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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 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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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 January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1978 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached are the Interpretations and responses to Petitions for Reconsideration issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period December 1, 1978, through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Diane Stubbs, Office of General Counsel, Department of Energy, 12th & Pennsylvania Avenue, NW., Room 1121, Washington, D.C. 20461, (202) 633-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the FEDERAL REGISTER in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). The Interpretations published below are not subject to appeal.

The responses to Petitions for Reconsideration published herein have been issued in accordance with the provisions set forth in 10 CFR 205.85(f). It should be emphasized that the reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no inadvertent errors are made which affect the validity of the interpretation.

Issued in Washington, D.C., January 8, 1979.

EVERARD A. MARSEGLIA, Jr.,
Acting Assistant General Counsel for Interpretations and Rulings, Office of General Counsel.

APPENDIX A.—*Interpretations*

No.	To	Date	Category
1978-62	HNG Petrochemicals, Inc.	Dec. 4	Price
1978-63	Northern Natural Gas Company, *et al.*; MAPCO, Inc., *et al.*	Dec. 13	Price

INTERPRETATION 1978-62

To: HNG Petrochemicals, Inc.
Date: December 4, 1978.
Rules Interpreted: 10 CFR 212.162; 212.167; Ruling 1975-18.
Codé: GCW-PI-Part 212, Subpart K; Natural Gas Shrinkage; Firm, def.

FACTS

HNG Petrochemicals, Inc. (HNG) and Houston Pipe Line Company, Intratex Gas Company, and Valley Pipe Lines, Inc. (collectively referred to as "the pipeline companies") are wholly-owned subsidiaries of Houston Natural Gas Corporation.

HNG is the sole owner and operator of several gas plants, the operator and part owner of one gas plant and a part owner, but not operator, of another gas plant. All these gas plants are located in Texas near the pipeline companies' interconnected gathering and transmission system. At these plants, HNG extracts natural gas liquids (NGL's) and fractionates natural gas liquid products (NGLP's). Thus, HNG is a "refiner" as defined in 10 CFR 212.31 and a "gas plant owner" and "gas plant operator" as defined in 10 CFR 212.162. Because HNG does not refine crude oil, its pricing of NGL's and NGLP's is governed solely by Part 212, Subpart K. 10 CFR 212.161(b)(1).

The pipeline companies make the first sale of the natural gas processed by HNG's plants,[1] to gas utilities, industries, and other primarily large-scale consumers located within the State of Texas.[2] In May 1973 and thereafter, most of these sales of residue gas have been made strictly on a Btu basis, but some are made on a volumetric (Mcf) basis with the sales contracts specifying a minimum Btu content for the gas.

HNG calculates maximum lawful prices for the NGL's and NGLP's that it sells. An important component of such calculations is increased product costs, which include increased "cost of natural gas shrinkage." 10 CFR 212.162 and 212.167. HNG has elected to aggregate and allocate increased shrinkage costs on a firm-wide basis under 10 CFR 212.168(b).[3]

HNG requests an interpretation as to whether Subpart K requires the cost of natural gas shrinkage to be measured only by reference to contract prices for sales of residue gas by the gas processor at the tailgate of the processing plant. HNG seeks to include all of the residue gas sales prices of the pipeline companies (excluding only intra-firm sales) when calculating a weighted average sales price to be used in HNG's firm-wide shrinkage calculations. HNG's request also raises the question of how it may compute the weighted average cost of natural gas shrinkage on a firm-wide basis when the price terms in the relevant contracts for

[1] Department of Energy (DOE) regulations, rulings, and interpretations also refer to this "processed" gas as "residue" or "outlet" gas, and these terms are used interchangeably in this Interpretation. This Interpretation is not addressed to instances in which HNG processes natural gas under a contract whereby the processed gas is sold by a natural gas producer to the pipeline companies

[2] To varying degrees the residue gas the pipeline companies sell may be intermixed with "wet" streams that contain gas fed into the pipeline companies' distribution system and sold without extraction of those wet streams' liquid content. The processed gas from HNG's plants is commingled, so that it is impossible to trace processed gas sold to particular plants.

[3] *See HNG Petrochemicals, Inc.*, Interpretation 1978-16, 43 FR 19825 (May 9, 1978).

the sale of the residue gas are stated sometimes on an Mcf basis. In its amended request dated February 24, 1978, as supplemented by representations made by the firm in a conference held on May 31, 1978, HNG seeks to convert the price terms in the pipeline companies' contracts for sale of residue gas on a Btu and sometimes on an Mcf basis to their Btu "equivalent" and calculate a weighted average cost of natural gas shrinkage in the relevant month strictly on a Btu basis.

ISSUES

1. In computing increased product costs incurred since May 1973 attributable to the sale of NGL's and NGLP's may HNG determine the "cost of natural gas shrinkage," as defined in 10 CFR 212.162, pursuant to the pipeline companies' contracts for sale of natural gas?

2. In computing "cost of natural gas shrinkage" on a firm-wide basis, how is HNG to account for the different price terms (Btu or Mcf) used in the pipeline companies' contracts for sale of the processed natural gas?

INTERPRETATION

For the reasons discussed below, in computing increased product costs incurred since May 1973 for sale of its NGL's and NGLP's under Subpart K, HNG may determine the weighted average cost of natural gas shrinkage with reference to the pipeline companies' contracts for sale of the commingled residue gas. Subpart K, as interpreted by Ruling 1975-18, 40 FR 55860 (December 2, 1975), requires that for both May 1973 and the current month HNG compute this cost in two steps, with reference to (1) the weighted average price of residue gas sold on a Btu basis and (2) the weighted average price of residue gas sold on an Mcf basis, as described below.

Section 212.167(b)(3) defines "increased product costs" for NGL's and NGLP's to include:

"[T]he difference between the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the month of May 1973, and the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the current month, multiplied by the number of thousand cubic feet (MCF's) of natural gas processed in the current month."

Section 212.162 provides:

"Cost of natural gas shrinkage means the reduction in selling price per thousand cubic feet (MCF) of natural gas processed which is attributable to the reduction in volume or BTU value of the natural gas resulting from the extraction of natural gas liquids, as determined pursuant to the contract in effect at the time for which cost of natural gas shrinkage is being measured, and under which the processed natural gas is sold."

The pipeline companies' contracts for sale of the processed natural gas are the contracts pursuant to which HNG measures its cost of natural gas shrinkage under 10 CFR 212.167(b) and 212.162.[4] Subpart K requires neither that the gas plant owner or operator be a party to the contracts for sale of the processed natural gas nor that these contracts provide for sale of the gas at the tailgate of the processing plant. The preamble to the rulemaking adopting Subpart K states: [5]

"The total increased shrinkage cost attributable to the entire volume of natural gas processed to obtain a given volume of natural gas liquids may be attributed to the prices charged for those liquids in a first sale, *without regard to which entity actually retains title to the natural gas*, and therefore "incurs" an increased shrinkage cost by virtue of reduced natural gas sales revenues."

As the situation of HNG and the pipeline companies demonstrates, the first sale of processed natural gas to an unaffiliated entity may occur at widely varying locations, ranging from points at or near the tailgate of the processing plant to distant points along the distribution system, depending on where the seller is able to provide and the purchaser is able to receive delivery of the processed gas. The shrinkage calculations in Subpart K were not intended to interfere with these normal commercial interrelationships, but were intended generally to provide an economic incentive to extract NGL's from natural gas. The method for measuring increased shrinkage costs is based on three objective criteria: the extraction loss, the volumes of natural gas processed, and the sales prices of the residue gas. Such figures are used regardless of which entity has title to and sells the processed natural gas to an unaffiliated entity and regardless of the location at which such a sale is made.

Therefore, HNG's "weighted average price per unit (MCF or BTU) for processed natural gas" (Ruling 1975-18, § 2b) must be determined by reference to the pipeline companies' contracts for sale of natural gas from the distribution system interconnected with the outlets of gas processing plants in which HNG has an interest, excepting only sales by the pipeline companies to affiliated entities.

HNG has also requested an interpretation as to how the relevant residue gas sales price terms should be incorporated in its shrinkage calculations. Inasmuch as HNG has elected to aggregate and allocate product costs on a firm-wide basis, pursuant to 10 CFR 212.168(b), HNG must continue to calculate and apply shrinkage costs on the same basis. To compute shrinkage costs on a firm-wide basis, weighted avcrage residue gas sales prices must also be computed on a firm-wide basis in this case. As stated in Ruling 1975-18:

"Where the increased costs associated with several volumes of processed natural gas have been aggregated, the residue price which is used to determine the cost of natural gas shrinkage is a weighted average of all contract price terms under which the different volumes of processed natural gas are sold."

The relevant contracts for the sale of the residue gas specify that gas is sold on a Btu basis in most cases, and in some cases on an Mcf basis. Ruling 1975-18, *supra, establishes the appropriate method of obtaining one weighted average residue gas selling price. The difficulty in directly applying this formula to HNG's firm-wide shrinkage calculations is that HNG's firm-wide sales of residue gas are made on two bases (Btu and Mcf), not on one basis as set forth in the example in Ruling 1975-18, supra.* Because residue gas sales are made on two bases, the price terms cannot be weight-averaged directly to compute one weighted average residue gas selling price.

In order to comply with § 212.162 and in keeping with the principles enunciated in Ruling 1975-18, *supra*, HNG should calculate its shrinkage costs with reference to the relevant contractual price terms for processed natural gas. Since the gas is priced under these contracts on two different bases, then in order accurately to calculate the shrinkage costs attributable to extraction with reference to the relevant price terms of the contracts under which the processed gas is sold, HNG must establish a firm-wide weighted average sales price for residue gas sold on each basis according to the proportion by volume of gas sold on each basis. These calculations produce a firm-wide weighted average cost of "Btu" shrinkage and a firm-wide weighted average cost of "Mcf" shrinkage, which when added together yield the firm's total weighted average cost of natural gas shrinkage in the relevant month.

In the manner of Ruling 1975-18, these calculations of HNG's cost of natural gas shrinkage for May 1973 and the current month may be expressed in the following formula:

$$C_{wa} = \left(\frac{B}{B+M}\right)\left(\frac{V_{btu} \times P_{btu}}{I_{mcf}}\right) + \left(\frac{M}{B+M}\right)\left(\frac{V_{mcf} \times P_{mcf}}{I_{mcf}}\right)$$

Where:

C_{wa} = The weighted average cost of natural gas shrinkage.

B = The volume of residue gas sold pursuant to Btu contracts.

M = The volume of residue gas sold pursuant to Mcf contracts.

V_{btu} = The aggregate value in Btu of the natural gas liquids, natural gas liquid products, ethane, and plant fuel extracted from the processed gas stream, determined by converting them to the unit of measurement by which the residue gas

[4] HNG and the pipeline companies are part of the same firm under Part 212, and these contracts are the only ones in effect for the first sale of the natural gas to an unaffiliated entity after processing. Even if HNG and the pipeline companies were not part of the same firm, the conclusion in this Interpretation would not be changed, and HNG would still be permitted, in computing shrinkage, to utilize the pipeline companies' contracts for the first sale of the processed natural gas to an unaffiliated entity where there is no sale of the processed gas to the pipeline companies at a point prior to the pipeline companies' sale of the processed gas. Therefore, it makes no difference for HNG's shrinkage calculations that the pipeline companies, instead of HNG, sell the residue gas from natural gas streams processed by HNG's plants.

[5] 39 FR 44407, §V (December 24, 1974) (emphasis added).

is sold, in accordance with the procedures set forth in ruling 1975-18.

P_{btu}=The weighted average price per Btu unit for processed natural gas, as determind pursuant to the contracts in effect at the time for which the cost of natural gas shrinkage is being measured, and under which the processed natural gas is sold on a Btu basis.

V_{mcf}=The aggregate value in Mcf of the natural gas liquids, natural gas liquid products, ethane, and plant fuel extracted from the processed gas stream, determined by converting them to the unit of measurement by which the residue gas is sold, in accordance with the procedures set forth in ruling 1975-18.

P_{mcf}=The weighted average price per Mcf unit for processed natural gas, as determined pursuant to the contracts in effect at the time for which the cost of natural gas shrinkage is being measured, and under which the processed natural gas is sold on an Mcf basis.

I_{mcf}=The volume in Mcf's of the inlet gas, exclusive of any condensate (which is "crude oil" as that term is defined in § 212.31).

Neither of the methods suggested by HNG for calculating the cost of natural gas shrinkage fulfills the requirements of 10 CFR 212.162 that the "cost of natural gas shrinkage" be computed with reference to the price *terms* (Btu and/or Mcf) by which the residue gas is sold. In its original request of July 11, 1975, HNG proposed to compute this cost with reference to the pipeline companies' weighted average sales price per *Mcf* of residue gas sold. Such an amount would be determined by dividing HNG's total sales revenue by total Mcf's of gas sold. In its amended request of February 24, 1978, HNG proposed to compute this cost in reference to the pipeline companies' weighted average sales price per *Btu* of residue gas sold, determined by dividing HNG's total sales revenue by the sum of (1) the Btu content of gas sold pursuant to Mcf contracts and (2) the Btu content of gas sold pursuant to Btu contracts.[6] Either method would effectively ignore the price term (Btu or Mcf) in some of the pipeline companies' contracts for sale of the residue gas. Since in the relcant periods the pipeline companies have always sold residue gas pursuant to both Btu and Mcf contracts, HNG's shrinkage calculations must be based on the actual terms (both Btu and Mcf) in sales of residue gas.

Accordingly, HNG must compute the "cost of natural gas shrinkage" pursuant to both the Btu and Mcf contracts for sale of the residue gas in the relevant periods in the manner described above.

INTERPRETATION 1978-63

To: Northern Natural Gas Company, *et al.*[1] MAPCO, Inc., *et al.*[2]

Date: December 13, 1978.

Rules Interpreted: 10 CFR 212.31, 212.91, 212.161, 212.162, 212.163, and 212.164.

Code: GCW—PI—Part 212, Subparts F and K; Def. of Reseller, Refiner, Firm, and First Sale; Non-product Cost Increases

FACTS

Northern Natural Gas Company (Northern) and MAPCO, Inc. (Mapco) have filed separate Requests for Interpretation, which are both addressed in this Interpretation because they raise essentially the same legal issues under the Mandatory Petroleum Price Regulations in similar factual contexts. Each company processes natural gas and is, therefore, a "refiner" as defined in 10 CFR 212.31 and a "gas plant owner" and "gas plant operator" as defined in 10 CFR 212.162. As independent gas processors that do not also refine crude oil, the companies are subject to 10 CFR Part 212, Subpart K in their sales of natural gal liquids (NGL's) and natural gas liquid products (NGLP's). 10 CFR 212.161 (b) (1). The companies have asked a number of closely related questions: Whether the gas processing and marketing entities affiliated with each company are part of the same firm; whether transfers of NGL's by their gas processing to their marketing entities qualify as "first sales" under Subpart K; and whether sales of NGL's and NGLP's by the marketing entities are subject to Part 212, Subpart K, governing gas processors, or Subpart F, governing resellers. If their asserted interpretations were confirmed, Northern and Mapco would be permitted to use the adjusted May 15, 1973, prices provided by 10 CFR 212.164 in lieu of the actual May 15, 1973, weighted average transfer prices charged to their affiliated marketing entities, and the affiliated marketing entities could treat the amount of the adjustment as an increased product cost under the provisions of Subpart F.

