IL, to points in AR, FL, KY, LA, MI, MN, MS, MO,NE, OH, OK, AL, and Ga; (2) *dry rendered tankage, dry blood, meat and bone meal and meat meal,* from points in AR, FL, KY, LA, MI, MN, MS, MO, NE, OH, OK, AL, and GA to Rochelle, IL; and (3) *animal feed ingredients,* between points in WI, IA, IL, MI, IN, KY, MN, LA, MO, OH, MS, AR, OK, FL, GA, AL, NC, SC, NE, and KS. (Hearing site: Chicago, IL.)

MC 142271 (Sub-5F), filed March 26, 1979. Applicant: WAYNE E. WATKINS, d.b.a. WATKINS REFRIGERATED DISTRIBUTING SERVICE, 36316—85th St., E., Littlerock, CA 93543. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *solar equipment and parts* for solar equipment, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Grumman Energy Systems, Inc., under continuing contract(s) with Grumman Energy Systems, Inc., of Ronkonkoma, NY. (Hearing site: Los Angeles, CA.)

MC 143540 (Sub-12F), filed March 16, 1979. Applicant: MARINE TRANSPORT COMPANY, 330 Shipyard Blvd., P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fibrous glass products and material, mineral wool, mineral wood products and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands, glass fibre mats and mattings, and flexible air ducts* (except commodities in bulk), from the facilities of CertainTeed Corporation, at or near Williamstown Junction, NJ, to points in AL, FL, GA, KY, NC, SC, TN, and VA, under continuing contract(s) with CertainTeed Corporation, of Valley Forge, Pa. (Hearing site: Richmond, VA, or Raleigh, NC.)

MC 144330 (Sub-51F), filed March 22, 1979. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* from the facilities of Jones & Laughlin Steel Corporation, at or near Hammond, IN, to Kansas City, MO, and points in CA, KS, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing Site: Chicago, IL.)

MC 144630 (Sub-13F), filed March 21, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *batteries, battery parts and components;* and (2) *lead, pigs, billets, and slabs,* (a) from Niagra Falls, NY, to Vincennes, IN, (b) from Toledo, OH, Attica and Vincennes, IN, to points in CA, and (c) from Herculaneum, MO, to Visalia, CA. (Hearing Site: Indianapolis, IN, or Columbus, OH.)

MC 145141 (Sub-1F), filed March 19, 1979. Applicant: L. J. NAVY TRUCKING CO., a Corporation, 2300 Eighth Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boxes, corrugated containers, scrap paper, ink* in containers, *wax roll stock, paints* in containers, and *machinery* used in the production of paper products, (1) from Huntington, WV, to points in TX, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and (2) between the facilities of Western Kraft Paper Corp., Corco Division, at Grand Rapids, MI, Bowling Green and Hawesville, KY, Compti, LA, Huntington, WV, Delaware, OH, and Muncie, IN, under continuing contract(s) with Western Kraft Paper Group, Corco

Division, of Huntington, WV. (Hearing Site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 145481 (Sub-5F), filed March 26, 1979. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, NC 27360. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs, medicines, cosmetics, plastic boxes, plastic articles, weed killing compounds, and animal and poultry feed supplements;* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture, production, and distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of Eli Lilly and Company, at or near Indianapolis, Lafayette, and Clinton, IN, on the one hand, and, on the other, points in CA, ID, AZ, and NV. (Hearing Site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 145691 (Sub-3F), filed March 6, 1979. Applicant: WARNER C. CORBIN, d.b.a. C & B TRANSFER, 51 Kane Street, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW, Washington, DC 20005, To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), when moving on bills of lading of freight forwarders as defined in Section 402 (a) (b) of the Act, between the facilities of Lifschultz Fast Freight, Inc., at Baltimore, MD, on the one hand, and, on the other, Washington, DC, and points in Anne Arundel County, MD. (Hearing Site: Washington, DC.)

MC 145870 (Sub-8F), filed March 16, 1979. Applicant: L–J–R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW, Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mining machinery and equipment,* and parts for the foregoing commodities, and (2) *materials, equipment and supplies* used in the installation of mining machinery and equipment (except commodities in bulk), from Tazewell, VA, to points in IL, IN, KY, OH, PA, TN, VA, and WV. (Hearing Site: Washington, DC, or Roanoke, VA.)

MC 145914 (Sub-1F), filed March 21, 1979. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Eric S. Smith (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, and DC, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Washington, DC.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly Sectin 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.)

MC 145930 (Sub-2F) filed March 21, 1979. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, 300 Madison Ave., 12th Fl., Toledo, OH 43603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt,* in bulk, from Rittman and Fairport Harbor, OH, to points in IN, KY, PA, and WV. (Hearing Site: Toledo, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145950 (Sub-10F), filed March 22, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76710. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs,* from the facilities of Heinz USA, at or near Iowa City and Muscatine, IA, to points in AL, FL, GA, SC, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing Site: Washington, DC.)

Note.—Dual operations may be involved.

MC 146531 (Sub-2F), filed March 23, 1979. Applicant: LARRY WILSON, Rural Route No. 2, Eudora, KS 66025. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer materials,* from the facilities of Farmland Industries, Inc., at or near Lawrence, KS, to points in OK, AR, MO, NE, IA, TX, and CO. (Hearing Site: Kansas City, MO.)

MC 146580 (Sub-1F), filed March 19, 1979. Applicant: FREIGHT SYSTEMS, INC., 4200 Meridian St., Suite 216, Bellingham, WA 98225. Representative: William H. Grady, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are sold, used, or distributed by a manufacturer of cosmetics, between those points in WA in and west of U.S. Hwy 97, restricted to the transportation of traffic having a prior or subsequent movement in interstate commerce, under continuing contract(s) with Avon Products, Inc., of Pasadena, CA. (Hearing Site: Seattle, WA)

MC 146610 (Sub-1F), filed March 22, 1979. Applicant: CHARLES JOINER, 104 South Central, Tennille, GA 31087. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulators and parts* insulators, from Sandersville, GA, to points in the United States (except AK and HI), under continuing contract(s) with Lapp Insulator Division of Interpace Corporation, of Sandersville, GA. (Hearing Site: Atlanta, GA, or Washington, DC.)

MC 146611 (Sub-1F), filed March 19, 1979. Applicant: INSULATION SPECIALISTS, 7215 North 62nd. Avenue, Glendale, AZ 85031. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation and materials, equipment, and supplies* used in the installation and manufacturing of insulation, from the facilities of Superior Products Corporation of Arizona, at Chandler, AZ, to points in CA and NV. (Hearing Site: Phoenix, AZ.)

MC 126620 (Sub-5F), filed March 9, 1979. Applicant: CALIFORNIA PARLOR CAR TOURS COMPANY, Jack Tar Hotel, 1101 Van Ness Avenue, San Francisco, CA 94109. Representative: W. L. McCracken, Greyhound Tower, Phoenix, AZ 85077. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in one way and round trip special operations, in sightseeing and pleasure tours, between points in Clark County, NV, and Maricopa County, AZ, on the one hand, and, on the other, points in NV, AZ, and UT. (Hearing Site: Las Vegas, NV, or Phoenix, AZ.)

MC 144990 (Sub-1F), filed March 19, 1979. Applicant: CHARLES A. HURST, GOOD TIMES CHARTERS, 1416 Southview Drive, Bluefield, WV 24701. Representative: Stephen P. Swisher, 339 12th Street, Dunbar, WV 25064. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter-operations, between points in Logan, McDowell, Mercer, Mingo, Raleigh, Summers, Wyoming, Monroe, and Greenbrier Counties, WV, and Bland, Buchanan, Carrol, Giles, Grayson, Montgomery, Russell, Wythe, and Tazewell Counties, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Charleston, WV.)

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[Volume No. 88]

Permanent Authority Decisions

Decided: June 20, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application in published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The orignial and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon application if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. section 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. section 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. section 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

MC 19227 (Sub-244F), filed February 23, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, P.O. Box 523610. Representative: Robert F. McCaughey (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fabricated steel products, agricultural implements,*

trailers, and buildings, and (2) *parts and accessories* for commodities named in (1) above, from the facilities of the Binkley Company in Montgomery and Warren Counties, MO, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of the Binkley Company in Montgomery and Warren Counties, MO. (Hearing site: St. Louis, or Kansas City, MO.)

MC 42487 (Sub-905F), filed February 22, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Anderson, SC and junction SC Hwy 72 and Interstate Hwy 26 near Clinton, SC: From Anderson over U.S. Hwy 76 to junction SC Hwy 72, then over SC Hwy 72 to junction SC Hwy 72 and Interstate Hwy 26 near Clinton, SC, and return over the same route. (2) Between Anderson, SC and Greenville, SC: over U.S. Hwy 29. (3) Between Charleston, SC and Columbia, SC: From Charleston over Interstate Hwy 26 to junction U.S. Hwy 21 near Cayce, SC, then over U.S. Hwy 21 to Columbia, and return over the same route. (4) Between Charleston, SC and Florence, SC: over U.S. Hwy 52. (5) Between Charleston, SC and the GA–SC State Line at or near North Augusta, SC: From Charleston over U.S. Hwy 78 to Aiken, SC, then over U.S. Hwy 1 to the GA–SC State Line at or near North Augusta, SC, and return over the same route. (6) Between Columbia, SC and Florence, SC: From Columbia over SC Hwy 277 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Florence, and return over the same route. (7) Between Columbia, SC and Greenville, SC: From Columbia over Interstate Hwy 126 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction U.S. Hwy 276, then over U.S. Hwy 276 to Greenville, and return over the same route. (8) Between Columbia, SC and the GA–SC State Line at or near North Augusta, SC: From Columbia over U.S. Hwy 378 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 25, then over U.S. Hwy 25 to the GA–SC State line at or near North Augusta, SC and return over the same route. (9) Between Columbia, SC and the NC–SC State line: over U.S. Hwy 21. (10) Between Columbia, SC and Spartanburg, SC: From Columbia over Interstate Hwy 126 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction U.S. Hwy 221, then over U.S. Hwy 221 to Spartanburg, and return over the same route. (11) Between Florence, SC and Rock Hill, SC: From Florence over U.S. Hwy 52 to junction SC Hwy 151, then over SC Hwy 151 to junction SC Hwy 903, then over SC Hwy 903 to junction U.S. Hwy 521, then over U.S. Hwy 521 to junction SC Hwy 5, then over SC Hwy 5 to Rock Hill, and return over the same route. (12) Between Greenville, SC and Spartanburg, SC: From Greenville over U.S. 29 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction U.S. Hwy 176, then over U.S. Hwy 176 to Spartanburg, and return over the same route. (13) Between Honea Path, SC and junction U.S. Hwy 25 and Interstate Hwy 20 near Belvedere SC: From Honea Path over U.S. Hwy 178 to junction U.S. Hwy 25, then over U.S. Hwy 25 to junction U.S. Hwy 25 and Interstate Hwy 20 near Belvedere, SC, and return over the same route. (14) Between Rock Hill, SC and Spartanburg, SC: From Rock Hill over SC Hwy 5 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction U.S. Hwy 221, then over U.S. Hwy 221 to Spartanburg, and return over the same route. Service is authorized in connection with Routes (1) through (14) above at all intermediate points and at all off-route points in SC. (Hearing site: Columbia, SC.)