Northern is divided into two divisions: The Transmission Division, which operates an extensive pipeline system in the Midwest for delivery of natural gas in interstate commerce for resale; and the Peoples Natural Gas Division, a utility delivering natural gas directly to consumers in a number of states. Northern also owns and operates gas processing plants which extract NGL's from the natural gas streams flowing through Northern's pipeline system and which fractionate those NGL's into natural gas liquid products, such as propane, butane and natural gasoline. Northern owns and sells part of the propane, butane and natural gasoline which it processes. Northern Propane Gas Company (Northern Propane) Northern Gas Products Company (Northern Gas), and United Petroleum Gas Company (United) are wholly owned subsidiaries of Northern. Northern Gas owns interests and operates a number of gas processing plants, parts of whose production of NGL's and NGLP's Northern Gas owns and sells. Northern Propane, which conducts its various business activities under the name of Norgas, buys propane and resells it primarily on the retail level but also on the wholesale level. United, a holding company, wholly owns UPG, Inc. (UPG), which purchases and resells propane, butane, condensate, diesel fuel oil, motor gasoline and other petroleum products. UPG has purchased substantially more than 5 percent of the petroleum products it sells (calculated by volume) from affiliated companies (Northern and Northern Gas). All of the petroleum products purchased by UPG from affiliated companies consist of NGL's and NGLP's produced from processing plants in which Northern and Northern Gas have interests. Northern Propane has purchased substantially more than 5 percent of the petroleum products it sells from UPG. Neither Northern nor any of the Northern subsidiaries refines crude oil.[3]

Mapco is divided into two divisions: the Pipeline Division, a common carrier which operates an extensive pipeline system in the Midwest for delivery of NGLP's in interstate commerce; and the Production Division, which explores for and produces crude oil and natural gas and owns interests in and operates gas processing plants producing NGL's and NGLP's part of which Mapco owns and sells.

The Thermogas Corporations (Thermogas) and MAPCO Products Company (Mapco Products) are wholly owned subsidiaries of Mapco. Thermogas consists of over 100 separate corporations that are jointly managed and buy and resell propane primarily on the retail level but also on the wholesale level. Thermogas purchases approximately 25 percent of its propane supplies from a commonly controlled entity. Mapco Products buys and resells NGL's, ethane, propane, butane, natural gasoline and other petroleum products, of which approximately 25 percent (calculated by volume) are purchased from a commonly controlled entity. Neither Mapco nor any of its subsidiaries refines crude oil.[4]

The parties[5] concede that as a result of their refining NGL's and NGLP's from nat-

[6] As explained by HNG in a conference on May 31, 1978, for purposes of this method of shrinkage calculations, HNG would assume that the average Btu content of gas sold pursuant to Mcf contracts was the same as the average measured Btu content of gas sold pursuant to Btu contracts.

[1] Northern Natural Gas Company filed its Request for Interpretation on behalf of itself, Northern Gas Products Company, Northern Propane Gas Company, and UPG, Inc.

[2] MAPCO, Inc., filed its Request for Interpretation on behalf of itself, The Thermogas Corporations and MAPCO Products Company.

[3] The term "Northern subsidiaries" is used hereafter to refer to Northern Gas; Northern Propane, United and UPG. For purposes of this Interpretation, we have assumed that from January 1, 1975, through October 31, 1978, UPG and Northern Propane each purchased more than 5 percent of the "covered products" (as defined in 10 CFR 212.31) they sold from commonly controlled entities.

[4] The term "Mapco subsidiaries" is used hereafter to refer to Thermogas and Mapco Products. For purposes of this Interpretation, we have assumed that from January 1, 1975, through October 31, 1978, Thermogas and Mapco Products each purchased more than 5 percent of the "covered products" (as defined in 10 CFR 212.31) they sold from commonly controlled entities.

[5] The term "parties" is used hereafter to refer to Mapco, Northern, and their subsidiaries. The parties' requests for interpretation were filed prior to the recent amendment to Subpart K, 43 FR 42984 (September 21, 1978), which substantially revised Subpart K effective November 1, 1978. The effective date of some of these amendments has been suspended. 43 FR 50841 (October 31, 1978). Because the submissions of the

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ural gas and selling those products, they were subject, at least in part, to 10 CFR Part 212, Subpart K. 10 CFR 212.161(b)(1). Northern contends, however, that each of its corporate entities [6] was a separate firm under Part 212. Mapco also contends that each of its corporate entities was a separate firm, except that all of the jointly managed Thermogas corporations should have been treated as one firm.[7] As a result, they conclude that only those entities that were gas plant owners or operators—Northern, Northern Gas and Mapco—would have been refiners subject to Subpart K with respect to their sales of NGL's and NGLP's. In contrast, they further conclude that those entities that only purchased and resold NGL's and NGLP's—Northern Propane, UPG, Mapco Products and Thermogas—would have been subject to 10 CFR Part 212, Subpart F, for such sales.[8]

If this requested interpretation were not issued and Northern and its subsidiaries [9] on the one hand and Mapco and its subsidiaries [10] on the other hand were each treated as a single "firm," Mapco urges that the DOE recognize a "transfer price" applicable to sales of NGL's and NGLP's from gas processing entities to marketing entities within the same firm. Under those circumstances, the "sale" of NGL's or NGLP's from the gas processing entity to the marketing entity would have been subject to Subpart K and the "resale" of NGLP's by the marketing entity would have been subject to Subpart F, notwithstanding the "5 percent rule" of 10 CFR 212.91, so long as the firm did not refine crude oil.

As we noted above, under either of the interpretations urged by the parties, they would have been able to use the adjusted May 15, 1973, first sale price set forth in 10 CFR 212.164 instead of actual May 15, 1973 weighted average "prices" for transfers of NGL's and NGLP's between their gas processing and marketing entities. This adjustment would then have been reflected in the marketing entities' increased costs of product in inventory ("increased product costs") under 10 CFR 212.93. The parties would also have been able to recover any increased non-product costs of their marketing subsidiaries in the manner provided by Subpart F.

In contrast, if the Northern group and the Mapco group were each considered to be a single firm, each group would have been subject exclusively to Subpart K insofar as its production, purchase, and sales of NGL's and NGLP's were concerned. As a result, the parties could have used their adjusted May 15, 1973 prices only in lieu of actual May 15, 1973 weighted average prices charged in sales of NGL's and NGLP's to unaffiliated entities,[11] their increased product costs would have been calculated as provided under 10 CFR 212.166, and the increased non-product costs which they incurred with respect to the sales of those products would have been subject to the limitations of 10 CFR 212.165.[12]

ISSUES

During the period from January 1, 1975, through October 31, 1978:

(1) Were all of the affiliated entities of the Northern group within the same "firm" and were all of the affiliated entities of the Mapco group within the same "firm" for purposes of determining maximum lawful prices under Subpart K?

(2) Were the marketing subsidiaries of the parties subject to the provisions of 10 CFR Part 212, Subpart F or Subpart K for the purpose of calculating their maximum lawful prices of NGL's and NGLP's?

(3) Did sales of NGL's and NGLP's by the gas processing entities of the parties to their affiliated marketing entities qualify as "first sales" under Subpart K?

(4) Were the parties entitled to use the adjusted May 15, 1973 selling prices of 10 CFR 212.164 in lieu of actual May 15, 1973 weighted average prices for NGL's and NGLP's transferred between gas processing and marketing entities within the Northern or Mapco groups?

(5) If the Northern group and the Mapco group each constituted a single "firm" and were subject exclusively to Subpart K in their sales of NGL's and NGLP's, were they precluded by the provisions of 10 CFR 212.165 from recovering any increased marketing costs for these products, absent exception relief?

INTERPRETATION

I. SUMMARY

For the reasons discussed below, we reach the following conclusions regarding the applicability of Subpart K and Subpart F to the parties from January 1, 1975, through October 31, 1978. Each of the affiliated entities within the Northern group was part of one firm, and each of the affiliated entities within the Mapco group was part of one firm. All entities, including the marketing entities, within these firms were subject exclusively to Subpart K, not Subpart F, with respect to their sales of NGL's and NGLP's to unaffiliated entities, because both firms were refiners and the marketing entities within both groups purchased more than 5 percent of their petroleum products for resale from affiliated entities. Sales of NGL's and NGLP's between affiliated entities within the Northern or Mapco firms cannot have constituted "first sales" under Subpart K since those sales were not transactions with classes of purchaser. The Northern and Mapco firms were entitled to use the adjusted May 15, 1973, prices for NGL's and NGLP's set forth in 10 CFR 212.164 in lieu of their actual May 15, 1973, weighted average sale prices of NGL's and NGLP's only with respect to sales to unaffiliated entities. Absent exception relief, the Northern and Mapco firms were permitted to recover as increased non-product costs all of their increased marketing costs attributable to their sales of NGL's and NGLP's, subject to the limitations on amount which were contained in 10 CFR 212.165.

II. DISCUSSION

A. *The Concept of "Firm".* Although the term "firm" has been used repeatedly in 10 CFR Part 212, Subpart K,[13] it was not expressly defined in that subprt. The term was, however, defined in Part 212, Subpart B, which establishes the meaning of important terms used throughout Part 212.

Section 212.31 provides:[14]

"'Firm' means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The [DOE] may, in regulations and forms issued in this part, treat as a firm: (1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm."

The parties contend that the most expansive meaning of "firm" in § 212.31, *i.e.*, a parent and the consolidated and unconsolidated entities which it controls, did not apply to Subpart K, inasmuch as the DOE never expressly incorporated this meaning

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parties deal only with the provisions of Subpart K as they existed prior to the recent amendments, this Interpretation deals only with Subpart K as it existed prior to November 1, 1978. Subpart K originally appeared at § 212.141 *et seq.*, and was later redesignated § 212.161 *et seq.*, 39 FR 44407, 44412-14 (December 24, 1974); 40 FR 6200 (February 10, 1975). All references in this Interpretation are to § 212.161 *et seq.*, as in effect through October 31, 1978.

[6] *I.e.*, each of the corporate entities listed in note 1, *supra*.

[7] See n. 2, *supra*.

[8] This Interpretation does not address the question of which supart of 10 CFR Part 212 governs the sale of condensate and other petroleum products by the parties.

[9] The term "Northern group" is used to refer to Northern and the Northern subsidiaries. See n. 3, *supra*.

[10] The term "Mapco group" is used to refer to Mapco and the Mapco subsidiaries. See n. 4, *supra*.

[11] The parties state that the actual May 15, 1973 weighted average transfer prices for NGL's and NGLP's between affiliated entities were lower than the adjusted May 15, 1973 sales prices, so that they would gain an advantage by using the adjusted prices in lieu of the established May 15, 1973 inter-affiliate transfer prices. According to the parties' requested interpretation, the difference between the May 15, 1973 transfer price and the adjusted price of 10 CFR 212.164(a) would have become part of the increased product cost to their affiliated marketing entities, which could then have been passed on to the marketing classes of purchaser. The parties' actual May 15, 1973 weighted average sales prices to unaffiliated entities for NGL's and NGLP's were much higher than the adjusted May 15, 1973 prices, so that the parties could not have benefited by the use of the adjusted prices in lieu of the May 15, 1973 prices to unaffiliated entities.

[12] As the detailed discussion in § II C of this Interpretation demonstrates, absent exception relief, § 212.165 limited recovery of increased non-product costs to .375 cents per gallon for NGL's and .5 cents per gallon for NGLP's. The parties also contend that this provision strictly limited recovery of increased non-product costs to those incurred in the operation of gas processing plants and excluded recovery of any increased marketing costs, which were substantial for both the Mapco and Northern groups.

[13] *E.g.*, 10 CFR 212.161(a), 212.162, 212.164, 212.165, and 212.166.

[14] This section was adopted in 39 FR 1924 (January 15, 1974) and carried forward a similar definition first adopted by the Cost of Living Council in Phase II of the Economic Stabilization Program, 6 CFR 101.2, 37 FR 9457 (May 11, 1972), which was readopted essentially unchanged, along with related definitions, in Phase IV, 6 CFR 150.31, 38 FR 21592 (August 9, 1973).

in the regulations contained in that subpart,[15] as apparently required by the definition's second sentence.

As far as refiners [16] have been concerned, the regulatory history emphasizes that contrary to the parties' unsupported claims,[17] regulations and forms subjected all refiners to the most expansive meaning of "firm," regardless of whether they have been crude oil refiners or gas processors. Under the Economic Stabilization Program, all refiners were subject to that meaning of "firm." [18] With the promulgation of the Mandatory Petroleum Price Regulations, 39 FR 1924 (January 15, 1974), sales of NGL's and NGLP's by all refiners were subject to 10 CFR Part 212, Subpart E, which expressly incorporated this meaning of "firm." Section 212.82 of Subpart E defines a "firm" as: "a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls." Under this definition, all entities within the Northern and Mapco groups were part of their respective single firms because of the element of common control.

With the promulgation of Subpart K, effective January 1, 1975, 39 FR 44407 (December 24, 1974), sales of NGL's and NGLP's by independent gas processors, *i.e.*, those unaffiliated with a crude oil refiner, became subject exclusively to Subpart K. 10 CFR 212.161(b)(1).[19] In the rulemakings creating and amending Subpart K, there was no indication of any intent to change the meaning of "firm" from what it was in Subpart E, and DOE and its predecessor agencies have never discussed or promulgated a substitute definition.[20] The DOE did not make the "firm" concept for purposes of Subpart K synonymous with "legal entity," as the parties contend, except insofar as the 5 percent rule applies. *See* § II B(2), *infra.*

"Firm" is the most basic concept in the Mandatory Petroleum Price Regulations, as the concept defines the scope of the entities subject to the regulations. Before the maximum lawful selling price that can be charged under Part 212 for a sale of a covered petroleum product can be determined, a determination must first be made of the size and scope of the seller's unit, *i.e.*, "firm," under the price regulations. This requirement applies as much to gas processors under Subpart K as it does to parties subject to other subparts of Part 212.[21] *See, e.g., Enterprise Products, infra.* In view of these considerations, and in view of the fact that gas processors were clearly subject to a well-developed concept of "firm" before Subpart K became effective, a change in the meaning of that term for the purposes of Subpart K alone would have required far more than the speculative basis, *i.e.*, inferring and intent to change from silence, that the parties urge in support of their requested interpretation.

The DOE also implemented the most expansive meaning of "firm" as defined in § 212.31 in the various report forms that gas processors have been required to file under the Mandatory Petroleum Price Regulations. These forms expressly indicated that this meaning of "firm" applied to all refiners, including gas processors.

Paragraph B of the instructions to Form FEO-96,[22] first required to be filed in February 1974, stated:

"Each refiner, as defined in 10 CFR 212.31 must file a Form FEO-96. . . .

"The parent and the consolidated and unconsolidated entities, (if any) which it directly or indirectly controls, taken all together, constitute the 'firm'. . . ."

Form P110-M-1, first required to be filed in April 1976, replaced Form FEO-96. The instructions to Form P110-M-1, paragraph B, also defined "firm" in that manner.[23]

The DOE and its predecessor agencies have generally interpreted the definition of "firm" in the Mandatory Petroleum Price Regulations in the most expansive sense, as set forth in the definition of "firm" in § 212.31, so that a parent firm (including an individual person) and all the entities it directly or indirectly controls are considered to be part of the same firm. *In Enterprise Products Co.*, Interpretation 1975-3, 42 FR 23722 (May 10, 1977), issued on February 12, 1975, the Federal Energy Administration (FEA), a predecessor of the DOE, rejected the arguments of a wholesaler of NGLP's that its sales to two retail dealers were inter-firm transactions. In that case, the owners of the wholesaler owned 8 percent of the stock in one of the retail dealers and 29 percent of the stock in the other retail dealer. The FEA applied the most expansive meaning of "firm" in § 212.31 to the wholesaler and the retail dealers, and treated all of these entities as one combined firm subject to Subpart F, even though that subpart (like Subpart K) did not define that term.[24] In *Tesoro Petroleum Corp.*, Interpretation 1975-32, 42 FR 23743 (May 10, 1977), issued on August 21, 1975, the FEA similarly determined that two refiners were part of the same firm where one refiner had purchased 37 percent of the stock of the second, noting that the expansive scope of a firm for purposes of the whole price control program (absent express exception) had long since been established:

"In a series of rulings during Phase II of the Economic Stabilization Program the major questions concerning inter-corporate control for purposes of price regulations were fully answered and settled. . . . [T]he administrative determination of whether one firm is controlled by another must be a factual and legal determination based upon *possession of the power of control* and not upon the happenstance of exercise of that power." (Emphasis added.)

In *Sohio-BP Oil, Inc.*, Interpretation 1976-3, 42 FR 7926 (February 8, 1977), issued April 20, 1976, the FEA concluded in similar unequivocal terms that Sohio and its wholly owned subsidiary, BP Oil, Inc., were part of the same firm.[25]

"The price rules do not apply to each refinery but to each 'firm.' . . . The price rules

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[15] *E.g.*, Northern's Request, pp. 7-11; Mapco's Request, pp. 11-14.

[16] See discussion of the "refiner" definition, which includes gas processors such as the Mapco and Northern firms, in § II B(1), *infra.*

[17] *E.g.*, Mapco's Request, pp. 11-18.

[18] 39 FR 32718 (September 10, 1974).

[19] Contrary to Northern's argument, § 212.161(b)(1) neither states nor implies that the expansive meaning of "firm" in Subpart E is inapplicable to refiners made subject to Subpart K exclusively. Request, pp. 9-10, 13. This section only makes clear that independent gas processors were no longer to determine maximum lawful prices under the refiner price formula of Subpart E after Subpart K became effective. The scope of the entity subject to the regulations—the "firm" as defined in 10 CFR 212.82—remained the same, as indicated by the repeated use of that term throughout Subpart K.

[20] Subpart K was adopted and amended pursuant to the following rulemakings: 39 FR 32718, § I (September 10, 1974); 39 FR 44407 (December 24, 1974); 40 FR 6200 (February 10, 1975); 40 FR 39850 (August 29, 1975); 40 FR 49105 (October 21, 1975); 41 FR 15330 (April 12, 1976); 41 FR 24110 (June 15, 1976); and 42 FR 29490 (June 9, 1977). *See* n. 5, *supra.*

[21] To have different meanings for "firm" under the various Subparts E, F, and K would be not only contrary to the plain meaning of Part 212, but also contrary to the integrated structure of its interrelated provisions. A party can be characterized as solely a crude oil refiner, solely an independent gas processing refiner, or solely a reseller under the price regulations only after the scope of the party's "firm" has been established. In the case of a major crude oil refiner, for example, it cannot be decided whether the same "firm" is also a gas processor unless the meaning of that term, as used in both Subparts E and K, indicates what entities are included in the firm. Crude oil refiners with gas processing interests are subject both to Subpart K (for their gas processing activities) and Subpart E (for all other refining activities and the computation of maximum lawful prices for sales of NGL's and NGLP's to unrelated entities). Thus, if the same "firm" concept that applied to the rest of Part 212 were not incorporated in Subpart K, it would be impossible to join Subparts E and K for pricing purposes, as directed by 10 CFR 212.161(b)(2). In such a case, one could not determine whether NGL's and NGLP's produced by a particular gas plant were being sold by an independent gas processor (without interests in any crude oil refinery) and thus subject only to Subpart K, or by a crude oil refiner with this and perhaps other gas processing interests and thus subject to Subparts K and E. *See Atlantic Richfield Co.*, Interpretation 1978-61, issued November 7, 1978 (Arco); and *Continental Oil Co.*, Interpretation 1978-29, 43 FR 29529 (July 10, 1978) (Conoco). Northern has furnished no support for its claim (Request, p. 9) that the most expansive meaning of "firm" as set forth in § 212.31 applied to Subpart K only for gas processors that were also crude oil refiners.

[22] The definition of "firm" in this form is discussed in *Tesoro Petroleum Corp.*, 5 FEA ¶ 80,611 (April 19, 1977).

[23] Since Form FEO-96 did not expressly provide for calculations under Subpart K, Form P110-M-1 was required to be filed retroactively by all firms engaged in gas processing. *See* Form P110-M-1, Enclosure #2, 2 CCH Energy Management ¶ 18,406.

[24] On May 10, 1976, the FEA amended 10 CFR 212.92 to define "seller" in the same manner as "firm" is defined in 10 CFR 212.82, except as provided by the 5 percent rule of § 212.91, in order expressly to conform Subpart F to prior Interpretations of that part. 41 FR 19110 (May 10, 1976).

[25] *Accord, e.g., Peerless Distributing Company,* Interpretation 1977-29, 42 FR 46272 (September 15, 1977); *Ball Marketing Enterprise,* Interpretation 1977-18, 42 FR 39960 (August 8, 1977), *appeal denied,* 1 DOE ¶80,238 (April 13, 1978); *Texas City Refining, Inc.*, Interpretation 1977-6, 42 FR 17100 (March 31, 1977), *appeal denied,* 6 FEA ¶80,532 (August 3, 1977); and *Rookwood Oil Terminals, Inc.*, Interpretation 1976-8, 42 FR 7932 (February 8, 1977).

do not apply to each marketing outlet or subsidiary but to each "firm."

Applying this same expansive meaning of "firm" to Northern, Mapco, and their subsidiaries, as indicated by DOE's historical practices and policies discussed above, necessarily supports the conclusion that each parent and all of its wholly owned subsidiaries, *i.e.*, the Northern group and the Mapco group, were part of the same firm for purposes of 10 CFR Part 212. *Sohio-BP, supra.*

The parties' claims that the various entities in the Northern and Mapco groups in fact operate independently of one another, as separate "profit centers," [26] are irrelevant to the determination that all of the subsidiary entities in each group have been subject to the same legal power of control by the parent. As the cases above demonstrate, even where that power of control is less than absolute and may not have been exercised, its existence compels us to treat all of the affiliated entities subject to common control as a single firm, except where hardship or gross inequity has been demonstrated in exception proceedings.

B. SALES OF NGL'S AND NGLP'S BY GAS PROCESSORS

(1) *Refiners.* A "refiner" is defined in 10 CFR 212.31 as follows (emphasis added):

"'Refiner' means a firm (other than a reseller or retailer) or that part of such a firm which refines covered products or blends and substantially changes covered products, or *refines liquid hydrocarbons from oil and gas field gases,* or *recovers liquefied petroleum gases incident to petroleum refining* and sells those products to resellers, retailers, reseller-retailers or ultimate consumers. 'Refiner' includes any owner of covered products which contracts to have those covered products refined and then sells the refined covered products to resellers, retailers, reseller-retailers or ultimate consumers."

Section 212.31 defines "covered products" to include in part "butane, . . . natural gas liquids, natural gasoline, and propane." Therefore, the Northern and Mapco firms have each always been refiners for purposes of Part 212, since they refine and produce NGL's and NGLP's in gas processing plants and own those products prior to their sale. *Mobil Oil Corp.* v. *FEA,* 566 F.2d 87 (TECA 1977); *National Helium Corp.* v. *FEA,* 569 F.2d 1137 (TECA 1977); *McCulloch Gas Processing Corp.,* Interpretation 1974-13, 42 FR 25654 (May 18, 1977), *appeal denied,* 1 FEA ¶20,180 (November 15, 1974); 39 FR 32718; and 39 FR 44407.

Prior to the adoption of Subpart K effective January 1, 1975, the Northern and Mapco firms were subject to Subpart E (and previously to the price control regulations administered by the Cost of Living Council), which governed the sale of NGL's and NGLP's by all refiners, regardless of whether the firms refined those products from crude oil or natural gas.[27] Regulations were promulgated in Subpart K that were specifically designed to govern the sales of NGL's and NGLP's produced from natural gas. Subpart K's applicability and relationship to other subparts is set forth in 10 CFR 212.161:

"(a) *Scope.* This subpart applies to all sales of natural gas liquids and natural gas liquid products, including transfers between affiliated entities, by all firms, including gas plant operators, producers of natural gas, natural gas royalty owners, and refiners except sales by resellers or retailers, which are subject to Subpart F of this part.

"(b) *Relationship to other Subparts.*

"(1) *Gas plant operators.* Refiners that only refine liquid hydrocarbons from oil and gas field gases and do not refine crude oil shall determine their maximum lawful prices pursuant to this Subpart K and are not also subject to Subpart E.

"(2) *Crude oil refiners which are also gas plant operators.* (i) *General.* Refiners that refine liquid hydrocarbons from oil and gas field gases, and also refine crude oil, shall determine their May 15, 1973 selling prices and increased costs for natural gas liquids and for natural gas liquid products produced in gas plants pursuant to this subpart, but shall determine their maximum lawful selling prices pursuant to Subpart E."

As refiners, gas plant operators and owners, [28] the Northern and Mapco firms have been subject to the regulations of Subpart K governing the sale of NGL's and NGLP's.

(2) *Five Percent Rule.* Part 212, Subpart F applies to sales of petroleum products by resellers and retailers as described in 10 CFR 212.91:

"This subpart applies to each sale of a covered product, other than crude oil, by resellers, reseller-retailers, and retailers. For purposes of this subpart, 'reseller' includes any entity of a refiner (other than an entity that operates in Puerto Rico) that is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5 percent of such covered products from the refiner including any entities that it directly or indirectly controls and provided further that the entity has consistently and historically exercised the exclusive price authority with respect to sales by the entity."

The marketing subsidiaries of Northern and Mapco cannot generally have been regarded as resellers or reseller-retailers [29] because those subsidiaries were part of firms that were considered under the regulations to be refiners, both before and after the promulgation of Subpart K, as discussed above.[30] Thus, under the plain meaning of § 212.91 these marketing subsidiaries would have been allowed to calculate maximum lawful prices under Subpart F for sales of NGL's only if these subsidiaries purchased less than 5 percent of the covered products they sell from affiliated refiner-entities or from other entities controlled by the refiner, and if these subsidiaries exercised exclusive pricing authority for such sales. The facts Northern and Mapco have presented demonstrate that neither firm met the first of these two requirements, thereby precluding the application of Subpart F to "resales" of NGL's and NGLP's by their marketing subsidiaries.[31] *E.g., Peerless Distributing Co., supra.* Thus, sales by these entities were governed by Subpart K, and not by Subpart F.

(3) *First Sale.* Subpart K governs prices charged for NGL's and NGLP's in the manner described in the general price rule, 10 CFR 212.163:

"(a) *First Sale.* A royalty owner, producer, gas plant owner, gas plant operator or other entity may not charge to (or receive from) any class of purchaser a price in excess of the weighted average price at which natural gas liquids or natural gas liquid products were lawfully priced in *transactions* with the *class of purchaser* concerned on May 15, 1973, except to the extent permitted by this subpart.

"(b) *Net-back sale.* A royalty owner, producer, gas plant owner, gas plant operator, or other entity that transferred natural gas liquids or natural gas liquid products to any *class of purchaser* on May 15, 1973, in a net-back sale shall not charge (or receive) per gallon revenues for such natural gas liquids or natural gas liquid products in excess of the per gallon revenues received in such net-back sales on May 15, 1973, except to the extent that the *first sale* price upon which the net-back amount is determined is permitted to increase above its May 15, 1973 level pursuant to this subpart, and except to the extent that the method for determining the amount of the net-back is changed, provided however, that any change in the method of determining the amount for any net-back shall not constitute an increased product cost or an increased non-product cost." (Emphasis added.)

Analyzing this general price rule in the context of Part 212's definitions of the terms discussed above confirms that Subpart K governed the calculation of a maximum lawful price for NGL's and NGLP's sold by a gas processor to an unaffiliated entity. Prices for intra-firm "sales" of NGL's and NGLP's were not themselves limited by Subpart K (*i.e.*, subject to the first sale price rule of § 212.163) and cannot have been taken into account in calculating maximum lawful prices for sales of such products to unaffiliated entities. The cost computation and passthrough provisions of Subpart K operate automatically to reflect allowable costs incurred by all affiliated entities in the maximum lawful prices which may be charged to unaffiliated entities. §§ 212.163, 212.165, 212.166, and 212.167.

Section 212.163(a) requires that a "first sale" of NGL's or NGLP's relate to a "transaction" with a "class of purchaser." Both of these elements must be present in order to qualify a sale as a "first sale." [32] *Arco* and

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[26] *E.g.,* Northern's Request, pp. 4, 6; Mapco's Request, pp. 7-9. We note the parties have not claimed that Northern and Mapco have failed to exercise control of their subsidiaries in the most fundamental manner—election of their directors who in turn appoint the subsidiaries' executive officers.

[27] 39 FR 32718. *See also* Ruling 1975-6, 40 FR 23272 (May 29, 1975); and Class Exception (Retroactive Application of Subpart K), 2 FEA ¶84,901 (August 29, 1975).

[28] "Gas plant operator" is defined in 10 CFR 212.162 as "any *firm,* including a gas plant owner, which operates a gas plant and keeps the gas plant records." "Gas plant owner" is defined in the same section as "any *firm* with an ownership interest in a gas plant." (Emphasis added.)

[29] *See* § II C, *infra.*

[30] The definitions of "reseller" and "reseller-retailer" in 10 CFR 212.31 expressly exclude refiners.

[31] Mapco's Request, pp. 18-23, claims that its requested interpretation is consistent with Subpart F. No specific language in Subpart F or K, however, declared the 5 percent rule inapplicable to independent gas processor-refiners. As with the definition of "firm" discussed previously, there was also no evidence of any intent to change this basic rule upon the promulgation of Subpart K.

[32] This term is defined in 10 CFR 212.162 as follows:

Footnotes continued on next page

Conoco, supra, n. 21. Neither of the elements is satisfied by the transfer of NGL's and NGLP's between entities within the Northern and Mapco firms. "Transaction" is defined in 10 CFR 212.31 as follows:

"'Transaction' means an arm's-length *sale between unrelated persons which are not members of a controlled group* (as defined in 26 U.S.C. 1563(a)) and is considered to occur at the time and place when a binding contract is entered into between the parties." (Emphasis added.)

The transfers of NGL's and NGLP's within the Northern and Mapco firms did not qualify as transactions because the transfers were made between related entities that were members of the same controlled group. Inherent in the "class of purchaser" definition in § 212.31 is the "firm" concept, so that only a purchaser outside of the seller's firm can be considered part of a "class of purchaser." *Arco* and *Conoco, supra*. The Northern and Mapco subsidiaries did not so qualify in reference to their purchase of NGL's and NGLP's within their respective controlled groups.

Similarly, the adjusted May 15, 1973, prices of Subpart K can be applied only to "first sale *transactions* with a *class of purchaser*." § 212.164(a) (emphasis added). The above analysis of these terms necessarily means as well that the Northern and Mapco firms cannot have used these adjusted prices in lieu of the May 15, 1973, transfer prices within each firm.

(4) *Parties' Arguments.* The parties have submitted a number of arguments and materials [33] in an attempt to show the validity of their requested interpretation. These submissions are contradicted by the plain meaning of the Mandatory Petroleum Price Regulations.

For example, Mapco argues that even if all of its entities were considered part of the same firm, its marketing subsidiaries were not subject to Subpart K with respect to their sales of NGL's and NGLP's, but were subject to Subpart F exclusively. Mapco contends that the transfers of NGL's and NGLP's by its gas processing entities to its marketing entities were the first "transfers between affiliated entities," which were treated as sales under § 212.161(a), and were therefore the "first sales" subject to Subpart K. According to Mapco, such an interpretation would have entitled the marketing entities to calculate maximum lawful prices for their sales of NGL's and NGLP's to unaffiliated entities under Subpart F. Mapco argues that it would also follow as to the intra-firm "sales" that the adjusted May 15, 1973, prices of § 212.164 may have been used instead of actual May 15, 1973, weighted average prices for NGL's and NGLP's transferred from its gas processing to marketing entities, and that this adjustment in § 212.164(a) would have been passed through by the marketing entities as increased costs of product in inventory ("increased product costs") under § 212.93.

Mapco has argued at length that its interpretation necessarily follows from the language in § 212.161(a), quoted in full in § II b(1) above, which states that Subpart K applies to "all sales of natural gas liquids and natural gas liquid products, including transfers between affiliated entities, by all firms. . . ." Mapco argues that this transfer pricing concept is identical to that binding together Subparts D and E of Part 212, whereby an integrated crude oil refiner can establish "transfer prices" for crude oil transferred from its producing to refining entities. Mapco points out that such prices are inserted into Subpart E's refiner price formulae, 10 CFR 212.83, when the crude oil is refined.