Note.—Applicant does not here seek to serve any points it cannot presently serve. Applicant seeks to convert present irregular route authority to regular route authority.

MC 108207 (Sub-493F), filed January 15, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic* and *resin impregnated broadgoods* and *rovings,* in vehicles equipped with mechanical refrigeration, from Los Angeles, CA, to Phoenix, AZ and Denver, CO. (Hearing site: Los Angeles, CA or Dallas, TX.)

MC 113666 (Sub-150F), filed February 8, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M Street, NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractory products, materials* and *supplies* used in the production and installation of refractory products, (except liquid commodities, in bulk, in tank vehicles), *brick,* and *insulation material,* from Whitlock, TN, Selma, AL, Girrard, Rockdale, and Chicago, IL, Gary, IN, Old Bridge, NH, and points in Henry County, TN, and Grundy County, IL, to (a) points in the United States in and east of WI, IL, KY, TN, and MS, and (b) ports of entry on the international boundary line between the United States and Canada at points in ME, NH, VT, NY, MI, and MN. (Hearing site: Chicago, IL, or Pittsburgh, PA.)

MC 114896 (Sub-71F), filed January 11, 1979. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *money, currency, coin, bullion, notes, certificates, bonds, securities, food stamps and other articles of unusual value,* (1) between Baltimore, MD; Richmond, VA and points in DC, and (2) between Charlotte, NC, on the one hand, and, on the other, points in SC, under continuing contract(s) with Federal Reserve Bank of Richmond, VA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 115826 (Sub-405F), filed February 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *honeycomb cellular boards, honeycomb cellular blocks or honeycomb cellular panels, fibreboard, paper,* and *metal,* from the facilities of Hexcel Corporation at or near Casa Grande, AZ to Pascogoula, MS, and St. Louis, MO. (Hearing site: Denver, CO.)

MC 116947 (Sub-69F), filed January 22, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, GA 30310. Representative: Wm. Addams, Suite 212, 5299 Roswell Road, NE., Atlanta, GA 30342. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal containers, metal container ends, pallets, paper shrouds, chipboard, decorated tin plate in sheets, bottle caps,* between the facilities of Crown Cork & Seal Co. located at points in GA, IL, MD, MA, MN, NJ, OH, PA, SC, TX

and VA, and (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of metal containers, between the facilities named in (1) above and those points in the United States in and east of MN, IA, KA, OK and TX, under continuing contract(s) with Crown Cork & Seal Co. of Philadelphia, PA. (Hearing site: Atlanta, GA.)

MC 124887 (Sub-73F), filed February 16, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in Florida west of the west boundary of Jefferson County, FL, to those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124887 (Sub-74F), filed February 26, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick and structural facing tile*, (1) from points in Bastrop County, TX, to points in the United States in and east of ND, SD, NE, KS, OK and TX, and (2) from East Canton, OH, to points in MS, LA and TX. (Hearing site: Jacksonville, FL or Atlanta, GA.)

MC 124887 (Sub-75F), filed February 22, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building and construction materials*, between points in AL, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of shipments moving from or to the facilities of Best Steel Products. (Hearing site: Jacksonville, or Tallahassee, FL.)

MC 126717 (Sub-15F), filed December 4, 1978, previously noticed in the FR issue of April 26, 1979. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN 47711. Representative: Warren C. Moberly, 320 North Meridian Street, Suite 777, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trucks* (except trucks weighing less than 1500 pounds), and (2) *mine, well*, or *quarry-drilling equipment* and *A-Frames* in drive-away service, in secondary movements, (a) from Waverly, IA, Bryan, OH, and Chattanooga, TN, to Ashland, Corbin, and Louisville, KY, and Evansville and Indianapolis, IN, (b) from Ashland and Corbin, KY to points in OH, (c) from Louisville, KY, to those points in IN or and south of Interstate Hwy 70, including Indianapolis, IN, (d) from Evansville, IN, to those points in KY on and west of U.S. Hwy 65, and in IL on and south of U.S. Hwy 70, (e) from Indianapolis, IN, to Louisville, KY, (f) from Olathe, KS, and Minneapolis, MN, to Indianapolis, IN, and (g) from Indianapolis, IN, to points in Darke, Clark, Franklin, Greene, Madison, Miami, Montgomery, and Preble Counties, OH, and Vermilion and Gallatin Counties, IL. (Hearing site: Indianapolis, IN, or Washington, DC.)

Note.—This republication is to show in part (a) Bryan, OH, and Chattanooga, TN, as origin points.

MC 140826 (Sub-2F), filed January 11, 1979. Applicant: STEVE LARSSON HOMER, d.b.a. MAR AIR BUS CO., P.O. Box 422, Haines, AK 99827. Representative: L. B. Jacobson, P.O. Box 1211, Juneau, AK 99802. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, between Skagway, AK and port of entry on the international boundary line between the United States and Canada on the Skagway-Carcross Highway, serving all intermediate points on the Skagway-Carcross Hwy in the United States. (Hearing site: Haines or Skagway, AK.)

MC 141426 (Sub-24F), filed January 22, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *medical, surgical and hospital supplies* from Ocala, FL, to points in NJ, GA, and IL, under a continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 143346 (Sub-4F), filed February 21, 1979. Applicant: BILLY JACK HOLLINGSWORTH, d.b.a. HOLLINGSWORTH GRAIN & TRUCKING, P.O. Box 384, Sanger, TX 76266. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feeds and ingredients*, from points in AR, LA, MS, OK and TN, to points in AR, OK and TX. (Hearing site: Fort Worth or Dallas, TX.)

MC 145216 (Sub-1F), filed February 23, 1979. Applicant: SUNSHINE EXPRESS OF WILSON, INC., 2603 Canal Drive, Wilson, NC 27893. Representative: Donald E. Pedigo (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between railroad ramps located at or near Rocky Mount, Smithfield, Goldsboro, Greenville, and Wilmington, NC, on the one hand, and, on the other, points in NC, restricted to the transportation of shipments having a prior or subsequent movement by rail in trailer-on-flatcar service. (Hearing site: Wilson, NC.)

MC 146347F, filed February 1, 1979. Applicant: M. W. ODOM d.b.a. ANCO SHIPPING COMPANY, 26 S. Hanford Street, Seattle, WA 98134. Representative: Susan W. Carlson, 1215 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonalcoholic beverages* (except in bulk, in tank vehicles), between Lewiston, ID, on the one hand, and, on the other, Seattle and Tacoma, WA, and Anchorage and Fairbanks, AK, and points on the Kenai Peninsula, AK, restricted to the transportation of traffic at Seattle and Tacoma, WA, and Anchorage, AK, having a prior or subsequent movement by water, under a continuing contract(s) with Clearwater Beverages, Inc., of Lewiston, ID. (Hearing site: Seattle, WA.)

MC 146447F, filed February 23, 1979. Applicant: TANBAC, INC., P.O. Box 593278, Miami, FL 33159. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured and distributed by a manufacturer of leisure, recreational, household, and institutional products, and *materials, supplies and equipment* used in the manufacture and distribution of such commodities (except in bulk), between the facilities of King-Seeley

Thermos Co. at Norwich, CT, Macomb, IL, and Anaheim, CA, on the one hand, and, on the other, points in the United States (including AK but excluding HI), under a continuing contract(s) with King-Seeley Thermos Co. of Norwich, CT. (Hearing site: Hartford, CT or Boston, MA.)

MC 146406F, filed February 28, 1979. Applicant: PATRICK HILLER LYONS, GERALD L. ROBINSON d.b.a. L AND R TRANSPORT, 1520 Fairmont Court, Clovis, NM 88101. Representative: William F. Carr, P.O. Box 2208, Santa Fe, NM 87501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Amarillo and Lubbock, TX, on the one hand, and, on the other, Carlsbad and Hobbs, NM, (2) between Amarillo, TX, and Roswell, Clovis, and Portales, NM, (3) between Lubbock, TX, and Clovis, NM, and (4) between El Paso, TX, and Carlsbad and Las Cruces, NM. (Hearing site: Albuquerque, NM, or Amarillo, TX.)

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[Volume No. 103]

Permanent Authority Decisions

Decided: June 15, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. section 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human enivronment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. section 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. section 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Boyle.

H. G. Homme, Jr.,

Secretary.

MC 8973 (Sub-55F), filed March 19, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To

operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, plastics, and plastic products* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near (a) Mankato, MN, (b) Newark, OH, (c) Clinton, MA, and (d) Chicago, Morris, Mapleton, and Streamwood, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 16903 (Sub-68F), filed April 4, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, In 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ground limestone*, in bags, from Houston, TX, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Washington, DC.)

MC 27063 (Sub-24F), filed April 3, 1979. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, MD 21230. Representative: S. Harrison Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hangers and hanger wire*, from Baltimore, MD, to New York, NY, and those points in NJ on and north of NJ Hwy 33, under continuing contract(s) with The Cleaners Hanger Company of Baltimore, MD. (Hearing site: Baltimore, MD.)

MC 61592 (Sub-442F), filed April 4, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, over interstate or foreign commerce, over irregular routes, transporting *containers and container parts*, from the facilities of Blackhawk Molding Company, Inc., at or near Addison, IL, to points in the United States (except AK and HI.)

MC 61592 (Sub-443F), filed April 2, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rubber articles* (except in bulk), from Franklin, KY, and Hot Springs, AR, to points in AZ and CA; and (2) *antifreeze preparations*, in containers, from Kansas City, MO, to points in CO, IA, ID, MT, NE, UT, and WY. (Hearing site: Louisville, KY.)

MC 72243 (Sub-62F), filed April 3, 1979. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, OH 44482. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20423. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles*, from Scottsboro, AL, to points in MA, CT, MD, NJ, and RI. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 80262 (Sub-2F), filed April 4, 1979. Applicant: SOUTH ATLANTIC BONDED WAREHOUSE, CORPORATION, 2020 E. Market St., Greensboro, NC 27402. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *appliances, carpet, carpet cushioning, heating units, air conditioning units, and kitchen cabinets*, from Greensboro, NC to points in VA, Fayette, Greenbriar, Logan, McDowall, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties, WV, Carter, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties, TN, and Floyd, Harlan, Johnson, Knott, Leslie, Letcher, Martin, Perry, and Pike Counties, KY. (Hearing site: Greensboro or Raleigh, NC.)

MC 89723 (Sub-72F), filed March 22, 1979, Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Representative: Robt. S. Davis (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Remington Arms Company, Inc., at or near Lonoke, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Washington, DC.)