The language of § 212.161(a) did not create the transfer pricing concept between Subparts K and F that Mapco advocates. Rather, for gas processors this language merely confirmed that all relevant activities of a gas processing firm with respect to sales of NGL's and NGLP's are within the scope of Subpart K, which sets forth the manner of determining maximum lawful prices for sales by such firms "except sales by resellers or retailers, which are subject to Subpart F of this part." A transfer between affiliated entities did not qualify as a first sale—Removing subsequent sales activity within the firm from the scope of Subpart K—unless the transferee satisfied the terms of Subpart F, i.e., both requirements of the 5 percent rule of § 212.91. Since the entities in the Northern or Mapco group did not qualify under the 5 percent rule, Subpart K applies to these transfers between affiliated entities. In these intra-firm "sales" the Subpart K rules apply not by establishing transfer prices, but rather by reflecting in maximum lawful prices to unaffiliated entities the allowable costs incurred by all affiliated entities. §§ 212.163, 212.165, 212.166, 212.167.

Mapco argues that the term "first sale" in Subpart K is synonymous with the same term in Subpart D.[34] Mapco's argument by analogy to Subpart D ignores the critical differences between the definitions of "first sale" in Subparts D and K and between the fundamental pricing concepts employed by each subpart's regulations. "First sale" is defined in Subpart D, 10 CFR 212.72, as follows:

"'First sale' means the first transfer for value by the producer or royalty owner. *With respect to transfers between affiliated entities, the 'first sale' shall be imputed to occur as if in arms-length transactions.*" (Emphasis added.)

Comparing this definition with the "first sale" definition in Subpart K, 10 CFR 212.162, quoted in note 32 above, shows that the special exception to the transaction concept created by the second sentence of the Subpart D definition of "first sale" is wholly absent from the Subpart K definition which refers to sales to a "class of purchaser." Like Subpart K's general price rule, the definition of "first sale" in Subpart K speaks in terms of transfers to a class of purchaser, not transfers to affiliated entities. Unlike Subpart K or any of the other Part 212 subparts, which regulate prices for a firm's petroleum products on the basis of May 15, 1973, prices plus certain increased costs, Subpart D [35] establishes ceiling prices for each of the various categories of domestic crude oil regardless of whether the producers are integrated with refiners and regardless of their new or increased costs of production since May 15, 1973. If crude oil is sold by a producer to an affiliated refiner, the refiner can generally use prices for domestic crude oil as determined under Subpart D to calculate increased costs, as expressly allowed by the second sentence of the definition of "first sale" contained in § 212.72, quoted above. Increased costs included in this transfer price are inserted in the refiner's cost allocation formulae as increased purchased product cost, which is one method of cost passthrough that conforms to § 212.83(b).[36]

In contrast, transfer pricing as asserted by the parties under Subpart K would occur without the DOE's specific limits on intra-firm prices applicable to crude oil. There have never been any provisions in the DOE regulations establishing a mechanism for transferring (and limiting) intra-firm sales

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"'First sale' means, with respect to natural gas liquids or natural gas liquid products, the first transfer for value to a class of purchaser for which a fixed price per unit of volume is determined."

Likewise, a transfer of NGL's or NGLP's between affiliated entities cannot have been a "net-back sale," also defined in § 212.162, since such transfers did not relate to a "transaction" with a "class of purchaser." The Notice of Final Rule adopting the definitions of "first sale" and "net-back sale" (39 FR 44407, § II) stated:

"'First sale' is used to refer to the first *transaction* with respect to which a specified per unit (*e.g.*, cents-per-gallon) price is determined. 'Net-back sale' is used to refer to *transactions* with respect to which a specified per unit price is not determined, but as to which the transferor of the product is entitled to receive a percentage of the ultimate sales revenues of the product or products involved. These new definitions are to make clear that FEA regulations apply to all *transactions*—both 'first sales' and 'net-back sales.'" (Emphasis added.)

[33] These submissions are as follows: Northern's Request for Interpretation of February 10, 1976; Mapco's Request of December 3, 1976; and Mapco Supplements of April 6, July 7, and October 31, 1977, and January 19, June 22 (two), and July 11, 1978. Mapco has also incorporated by reference into its request its comments of July 29, 1977, and December 8, 1978, on proposed amendments to Subpart K. Northern's arguments are addressed exclusively to the "firm" concept, discussed in § II A above.

[34] Mapco's Request, pp. 23-25; Mapco's July 11, 1978, Supplement, p. 2.

[35] In its present form, Subpart D basically reflects implementation of the crude oil pricing policies of the Energy Policy and Conservation Act, Pub. L. No. 94-163,. § 401 (December 22, 1975). For a full discussion of these policies, *see* S. Conf. Rep. No. 94-516, § IV, 94th Cong., 1st Sess. (1975), and 41 FR 4931 (February 3, 1976).

[36] Section 212.83(b) states:

"*Affiliated entities.* For purposes of this section, transactions between affiliated entities may be used to calculate increased costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the [DOE] may allocate such costs between the affiliated entities if it determines that such cost allocation is necessary to reflect actual costs of these entities or the [DOE] may disallow any costs which it determines to be in excess of the proper measurement of costs."

This provision works together with Subpart E's definition of "transactions between affiliated entities" in 10 CFR 212.82. Section 212.82 also expressly contemplates an exception to the "firm" concept for the limited purpose of transferring fixed crude oil prices:

" 'Transactions between affiliated entities' means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest."

prices for NGL's and NGLP's between Subparts K and F other than the provisions of the 5 percent rule. Reading Section 212.161(a) as authorizing general, unlimited transfer prices would be in any case inappropriate, since the prices which a firm would be permitted to charge in intra-firm sales could be manipulated without regulatory constraint or oversight.[37] There is no basis to imply a mechanism for transferring and limiting intra-firm sales prices for NGL's and NGLP's from the broad language of § 212.161(a). The value of the adjustment under § 212.164 in an inter-affiliate transfer should not turn upon the fortuities of intra-firm decisions as to what entities will show how much profit. For example, the May 15, 1973, transfer price for NGLP's sold by Mapco to its marketing subsidiaries could be lower than the prices negotiated by Mapco and unrelated buyers, with the result that the value of the adjustment of § 212.164 related to such a transfer would be artificially high, and the increased "cost" in the transferee's hands would be artificially high.

This Interpretation is supported by other provisions of Subpart K. For example, Mapco urges that a consequence of its transfer pricing concept would have been the use of the adjusted May 15, 1973, first sale prices of § 212.164 in lieu of the May 15, 1973, transfer prices for NGL's and NGLP's between its affiliated entities. Instead of confirming this view, however, § 212.164 permits a firm to apply its adjusted May 15, 1973, prices only in lieu of those charged "in first sale *transactions* with a *class of purchaser.*"[38] For the reasons previously discussed, Mapco's intra-firm transfers cannot be considered as transactions with a class of purchaser. In addition, Mapco's view that its marketing subsidiaries should use the reseller price rule set forth in §§ 212.92 and 212.93 is inconsistent with the provisions of § 212.166. Section 212.166 specifically provides for the calculation of increased costs for purchased NGL's and NGLP's, and states that that calculation is based upon the difference in prices of product purchased in May 1973 and the current month. If the reselling operations of gas processors were not to be governed by Subpart K, this provision of § 212.166 would not have been necessary.

Mapco asserts that rejecting its arguments for an inter-affiliate "transfer price" between Subparts K and F for NGL's and NGLP's is anomalous and improperly denies Mapco the financial incentive which it would receive from applying the adjusted May 15, 1973, prices at the tailgate of its processing plants, where NGL's and NGLP's are transferred from its gas processing to marketing entities. In support of this argument, Mapco cites a Notice of Proposed Rulemaking under Subpart K, 40 FR 49105, § VIII (October 21, 1975), in which the FEA considered the possibility of varying the adjusted price in accordance with marketing costs such as those incurred for transportation.[39] The FEA, however, expicitly decided not to adopt any variations, 41 FR 24110 (June 15, 1976), stating:

"VIII. FIRST SALE PRICES FOR NATURAL GAS LIQUID PRODUCTS ACCORDING TO LOCATION OF SALE

A possible amendment to the Subpart K price rules to provide for application of the adjusted May 15, 1973 first sale prices in a manner that would also fully preserve historical geographical price differentials in the maximum lawful prices permitted to be charged for natural gas liquid products has not been adopted. However, with respect to this issue, FEA stated in the October 15 Notice that it would consider such an amendment but would not adopt it absent a convincing showing that an amendment was necessary and feasible. FEA has concluded that such a showing has not been made."

Mapco argues that an interpretation contrary to the one it requests could possibly injure vertically integrated natural gas processors such as itself, by increasing net-back payments from processors to producers. According to Mapco, the industry has traditionally tied net-back payments to the transfer prices between its gas processing and marketing entities. Mapco therefore asserts that an interpretation holding that a "first sale" of NGL's or NGLP's under Subpart K does not occur until the Mapco firm sells the products to an unaffiliated entity could raise the issue of whether net-back payments should be based on such a "first sale" price instead of the lower transfer price.[40]

Even if these assertions were true, they should not affect the meaning of the Mandatory Petroleum Price Regulations, which are designed to serve the private purposes of individual parties only insofar as they are consistent with the regulations' public purposes.[41] In any event, it cannot be stated for certain that rejecting the concept of transfer pricing would have the results Mapco fears in regard to net-back payments. As a general matter, although Subpart K has imposed some limits upon gas processors' net-back obligations, so long as these relevant limitations are followed the manner in which net-back payments are computed is a matter to be resolved by the parties concerned in their best interests. *See McCulloch Gas Processing Corp.*, 1 FEA ¶ 20,659 (September 12, 1974), *modified*, 1 FEA ¶ 20,186 (November 22, 1974); and 42 FR 29490. Mapco's situation in this respect also appears to be indistinguishable from that of crude oil refiners with gas processing interests, which also are subject to the "first sale" provisions of Subpart K. *Arco* and *Conoco, supra.*

Mapco has attempted to distinguish the *Conoco* Interpretation and argues that the DOE's rejection of Conoco's arguments for a "transfer price" at the tailgate of the processing plant does not require that the DOE reach the same result in this Interpretation. We recognize that Mapco, as an independent gas processor, is not in an identical situation to Conoco, which is a crude oil refiner. However, the fundamental definitions and concepts of Subpart K remain applicable both to independent gas processors and to crude oil refiners that are also gas processors, notwithstanding certain special Subpart K provisions that apply only to crude oil refiners. Although the result reached here is consistent with *Conoco*, we have addressed these parties' contentions on their merits.

Mapco has argued[42] that certain provisions of Subpart K, such as those for allocation of increased product costs in § 212.167, cannot reasonably be construed to apply to sales of NGL's and NGLP's by extensive marketing entities of firms like Mapco. For example, Mapco asserts that the provisions of § 212.167 that permit separate gas plant-by-gas plant allocation of increased product costs indicate that Subpart K was intended to apply only to sales of NGL's and NGLP's at the gas plant level. However, Mapco has not provided sufficient factual information that would enable us to make a complete response to issues of this type. Under these circumstances, we have decided not to address these secondary issues in this Interpretation. Mapco may, however, request a further interpretation in a separate proceeding.

Mapco has also claimed[43] that refusal of the DOE to issue the interpretation on transfer pricing that Mapco requests would injure its competitive viability, in violation of the objectives of the Emergency Petroleum Allocation Act (EPAA), *supra*, n. 41. Subpart K represented FEA's attempt reasonably to balance the many and often conflicting objectives of the EPAA as they affected, *inter alia*, natural gas producers and refiners and consumers of NGL's and

[37] The fact that market forces and net-back arrangements with producers of natural gas may in some instances give Mapco an incentive not to inflate its transfer prices does not support the parties' requested interpretation. These regulations should be interpreted in ways which neither invite nor permit abuse, rather than interpreting the regulations according to the assertions of the parties that their past conduct was "reasonable" under the requested interpretation. To accept the parties' position by implication could condone past abuses of other firms and would place no prospective regulatory barrier to abuse by any firm.

[38] The Notice of Final Rule adopting Subpart K stated (39 FR 44407, § III):

"[T]he FEA has determined that, in calculating the weighted average price at which propane was lawfully priced in *transactions* on May 15, 1973, for use in the price rule, a seller of propane in a first sale *transaction* may use the higher of its actual weighted average selling price per gallon on that date, or 8.5 cents per gallon." (Emphasis added.)

[39] Mapco's January 19, 1978 Supplement. Mapco's interpretation would, in effect, allow the May 15, 1973, adjusted price to increase in an amount equal to all marketing costs and marketing profits by subtracting this amount from the sale price for NGL's and NGLP's for which the adjusted price is substituted. Mapco would allow for such increases, however, only in those cases where an independent gas processor had established separate "entities," such as for refining and marketing or extraction and fractionation, with transfers of NGL's or NGLP's between the entities. Such distinctions would either make the entitlement to the adjustment in § 212.164 turn upon a possible historical fortuity (*i.e.*, the firm's organization in the base period) or would invite the "layering" of reseller and other entities by gas processors to gain an advantage not otherwise available under the regulations. The history of the "firm" concept and the rejection of arguments for transfer pricing emphasize the DOE's intent to preclude discrimination based on legal entities whose number, size and scope are entirely within the control of private parties.

[40] *E.g.*, Mapco's April 6, 1977 Supplement.

[41] *E.g.*, Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93-159, § 4(b)(1) (November 27, 1973); 15 U.S.C. § 753(b)(1) (1976).

[42] Request, pp. 17-18; April 6, 1977 Supplement, pp. 15-16; and December 8, 1978 Comments, pp. 14-15.

[43] December 8, 1978 Comments, pp. 22-23.

NGLP's. As FEA stated in adopting Subpart K (39 FR 44407, § I): "[T]here is no single ideal solution to the regulation of natural gas liquid prices, and the regulations adopted by the FEA today are a necessary compromise among the conflicting considerations which must be taken into account." If Mapco believes it would suffer a financial hardship or gross inequity as a result of this Interpretation, it should file an Application for Exception with the DOE's Office of Hearings and Appeals.

C. *Marketing Costs.* In support of its arguments that Subpart F must apply to the sale of NGL's and NGLP's by a marketing entity affiliated with a gas processor, Mapco has cited Subpart K, 10 CFR 212.165, as it existed prior to November 1, 1978:

"The first sale price of natural gas liquids may be increased, to reflect non-product cost increases which have been incurred since May 15, 1973, by an amount which is not more than $.00375 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart. The first sale price of natural gas liquid products may be increased, to reflect non-product cost increases which have been incurred since May 15, 1973, by an amount which, when added to the amount of non-product costs certified as included in prices charged for purchased natural gas liquids is not more than $.005 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart. Records shall be maintained to show that *the increased non-product costs attributable to gas plant operations*, under customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, are sufficient to justify the amount of the price increase permitted under this section on a dollar-for-dollar passthrough basis." (Emphasis added.)

Mapco argues that the emphasized phrase means that increased non-product costs cannot have been recovered under Subpart K unless they were directly attributable to gas plant operations, *i.e.*, incurred as an expense for the physical operation of a gas processing plant.[44] According to this view, no gas processor could have recovered under Subpart K any non-product cost increases which it incurred for marketing expenses in the sale of NGL's and NGLP's since May 15, 1973.