MC 92633 (Sub-30F), filed March 29, 1979. Applicant: ZIRBEL TRANSPORT, INC., Box 933, Lewiston, ID 83501. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid glues and resins*, from the facilities of (a) Monsanto Plastic and Resins Company, at Eugene, OR, (b) Reichhold Chemicals, Inc., at Tacoma, WA, and White City, OR, (c) Pacific Resins and Chemicals, Inc., at Eugene and Portland, OR, and (d) Borden Chemical, Division of Borden, Inc., at (i) Island City, OR, and (ii) Missoula, MT, to the facilities of Potlatch Corporation, at Lewiston, Post Falls, St. Maries, and Jay Pe, ID. (Hearing site: Spokane or Seattle, WA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 103993 (Sub-955F), filed April 4, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Hwy 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board*, from the facilities of Abitibi Corporation, at or near Blountstown, FL, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Detroit, MI.)

MC 103993 (Sub-958F), filed April 4, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Hwy 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board*, from the facilities of Abitibi Corporation, in Lucas County, OH, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Detroit, MI.)

MC 105813 (Sub-253F), filed April 2, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 2009, Ocala, Fl 32670. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic liquors and*

wines, (except commodities in bulk), from Pekin, IL, to points in FL. (Hearing site: Tampa, Fla.)

MC 107403 (Sub-1186F), filed April 4, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals,* in bulk, in tank vehicles, from Louisville, KY, to those points in the United States in and east of MN, IA, MO, KS, AR,and TX (except OK). (Hearing site: Washington, DC.)

MC 107403 (Sub-1187F), filed April 4, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 10950. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *condensed fish solubles,* in bulk, in tank vehicles, from Gloucester, MA, to the port of entry on the international boundary line between the United States and Canada at or near Niagara Falls, NY. (Hearing site: Washington, DC.)

MC 108053(Sub-159F), filed April 2, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from the facilities of John Morrell & Co., at or near (a) Sioux Falls, SD, and (b) Wichita and Arkansas City, KS, to points in AZ, CA, and NM, and (2) from the facilities of John Morrell & Co., at or near Sioux Falls, SD, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV,and DC, restricted, in (1) and (2), to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 108473 (Sub-45F), filed March 19, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, MA 02187. To operate as *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between St. Albans, VT, and Champlain, NY; from St. Albans over U.S. Hwy 7 to Swanton, VT, then over VT Hwy 78 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction NY Hwy 9B, then over NY Hwy 9B to junction U.S. Hwy 11, then over U.S. Hwy 11 to Champlain, and return over the same route; (2) between Burlington, VT, and Plattsburgh, NY: from Burlington over U.S. Hwy 2 to junction VT Hwy 314, then over VT Hwy 314 to Lake Champlain then over Lake Champlain by ferry to Cumberland Head, NY, the over NY Hwy 314 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Plattsburgh and return over the same route; (3) between Burlington, VT, and Plattsburgh, NY, from Burlington over Lake Champlain by ferry to Port Kent, NY then over NY Hwy 373 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Plattsburgh, and return the same route; (4) between Vergennes, VT, and Elizabethtown, NY: from Vergennes over VT Hwy 22A to junction VT Hwy 17, then over VT Hwy 17 to junction NY Hwy 8, then over NY Hwy 8 to junction NY Hwy 9N, then over NY Hwy 9N to Elizabethtown, and return over the same route; (5) between Middlebury, VT, and junction VT Hwy 125 and VT Hwy 17, over VT Hwy 125; (6) between junction NY Hwy 8 and NY Hwy 9N and Lake George, NY, over NY Hwy 9N; (7) between Rutland, VT, and Ticonderoga, NY: from Rutland over U.S. Hwy 5 to Whitehall, NY, then over NY Hwy 22 to Ticonderoga, and return over the same route; (8) between Whitehall and Glens Falls, NY: from Whitehall over U.S. Hwy 4 to Hudson Falls, NY, then over NY Hwy 254 to Glens Falls, and return over the same route; (9) between Rutland, VT, and Saratoga Springs, NY: from Rutland over U.S. Hwy 4 to junction VT Hwy 22A, then over VT Hwy 22A to junction NY Hwy 22A, then over NY Hwy 22A to junction NY Hwy 22, then over NY Hwy 22 to junction NY Hwy 29, then over NY Hwy 29 to Saratoga Springs and return over the same route; (10) between Bennington, VT, and Round Lake, NY; from Bennington over VT Hwy 67A to junction VT Hwy 67, then over VT Hwy 67 to junction NY Hwy 67, then over NY Hwy 67 to Round Lake, and return over the same route; (11) between Bennington, VT, and Latham, NY: from Bennington over VT Hwy 9 to junction NY Hwy 7, then over NY Hwy 7 to Latham, NY, and return over the same route; (12) between Arlington, VT, and Saratoga Springs, NY: from Arlington over VT Hwy 313 to junction NY Hwy 313, then over NY Hwy 313 to junction NY Hwy 372, then over NY Hwy 372 to junction NY Hwy 29, then over NY Hwy 29 to Saratoga Springs, and return over the same route; (13) between junction NY Hwy 8 and NY Hwy 22, and Keeseville, NY, over NY Hwy 22; (14) serving in connection with routes (1) through (13) above, all intermediate points and off-route points, in VT, and in Clinton, Essex, Rensselaer, Saratoga, Warren, and Washington Counties, NY. (Hearing site: Boston, MA.)

MC 108473 (Sub-46F), filed March 19, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Francis P. Barrett, P.O. Box 238, 60 Adams Street, Milton, MA 02187. To operate as *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Binghamton, NY, and Baltimore, MD: from Binghamton over U.S. Hwy 11 to Kingston, PA, then over PA Hwy 309 to junction U.S. Hwy 209 near Tamaqua, PA, then over U.S. Hwy 209 to junction PA Hwy 61 at Pottsville, PA, then over PA Hwy 61 to junction U.S. Hwy 222 at Reading, PA, then over U.S. Hwy 222 to Lancaster, PA, the over U.S. Hwy 30 to York, PA, then over U.S. Hwy 83 to Baltimore, and return over the same route (2) between Reading and Philadelphia, PA, over U.S. Hwy 422, (3) between Newburgh, NY, and Scranton, PA, over U.S. Hwy 84, and (4) serving in connection with routes (1), (2) and (3) above, all intermediate points and off-route points in Bradford, Lakawanna, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, PA. (Hearing site: Boston, MA.)

MC 111812 (Sub-621F), filed April 2, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766,

(except hides and commodities in bulk), from the facilities used by Wilson Foods Corporation, at Logansport, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 112713 (Sub-263F), filed April 4, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Firestone Steel Products Company, near Henderson, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113362 (Sub-350F), filed March 30, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, IA 50533. Representative: Wilton D. Adams, 1105½ Eighth Ave., NE., P.O. Box 429, Austin, MN 55912. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *laundry appliances and kitchen appliances*, and (2) *parts for the commodities named in (1)*, from the facilities of Maytag Company, at or near Newton, IA, to points in TX, AR, LA, MS, AL, OK, and TN. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 114132 (Sub-6F), filed April 2, 1979. Applicant: CHURN'S TRUCK LINES, INC., P.O. Box 188, Eastville, VA 23347. Representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between the facilities of The Smithfield Packing Co., Inc., at or near (a) Smithfield, Suffolk, and Norfolk, VA, and (b) Kinston, NC, on the one hand, and, on the other, points in MA, RI, CT, NY, PA, NJ, DE, MD, VA, NC, SC, GA, FL, and DC. (Hearing site: Norfolk, VA.)

MC 114273 (Sub-580F), filed March 29, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles, rough steel grinding balls, and iron and steel crusher parts*, and (2) *mine cars, mine car parts, railway cars, railway car parts, metal rolling mill parts, annealing furnace parts, blast furnace parts, coke oven parts, machine castings, and finished rolling mill machinery rolls*, from the facilities of U.S. Steel Corporation, at Braddock, Clairton, Duquesne, Dravosburg, Homestead, Johnstown, McKeesport, McKees Rocks, Pittsburgh, and Vandergrift, PA, to Rock Island, IL, and points in MN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-584F), filed April 4, 1979. Applicant: CRST, INC, P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed ingredients* (except in bulk, in tank vehicles), from Cedar Rapids, IA, to points in IL, IN, MI, OH, PA, and MD. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114632 (Sub-211F), filed April 2, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ferro alloys and calcium carbide*, from Alloy, WV, and Ashtabula and Marietta, OH, to points in MN and WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 115162 (Sub-467F), filed March 19, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Box Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing materials*, from Mobile, AL, to Atlanta and Columbus, GA, Marianna, FL, Memphis, TN, Houston, TX, points in Harris County, TX, those points in FL on and west of U.S. Hwy 231, and those points in MS on U.S. Hwy 90 between Gulfport, MS, and the AL–MS State line, including Gulfport. (Hearing site: New York, NY, or Washington, DC.)

MC 115322 (Sub-168F), filed April 4, 1979. Applicant: REDWING REFRIGRATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. 13th St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, from Benton Harbor, Frankfort, and Hart, MI, to points in AL, CT, DE, FL, GA, LA, ME, MD, MS, NH, NJ, NY, NC, PA, SC, TN, VT, VA, WV, and DC; (2) *confectonery*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/MARS, division of MARS Incorporated, at Elizabeth, Elizabethtown, and Hackettstown, NJ, to points in NC, SC, GA, FL, AL, MS, TN, and LA; and (3) *ground clay and absorbents*, from the facilities of Waverly Mineral Products Co., in Thomas County, GA, to those points in the United States in and east of ID, NV, and AZ. (Hearing site: Washington, DC.)

MC 115322 (Sub-169F), filed April 3, 1979. Applicant: REDWING REFRIGRATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg.,Pennsylvania Ave. 13th St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) between points in VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, VT, NH, ME, and DC, on the one hand, and, on the other, points in FL, (2) between points in VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, VT, NH, ME, and DC, on the one hand, and, on the other, Alexandria, VA, and (3) between Jacksonville and Orlando, FL, on the one hand, and, on the other, points in FL, restricted in (2) and (3) above, to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Buffalo, NY, or Orlando, FL.)

MC 116632 (Sub-23F), filed April 4, 1979. Applicant: H. O. BOUCHARD, INC., MRC 141 A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Portland, ME 04112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pre-cut log buildings, and such commodities as are used in the construction of pre-cut log buildings*, from Bangor, ME, to points in NH, VT, MA, CT, RI, NY, NJ, PA, OH, MI, WV, DE, MD, VA, NC, SC, GA, IL, WI, KY, IN, and DC; and (2) *lumber*, from points

in Piscataquis County, ME, to points in NH, VT, MA, CT, RI, NY, NJ, PA, DE, and MD. (Hearing site: Portland, ME, or Boston, MA.)

MC 116632 (Sub-24F), filed April 4, 1979. Applicant: H. O. BOUCHARD, INC., MRC 141 A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Portland, ME 04112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *woodpulp*, in bales, from Woodland, ME, to Gilman, VT, Lyons Falls and Plattsburg, NY, and Reading PA. (Hearing site: Portland, ME, or Boston, MA.)