We do not agree with this narrow reading of § 212.165. The first two sentences of the section permitted a gas processor to recover increased non-product costs for NGL's and NGLP's up to the limits specified.[45] The last sentence merely required that records be kept sufficient to justify the increased non-product costs claimed, which would be, at least in part, directly attributable to gas plant operations. Rather than adopt detailed non-product costs allowance and passthrough criteria in an area which the FEA recognized as involving many parties with differing interests, § 212.165 established a limited amount, inviting exception relief above such limits. The marketing expenses associated with the NGL's and NGLP's produced in Northern's and Mapco's gas plants are costs of doing business which are predicated on the gas plants' manufacture of covered products. The phrase "attributable to gas plant operations" was intended only to distinguish between costs of doing business which were or were not related to sales of NGL's and NGLP's. Contrary to Mapco's suggestion, it did not operate to restrict the meaning of the term "increased non-product costs" for the purpose of limiting the categories of costs recoverable.[46]

This Interpretation of the scope of § 212.165 is consistent with its regulatory history, previous administrative applications of the section and the purpose it served in the structure of the Mandatory Petroleum Price Regulations. 39 FR 44407 (December 24, 1974). The DOE and its predecessor agencies regularly granted exception relief to refiners for non-product cost increases of NGL's and NGLP's substantially in excess of the limitations on amount in § 212.165, on the grounds of gross inequity. *E.g., Farmland Industries*, 3 FEA ¶ 83,080 (January 23, 1976); *Beacon Gasoline Co.*, 2 FEA ¶ 80,708 (October 21, 1975); and *Superior Oil Co.*, 2 FEA ¶ 83,271 (August 29, 1975). Exception relief included an allowance for marketing cost, *e.g., Diamond Shamrock Corp.*, 3 FEA ¶ 83,212 (June 7, 1976), *Sid Richardson Carbon & Gasoline Co.*, 3 FEA ¶ 83,170 (April 23, 1976), and for all other "actual cash expense items," *e.g., Diamond Shamrock Corp.*, 4 FEA ¶ 83,101, n. 1 (September 21, 1976), and *Doric Petroleum, Inc.*, 4 FEA ¶ 83,046 (August 19, 1976).

III. CONCLUSION

For the reasons set forth above, we have determined that the proper application of the DOE's Mandatory Petroleum Price Regulations to the factual situations presented by the parties in their Requests for Interpretation, for the period January 1, 1975, through October 31, 1978, is as follows:

(1) All of the affiliated entities within the Northern group were part of one firm, and all of the affiliated entities within the Mapco group were part of one firm;

(2) All of the entities, including the marketing entities, within these firms were subject exclusively to 10 CFR Part 212, Subpart K with respect to their sales of NGL's and NGLP's to unaffiliated entities;

(3) Sales of NGL's and NGLP's between affiliated entities within the Northern or Mapco firms were not "first sales" subject to the first sale price rules of Subpart K;

(4) The Northern and Mapco firms may not have used the adjusted May 15, 1973, prices of 10 CFR 212.164 in lieu of actual May 15, 1973 weighted average prices for NGL's and NGLP's transferred between gas processing and marketing entities within either firm; and

(5) Absent exception relief the Northern and Mapco firms were permitted to recover as increased non-product costs all of their increased marketing costs attributable to their sales of NGL's and NGLP's, subject to the limitations on amount in 10 CFR 212.165.

APPENDIX B.—*Responses to Petitions for Reconsideration*

Petitioner	Interpretation	Date of Response
Atlantic Richfield Company (ARCO)	ARCO, 1978-54, 43 FR 40208 (September 11, 1978).	Dec. 4
Yellow Cab Company of Philadelphia (Yellow Cab) and Gulf Oil Company-U.S. (Gulf).	Yellow Cab and Gulf, 1978-57, 43 FR 46517 (October 10, 1978).	Dec. 4
True Oil Purchasing Co. (TOPCO)	TOPCO, 1978-43, 43 FR 34434 (August 4, 1978).	Dec. 8
Apco Oil Corporation (APCO)	APCO, 1978-51, 43 FR 40204 (September 11, 1978).	Dec. 18

PETITION FOR RECONSIDERATION OF ATLANTIC RICHFIELD CO. 1978-54

Petitioner: Atlantic Richfield Company.

Date: December 4, 1978.

This is in response to the petition for reconsideration which you submitted on behalf of the Atlantic Richfield Company (ARCO) on October 10, 1978. In that petition, you requested that the DOE reconsider an Interpretation which it issued to ARCO on August 24, 1978. *Atlantic Richfield Company*, Interpretation 1978-54, 43 FR 40208 (September 11, 1978). For the reasons discussed below, I have determined that the petition for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In these cases, the burden is upon the petitioner to demonstrate that the Interpretation is erroneous in fact or in law, or that the result reached in the Interpretation is arbitrary or capricious. 10 CFR 205.85(f)(3).

In the Interpretation which was issued to ARCO, the DOE determined that exports of "Petrobase 100," a carbon black feedstock oil produced by ARCO, must be deducted from crude oil runs to stills under 10 CFR 211.67(d)(2) since "Petrobase 100" is a "refined petroleum product" within the mean-

[44] Mapco's Request, pp. 14-15; December 8, 1978 Comments, pp. 12-13.

[45] *See* 42 FR 29490, § II B (June 9, 1977).

[46] The FEA's refusal to incorporate into Subpart K detailed provisions covering increased non-product costs, including increased marketing costs, as originally proposed in 39 FR 32718, 32730-31, does not alter the plain meaning of the general provision adopted in § 212.165 allowing the passthrough of all increased non-product costs, up to .5 cents per gallon for NGLP's. Contrary to Mapco's suggestion (n. 44, *supra*), in adopting Subpart K the FEA did not express any intent to preclude gas processors from recovering increased marketing costs under Subpart K, provided that the per-gallon limit on all increased non-product costs was not exceeded. 39 FR 44407, § IV. In so doing, FEA expressly invited applications for exception in cases where the total increased non-product costs exceeded the per-gallon limit.

ing of the Mandatory Petroleum Allocation and Price Regulations. ARCO contended that although carbon black feedstock oil is a by-product of petroleum refining, "Petrobase 100" is not a gas oil and should not be considered a refined petroleum product for purposes of the DOE domestic crude oil allocation (entitlements) program.

In the petition for reconsideration, ARCO argues that the Interpretation is defective because the DOE failed to consider provisions in Part 210, Part 211, and Part 212 which exempt gas oils from the DOE Regulations and, therefore, from the export sales deduction in § 211.67(d)(2). However, the fact that gas oils are not subject to allocation or price regulation does not mean that the export sales deduction is inapplicable to them. The function of the export sales deduction is not to allocate refined petroleum products but rather to withhold cost equalization benefits under the entitlements program with respect to products that are sold in the world market at uncontrolled prices. 41 FR 13899 (April 1, 1976). Application of the export sales deduction to a product excluded from allocation and price controls is dictated by the policy underlying the entitlements program. Thus, the results reached in the Interpretation are not arbitrary or capricious.

ARCO further argues that the Interpretation is erroneous and requires reconsideration on the sole ground that the definition of "Petrobase 100" as a refined petroleum product is inconsistent with the industry's practice. As the DOE has stated on numerous occasions, technical or industrial definitions do not supersede the meaning of terms as set forth in the DOE allocation and price regulations. *See, e.g., Navajo Refining Co.; Yates Petroleum Corp.*, 1 DOE ¶80,236 (1978); *Pyramid Corp., Inc.*, 5 FEA ¶83,143 (1977); *accord, Mobil Oil Co. v. FEA*, 566 F. 2d 87 (TECA 1977). Therefore, the Interpretation is not erroneous.

Accordingly, since ARCO has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petition for reconsideration is hereby denied. The denial of the petition for reconsideration is a final order of the Department of Energy from which ARCO may seek judicial review.

Petition for Reconsideration of Yellow Cab Co. of Philadelphia, Gulf Oil Co.—U.S. 1978-57

Petitioner: Yellow Cab Company of Philadelphia, Gulf Oil Company—U.S.

Date: December 4, 1978.

This is in response to the petition for reconsideration which you submitted on behalf of the Yellow Cab Company of Philadelphia (Yellow Cab) and the Gulf Oil Company—U.S. (Gulf) on October 24, 1978. *Yellow Cab Company of Philadelphia, Gulf Oil Company—U.S.*, Interpretation, 1978-57, 43 FR 46517 (October 10, 1978). For the reasons discussed below, I have determined that the petition for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In these cases, the burden is upon the petitioner to demonstrate that the Interpretation is erroneous in fact or in law, or that the result reached in the Interpretation was arbitrary or capricious. 10 CFR 205.85(f)(3).

In the Interpretation which was issued to Yellow Cab and Gulf, the DOE determined that Yellow Cab's failure to pay Gulf for the two deliveries of motor gasoline which Gulf made to it on March 29 and 31, 1978, does not permit Gulf to terminate its supplier/purchaser relationship with Yellow Cab. As we noted in the Interpretation, Yellow Cab's failure to meet those payment obligations resulted from an order of a court in a bankruptcy proceeding. Moreover, with the exception of the March 29 and 31 deliveries, Yellow Cab has conformed substantially with the terms of its agreement with Gulf on all other occasions. Gulf is protected in future dealings by Yellow Cab's willingness to pay by certified check, and Gulf may be paid in full or in part under the bankruptcy proceedings. In view of these considerations, the DOE concluded that Yellow Cab and Gulf have not deviated in a substantial manner from their normal credit practices and thus there is no basis under the regulations for the suspension or termination of their supplier/purchaser relationship. 10 CFR 210.62.

Your petition for reconsideration reiterates the arguments presented in the initial interpretation request and raises no new substantive arguments of fact or of law. Accordingly, since Gulf has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petition for reconsideration is hereby denied. The denial of Gulf's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Petition for Reconsideration of True Oil Purchasing Company 1978-43

Petitioner: True Oil Purchasing Company.

Date: December 8, 1978.

This is in response to the petition for reconsideration which you submitted on behalf of the True Oil Purchasing Company (TOPCO) on August 16, 1978. *True Oil Purchasing Company*, Interpretation 1978-43 43 FR 34434 (August 4, 1978). For the reasons discussed below, I have determined that the petition for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In these cases the burden is upon the petitioner to demonstrate that the result reached in the Interpretation was erroneous in fact or in law, or that the result reached in the Interpretation was arbitrary or capricious. 10 CFR 205.85(f)(3).

In the Interpretation which was issued to TOPCO, the DOE determined that a posted price existed for all grades of crude oil produced in North Dakota (Amoco Price Supplement #7) on September 30, 1975, and that this posting applied to all North Dakota crude oil. The DOE therefore concluded that the highest posted price for Wyoming Sweet crude oil on September 30, 1975, could not be used for any crude oil produced in North Dakota for purposes of establishing an upper tier ceiling price pursuant to § 212.74.

Your petition for reconsideration reiterates the arguments presented in the initial interpretation request and generally raises no new arguments of fact or of law. As the Interpretation indicated, § 212.74(b) clearly states that the upper tier ceiling price for a particular grade of domestic crude oil in a particular field is the highest posted price on September 30, 1975. When a posted price for crude oil in a particular area does not distinguish between grades of crude oil, that one price applies to all grades of crude oil (both sweet and sour) produced in that area. Since a posted price existed for all crude oil produced in North Dakota, both sweet and sour, the regulations do not permit TOPCO to use a different posted price. This conclusion is not based upon the resolution of any factual dispute, as your petition asserts, but is, as we stated in the Interpretation, the correct conclusion of law.

Moreover, TOPCO's contention that the Interpretation is legally defective because it was not given an opportunity to respond to comments submitted to the DOE in connection with this matter is without merit and must be rejected. In the instant case, the Regional Counsel for DOE Region 8, at TOPCO's request, sent a copy of the Request for Interpretation, along with a letter soliciting comments, to a list that TOPCO provided of 16 producers and first purchasers of crude oil from the Williston Basin. Ten replies were received. Only five of the persons who replied addressed the issues raised by TOPCO, and four of these five commenters sent TOPCO a copy of their letters.

As a general rule, the DOE will not accept a comment from a third person in connection with its consideration of a request for interpretation unless the person who requested the Interprctation is afforded an opportunity to respond to that submission. 10 CFR 205.84(a). However, the failure of TOPCO to have received a copy of one of these letters is not significant in this case. The comments contained in that letter merely restated comments that were raised by others and which were provided to TOPCO. Thus, even though TOPCO did not receive a copy of one of the submissions that the DOE received, the firm was afforded an opportunity to respond to all of the comments that were submitted in connection with the issues that were addressed in this proceeding. Moreover, it should be noted that the DOE did not adopt any of the views stated in the third party submissions. The Interpretation, therefore, does not in any way depend for its validity upon the comments submitted.

Accordingly, since TOPCO has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petition for reconsideration is hereby denied. The denial of TOPCO's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Petition for Reconsideration of Apco Oil Corporation 1978-51

Petitioner: Apco Oil Corporation.

Date: December 18, 1978.

This is in response to a Petition for Reconsideration dated September 13, 1978, that you submitted on behalf of the Apco Oil Corporation. In that Petition you requested that I rescind an Interpretation that was issued to Apco by the Department of Energy on August 11, 1978. *Apco Oil Corporation*, Interpretation 1978-51, 43 FR 40204 (September 11, 1978).

Interpretation 1978-51 considered an issue raised by Apco with respect to the "B" factor of the refiner price formula in 10

CFR 212.83(c)(2)(iii)(D), relating to the recovery of increased costs of purchased product. The "B" factor generally requires that any increased costs of the purchased product be computed according to a particular formula (referred to as the "A-type" formula in Interpretation 1978-51) except in those instances in which the refiner did not purchase product of the "i" category concerned in May 1973 or the per-unit cost of the purchased product in May 1973 was unreasonably high. In these cases the "B" factor requires the refiner to compute increased costs of purchased product by an alternate formula (the "Y" formula), which imputes an approximated May 1973 cost by reference to prices charged by the refiner in sales of the product concerned in May 1973. Interpretation 1978-51 held that the "B" factor by its literal terms requires either the use of the "A-type" formula or the "Y" formula, but not both. Because Apco did not purchase motor gasoline (a product of the type "i") in May 1973, Apco was required to use the alternate "Y" formula in order to compute its increased costs of both blending stock and motor gasoline.

In its present Petition, Apco argues that Interpretation 1978-51 is arbitrary and capricious because it violates the dollar-for-dollar passthrough provisions of Section 4(b)(2)(A) of the Emergency Petroleum Allocation Act, as amended. Those provisions require that a firm be permitted to recover fully its increased costs of purchased product. Apco states that unless it is permitted to use the "A-type" formula for the products that it purchased and blended to produce motor gasoline, it will not be permitted to recover the full amount of the increased costs that it incurred in purchasing those blending stocks. Apco notes that where the important purposes to be served by a regulation are at variance with the meaning of the regulation as it appears on its face, the FEA and the DOE have issued interpretations that do not explicitly follow the literal meaning of the regulation. Apco asserts that that approach is applicable here. We have examined these arguments and have concluded that inasmuch as they raise a substantial question of law as to the validity of the Interpretation and that that question appears to have some merit, the Interpretation should be reconsidered.

The Office of Interpretations and Rulings will undertake a thorough review of the Interpretation and the arguments Apco has raised. That Office has already begun its analysis of the Interpretation in light of the material that Apco submitted in connection with its Petition for Reconsideration. If you have any questions concerning this matter, or wish to supplement the Petition, please contact Everard A. Marseglia, Jr., Acting Assistant General Counsel for Interpretations and Rulings, telephone number 633-8624.

[FR Doc. 79-1317 Filed 1-12-79; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16221; Amdt. No. 36-9]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Aircraft Noise Measurement and Evaluation; Specifications: Correction to PNLT Corrections; Formula for Ambient Atmosphere Conditions Affecting the Sideline Flight Path

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: On March 2, 1978, the FAA published Amendment 36-9 to the Federal Aviation Regulations (43 FR 8731) in which it adopted procedures and standards for correcting measured noise data when the ambient atmospheric conditions of temperature and humidity do not conform to prescribed reference conditions. Formulas were prescribed for the correction of perceived noise levels for spectral irregularities of tone at any instant of time (PNLT). Under § A36.11(d)(3), of Appendix A to Part 36, the final rule contained inadvertent omissions in the formula to be used in connection with the sideline flight path measured noise data.

This corrective amendment is necessary to properly execute FAA's intended statement of the rule and to prescribe an appropriate correction to the measured noise data when atmospheric conditions do not conform to the prescribed standard reference conditions.

DATES: Effective date: January 15, 1979. Compliance date: Same as amendment 36-9 (April 3, 1978).