MC 119493 (Sub-278F), filed April 2, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new furniture*, from the facilities of La-Z-Boy Midwest Company, at or near Neosho, MO, to points in ND, SD, MN, WI, IL, MI, IN, KY, AL, GA, OH, VA, WV, NC, and SC; and (2) *materials and supplies used in the manufacture or distribution of new furniture*, (except commodities in bulk), in the reverse direction. (Hearing site: Kansas City or Springfield, MO.)

MC 123272 (Sub-26F), filed April 2, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and continer closures*, from Mason, OH, to points in the United States (except AK, HI, WA, OR, CA, ID, NV, UT, and AZ), and (2) *materials and supplies* used in the manufacture and distribution for the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL.)

MC 124692 (Sub-271F), filed March 19, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pre-cut buildings, knocked down*, and (2) *materials and supplies* used in the construction of the commodities in (1) above, from the facilities of Capp Homes, Inc., at or near Elk Grove, CA, to points in AZ and NV. (Hearing site: San Francisco. CA.)

MC 125433 (Sub-227F), filed March 29, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical controllers, and parts and accessories* for electrical controllers, from the facilities of Golden Gate Switchboard Company, at Napa, CA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-230F), filed March 29, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *self-propelled vehicles*, in truckaway service, (except motor vehicles as defined in 49 U.S.C. § 10102 (14) (formerly Section 203(a)(13) of the Interstate Commerce Act), and (2) *parts, attachments, and accessories for the commodities in (1) above*, from the facilities of Broderson Manufacturing Corp., at or near Lenexa, KS, to points in the United States (except AK and HI). (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 127042 (Sub-256F), filed April 2, 1979. Applicant: HAGEN, INC., P.O. Box 98–Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk, in tank vehicles), from Milwaukee, WI, to points in UT. (Hearing site: Milwaukee, WI.)

MC 128273 (Sub-342F), filed April 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products (except commodities in bulk, in tank vehicles), from the facilities of Daniels Packaging Co., Inc., at or near Hendersonville, NC, to points in the United States (except AK and HI), and (2) *paper and paper products, and woodpulp* (except commodities in bulk, in tank vehicles), from the facilities of Federal Paper Board Co., Inc., at or near Riegelwood and Cape Fear, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, WI, WY and DC, restricted in (1) and (2) to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 133492 (Sub-15F), filed April 4, 1979. Applicant: CECIL CLAXTON, Route 3, Box 7, Wrightsville, GA 31096. Representative: Ronald K. Kolins, Fairfax Plaza, Suite 520, 700 N. Fairfax St., Alexandria, VA 22314. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, (a) from Peoria, IL, Milwaukee, WI, Newark, NJ, Miami, FL, and Norfolk, VA, to Dublin and Waycross, GA, and Phenix City, AL, and (b) from Newport, KY, to Dublin and Savannah, GA; and (2) *wine*, (a) from Atlanta, GA, to Phenix City, AL, and (b) from Chicago, IL, and Hammondsport, NY, to Athens and Dublin, GA. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 134783 (Sub-47F), filled March 19, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *drugs, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements*, and (b) *materials and supplies* used in the manufacture of the commodities in (1)(a) above (except commodities in bulk), from the facilities of Eli Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Indianapolis, IN or Lubbock, TX.)

Note.—Dual operations may be involved.

MC 135283 (Sub-48F), filed April 4, 1979. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the facilities of John Morrell & Co., at or near Estherville, IA, to points in IL and MO, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 136553 (Sub-72F), filled April 4, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *snow removal equipment*, from Dubuque, IA to points in the United States (except AK and HI); (2) *building materials*, from Dubuque, IA, to points in IA; and (3) *silica sand*, from Clayton, IA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 138882 (Sub-237F), filed April 4, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from Laredo, TX, to points in FL. (Hearing site: Washington, DC.)

MC 140612 (Sub-63F), filled April 2, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *retail store fixtures*, from the facilities of Lozier Corporation, at or near (a) Omaha, NE, and (b) Scottsboro, AL, to points in AZ, CA, ID, NV, OR, TX, NM, UT, and WA. (Hearing site: Omaha, NE.)

MC 140612 (Sub-64F), filed April 4, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber articles and plastic articles, and materials, equipment, and supplies* used in the manufacture and distribution of rubber articles and plastic articles (except commodities in bulk, in tank vehicles), between the facilities of Entek Corporation of America, at or near Irving, TX, on the one hand, and, on the other, those points in the United States in and west of MI, OH, KY, TN, NC, SC, GA, and FL (except AK and HI). (Hearing site: Dallas, TX)

MC 141402 (Sub-33F), filed March 29, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) *non-carbonated, fruit-flavored beverages*, in cans, (b) *dry beverage preparations, and* (c) *juices*, in cans, from the facilities of Penny Products, Inc., at or near Trafalgar, IN, to points in OH, IL, KY, WV, VA, TN, MN, WI, MI, and MO; and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)* above, in the reverse direction, under continuing contract(s) in (1) and (2) above with Penny Products, Inc., of Trafalgar, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141443 (Sub-14F), filed April 4, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 E. Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned goods*, from Gentry, Van Buren, Alma, Springdale, Siloam Springs, Lowell, and Fort Smith, AR, and Westville, OK, to points in AZ, CA, CO, NV, NM, OK, and TX; and (2) *canned dog food*, from Gentry, AR, to points in AZ, CA, and OK. Condition: Prior or coincidental cancellation of permits in Nos. MC–124656 Sub 2, served January 8, 1972, and Sub 4, served February 8, 1973, already requested by applicant. (Hearing site: Tulsa or Oklahoma city, OK.)

Note.—Dual operations may be involved.

MC 145072 (Sub-12F), filed March 26, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Ave., Germantown, TN 38138. Representative: A. Doyle Cloud, Jr. 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural chemicals, and materials, equipment, and supplies used in the manufacture or distribution of agricultural chemicals* (except commodities in bulk), between points in AL, AR, FL, GA, LA, MS, NJ, NC, OK, PA, SC, TN, TX, and VA, restricted to the transportation of traffic originating at or destined to the facilities of the Helena Chemical Company. (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

MC 145203 (Sub-1F), filed April 2, 1979. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic automobile parts*, (2) *containers used in the transportation of plastic automobile parts*, (3) *equipment, materials and supplies* used in the manufacture of the commodities in (1) and (2) above, between North Baltimore, OH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Columbus, OH or Washington, DC.)

MC 145392 (Sub-2F), filed April 3, 1979. Applicant: RAJOR, INC., 100 Beta Dr., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation *fireplaces and chimneys*, from Lywood, CA, to those points in the United States in and east of MN, IA, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145423 (Sub-5F), filed April 2, 1979. Applicant: C. VAN BOXELL TRANSPORTATION COMPANY, a corporation, 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation (1) *roofing*, (2) *roofing*

insulation, and (3) *materials, equipment, and supplies* used in the installation or manufacture of the commodities in (1) and (2) above, between the facilities of Ownens Corning Fiberglas Corporation, at or near (a) Brookville, IN, (b) Detroit, MI, (c) Medina, OH, and (d) Summit, IL, on the one hand, and, on the other, points in KY, MI, and PA. (Hearing site: Detroit, MI.)

MC 145722 (Sub-1F), filed April 3, 1979. Applicant: REM LEASING, INC., 114 Royal Rd., Jamestown, NC 27282. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation (1) *fabrics*, from High Point, Burlington, Concord, and Shelby, NC, Layman and Rock Hill, SC, and Atlanta, CA, to Tulsa, OK, Atlanta, GA, and Los Angeles, CA; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of fabrics, (a) from Los Angeles, CA, to Atlanta, GA, and Tulsa, OK, and (b) from Tulsa, OK, to Atlanta, GA. (Hearing site: Charlotte, NC.)

MC 146102 (Sub-2F), filed March 27, 1979. Applicant: TAMWAY CORPORATION, 401 Poinsettia Drive, Simpsonville, SC 29681. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation *insulation materials* from points in IN and GA to points in SC. (Hearing site: Greenville, SC.)

MC 146102 (Sub-3F), filed March 27, 1979. Applicant: TAMWAY CORPORATION, 401 Poinsettia Drive, Simpsonville, SC 29681. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation *industrial chemicals, adhesives, solvents, cotton softeners, and cleaning compounds* (except commodities in bulk), between Greenville and Simpsonville, SC, on the one hand, and, on the other, these points in the United States in and east of TX, OK, MO, IA, and MN. (Hearing site: Greenville, SC.)

MC 146213 (Sub-3F), filed March 19, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Sanna Division, Beatrice Foods Co., at or near Cameron, Eau Claire, Menomonie, Vesper, and Wisconsin Rapids, WI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146213 (Sub-4F), filed March 9, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles, vinyl rolls, and fiberglass* (except commodities in bulk), from Stratford, CT, Burlington and Butler, NJ, Deer Park and New York, NY, Cleveland and Toledo, OH, and Jeannette, PA, to the facilities of Troy Plastics Corp., at Burlington, WI, restricted to the transportation of traffic originating at the named origins and destined to the named destination facilities. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146213 (Sub-5F), filed March 15, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Paper and paper products, cleaning compounds, and plastic containers and dispensers* for cleaning compounds (except commodities in bulk), from the facilities of Bay West Paper Company, at Green Bay, WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Milwaukee, or Madison, WI.)

Note.—Dual operations may be involved.

MC 146423 (Sub-4F), filed March 29, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517 To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *photographic and reproduction equipment*, and *parts and accessories* for photographic and reproductive equipment, in vehicles equipped with mechanical refrigeration, from Binghamton, Vestal, and Johnson City, NY, to Arlington, TX, Denver, CO, and points in CA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in vehicles equipped with mechanical refrigeration, in the reverse direction. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 146432 (Sub-1F), filed April 2, 1979. Applicant: THE HIRT TRUCKING COMPANY, a corporation, 771 Walnut St., Fremont, OH 43420. Representative: John L. Alden, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H.J. Heinz Company, at or near (a) Fremont and Toledo, OH, and (b) Holland, MI, to points in AL, FL, GA, MS, and SC. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146573 (Sub-4F), filed April 3, 1979. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Jones & Laughlin Steel Corporation, at or near Chicago, IL, to points in IL, IA, and St. Louis, MO. (Hearing site: Chicago, IL.)

MC 146612F, filed March 29, 1979. Applicant: WEST SIDE IMPLEMENT CO., INC., Box 65, Wood Lake, MN 56297. Representative: Patrick J. Leary, 509 W. Main St., Marshall, MN 56258. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural implements and parts for agricultural implements*, from the facilities of Massey Ferguson, Inc., at (a) Detroit and Taylor, MI, and (b) Des Moines, IA, on the one hand, and, on the other, points in MN, and (2) between ports of entry on the international boundary line between the United States and Canada in MI, on the one hand, and, on the other, points in MN. (Hearing site: Granite Falls or Marshall, MN.)

MC 146613F, filed March 29, 1979. Applicant: RELIANCE WORLD WIDE MOVING, INC., 401 W. Columbia Ave., Philadelphia, PA 91922. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. To operate as a *common carrier*,

by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between points in PA, NJ, DE, NY, MD, CT, and VA, restricted (1) to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and (2) to the performance of pickup and delivery service in connection with the packing, crating, or containerization, or the unpacking, uncrating, or decontainerization of such shipments. (Hearing site: Philadelphia, PA.)

MC 146742F, filed April 2, 1979. Applicant: H & F TRUCKING COMPANY, INC., R.R. 4, Mattoon, IL 61938. Representative: Robert W. Gardier, Jr., 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Champaign, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Jasper, Lawrence, Macon, Moultrie, Piatt, Richland, Shelby, and Vermilion Counties, IL, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

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[Volume No. 96]

Permanent Authority Decisions

Decided: June 19, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR section 11000.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identify of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness question, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. section 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. section 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. section 10930(a) [formerly section 210 of the Interstate Commerce Act.].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decison-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

H. G. Homme, Jr.,

Secretary.

MC 1824 (Sub-86F), filed March 9, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918 16th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *generol commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Williamsburg, VA, and points in Isle of Wight, James City, and York Counties, VA as off-route points in connection with carrier's otherwise-authorized regular-route operations between Baltimore, MD and Norfolk, VA. (Hearing site: Washington, DC, or Norfolk, VA.)

MC 4405 (Sub-597F), filed March 8, 1979. Applicant: DEALERS TRANSIT, INC., 4221 South 68th E. Ave., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, valves, fittings, and hydrants*, and (2) *ports ond occessories* for the commodities named in (1) above, from Birmingham and Bessemer, AL, to points in IL, MI, and WI. (Hearing site: Birmingham, AL.)

MC 8535 (Sub-74F), filed March 12, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* (except in bulk), from the facilities of the Weirton Steel Division of National Steel Corporation, at (a) Steubenville, OH, and (b) Weirton, WV, to points in IN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 8535 (Sub-75F), filed March 12, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. To operate as a *common corrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel pipe, pipe fittings, beams, pilings, roils, railwoy rails, railway trock accessories, bridge and highway roilings, pile drivers, and pile extroctors*, and (2) *materials, equipment, ond supplies* used in the manufacture, installation, dismantling, and distribution of the commodities in (1) above, between the facilities of L. P. Foster Company at Parkersburg and Washington, WV, on the one hand, and, on the other, points in IL, IN, NC, and TN. (Hearing site: Washington, DC.)

MC 13134 (Sub-63F), filed March 14, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common corrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron ond steel articles, mochinery, plastic articles, ond oluminum articles*, and (2) *materials, ports and supplies* used in the manufacture of the commodities in (1) above, and (3) *contractors' equipment and contractors' supplies*, between Neville Island, Warren and Bristol, PA, Baltimore, MD, Birmingham, AL, Des Moines, IA, and Marseilles, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Pittsburgh Des Moines Steel Company. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 14215 (Sub-27F), filed March 9, 1979. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common corrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Jones & Laughlin Steel Corporation, at Alquippa and Pittsburgh, PA, to points in IN and OH. (Hearing site: Pittsburgh, PA.)

MC 18535 (Sub-67F), filed March 12, 1979. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, SC 29135. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *generol commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Wilmington, NC, on the one hand, and, on the other, Charleston, SC, and Savannah, GA, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Columbia, SC, or Atlanta, GA.)

MC 26825 (Sub-27F), filed March 9, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfork, NE 68701. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture*, from Burlington, IA, to points in the United States (except AK and HI). (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 26825 (Sub-30F), filed March 11, 1979. Applicant: ANDREWS VAN LINES, INC., Seventh & Park Ave., Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal tool boxes and utility boxes, tool chests, medical cabinets, benches, and shelves (except commodities in bulk), between the facilities of (1) Waterloo Industries, Inc., at or near (a) Waterloo, IA, (b) Pocahontas, AR, and (c) Sedalia, MO, and (2) Lumidor Manufacturing, Inc., at or near Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins or destined to the indicated destinations. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 52704 (Sub-210F), filed March 14, 1979. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common corrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal containers*, from the facilities of Kaiser Aluminum & Chemical Co., at or near Jacksonville, FL, to points in Greenboro, NC. (Hearing site: Atlanta, GA.)

MC 65665 (Sub-19F), filed March 12, 1979. Applicant: IMPERIAL VAN LINES, INC., 2805 Columbia St., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *potting mixes*, from Hammond, LA, to points in the United States (except AK, HI, and LA). (Hearing site: Los Angeles, CA.)

MC 65895 (Sub-7F), filed March 8, 1979. Applicant: REDDAWAY'S TRUCK LINE, a corporation, 1721 N.W. Northrup Street, Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of American Industries, American Steel Building Products, and Pacific Steel Warehouse, at Portland, OR, to points in WA. (Hearing site: Portland, OR.)

MC 72495 (Sub-22F), filed March 14, 1979. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, WV 26070. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *granulated slag*, from the facilities of H. B. Reed & Co., Inc., at or near Cresap, WV, to points in NC and SC; (2) *granulated slag*, in bulk, from the facilties of H. B. Reed & Co., Inc. at or near Cresap, WV, to points in MD, PA (except those in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, PA), and those points in NY on and west of a line beginning at Oswego, NY and extending along NY Hwy 57 to Syracuse, then along U.S. Hwy 11 to the PA–NY State line; and (3) *iron and steel articles and lumber*, from points in VA, NC, and SC, to points in WV. (Hearing site: Columbus, OH.)

MC 89684 (Sub-105F), filed points March 8, 1979. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, UT 84110. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by mail-order houses and retail stores (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacturing and distribution of commodities dealt in by mail-order houses and retail stores, between Los Angles, CA, on the one hand, and, on the other, points in UT and NV, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Sears, Roebuck and Company. (Hearing site: Los Angeles, CA.)

MC 94635 (Sub-7F), filed March 8, 1979. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. To operate as *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand, gravel and stone*, (1) from points in Burlingtion, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, NJ, to points in CT, DE, ME, MD, MA, NH, NY, OH, RI, VT, VA, WV, PA (except points in Bucks, Berks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery and Philadelphia Counties), and DC, under continuing contract(s) with New Jersey Silica Sand Co., of Millville, NJ, and (2) from Gore, VA, to points in MD, PA, and WV, under continuing contract(s) with Unimim Corp., of Greenwich, CT. (Hearing site: Washington, DC.)

MC 95084 (Sub-105F), filed March 12, 1979. Applicant: HOVE TRUCK LINE, a Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural equipment and industrial equipment (except commodities in bulk) between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Kewanee Machinery Division, Chromalloy Farm & Industrial Equipment Co. (Hearing site: Chicago, IL.)

MC 97275 (Sub-35F), filed March 7, 1979. Applicant: ESTES EXPRESS LINES, a Corporation, 1405 Gordon Avenue, Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502 Solar Building, 1000 16th Street, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Winchester, VA, and junction NC Hwy 89, and Interstate Hwy 77, at or near Pine Ridge, NC, from Winchester over Interstate Hwy 81 to junction Interstate 77, then over Interstate Hwy 77 to junction NC Hwy 89 at or near Pine Ridge, NC, and return over the same route, (2) between Winchester, VA, and junction U.S. Hwy 601 and U.S. Hwy 52, at or near Mt. Airy, NC, from Winchester over Interstate Hwy 81 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction U.S. Hwy 601 at or near Mt. Airy, NC, and return over the same route, (3) between Winchester, VA, and Price, NC, from Winchester, over Interstate Hwy 81 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Price, and return over the same route, (4) between Winchester, VA, and Pelham, NC, from Winchester over Interstate Hwy 81 to junction U.S. Hwy 501, then over U.S. Hwy 501 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pelham, and return over the same route, (5) between Winchester, VA, and South Boston, VA, from Winchester over Interstate Hwy 81 to junction U.S. Hwy 501, then over U.S. Hwy 501 to South Boston, and return over the same route, (6) between South Boston, VA, and Pelham, NC, from South Boston over U.S. Hwy 58 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pelham, and return over the same route, (7) between Fairfax, VA, and South Boston, VA, from Fairfax over Interstate Hwy 66 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction U.S. Hwy 501, then over U.S. Hwy 501 to South Boston, and return over the same route, (8) between Fairfax, VA, and junction Interstate Hwy 81 and U.S. Hwy 211 at or near New Market, VA, from Fairfax over Interstate Hwy 66 to junction U.S. Hwy 211, then over U.S. Hwy 211 to junction Interstate Hwy 81 at or near New Market, for the purposes of joinder only, and return over the same route, (9) between Fairfax, VA, and Pelham, NC, from Fairfax over Interstate Hwy 66 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pelham, and return over the same route, (10) between North Augusta, SC, and Savannah, GA, from North Augusta over U.S. Hwy 25 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Savannah, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in (1) through (10) above. (Hearing site: Washington, DC, or Richmond, VA.)

MC 106074 (Sub-94F), filed March 12, 1979. Applicant: B & P MOTOR LINES, INC., Oakland Rd. and U.S. Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Summark, Inc., at

St. Louis, MO, to points in AL, FL, GA, NC, and SC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: St. Louis, MO, or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 106674 (Sub-366F), filed March 8, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing granules*, from the facilities of GAF Corporation at or near Annapolis, MO, to points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MS, OH, OK, TN, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-367F), filed March 8, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company at Rock Falls and Sterling, IL, to points in IA, IN, KY, MI, MN, MO, NE, ND, OH, PA, SD, TN, and WI, and (2) *materials and supplies* used in the manufacture and distribution of iron and steel articles, in the reverse direction. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-373F), filed March 12, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials* and *asbestos cement pipe* from the facilities of Johns Manville Sales Corporation, at or near Waukegan, IL, to points in AL, AR, CT, DE, FL, GA, LA, MD, MA, MI, MS, NJ, NY, NC, OK, PA, SC, TX, VA, WV, and DC, and (2) *plastic pipe*, from the facilities of Johns Manville Sales Corporation, at or near Wilton, IA, to points in AL, CT, DE, FL, GA, MD, MA, NJ, NC, SC, VA, WV, and DC, and (3) *insulation board*, (a) from the facilities of Johns Manville Perlite Corporation, at or near Rockdale, IL, to points in CT, DE, WV, MD, MA, MI, NJ, NY, PA, and DC, and (b) from the facilities of Johns Manville Sales Corporation, at or near Alexandria, IN, to MI, OH, and PA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-374F), filed March 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum siding*, from Southfield, MI, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-375F), filed March 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *acoustical materials* and (2) *materials, equipment, and supplies* used in the manufacture of acoustical materials, between Hagerstown, MD, and Plainfield, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-376F), filed March 16, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between Hamilton and Middletown, OH, on the one hand, and, on the other, points in IN, KY, TN, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Southwestern Ohio Steel. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-908F), filed March 9, 1979. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *treated wood products*, from points in Roane County, WV, Rock Bridge County, VA, Clearfield County, PA, Powell County, KY, and Brunswick County, NC, to those points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 107515 (Sub-1217F), filed March 12, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *agricultural commodities* which are otherwise exempt from economic regulation under Section 10526(a)(6) (formerly Section 203(b)(6)) of the Interstate Commerce Act, when moving in mixed loads with bananas, from Baltimore, MD, to points in OH, MI, IN, IL, MO, MN, IA, and Louisville, KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 111545 (Sub-275F), filed March 19, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lift trucks, parts for lift trucks, platforms, hydraulic working lifts, and parts for hydraulic working lifts*, from Santa Fe Springs, CA, to those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 111545 (Sub-276F), filed March 9, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *irrigation systems*, and *solar heating and cooling systems*, from Valley, NE, to points in CA, MN, IA, MO, WI, IL, KY, IN, MI, OH, WV, VA, MD, NJ, DE, PA, NY, MA, CT, RI, and TX, and (2) *pipe, tubing, light poles, mast arms, brackets, bases, and transmission poles*, from Valley, NE, to points in CA, MN, IA, MO, WI, IL, KY, IN, MI, OH, WV, VA, MD, NJ, DE, PA, NY, MA, CT, and RI. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 111545 (Sub-283F), filed March 23, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Nucor Steel at or near Jewett, TX, to points in CA, NE, KS, OK, MO, AR, IL, TN, LA, MS, AL, and GA. (Hearing site: Houston, TX, or Atlanta, GA.)