FOR FURTHER INFORMATION CONTACT:

Richard Tedrick, Program Management Branch (AEE-220), Environmental Technical Regulatory Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington D.C. 20591; Telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION: The amendment corrects § A36.11(d)(3) of Appendix A to Part 36 of the Federal Aviation Regulations (14 CFR part 36), as amended by Amendment 36-9, effective for noise tests conducted on and after April 3, 1978 (43 FR 8731; march 2, 1978). It corrects the statement of the formula prescribed for corrections to PNLT by adding the term "LX" within the second addend in the formula. As corrected, the formula requires that "LXc," the corrected sideline noise path distance, be subtracted from "LX," the measured sideline noise path distance befor multiplying the resultant difference by the factor "$\alpha_{1\,to}$," the reference atmospheric absorption rate for sound. The term "LX" was inadvertently omitted in the formula as orginally published in the FEDERAL REGISTER. As published, that formula also contained typographical errors which did not represent the formula intended by the FAA. As published at 43 FR 8748, the formula read:

$$SPLic = SPLi + (\alpha_1 - \alpha_{1\,to})LX + \alpha_1 (LXc) + 20 \log (LX/LXc).$$

As corrected by this amendment to conform with established accoustical principles for rates of sound absorption due to atmospheric conditions, the formula reads:

$$SPLic = SPLi + (\alpha_1 - \alpha_{1\,to})\,LX + \alpha_{1\,to}(LX - LXc) + 20 \log (LX/LXc).$$

Since this action is necessary to prescribe the originally intended regulatory requirements under Amendment 36-9 and since this action is corrective in nature, I find that notice and public procedure regarding this action are impractical and unnecessary. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the amendment, good cause exists for making it effective in less than 30 days after publication. While this corrective amendment is effective upon its publication, the correction it makes relates back to provisions which previously became effective and which are essential to the evaluation of measured noise data in showing compliance with the requirements of Part 36. Thus, it would not be proper to require compliance with the uncorrected provisions of Amendment 36-9. Thus, this correction applies to affected noise tests conducted on or after April 3. 1978, when Amendment 36-9 became effective.

ADOPTION OF THE AMENDMENT

Accordingly, § A36.11(d)(3) of Appendix A to Part 36 of the Federal Aviation Regulations (14 CFR Part 36) is amended, effective January 15, 1979, by deleting the formula prescribed in that paragraph and substituting for it the formula to read as follows:

$$SPLic = SPLi + (\alpha_1 - \alpha_{1\,to})\,LX + \alpha_{1\,to}(LX - LXc) + 20 \log (LX/LXc).$$

(Secs. 313(a), 601, 603, 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423, and 1431(b); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.); and Executive Order 11514, March 5, 1970.)

NOTE.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed hy Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on January 9, 1979.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc. 79-1307 Filed 1-12-79; 8:45 am]

[4910-13-M]

SUBCHAPTER C—AIRCRAFT

[Docket No. 78-NW-28-AD; Amdt. 39-3393]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model B-17F and G Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: FAA Airworthiness Directive (AD) 73-20-2 (Amdt. 39-1722; 38 FR 26358), as amended by Amdt. 39-2763, (41 FR 49089), requires inspection of the wing front spar lower chord on Boeing Model B-17 airplanes. The AD is further amended herein to allow an alternate repair and inspection method.

DATES: Effective date January 26, 1979.

ADDRESS: FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Mr. Iven Connally, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: AD 73-20-2, as amended through Amdt. 39-2763, requires removal of certain bolts in the front spar lower chord splice plates and inspection of the spar chord for cracks. The AD also requires a repeat inspection interval of 50 flight hours or 12 months, whichever comes first. Since issuance of the latest amendment, an alternate rework and inspection procedure has been developed which provides an equivalent level of safety. The AD is, therefore, further amended to provide for the alternate procedure. Since this amendment imposes no additional burden on any person, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive 73-20-2 (Amdt. 39-1722, 38 FR 26358; as amended by Amdt. 39-2763, 41 FR 49089), as follows:

BOEING: Applies to Model B-17F and G airplanes.

1. Revise paragraph (c) to read:

"(c) After repairs per (b) have been accomplished, reinspect in accordance with (a) at intervals not to exceed 150 hours time-in-service or every 12 months, whichever comes first."

2. Add a new paragraph (d) to read:

"(d) The bolt holes described in paragraph (a) above may be reamed .063 inch oversize for a close tolerance oversize bolt, provided no cracks are detected when the chords are inspected in accordance with paragraph (a) above using the eddy current inspection methods. Any holes reworked with the oversize bolts must be reinspected in accordance with (a) above within 1500 flight hours after such rework. Upon accumulation of 1500 flight hours on the reworked holes, the repeat inspection interval reverts to the interval specified in (c) above."

3. Add a new paragraph (e) to read:

"(e) Any new replacement beam chords must be inspected within 2500 flight hours after installation and thereafter at intervals specified in paragraph (c) above."

This amendment becomes effective January 26, 1979.

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

NOTE.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1973).

Issued in Seattle, Washington, on January 5, 1979.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc. 79-1277 Filed 1-12-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-RM-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment alters the Mohall, North Dakota 700' transition area. The alteration was necessary to provide controlled airspace for aircraft executing the new VOR/DME runway 31, amendment 1, standard instrument approach procedure, developed for the Mohall Municipal Airport, Mohall, North Dakota.

EFFECTIVE DATE: 0901 GMT, February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 6, 1978, the FAA published for comment (43 FR 53449) a proposal to alter the Mohall, North Dakota 700' transition area. The only comment received expressed no objection.

RULE

This amendment to subpart G of Part 71 of the Federal Aviation Regulations (FAR's) alters the Mohall, North Dakota 700' transition area. This action is necessary to provide controlled airspace for aircraft executing the new VOR/DME runway 31, amendment 1, standard instrument approach procedure, developed for the Mohall Municipal Airport, Mohall, North Dakota.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

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 March 13, 1978, as follows:

By amending subpart G 71.181 so as to alter the following transition area (44 FR 442) to read:

MOHALL, N.DAK.

That airspace extending upward from 700 feet above the surface within a 7.5 mile radius of the Mohall Municipal Airport (latitude 48°46'41" N., longitude 101°32'20" W.) and within 2.5 miles each side of the 161° bearing from the Mohall Municipal Airport, extending from the 7.5 mile radius area to 9.5 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)); and 14 CFR 11.69).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colorado on January 2, 1978.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc. 79-1276 Filed 1-12-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9107]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Harnischfeger Corp., Et Al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violation of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Brookfield, Wis. manufacturer of lattice-boom cranes and the Northwest Engineering Company, a Green Bay, Wis. competitor, to provide the F.T.C. with evidence that all merger agreements between them have been terminated and return all confidential documents exchanged during negotiations. The order would prohibit the firms from acquiring any part of each other's lattice-boom business until July 31, 1981, without furnishing the Commission with 60 days' notice of such intention. Should the Commission issue a complaint challenging the transaction during this period, the firms would be required to postpone the proposed merger or acquisition until administrative proceedings were concluded..

DATES: Complaint issued March 10, 1978. Decision issued December 8, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

FTC/C, Alfred F. Dougherty, Jr., Washington, D.C., 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Tuesday, October 3, 1978, there was published in the FEDERAL REGISTER, 43 FR 45593, a proposed consent agreement with analysis In the Matter of Harnischfeger Corporation, a corporation, and Northwest Engineering Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-20 F.T.C. Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; (15 U.S.C. 45, 18))

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-1316 Filed 1-12-79; 8:45 am]

[1] Copies of the Complaint and Decision and Order filed with the original document.

[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15461]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Filing and Reporting Requirements Relating to Institutional Investment Managers

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the amendment of the rule and form governing the reporting requirements of institutional investment managers exercising investment discretion over accounts having in the aggregate more than $100,000,000 in exchange-traded or NASDAQ-quoted equity securities. Under the amendment, as adopted, such managers are required to file a report within 45 days after the end of each calendar year and within 45 days after the last day of the first three calendar quarters of the subsequent year.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

W. Scott Cooper, Esq. (202-755-1792), Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (the "Commission") today announced the amendment of Securities Exchange Act Rule 13f-1 [17 CFR 240.13f-1] and related Form 13F [17 CFR 249.325], pursuant to Section 13(f) of the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)] (the "Exchange Act"). The amendment to the Rule and Form adopted today requires that institutional investment managers, subject to the reporting requirements under the Rule, file a report on a quarterly basis rather than annually as originally adopted on June 15, 1978, and announced in Exchange Act Release No. 14852 [43 FR 26700].

Section 13(f) of the Exchange Act was adopted by Congress as part of the Securities Acts Amendments of 1975. The reporting system required by Section 13(f) is intended to create in the Commission a central repository of historical and current data about the investment activities of institutional investment managers, in order to improve the body of factual data available and to facilitate consideration of the influence and impact of institutional investment managers on the securities markets and the public policy implications of that influence. Section 13(f) empowers the Commission to adopt rules which would create a reporting and disclosure system to collect specific information concerning Section 13(d)(1) [15 U.S.C. 78m(d)(1)][1]

[1] Any equity security of a class which is registered pursuant to Section 12 of the Exchange Act [15 U.S.C. 78l], or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in Section 12(g)(2)(G) of the Exchange Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.].

equity securities held in accounts over which certain institutional investment managers exercise investment discretion. It gives the Commission broad rulemaking authority to determine the size of the institutions required to file reports, the format and frequency of the reporting requirements, and the information to be disclosed in each report.

The Rule, as adopted on June 15, 1978, required that an institutional investment manager exercising investment discretion with respect to accounts having more than $100,000,000 or more in exchange-traded or NASDAQ-quoted equity securities on the last day of any of the twelve calendar months of a calendar year file annually with the Commission, and, if a bank, with the appropriate banking agency, within 45 days after the last day of such calendar year, five copies of Form 13F. The form required the reporting of the name of the issuer and the title of class, CUSIP number, number of shares or principal amount in the case of convertible debt, and aggregate fair market value of each such equity security held. The form also required information concerning the nature of investment discretion and voting authority possessed.

When the Commission announced the adoption of Rule 13f-1, the Commission solicited comment on the usefulness and practicality of quarterly reporting. The Commission received 124 letters of comment during the comment period which expired on August 31, 1978. In general, the main areas of comment related to the usefulness of the information and the attendant costs.

Many commentators felt quarterly information on the holders of common stock would be invaluable to a trading desk involved in block transactions and would facilitate the function of block trading and enhance the liquidity of the marketplace. A number of commentators pointed out that quarterly reporting would provide a greater basis for comparison shopping among investment managers. Such commentators emphasized that an evaluation of the investment philosophy and policies of a prospective manager is crucial in making an effective comparison and that such an evaluation is dependent upon a periodic examination of a manager's investment decisions as reflected by his holdings and transactions. Both corporations and financial reporting services asserted that quarterly reporting is needed to provide corporate treasurers with current information concerning institutions owning their stock. They pointed out that many stockholders take ownership in nominee or street name, making it difficult to trace such information and making it difficult to secure proxies on important corporate matters.

The comments in opposition to the usefulness of quarterly reporting took issue with the assertions that more frequent reports would be of utility to block traders or enhance market liquidity. Commentators opposed to quarterly reporting also disputed the usefulness of the reports as providing a basis for comparison among different investment managers. In addition, opponents to quarterly reporting believed that information about stock ownership was either currently available or more properly required under the beneficial ownership reporting requirements.

Based upon the estimates of the cost of compliance with the reporting requirements supplied by prospective reporting institutions, it appears that the cost to the institutions is generally low in comparison with the size of the institution which is required to report. The mean of all the estimates submitted to the Commission was $3,000 per report.

Although acknowledging relatively low cost, those commentators opposed to quarterly reporting stated, among other things, that the cost of compliance outweighed the benefit to the public in increasing the frequency of reporting and that as another cost of doing business it would reduce the ability of operations such as bank trust departments to become profitable.

The Commission has concluded that it is in the public interest to require quarterly reporting at this time, because, among other things, the Commission does not perceive any significant obstacles to quarterly reporting nor any undue hardship for reporting institutions. In addition, the Commission believes that the simplicity of the form and the recent issuance of an interpretative release [2] will enhance the likelihood of an effectively functioning system. The utility of the information was evidenced by the large number of commentators who expressed an interest in receiving information from quarterly reports. Finally, if quarterly reporting is not required at this time, such data might be lost altogether thereby creating gaps in the continuous flow of information which may be utilized for future policy decisions.

The amendments to Rule 13f-1 and Form 13F require an institutional investment manager subject to the reporting requirements for a particular calendar year to file Form 13F within 45 days after the last day of such calendar year and within 45 days after the last day of each of the first three calendar quarters in the subsequent calendar year.

[2] Exchange Act Release No. 15292 dated November 2, 1978 [43 FR 52697, November 14, 1978].

Certain Findings

As required by Section 23(a)(2) of the Exchange Act [15 U.S.C. 78w(a)(2)], the Commission has considered the impact which the Rule and Form as amended herein would have on competition. The Commission has found that requiring the filing of Form 13F on a quarterly basis will not significantly burden competition. Furthermore, the Commission has determined that any possible resulting competitive burdens will be outweighed by, and are necessary and appropriate to achieve, the benefits of this information to investors.

As mandated by Section 13(f)(4), in exercising its authority under Section 13(f) the Commission has determined that its action is appropriate in the public interest and for the protection of investors. The Commission finds that the cost of the amendments to the Rule and Form adopted herein are not unreasonable in light of the purposes of the statute.

1. 17 CFR Part 240 is amended by revising paragraph (a) of § 240.13f-1 to read as follows:

§ 240.13f-1 Reporting by institutional investment managers of information with respect to accounts over which they exercise investment discretion.

(a) Every institutional investment manager which exercises investment discretion with respect to accounts holding section 13(f) securities, as defined in paragraph (c) of this section, having an aggregate fair market value on the last trading day of any month of any calendar year of at least $100,000,000 shall file a report on Form 13F [§ 249.325 of this Chapter] with the Commission within 45 days after the last day of such calendar year and within 45 days after the last day of each of the first three calendar quarters of the subsequent calendar year.

* * * * *

2. 17 CFR Part 249 is amended by revising General Instruction C of Form 13F (§ 249.325) as follows:

§ 249.325 Form 13F, report of institutional investment managers pursuant to Section 13(f) of the Securities Exchange Act of 1934.

* * * * *

GENERAL INSTRUCTIONS

* * * * *

C. *Filing of Form 13F.* Five copies of Form 13F shall be filed with the Commission within 45 days after the end of the calendar year 1978 and each calendar year and the first three calendar quarters of each calendar year thereafter. As required by Section 13(f)(4) of the Act, a Manager which is a bank, the deposits of which are insured in accordance with the Federal Deposit Insurance Act, shall file with the appropriate regulatory agency a copy of every report filed with the Commission pursuant to this subsection by or with respect to such bank. The appropriate regulatory agency with which a copy of this report is to be filed for:

* * * * *

3. 17 CFR Part 249 is amended by revising the cover page of Form 13F (§ 249.325) to read as follows:

FORM 13F

INFORMATION REQUIRED OF INSTITUTIONAL INVESTMENT MANAGERS PURSUANT TO SECTION 13(f) OF THE SECURITIES EXCHANGE ACT OF 1934 AND RULES THEREUNDER

* * * * *

Report for the calendar year or Quarter Ended ———— 19—

AUTHORITY; EFFECTIVE DATE

The Commission hereby adopts the amendment of Rule 13f-1 and Form 13F, effective February 5, 1979, pursuant to the authority set forth in Sections 13(f) and 23 of the Exchange Act.

(15 U.S.C. 78m(f) and 78w.)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 5, 1979.

[FR Doc. 79-1409 Filed 1-12-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—GENERAL

[Docket No. D-79-542]

PART 200—INTRODUCTION

Subpart D—Delegations to Particular Positions

Acting Assistant Secretary for Housing—Federal Housing Commissioner

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Delegation of Authority.

SUMMARY: The Assistant Secretary for Housing-Federal Housing Commissioner is revising the designation of officials authorized to serve as Acting Assistant Secretary for Housing-Federal Housing Commissioner in the absence of the Assistant Secretary. This revision is necessary to reflect a Departmental reorganizational alignment.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

June Sheehan, (202) 755-6623.