MC 113855 (Sub-477F), filed March 28, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities*, which because of size or weight, require the use of special equipment or special handling, (2) *self-propelled articles* (except passenger automobiles and buses), (3) *machinery*, (4) *parts, attachments and accessories* for (1) through (3) above, and (5) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) through (4) above (except commodities in bulk in tank vehicles), and (6) *metal articles*, between points in ME, NH, and VT, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Portland, ME.)

MC 114965 (Sub-63F), filed March 9, 1979. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquified petroleum gas*, in bulk, in tank vehicles, from Ringer Pipeline Terminal, at or near Paola, KS, to points in MO. (Hearing site: Kansas City, MO, or Topeka, KS.)

Note.—The certificate to be issued here shall be limited in points of time to a period expiring 5 years from the date of issuance.

MC 115554 (Sub-20F), filed March 12, 1979. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 89B, Hy. 218 and I–80, Rt. 6, Iowa City, IA 52240. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refrigerators, refrigeration equipment, electrical equipment, and appliances*, (2) *parts* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture, repair, and distribution of the commodities in (1) and (2) above, between Fayetteville, TN, on the one hand, and, on the other, points in IN, OH, CA, AZ, WA, ID, NV, OR, MI, IL, WI, and UT. (Hearing site: Memphis, TN, or Chicago, IL.)

MC 115955 (Sub-29F), filed February 15, 1979. Applicant: SCARI'S DELIVERY SERVICE, INC., Arnold Ave. & Skeet Rd., Greater Wilmington Airport, Wilmington, DE 19805. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), between Alexandria, VA, and Downingtown, PA, restricted to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar service. (Hearing site: Philadelphia, PA.)

MC 118224 (Sub-4F), filed March 12, 1979. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor St., Dallas, TX 75201. Representative: Lawrence A. Winkle, P.O. Box 455538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas*, between Gulfport, MS, and Dallas, TX. (Hearing site: Dallas, TX.)

MC 121454 (Sub-5F), filed March 12, 1979. Applicant: WALSH MESSENGER SERVICE, INC., 4 Third Ave., Garden City Park, New York, NY 11040. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, and points in Nassau, Suffolk and Westchester Counties, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, RI, PA, and DC, restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day. (Hearing site: New York, NY.)

Note.—Applicant states that it now holds general commodities authority with the usual and certain specific exceptions limited to shipments of 100 pounds in aggregate weight. This application is being submitted pursuant to the special procedure outlined in Ex Parte MC–98, *New Procedures in Motor Carrier Restructuring Proceedings*, decided March 20, 1978 to eliminate the above restrictions and secure authority as a small shipment carrier.

MC 123054 (Sub-26F), filed March 12, 1979. Applicant: R & H CORPORATION, 295 Grand Ave., Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers, closures of glass containers*, and *fiberboard boxes*, (1) from (a) Keyser, WV, and (b) the facilities used by Chattanooga Glass Company in MD and PA to points in OH, MI, and those points in PA and NY on and west of Interstate Hwy 81, and (2) from (a) Mount Vernon, OH, and (b) the facilities used by Chattanooga Glass Company, in OH, to points in PA, NY, NJ, MD, DE, VA, WV, and DC, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 123744 (Sub-50F), filed March 8, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractories*, from the facilities of Freeport Brick Company, at Freeport, Creighton, and Reesedale, PA, to ports of entry on the international boundary line between the United States and Canada, in NY and MI. (Hearing site: Washington, DC, or Harrisburg, PA.)

Note.—Dual operations may be involved.

MC 124174 (Sub-134F), filed March 6, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fiberboard containers and pulpboard containers*, from Butler, IN, to points in CO, IA, KA, MN, MO, ND, SD, NE, and WI. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 124174 (Sub-136F), filed March 16, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 67137. Representative: Karl E. Momsen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, and hydrants*, and (2) *accessories*, for the commodities in (1) above, from the facilities of Clow Corporation, at or near Columbia, MO, to those points in the United States in and east of ND, SD, NE, KA, OK, and TX. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 125335 (Sub-52F), filed March 8, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealers, and deadener compound* (except in bulk), and *filters*, from Congo and St. Marys, WV, to points in AL, AR, GA, FL, MS, NC, OK, SC, TN, and TX. (Hearing site: Pittsburgh or Harrisburg.)

MC 128555 (Sub-30F), filed March 1, 1979. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by grocery and food business houses, and (2) *materials and supplies* used in the manufacture, sales, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The R. T. French Company, under continuing contract(s) with The R. T. French Company, of Rochester, NY. (Hearing site: Buffalo, NY.)

MC 129994 (Sub-33F), filed March 21, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *roofing materials and insulating materials*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of GAF Corporation, at or near Denver, CO, to points in AZ, CA, and NV. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 133095 (Sub-251F), filed March 14, 1979. Applicant: TEXAS–CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from Vienna, WV, Jolict, IL, and Coventry, RI, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Atlanta, GA.)

MC 133194 (Sub-7F), filed March 8, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., Highway 64 East, Russellville, AR 72801. Representative: Charles J. Lincoln, II, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Alma and Bentonville, AR, over U.S. Hwy 71, serving all intermediate points. (Hearing site: Fort Smith, AR.)

Note.—Applicant indicates intentions to tack with existing authority.

MC 133194 (Sub-8F), filed March 8, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., Highway 64 East, Russellville, AR 72801. Representative: Charles J. Lincoln, II, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor carrier, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Menifee, AR, and Memphis, TN, over Interstate Hwy 40, serving no intermediate points. (Hearing site: Little Rock, AR.)

Note.—Applicant indicates intentions to tack with existing authority.

MC 133655 (Sub-143F), filed March 12, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of floor coverings, between Cerritos and City of Industry, CA, on the one hand, and, on the other, points in CO, NM, OK, and TX. (Hearing site: Chicago, IL.)

MC 134064 (Sub-23F), filed March 9, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Hwy., Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Foodways National, Inc., at or near Wethersfield and Hartford, CT, to points in PA, MD, NJ, NY, DE, VA, GA, FL, OH, MI, IL, MN, and DC. (Hearing site: Hartford, CT, or Washington, DC.)

MC 134064 (Sub-25F), filed March 13, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Shapiro Packing Company, at or near Augusta, GA, to those points in the United States in and east of LA, AR, MO, IA, and MN, restricted to the transportation of traffic originating at the named origin. (Hearing site: Atlanta or Augusta, GA.)

MC 134574 (Sub-31F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *nickel*, in containers, from ports of entry on the international boundary line between the United States and Canada in MT, ID, and WA, to points in AZ, CO, ID, NV, and UT. (Hearing site: Great Falls, MT.)

MC 134574 (Sub-32F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *fertilizer and fertilizer ingredients*, in bags, from ports of entry on the international boundary line between the United States and Canada in ND, MT, ID, and WA, to points in CO, ID, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Great Falls, MT.)

MC 134574 (Sub-33F), filed March 12, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate

as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equippped with mechanical refreigeration, from ports of entry on the international boundary line between the United States and Canada in WA to points in AZ, CA, NV, OR, and WA. (Hearing site: Great Falls, MT, or Seattle, WA.)

MC 134574 (Sub-34F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *permanent tire filler*, in containers, from points in Los Angeles County, CA, to the port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, MT. (Hearing site: Great Falls, MT.)

MC 134574 (Sub-35F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *insulation*, from ports of entry on the international boundary line between the United States and Canada at points in ND, MT, ID, and WA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, SD, UT, WA, and WY. (Hearing site: Great Falls, MT.)

MC 134765 (Sub-21F), filed March 7, 1979. Applicant: SPECIALTY TRANSPORT, INC., 484 S. Mountain Blvd., Mountaintop, PA 18707. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products, plastic and paper products, plastic and wood products* (except building materials), and *egg-processing machinery*, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above (except in bulk), between the facilities of Diamond International Corporation at Boston, Springfield, Ludlow, Palmer, and Thorndike, MA, Detroit and Farmington, MI, Groveton, NH, Old Town, Dixfield, and Oakland, ME, Lancaster, Gouverneur, Plattsburgh, and Ogdensburg, NY, Cincinnati, Norward, and Middletown, OH, and Morris, St. Charles, Wilmington, and Lockland, IL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: New York, NY, or Boston, MA.)

Note.—The applicant has filed an application for common control which if granted dual operations may be involved.

MC 135874 (Sub-162F), filed March 13, 1979. Applicant: LTL PERISHABLES, INC., 550 E. Fifth Street So., So. St. Paul, MN 55075. Representative: Paul Nelson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages* (except in bulk) and *materials, equipment, and supplies* used in the distribution of malt beverages, (a) from LaCrosse, WI, to points in MN and SD, (b) from Milwaukee, WI, to points in MN, and (c) from New Ulm, MN, and Minneapolis, MN, to points in SD, and (2) *confectionery*, from Reading, PA, to points in IA, IL, IN, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: St. Paul, MN.)

MC 135884 (Sub-15F), filed March 12, 1979. Applicant: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, OR 97801. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in MO, KY, IN, OH, VA, IL, and WV, to the facilities of Fronville Commercial Co., Inc., at Wilsonville, OR. (Hearing site: Portland, OR.)

MC 135924 (Sub-4F), filed March 12, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *phenolic resin*, from Peachtree, GA, to Grand Rapids, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 135924 (Sub-5F), filed March 8, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lubricants*, from Cleveland, OH, to (1) Grand Rapids and International Falls, MN, and (2) ports of entry on the international boundary line between the United States and Canada, in MN and ND. (Hearing site: Minneapolis or St. Paul.)

MC 136315 (Sub-59F), filed March 9, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting *composition boards and sheets*, from the facilities of Champion International Corporation, at or near Oxford, MS, to points in IA, KS, MO, NE, OK, and TX. (Hearing site: Washington, DC, or Jackson, MS.)

Note.—Dual operations may be involved.

MC 138104 (Sub-72F), filed March 14, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting (1) *trailers* (except those designed to be drawn by passenger automobiles) in initial movements, and (2) *trailers* (except those designed to be drawn by passenger automobiles) in secondary movements, (a) from the facilities of American Trailers, Inc., at or near Oklahoma City, OK, and Great Bend, KS, to points in the United States (except AK and HI), and (b) from points in the United States (except AK and HI) to the facilities of American Trailers, Inc., at or near Great Bend, KS. (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 138635 (Sub-72F), filed March 14, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3962, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting *vending machines, gum, supplies used in sold in vending mechines, wooden spice cabinets, coasters, bottles*, and *woodware*, from San Dimas, CA, to Pineville, NC. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138635 (Sub-73F), filed March 14, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate

commerce, over irregular routes, transporting *lamps, lighting fixtures, lamp shades, and earthenware*, from Pacoima, CA, to points in AL, TN, VA, NC, SC, GA, and FL. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138635 (Sub-74F), filed March 14, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting (1) *plastic pipe and plastic pipe fittings*, and (2) *accessories* for the commodities in (1) above, from Sun Valley, Santa Ana, and Bakersfield, CA, and Cleveland, OH, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138875 (Sub-149F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Beverage preparations*, and (2) *chemicals* (except commodities in bulk), between points in CA, OR, and WA. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 138875 (Sub-152F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen cookie dough, and frozen pizzas* (except commodities in bulk), from Massillon, OH, and the facilities of Ore-Ida Foods, Inc., at or near Lake City, PA, to Greenville, MI, and Plover, WI, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-153F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as appalicant) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foam rubber and polystyrene* (except commodities in bulk), from points in OR, UT, and WA to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-154F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as appalicant) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation board*, from points in MI to points in ID or OR. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-155F), filed March 9, 1979 Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soda ash and sodium bicarbonate* (except in bulk), from points in WY to points in OR and WA, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations.(Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-156F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Frnaklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Newark, NJ, to the facilities of General Food Service, at or near Boise, ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 139485 (Sub-15F), filed March 13, 1979. Applicant: TRANS CONTINENTAL CARRIERS, a Corporation, 169 East Liberty Ave., Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Paint, paint additives, and paint accessories*, from points in Cuyahoga County, OH and Queens County, NY, to points in the United States (except AK and HI), under a continuing contract(s) with Limbacher Paint & Color Works, Inc., of Lakewood, OH. (Hearing site: Los Angeles, CA.)

MC 139495 (Sub-426F), filed March 6, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed, bath salts, cleaning compounds, drugs, fabric softeners, food preserving compounds, food seasoning compounds, malted milk, modified soda ash, and toilet preparations*, (except commodities in bulk, in tank vehicles), from the facilities of Beecham Products, Inc., at or near Clifton, NJ, to points in CA, CO, GA, IL, KS, MO, OR, TN, and TX. (Hearing site: Washington, DC.)

MC 141804 (Sub-196F), filed March 12, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *(1) electrical appliances*, and (2) *parts and accessories* for electrical appliances, from Seattle and Tacoma, WA, and points in Los Angeles and Orange Counties, CA, to Forrest City, AR. (Hearing site: Los Angeles or San Francisco, CA)

MC 142515 (Sub-2F), filed March 16, 1979. Applicant: S. T. TURNER TRUCKING, INC., R.R. No. 1, Box 444, Nashville, IN 47448. Representative: Terry G. Fewell, P.O. Box 4403, Chicago, IL 60680. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *automotive parts and truck parts*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above, between the facilities of Arvin Industries, Inc., at or near Elk Grove Village, IL, on the one hand, and, on the other, Indianapolis and Franklin, IN, under continuing contract(s) with Arvin Industries, Inc., of Columbus, IN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 142715 (Sub-28F), filed March 8, 1979. Applicant: LENERTZ, INC., 8425 Hudson Road, Lake Elmo, MN 55042. Representative: Andrew R. Clark, First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Weinstein International Corporation and Iowa Pork Industries, at Newport, South St. Paul, and Buffalo Lake, MN, to points AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NH, NJ, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 142715 (Sub-29F), filed March 8, 1979. Applicant: LENERTZ, INC., 8425 Hudson Road, Lake Elmo, MN 55042. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Long Prairie Packing Co., at Long Prairie, MN, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, MN.)

MC 145025 (Sub-2F), filed March 8, 1979. Applicant: CONSIGNOR'S, INC., P.O. Box 42, Dayton, OH 45450. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in and distributed by trading stamp companies (except foodstuffs and commodities in bulk), between the facilities of Top Value Enterprises, Inc., at Dayton, OH, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, WV, VA, NC, SC, GA, FL, OH, AL, TN, KY, MI, IN, IL, MS, LA, AR, MO, WI, OK, TX, IA, MN, and DC, under continuing contract(s) with Top Value Enterprises, Inc., of Dayton, OH. (Hearing site: Columbus, OH.)

MC 145264 (Sub-3F), filed March 12, 1979. Applicant: GONZALO MENDOXA, d.b.a. MENDOZA TRUCKING CO., 4200 S. Morgan, Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paint, varnish, solvents, cleaning compounds*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and application of the commodities in (1) above (except in bulk), between Chicago, IL, on the one hand, and, on the other points in MI, IA, MO, AR, OH, KY, TN, IN, GA, and WI, under continuing contract(s) with The Enterprise Companies, of Wheeling, IL. (Hearing site: Chicago, IL.)

MC 145534 (Sub-1F), filed March 8, 1979. Applicant: DUANE S. MORGAN, d.b.a. DUANE S. MORGAN TRUCKING, Route 1, Box 812, Prineville, OR 97754. Representative: Duane S. Morgan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from points in Grays Harbor and Lewis Counties, WA, and Jefferson, Deschutes, Crook, Klamath, Lake, Jackson, Josephine, Curry, Coos, Douglas, Lane, and Linn Counties, OR, to those points in CA in and south of San Bernardino, Los Angeles, and Ventura Counties. (Hearing site: Portland, OR.)

MC 146024 (Sub-2F), filed March 12, 1979. Applicant: G & R PETROLEUM, INC., 253 SW 4th Ave., Ontario, OR 97914. Representative: Douglas G. Combs, P.O. Box 576, Ontario, OR 97914. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, from Boise and Fruitland, ID, to points in Malheur County, OR, under continuing contract(s) with Wes Hansen d.b.a., Hansen Oil Company, of Vale, OR, and Bill Stewart d.b.a., Stewart Oil Company, of Ontario, OR. (Hearing site: Boise, ID.)

MC 146244 (Sub-2F), filed March 12, 1979. Applicant: C. & H. DISTRIBUTING CO., a corporation, 2450 West 3rd, Craig, CO 81625. Representative: David E. Driggers, 1660 Lincoln St., Suite 1600, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in CA; and (2) *and materials* for reuse, in the reverse direction. (Hearing site: Denver, CO.)

MC 146624 (Sub-1F), filed March 12, 1979. Applicant: CHARLES W. MILLER AND HOWARD M. MILLER d.b.a., MILLER BROS. TRUCKING, 800 Cherry St., Liberty Center, OH 43532. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, glassware, packaging products, container components, and scrap materials*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles, and commodities the transportation of which because of size or weight require the use of special equipment), between the facilities of Libbey Glass Division of Owens-Illinois, Inc., at (1) Toledo, OH, (b) Shreveport, LA, and (c) Mira Loma, CA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Columbus, OH.)

[FR Doc. 79-22270 Filed 7-18-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 140
Thursday, July 19, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

[M–236, Amdt. 1; July 16, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the July 19, 1979, meeting agenda.

TIME AND DATE: 10 a.m., July 19, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Addition: 11a. Dockets 33009, 33101, and 33363; *Former Large Irregular Air Service Investigation (Aeronaves de Puerto Rico),* Order on Discretionary Review. (Memo No. 8995, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 11a involves the application of a potential new entrant, the staff has just completed work on Item 11a, and there will be no regularly scheduled Board meeting planned after July 19 until August 21. Accordingly, the following Members have voted that Item 11a be added to the July 19, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–1444–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., July 24, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule Enforcement Reviews.
Enforcement matters/offer of settlement; decision on administrative proceedings.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S. 1442–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6351–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Wednesday, July 18, 1979,

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Briefing on Powered Lawn Edgers Petition, CP 78–7—

The staff will brief the Commission on a petition in which Gerald Price, Fullerton, California, asks CPSC to develop a mandatory standard for gasoline and electric powered lawn edgers and trimmers to address the hazard of thrown objects. The Commission is scheduled to consider this petition at the August 9 Commission Meeting.

2. Briefing on Two-Wheel Motorized Vehicles, CP 79–4—

The staff will brief the Commission on a petition in which Drs. Fredreick Rivara and Lawrence Berger of Seattle, Washington, ask CPSC to establish safety standards for unlicensed two-wheel motorized vehicles. The Commission is scheduled to consider this petition at the August 9 Commission Meeting.

3. Briefing on Upholstered Furniture Flammability: Update—

The staff will brief the Commission on current industry activities concerning upholstered furniture flammability, and on the staff program to assess the voluntary efforts of the Upholstered Furniture Action Council (UFAC).

4. Export Policy—

The staff and Commission will reexamine CPSC export policies and the effect on these policies of recent statutory amendments.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111–18th St., NW., Washington, DC 20207, Telephone (202) 634–7700.

[S–1440–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6355–01–M

4

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Thursday, July 19, 1979, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111-18th St., NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Television Receivers; Extension/Revocation—

The Commission will consider whether to continue or terminate a proceeding concerning fire hazards associated with television receivers. The Commission began the proceeding in 1975. At the July 11, 1979 briefing, staff and the Commission discussed issues related to this proceeding.

2. Child-Proof Matches Petition, CP 78–16—

The Commission will consider a petition in which Consumer Alert, Inc. asks CPSC to amend the matchbook standard (16 CFR Part 1202) to exempt Commission-accepted child-resistant covers from the requirement that the striking surface be located on the back of the cover. The staff briefed the Commission July 11 on issues related to this petition.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111-18th St., NW., Washington, DC 20207, Telephone (202) 634–7700.

Agenda approved July 10, 1979.

[S–1441–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6355–01–M

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 19, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Closed Commission Meeting following the Special Open Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—An application for review of a final Review Board Decision involving a new common carrier station in the Multipoint Distribution Service at San

Diego, California (Docket Nos. 21167, 21168).

Hearing—2—An application for review of a final Review Board Decision in the Reno, Nevada, proceeding for construction permits in the Multipoint Distribution Service (Docket Nos. 21155 and 21157).

Hearing—3—Applications for review of Review Board decision and related interlocutory requests in the Gainesville, Flordia, new FM station proceeding (Docket Nos. 20622–4).