SUPPLEMENTARY INFORMATION: This designation supersedes the designation of Acting Assistant Secretary for Housing-Federal Housing Commissioner published at 42 FR 45963, September 13, 1977. Since the amendment involves only internal matters of agency management, it does not require comment or public procedure. Accordingly 24 CFR § 200.51 is amended to read as follows:

§ 200.51 Acting Assistant Secretary for Housing-Federal Housing Commissioner.

(a) *Designation.* The officials appointed to, or designated to serve as Acting during a vacancy in the following positions, are hereby designated to serve as Acting Assistant Secretary for Housing-Acting Federal Housing Commissioner during the absence of the Assistant Secretary for Housing-Federal Housing Commissioner with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Housing-Federal Housing Commissioner: *Provided,* That no official is authorized to serve as Acting Assistant Secretary for Housing-Acting Federal Housing Commission unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

(1) Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

(2) Deputy Assistant Secretary for Multifamily Housing Programs.

(3) Deputy Assistant Secretary for Public Housing and Indian Programs.

(4) Deputy Assistant Secretary for Single Family Housing and Mortgagee Activities.

(5) Director, Office of Policy and Program Development.

(6) Director, Office of Management.

(b) *Authorization.* Each head of an organizational unit of Housing is authorized to designate an employee under his jurisdiction to serve as Acting during the absence of the head of the unit.

Issued at Washington, D.C., December 11, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 79-1296 Filed 1-12-79; 8:45 am]

[4210-01-M]

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-79-611]

PART 300—GENERAL

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in Paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: February 14, 1979.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Telephone: (202) 755-7603.

FOR FURTHER INFORMATION CONTACT:

Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

1. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name and Region
H. D. Banks, Atlanta, GA; Sharon Weisbach, Atlanta, GA.

(Sec. 309(d) of the National Housing Act, (12 U.S.C. 1723a(d)); and sec. 7(d) of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Issued at Washington, D.C., on December 8, 1978.

JOHN H. DALTON,
President, Government
National Mortgage Association.

[FR Doc. 79-1368 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. R-79-610]

PART 300—GENERAL

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in Paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: February 14, 1979.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone: (202) 755-7603.

FOR FURTHER INFORMATION CONTACT:

Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

1. Paragraph (c) of § 300.11 is amended by adding the following name to the current list of attorneys-in-fact:

Name and Region
Richard M. Jaegle, Washington, D.C.

(Sec. 309(d) National Housing Act, (12 U.S.C. 1723a(d)); sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Issued at Washington, D.C., on December 8, 1978.

JOHN H. DALTON,
President, Government
National Mortgage Association.

[FR Doc. 79-1369 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. R-79-609]

PART 300—GENERAL

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in Paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: February 14, 1979.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone: (202) 755-7603.

FOR FURTHER INFORMATION CONTACT:

Mr. William J. Linane, Office of General Counsel, on (202) 755-4942.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

1. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name	*Region*
Robert E. Airy	Washington, D.C.
Ellen W. Allison	Los Angeles, CA
Thomas A. Barker	Los Angeles, CA
Marcelo J. Bueno, Jr.	Los Angeles, CA
Bennie H. Dixon	Atlanta, GA
H. J. Flewharty	Dallas, TX
B. B. Fincher	Dallas, TX
David L. Floyd	Atlanta, GA
Gregory Gianpetro	Chicago, IL
Ernestine S. Holland	Los Angeles, CA
James C. Kennedy	Dallas, TX
Carroll P. Kisser	Chicago, IL
Mike Kornecki	Chicago, IL
Theresa M. Mastricolo	Philadelphia, PA
Grace G. McKay	Atlanta, GA
James L. McKnight	Los Angeles, CA
Leslie A. Parsons	Atlanta, GA
Max D. Robinson	Dallas, TX
W. G. Smith, Jr.	Dallas, TX
June Y. Yamakawa	Los Angeles, CA

2. Paragraph (c) of § 300.11 is amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name	*Region*
Ellen W. Allison	Atlanta, GA
Rosemary M. Brown	Washington, D.C.
Pauletta L. Burge	Dallas, TX
D. Keith Gettmann	Atlanta, GA
Gregory Gianpetro	Philadelphia, PA
Robert R. Glinski	Philadelphia, PA
David G. Hooper	Dallas, TX
J. H. Van House	Atlanta, GA
Patricia M. Langley	Atlanta, GA
Vincent Liott	Philadelphia, PA
Leslie A. Parsons	Los Angeles, CA
Max D. Robinson	St. Louis, MO
June Y. Sage	Los Angeles, CA
James L. Smith	Philadelphia, PA
Angela Talotta	Philadelphia, PA
W. E. Yeager	Atlanta, GA
Harvey W. Young	Philadelphia, PA

(Sec. 309(d), National Housing Act, 12 U.S.C. 1723a(d); sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., November 15, 1978.

JOHN H. DALTON,
President, Government
National Mortgage Association.

[FR Doc. 79-1370 Filed 1-12-79; 8:45 am]

[1505-01-M]

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-529]

PART 891—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS

Final Rule

Correction

In FR Doc. 78-30628 appearing at page 50638 in the issue for Monday, October 30, 1978, make the following corrections:

(1) On page 50644, in the first column, change the heading, "§ 891.204 Review and comment period." to read, "§ 891.203 Review and comment period."

(2) Also on page 50644, in the third column, in § 891.205(c)(1), in the 10th line, substitute "30" for "3".

[4210-01-M]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4039]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Avondale, Maricopa County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Avondale, Maricopa County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Avondale, Maricopa County, Arizona.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Avondale, Maricopa County, Arizona, are available for review at the bulletin board in the City Hall, 525 North Central Avenue, Avondale, Arizona.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Avondale, Maricopa County, Arizona.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Agua Fria River	Broadway Road extension.	934
	Lower Buckeye Road	948
	U.S. 80 (Buckeye Road)	963
	Southern Pacific Railroad.	964
	Van Buren Street	974
	McDowell Road	986

(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); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1107 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4092]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Aurora, Kane and DuPage Counties, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aurora, Kane and DuPage Counties, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Aurora, Kane and DuPage Counties, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aurora, Kane and DuPage Counties, Illinois, are available for review at the City Hall, 44 East Downer Street, Aurora, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Aurora, Kane and DuPage Counties, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River	Downstream Corporate Limit at Ashland Avenue.	622
	Elgin, Joliet & Eastern R.R.	623
	Burlington Northern R.R. at West Channel.	626
	North Avenue	628
	Burlington Northern R.R.	628
	Convergence of East and West Channel.	629

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River West Channel.	Holbrook Street at West Channel.	629
	Downer Street at West Channel.	630
	Galena Street at West Channel.	630
	Downstream Aurora Dam at West Channel.	630
	Upstream Aurora Dam at West Channel.	635
	New York Street at West Channel.	635
Fox River East Channel.	Benton Street at East Channel.	630
	Fox Street at East Channel.	630
	Main Street at East Channel.	630
	Downstream Aurora Dam at East Channel.	630
	Upstream Aurora Dam at East Channel.	635
	New York Street at East Channel.	635
Fox River	Divergence of East and West Channel.	635
	Confluence of Indian Creek.	636
	Illinois Avenue	636
	Indian Trail Road	637
Indian Creek	Confluence with Fox River.	636
	Chicago Aurora and Elgin R.R..	637
	Private Bridge 100' downstream of Broadway Street.	642
	Broadway Street	645
	Burlington Northern R.R. sidings upstream of Broadway Street.	645
	Burlington Northern R.R. 300' downstream of High Street.	649
	High Street	654
	Wood Street	667
	Ohio Street	672
	Rural Street	684
	Austin Avenue	691
	Farnsworth Avenue	692
	Private Bridge 1,300' upstream of Austin Avenue.	693
	Private Bridge 1,400' upstream of Austin Avenue.	695
	Sheffer Road	699
	Private Bridge 500' downstream of Farnsworth Avenue.	703
	Farnsworth Avenue downstream crossing.	704
	Reckinger Road	706
	Marshall Boulevard	709
	Farnsworth Avenue upstream crossing.	710
	Molitor Road	713
	Confluence of Selmarten Creek.	715
	East-West Tollway	718
	Bilter Road	724
Selmarten Creek	Confluence with Indian Creek.	715
	Seminary Creek Dam	716
	Seminary Road	716
	Upstream Corporate Limits approximately 4,200' upstream of Seminary Road.	716
Waubansee Creek	Downstream Corporate Limits approximately 2,500' downstream of Kautz Road.	672
	Kautz Road	674
	Montgomery Road	675
	Upstream Corporate Limits approximately 160' downstream of Elgin Joliet & Eastern R.R..	683

(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; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1108 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3809]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Elk Grove, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Elk Grove, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Elk Grove, Cook County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Elk Grove, Cook County, Illinois, are available for review at the Elk Grove Village Hall, 901 Wellington Street, Elk Grove, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Elk Grove, Cook County, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salt Creek	Downstream Corporate Limits.	683
	J. F. Kennedy Boulevard.	685
	Upstream Corporate Limits.	687
Elk Grove Boulevard Drainage Ditch.	J. F. Kennedy Boulevard.	684
	Elk Grove Boulevard	684
	Ridge Avenue	684
	Victoria Lane	685
	Crest Avenue	685
	Love Street	685
	Tonne Road	685
Unnamed Creek	Downstream Corporate Limits.	711
	Nerge Road (Downstream).	712
	Nerge Road (Upstream).	716
West Branch of Salt Creek.	Downstream Corporate Limits.	709
	Confluence with Tributary D.	710
	Upstream Corporate Limits.	711
Tributary D of West Branch Salt Creek.	Confluence with West Branch Salt Creek.	710
	Elk Grove Corporate Limits.	722

(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); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1109 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4168]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Glenview, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Glenview, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Glenview, Cook County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Glenview, Cook County, Illinois, are available for review at the Glenview Village Hall, 1930 Prairie Street, Glenview, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Glenview, Cook County, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork North Branch Chicago River.	Downstream Corporate Limits.	624
	Waukegan Road Upstream.	626
	Glenview Road Upstream.	627
	Grove Street Upstream..	627
	East Lake Avenue.....	629
	Confluence with Navy Ditch.	630
	West Lake Avenue Upstream.	631
	Upstream Corporate Limits.	631

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 73 F.R. 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1110 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4369]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Niles, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Niles, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Niles, Cook County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Niles, Cook County, Illinois are available for review at the Village Hall, 7601 Milwaukee Avenue, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Niles, Cook County, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch Chicago River.	Southern Corporate Limit.	609
	Just Upstream of Hartz Road.	613
	Just Upstream of Touhy Avenue.	616
	Corporate Limits at Oakton Street.	619

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-1111 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4462]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Washington Park, St. Clair County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Washington Park, St. Clair County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Washington Park, St. Clair County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Washington Park are available for review at the City Hall, 5621 Forest Boulevard, East St. Louis, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Washington Park, St. Clair County, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Schoenberger Creek.	Downstream corporate limits.	410
	740 feet downstream of Kingshighway.	411
Rainfall Ponding within community.	500 feet north of U.S. Route 50 crossing Louisville and Nashville Railroad.	414
	Intersection of Monk Avenue and 38th Street.	415
	100 feet southeast of intersection of Louisville and Nashville Railroad and Alton and Southern Railroad.	415
	100 feet southwest of intersection of Louisville and Nashville Railroad and Alton and Southern Railroad.	416
	500 feet northwest of Kingshighway crossing Louisville and Nashville Railroad.	417

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1112 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4494]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Watseka, Iroquois County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Watseka, Iroquois County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Watseka, Iroquois County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Watseka, Iroquois County, Illinois, are available for review at the City Hall, Watseka, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Watseka, Iroquois County, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Iroquois River.....	At the confluence of Sugar Creek.	624
	At the Upstream Corporate Limits.	624
Sugar Creek	At confluence with Iroquois River.	624
	Lafayette Stream (Upstream).	624
	Corporate Limits (1,700' Upstream of Lafayette Street).	625
	Corporate Limits (5,900' Upstream of Lafayette Street).	628
	Corporate Limits (11,200' Upstream of Lafayette Street).	629
	Corporate Limits (23,500' Upstream of Lafayette Street).	632
	Corporate Limits (26,150' Upstream of Lafayette Street).	632

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1113 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-2473]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Woodridge, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Woodridge, DuPage County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Woodridge, DuPage County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Woodridge, DuPage County, Illinois, are available for review at the main lobby of the Village Hall, 2900 West 83rd Street, Woodridge, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Woodridge, DuPage County, Illinois.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crabtree Creek.....	Downstream Corporate Limits.	653
	State Highway 53 (Upstream).	663
	Corporate Limits 660 feet upstream of Highway 53.	669
	Westview Lane (Upstream).	683
	Woodridge Drive (Upstream).	712
Prentiss Creek.....	State Highway 53 (Upstream).	665
	Downstream Corporate Limits.	665
	Confluence of Unnamed Tributary No. 1.	670
	Confluence of Tributary No. 2.	689
	Upstream Corporate Limits.	690
East Branch DuPage River.	Confluence of Crabtree Creek.	653
	Hobson Road (Upstream).	657
	Upstream Corporate Limits (Extended).	658

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1114 Filed 1-12-79; 8:45 am]

[4210-01]

[Docket No. FI-4408]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Albany, Delaware County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Albany, Delaware County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Albany are available for review at the Town Hall, Albany, Indiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Town of Albany, Delaware County, Indiana.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississinewa River.	Upstream side of Dowden Avenue.	931
	Just upstream of Norfolk and Western Railway.	932
	Confluence with Halfway Creek.	932
Halfway Creek.....	At Water Street.....	932
	At State Street.....	932
	Just upstream of Norfolk and Western Railway.	933
	Just upstream of State Highway 67.	934
	Northern corporate limit.	934

(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; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1115 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4409]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Eaton, Delaware County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Eaton, Delaware County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Eaton, Delaware County, Indiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Eaton are available for review at the Town Hall, Town Clerk's Office, Eaton, Indiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Eaton, Delaware County, Indiana.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississinewa River.	1,880 feet downstream of Conrail.	885
	Upstream side of Romy Street at corporate limit.	889
	1,500 feet upstream of Romy Street.	891
	4,500 feet upstream of Romy Street near intersection of Albany Pike and Pine Street.	894
Swearengen Ditch	Upstream side of Strawboard Road.	890
	Downstream side of Conrail.	891
	Just upstream of Romy Street.	892

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1116 Filed 1-12-79; 8:45 am]

[4210-01—M]

[Docket No. FI-4411]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Urbandale, Polk County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Urbandale, Polk County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Urbandale, Polk County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Urbandale, are available for review at the City Hall, 3315 70th Street, Urbandale, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Urbandale, Polk County, Iowa.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Walnut Creek.	At southern corporate limits of Urbandale.	848
	At confluence of Karen Acres Creek.	849
	900 feet upstream of the confluence of Karen Acres Creek.	850
	200 feet downstream of 86th Street.	860
	75 feet upstream of 86th Street.	865
	1,250 feet downstream of Douglas Avenue.	865
	70 feet downstream of Douglas Avenue.	868
	100 feet upstream of Douglas Avenue.	871
	4,500 feet upstream of Douglas Avenue.	879
	At northern corporate limit.	890

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1117 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4412]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Windsor Heights, Polk County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Windsor Heights, Polk County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Windsor Heights, Polk County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Windsor Heights are available for review at the City Hall, 1133 66th Street, Windsor Heights, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Windsor Heights, Polk County, Iowa.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Walnut Creek	500 feet upstream of Center Street.	825
	150 feet downstream of 73rd Street.	829
North Walnut Creek.	Just upstream of University Avenue.	834
	2,350 feet upstream of University Avenue.	836
	150 feet downstream of College Avenue.	838
	Just upstream of College Avenue.	842
	At northern corporate limits.	847