Hearing—4—Revised application for review filed by Cumberland Broadcasting Corporation in the Athens, Tennessee, FM broadcast proceeding (Docket Nos. 21132 and 21133).

Hearing—5—Application for review of the Review Board's Decision upholding an Initial Decision which revoked the Amateur Radio station licenses of John R. Sheller and John C. Gallucci, and suspended for the remainder of the license term their Extra Class Amateur operator's licenses (Docket Nos. 21446, 47, 50, 51 and 52).

Hearing—6—A request for review of final Review Board Decision in the Spokane, Washington, Revocation of CB Radio License Proceeding (Docket No. 21149).

Hearing—7—Application for review of a final Review Board Decision in the Stockton, California, comparative FM broadcast proceeding (Docket Nos. 20925, 20926 and 20927).

If additional information is required concerning this meeting it may be obtained from FCC Office of Public Affairs, telephone number (202) 632–7260.

[S–1438–79 Filed 7–17–79; 10:51 am]

BILLING CODE 6712–01–M

6

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 19, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Broadcast—1—Title: Petition for Rulemaking and Request for a Declaratory Ruling of NCCB and Nicholas Johnson. Summary: The Commission has before it two petitions, both filed by the National Citizens Committee for Broadcasting and Nicholas Johnson. The first petition a Request for a Declaratory Ruling, seeks a ruling declaring that Ronald Reagan is a legally qualified candidate for purposes of the "equal opportunities" requirement of Section 315. Petitioners allege that such a ruling is necessary in view of Mr. Reagan's "obvious intention to seek the Republican nomination" and the fact that his opponents may be "reluctant" to request equal opportunities. The second petition, a Petition for Rulemaking, also concerns the "equal opportunities" requirement. it requests that the definition of a "legally qualified candidate" in Section 73.1940(a) of the Commission's rules be amended so that the "equal opportunities" requirement will apply to candidates who have not issued a formal declaration of an intention to run but who have made a "substantial showing" of candidacy.

Common Carrier—1—Title: In re Multi-Point Communication Corp. Summary: The St. Turibius Area Community Life Council has petitioned the Commission to deny Multi-Point's application to construct a 1½ watt microwave transmitter in Chicago, Il., St. Turibius challenges the validity of the OSHA standard of permissible RF radiation and requests an environmental impact statement, assuring it that the population near the transmitter will be safe from harmful radiation. The issue before the Commission is whether the application should be granted or denied. Moreover, an issue is before the FCC concerning whether construction of the transmitter will constitute a "major action" within the meaning of the NEPA.

Common Carrier—2—Title: Regulatory Policies Concerning the Provision of Domestic Public Message Services by Entities Other than the Western Union Telegraph Company and Proposed Amendment to Parts 63 and 64 of the Commission's Rules. Summary: This item addresses proposed changes in the Commission's Rules and policies concerning public message services. These proposals are a result of our decision in *Domestic Public Message Services* (CC Dockets 78–95 and 78–96) which ended Western Union's telegram monopoly.

Common Carrier—3—Title: Petitions to extend the moratorium on the use of the COMSTAR Satellite System for the provision of non-government private line services (Docket No. 16495). Summary: The FCC has concluded that further extension of the moratorium is not justified; however, new authorizations or tariff filings will be necessary before "satellite only" services may be offered by AT&T or GTE. At that point the FCC would be in a better position to consider many of the arguments advanced by the complaining parties, including the request that AT&T be required to establish a separate subsidiary to provide satellite services.

Common Carrier—4—Title: Proposed launch of the WESTAR III domestic satellite (Application File Nos. 511–DSS–MP–79 and 512–DSS–LA–79). Summary: The Western Union Telegraph Company is requesting authority to launch its on-the-ground spare satellite (WESTAR III) on or about August 9, 1979 and place it at 91° West Longitude. Western Union believes the launch of WESTAR III is needed at this time to meet the increasing demands for communications capacity, provide for anticipated growth of such demands, and for backup and restoral purposes.

The prompt and orderly conduct of Commission business requires that less than 7-days notice by given.

Information concerning this meeting may be obtained from the FCC Office of Public Affairs, telephone number (202) 632–7260.

Issued: July 16, 1979.

[S–1439–79 Filed 7–17–79; 10:51 am]

BILLING CODE 6712–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:15 p.m. (EDT) on Saturday, July 14, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Guaranty Bank & Trust Company, Chicago, Illinois, which was closed by the Illinois Commissioner of Banks and Trust Companies as of the close of business at 12:30 p.m. (CDT) on July 14, 1979, and Gateway National Bank of Chicago, Chicago, Illinois, which was closed by the Comptroller of the Currency as of the close of business at 1:00 p.m. (CDT) on July 14, 1979; (2) accept the highest bid for the transactions submitted by Independence Bank of Chicago, Chicago, Illinois; (3) approve a resulting application of Independence Bank of Chicago for consent to purchase certain assets of and assume the liability to pay deposits made in the two closed banks and to establish the single offices of the two closed banks as facilities of Independence Bank of Chicago; (4) approve an application of Independence Bank of Chicago for consent to assume the trust business of Guaranty Bank & Trust Company; (5) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transactions; and (6) appoint a liquidator for such of the assets of the closed banks as were not purchased by Independence Bank of Chicago.

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurred in by Chairman Irvine H. Sprague, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier

notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matters in a meeting open to public observation.

Dated: July 16, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1433-79 Filed 7-17-79; 10:51 am]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m. on Monday, July 23, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550—17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Memorandum regarding the allocation of expenses for liquidations and receiverships handled by the Division of Liquidation.

Resolution regarding salary adjustment for field positions in the Division of Liquidation.

Resolution amending Budget Year 1979 Staffing Table for the Division of Bank Supervision, Dallas Region.

Reports of committees and officers:

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.

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Controller on the termination of the liquidation of Cromwell State Savings Bank, Cromwell, Iowa.

Report of the Controller on the termination of the liquidation of Bank of Commerce, Tonkawa, Oklahoma.

Audit Report: Corporation EEO Program and Plan for 1979.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1434-79 Filed 7-17-79; 10:51 am]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 on Monday, July 23, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550-17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Sierra Security Bank, a proposed new bank to be located at 100 Grand Avenue, Susanville, California, for Federal deposit insurance.

Lytton Savings Bank, an operating noninsured bank, located at 200 Main Street, Lytton, Iowa, for Federal deposit insurance.

High Lakes Community Bank, a proposed new bank to be located at 51366 South Highway 97, LaPine, Oregon, for Federal deposit insurance.

Requests for exemption from section 348.3(b) of Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":

First Bank of Roscoe, Roscoe, Illinois.

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. 43,980-L—Franklin National Bank, New York, New York.

Case No. 43,981-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Case No. 43,983-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 43,984-L—The Hamilton Bank and Trust Company, Atlanta, Georgia.

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)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1435-79 Filed 7-17-79; 10:51 am]

BILLING CODE 6714-01-M

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, July 25, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed Revised Trade Regulation Rule on Care Labeling of Textile Products and Leather Wearing Apparel.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1437-79 Filed 7-17-79; 1051 am]

BILLING CODE 6750-01-M

11

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 A.M., THURSDAY, JULY 26, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 332-87 (Conditions of Competition in the Western U.S. Steel Market)—consideration of the report, if necessary: briefing in the morning session; vote at 2 p.m.
6. Investigation 337-TA-42 (Slow Cookers)—briefing in the morning session; vote at 2 p.m.

7. Investigation 337-TA-57 (Cattle Whips)—briefing in the morning session; vote at 2 p.m.

8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1436-79 Filed 7-17-79; 10:51 am]

BILLING CODE 7020-02-M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, July 26, 1979. [NM-79-24]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Rear-end collision of two Consolidated Rail Corporation freight trains at Muncy, Pennsylvania, on January 31, 1979, and *Recommendations* to the Consolidated Rail Corporation.

2. *Aircraft Accident Report*—Delta Air Lines, Inc., Boeing 727-200, N467DA, and Flying Tiger, Inc., Boeing 747-F, N804FT, O'Hare International Airport, Chicago, Illinois, February 15, 1979.

3. *Railroad Accident Report*—Derailment of Amtrak Train No. 8, the Empire Builder, on Burlington Northern track at Lohman, Montana, on March 28, 1979, and *Recommendations* to the Burlington Northern Company and to Amtrak.

4. *Marine Accident Report*—Collision of M/V STAR LIGHT (Greek) and the USS FRANCIS MARION, Norfolk, Virginia, March 4, 1979, and *Recommendations* to the Commandant, U.S. Coast Guard.

5. *Railroad Accident Report*—Derailment of New York City Transit Authority subway train, New York, New York, December 12, 1978, and *Recommendations* to the Metropolitan Transportation Authority.

6. *Special Study*—Noncompliance with Hazardous Materials Regulations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

July 17, 1979.

[S-1445-79 Filed 7-17-79; 3:50 pm]

BILLING CODE 4910-58-M

13

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, July 27, 1979. [NM-79-25]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the remaining three items will be closed to the public under the Government in the Sunshine Act, Exemption 10.

MATTERS TO BE CONSIDERED:

1. *Case History*—Motor Vehicle Safety Standard 121: Air Brake Systems.

2. *Letter* to Materials Transportation Bureau re closeout of seven Hazardous Materials Recommendations.

3. *Letter* to Materials Transportation Bureau re Notice of Proposed Rulemaking, Notice No. 79-9, Dkt. No. HM-126A.

4. *Letter* to Federal Railroad Administration re Notice of Proposed Rulemaking, Dkt. LI-6, locomotive inspections.

5. *Discussion*—Board policy on allowing absent Members to vote on Agenda items after Board Meetings.

6. *Opinion and Order*—Petition of Welch, Dkt. SM-2280; disposition of Administrator's appeal.

7. *Opinion and Order*—Commandant v. Woods, Dkt. ME-69; disposition of pilot's appeal.

8. *Opinion and Order*—Commandant v. Taylor, Dkt. ME-68; disposition of master's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

July 17, 1979.

[S-1446-79 Filed 7-17-79; 3:50 pm]

BILLING CODE 4910-58-M

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: July 16, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, July 16, 9 a.m. (Additional Item)

Discussion of Amendments to NRC Authorization Bill—Public meeting—Approximately 1 hour.

Additional Information

By a vote of 3-0 (Commissioners Gilinsky & Bradford, not present) on July 16, 1979, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the discussion of Amendments to NRC Authorization Bill, held that day, be held on less than one week's notice to the public. Prompt action was required in the matter.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

July 16, 1979.

[S-1443-79 Filed 7-17-79; 3:50 pm]

BILLING CODE 7590-01-M

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Federal Register

Vol. 44, No. 140

Thursday, July 19, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today.

ENVIRONMENTAL PROTECTION AGENCY

35224 6–19–79 / Approval of Louisiana air program variance for Kaiser Aluminum & Chemical Corp.

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 July 12, 1979

Slip Laws

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96th Congress, 1st Session, 1979

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