(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); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1118 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4373]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Independence, Montgomery County, Kansas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Independence, Montgomery County, Kansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Independence, Montgomery County, Kansas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Independence are available for review at the City Office, 120 North 6th Street, Independence, Kansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Independence, Montgomery County, Kansas.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Verdigris River	Southeastern Corporate Limits.	763
	Upstream of Atchison, Topeka & Santa Fe Railroad.	764
	Northeastern Corporate Limits.	764
Rock Creek	Upstream of Second Street.	761
	Upstream of Seventeenth Street.	761
	Southern Corporate Limits.	763
Whiskey Creek	Confluence with Rock Creek.	761
	Upstream of Cherry Street.	765
	Downstream of Main Street.	775
	Upstream of Cottonwood Street.	785
	633 feet Downstream of Circle Street.	793
	Downstream of Oak Street.	796

(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; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1119 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4495]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of North Newton, Harvey County, Kansas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of North Newton, Harvey County, Kansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of North Newton are available for review at the City Hall, North Newton, Harvey County, Kansas.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood prone areas and the final elevations for the City of North Newton, Kansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of North Newton, Harvey County, Kansas.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek	Just Upstream of East 24th Street.	1433
	Corporate limits, approximately 400 feet Upstream from East 24th Street.	1435
	Corporate limits, approximately 2,376 feet Downstream from I-135.	1436

(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; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1120 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4268]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Covington, Kenton County, Kentucky

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Covington, Kenton County, Kentucky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Covington, Kenton County, Kentucky, are available for review at the City Clerk's Office, Covington, Kentucky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Covington, Kenton County, Kentucky.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Licking River	Confluence with Ohio River.	499
	4th Street Bridge	499
	Wallace Street (extended).	501
	Virginia Avenue (extended).	502
Banklick Creek	Louisville & Nashville Railroad Bridge.	502
	Winton Pike Street	502
	Corporate Limits (Upstream).	503
Ohio River	Corporate Limits (Downstream).	497
	U.S. Interstate 71-75 Bridge.	498
	Court Avenue	498
	Corporate Limits (Upstream).	499

(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; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1121 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4185]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of West Newbury, Essex County, Massachusetts

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of West Newbury, Essex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of West Newbury, Essex County, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of West Newbury are available for review at the Selectmen's Office, West Newbury Town Hall, 419 Main Street, West Newbury, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of West Newbury, Essex County, Massachusetts.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Artichoke River-Reservoir.	Confluence with Merrimack River.	13
	Rogers Street	14
North Tributary Brook.	At Confluence with Artichoke River-Reservoir.	14
	Upstream of Pikes' Bridge Road.	21
	30 feet Upstream of Garden Street.	36
	290 feet Upstream of Garden Street.	43
	3225 feet Upstream of Garden Street.	50
	5865 feet Upstream of Garden Street (Study Limit).	50
Beaver Brook	Upstream of Middle Street.	70
	1200 feet Downstream from Confluence with Beaver Brook Tributary.	70
	Upstream of Georgetown Road 3220 feet Upstream of Tewksbury Road.	87
	4250 feet Upstream of Tewksbury Road.	94
Merrimack River	Confluence with Artichoke River.	13
	Upstream of Rocks Bridge.	16
	At Southern Corporate Limit of Upstream End.	18

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: July 25, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1122 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4444]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Atlas, Genesee County, Michigan

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Atlas, Genesee County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Atlas, Genesee County, Michigan, are available for review at the Office of the Atlas Township Clerk, Goodrich, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Atlas, Genesee County, Michigan.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kearsley Creek	Just upstream of Jordan Road.	820
	Approximately 320 feet downstream of Atlas Road.	833

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 130 feet upstream of Atlas Mill Pond Dam.	847

(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; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 13, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1123 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4446]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Davison, Genesee County, Michigan

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Davison, Genesee County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Davison, Genesee County, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Davison are available for review at the Township Hall, Davison, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Davison, Genesee County, Michigan.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Creek	Mouth at Kearsley Creek.	764
	Just upstream of Irish Road.	768
	2,000 feet downstream of Gale Road.	770
	500 feet upstream of Gale Road.	774
	At west city limit	774
	At east city limit	785
	Just upstream of Grand Trunk Western Railroad.	787
	500 feet downstream of Davison Road.	788
	At Davison Road	790
	At Oak Road	791
Kearsley Creek	At west corporate limit	762
	At Grand Trunk Western Railroad.	763
	200 feet upstream of East Court Street.	766
	1,000 feet upstream of East Court Street.	767
	750 feet upstream of confluence of Phillips Drain.	769
	2,100 feet downstream of Lapeer Road.	772
	400 feet upstream of Lapeer Road.	773
	450 feet downstream of Irish Road.	776
	Just upstream of Irish Road.	777
	850 feet downstream of Lippincott Road.	780
	At Lippincott Road	781
	3,800 feet upstream of Lippincott Road.	783
	5,400 feet upstream of Lippincott Road.	785
	Atlas Road (north of Atherton Road).	791
	2,100 feet upstream of Atlas Road.	792
	3,200 feet downstream of Atherton Road.	795
	800 feet downstream of Atherton Road.	797
	600 feet upstream of Atherton Road.	799
	4,600 feet upstream of Atherton Road.	801
	3,200 feet downstream of Bristol Road.	803
	1,300 feet downstream of Bristol Road.	805
	400 feet upstream of Bristol Road.	806
	4,700 feet upstream of Bristol Road.	808
	3,700 feet downstream of Atlas Road (near Maple Avenue).	810
	200 feet upstream of Atlas Road.	814
	East corporate limit	816
Phillips Drain	Mouth at Kearsley Creek.	768
	900 feet downstream of Lapeer Road.	769
	Just upstream of Lapeer Road.	771
	1,600 feet upstream of Lapeer Road.	772
	1,050 feet downstream of Vassar Road.	776
	At Vassar Road	778

(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; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1124 Filed 1-12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4427]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Hillsborough, Hillsborough County, New Hampshire

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Hillsborough, Hillsborough County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Hillsborough, Hillsborough County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Hillsborough are available for review at the Town Office, Hillsborough, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Hillsborough, Hillsborough County, New Hampshire.

This final rule is issued 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Contoocook River.	Henniker/Hillsboro corporate limits.	554
	Henniker Street	556
	Approximately 800 feet downstream of State Route 149.	560
	Just upstream of State Route 149.	581
	2,640 feet upstream of state Route 149.	590
	Amtrim/Hillsboro corporate limits.	597
Sand Brook	U.S. Route 202	556
	Downstream side of Henniker Road.	556
	Upstream side of Henniker Road.	559
	600 feet upstream of Henniker Road.	570
	Just downstream of unnamed dirt road (1,960 feet upstream of Henniker Road).	613
	Just upstream of unnamed dirt road (2,000 feet upstream of Henniker Road).	619
	Downstream side of unnamed dirt road (640 feet downstream of Gould Pond Road).	619
	Downstream side of Gould Pond Road.	622
	Upstream side of Gould Pond Road.	626
	1,400 feet upstream of Gould Pond Road.	650
	820 feet downstream of Bog Road.	671
	Upstream of Bog Road	674
North Branch Brook.	At mouth of North Branch Brook.	597
	Approximately 345 feet upstream of mouth of North Branch Brook.	607
	Approximately 2,380 feet upstream of mouth of North Branch Brook.	637
	Approximately 4,230 feet upstream of mouth of North Branch Brook.	659
	Approximately 1,370 feet downstream of State Route 31.	682
	Approximately 770 feet downstream of State Route 31.	700
	Just downstream of State Route 31.	702
	Approximately 920 feet upstream of State Route 31.	720
	Approximately 1,720 feet upstream of State Route 31.	740
Beards Brook	Confluence with Contoocook River.	595
	Downstream side of old State Route 9.	598
	Upstream side of new State Route 9.	603
	Approximately 1,740 feet upstream of new State Route 9.	620
	Approximately 820 feet downstream of Beards Road.	630
	Approximately 100 feet upstream of Beards Road.	637
	At Shedd Jones Road	645
	Approximately 1,740 feet upstream of Shedd Jones Road.	660
	Approximately 2,670 feet upstream of Shedd Jones Road.	680
	Approximately 3,900 feet upstream of Shedd Jones Road.	700
	Approximately 1,450 feet downstream of Beards Road (second crossing).	720
	Approximately 555 feet downstream of Beards Road (second crossing).	750
	Approximately 50 feet downstream of Beards Road (second crossing).	779
	Upstream of Beards Road (second crossing).	788
	Upstream side of Gleason Falls Road.	797
	Approximately 2,270 feet upstream of Gleason Falls Road.	810
	Approximately 2,900 feet downstream Danforth Corners Road.	818
	Approximately 2,750 feet downstream of Danforth Corners Road.	820
	Upstream side of Danforth Corners Road.	838
	Downstream side of Cooledge Road.	844
	Downstream side of Jones Hill Road.	847
	Upstream side of Jones Hill Road.	852
	Approximately 3,900 feet upstream of Jones Hill Road (just upstream of unnamed road).	857
	Approximately 7,085 feet upstream of Jones Hill Road.	865
Shedd Brook	At mouth of Shedd Brook.	633
	Approximately 2,740 feet upstream of mouth of Shedd Brook.	650
	Approximately 4,400 feet upstream of mouth of Shedd Brook.	680
	Approximately 1,570 feet downstream of Shedd Jones Road.	700
	Approximately 650 feet downstream of Shedd Jones Road.	725
	Upstream side of Shedd Jones Road.	747
	Approximately 1,770 feet upstream of Shedd Jones Road.	770
	Approximately 3,000 feet upstream of Shedd Jones Road.	800
	Approximately 5,330 feet upstream of Shedd Jones Road.	830
	Approximately 7,390 feet upstream of Shedd Jones Road.	852
Black Pond Brook.	At mouth of Black Pond Brook.	852
	Downstream side of State Route 31.	935

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 50 feet upstream of State Route 31.	940
	Approximately 7,200 feet upstream of State Route 31.	950
	Approximately 1,160 feet downstream of corporate limits.	960
	At corporate limits.....	977

(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; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1106 Filed 1-12-79; 8:45 am]

[3810-70-M]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER E—DEFENSE CONTRACTING

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule is the fiscal year 1978 update of the section listing DoD contractors receiving negotiated contract awards of $10,000,000 or more. The regulation is published to comply with the provisions of Section 410, Pub. L. 91-121, November 19, 1969.

EFFECTIVE DATE: September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Cynthia V. Springer, Office of the Director for Information Operations and Reports, Washington Headquarters Services, The Pentagon, Washington, DC 20301. Telephone: (202) 697-3182.

SUPPLEMENTARY INFORMATION: In FR Doc. 70-15846 published in the FEDERAL REGISTER on November 25, 1970 (35 FR 18040) the Office of the Secretary of Defense published a final rule establishing criteria, prescribing procedures, and assigning responsibilities for monitoring the program within the Department of Defense. Subsequently, paragraphs (a) and (d) of § 166.11, which constitute the list of DoD contractors receiving negotiated contract awards for $10 million or more, was updated for fiscal years 1971 (36 FR 18464); 1972 (37 FR 18727); 1973 (38 FR 25990); 1974 (39 FR 32985); 1975 (40 FR 44135); 1976 (41 FR 20466); and 1977 (43 FR 1617).

Accordingly, § 166.11 is revised to read as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10,000,000 or more.

Fiscal Year 1978:

A A I Corp.
A L S Electronics Corp.
A M General Corp.
A R O, Inc.
Action Mfg. Co.
Adobe Refining Co.
Aero Corp.
Aerojet General Corp.
Aerospace Corp. The
Airesearch Mfg. Co. of Arizona
Airesearch Mfg. Co. of California
Airlift International Inc.
Alaska Puget United Transportation
Alaska, University of
Ambac Industries, Inc.
Amerada Hess Corp.
American Export Isbrandsten Lines
American Home Products Corp.
American President Lines, Ltd.
American Telephone & Telegraph Co.
Amoco Oil Co.
Amron Corp.
Applied Devices Corp.
Arinc Research Corp.
Ashland Oil, Inc.
Atlantic Richfield Co.
Atlas Processing Co.
Automation Industries, Inc.
AVCO Corp.
AVCO Everett Research Laboratory
Avondale Shipyards, Inc.
Ayer N W ABH International, Inc.
B D M Corp.
Baltimore Gas & Electric Co.
Bates, Ted & Co., Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Bauer Max Meat Packer.
Beech Aircraft Corp.
Bell & Howell Co.
Bendix Corp.
Bernard Clay Systems International, Ltd.
Bethlehem Steel Co.
Bilfinger & Berger Dyckerhoff et al.
Boeing Co.
Boeing Services International, Inc.
Boeing Vertol Co.
Bolt, Beranek & Newman, Inc.
Booz, Allen & Hamilton, Inc.
Borg Warner Corp.
Braswell Shipyards, Inc.
Brooks & Perkins, Inc.
Brunswick Corp.
Bulova Watch Co., Inc.
Bunko Ramo Corp.
Burlington Industries, Inc.
Burroughs Corp.
California, University of
Calspan Corp.
Caltex Oil Products Co.
Campbell Soup Co.
Carolina Power & Light Co.
Central Gulf Lines, Inc.
Chamberlain Mfg. Corp.
Champlin Petroleum Co.
Charles Stark Draper Labs, Inc.
Chesapeake & Potomac Telephone Co.
Chevron U S A, Inc.
Chromalloy American Corp.
Chrysler Corp.
Cincinnati Electronics Corp.
Cities Service Oil Co.
City Public Service Board
Clermont Shipping Co., Inc.
Clinton Shipping Co., Inc.
Coastal States Marketing, Inc.
Coastal States Trading, Inc.
Coloney, Wayne H., Inc.
Colt Industries, Inc.
Communications Satellite Corp.
Computer Sciences Corp.
Comtech Laboratories, Inc.
Conoco International, Inc.
Conrac Corp.
Continental Oil Co.
Control Data Corp.
Cooper Airmotive Co.
Cubic Corp.
Curtiss Wright Corp.
Cutler Hammer, Inc.
Data Design Laboratories
Day & Zimmerman, Inc.
Dayton, University of
De Laval Turbine, Inc.
Delta Refining Co.
Derby & Co., Inc.
Douglas Oil Co. of California
Dynalectron Corp.
E A Industrial Corp.
E G & G, Inc.
E S L, Inc.
E Systems, Inc.
Eastman Kodak Co.
Edgington Oil Co.
Edo Corp.
Electrospace Systems, Inc.
Emerson Electric Co.
Energy Specialists, Inc.
Etowah MFG Co., Inc.
Exxon Corp.
F M C Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Farrell Lines, Inc.
Federal Electric Corp.
Felec Services, Inc.
Flinchbaugh Products, Inc.
Florida Power & Light Co.
Ford Aerospace & Communications
G T E Sylvania, Inc.
Garrett Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Motors Corp.
General Research Corp.
General Time Corp.
Gentex Corp.
Georgia Tech Research Institute
Getty Oil Co.
Gibbs & Cox, Inc.
Gibraltar Fabrics, Inc.
Gladieux Refinery, Inc.
Global Associates
Gold Pak Meat Co., Inc.
Golden Eagle Refining Co., Inc.
Goodrich B F Co.
Goodyear Aerospace Corp.

Gould, Inc.
Grumman Aerospace Corp.
Guam Oil & Refining Co.,
Gulf Oil Corp.
H R B Singer, Inc.
Hamilton Technology, Inc.
Harris Corp.
Harsco Corp.
Hawaiian Independent Refinery, Inc.
Hayes International Corp.
Hazeltine Corp.
Heckethorn Mfg. Co.
Hercules, Inc.
Hess Oil Virgin Island Corp.
Hewlett Packard Co.
Hoffman Electornics Corp.
Honeywell, Inc.
Honeywell Information Systems, Inc.
Hughes Aircraft Co.
Hunt Oil Co.
ICI Americas, Inc.
IIT Research Institute
ITT Arctic Services
ITT Gilfillan, Inc.
Institute for Defense Analysis
International Business Machine Co.
International Harvester Co.
International Signal & Control Corp.
International Telephone & Telegraph Corp.
Interstate Electronics Corp.
Itek Corp.
Jacksonville Shipyards, Inc.
Jets Services, Inc.
Johns Hopkins University
KDI Precision Products, Inc.
Kaiser Aerospace & Electronics Co.
Kaman Aerospace Corp.
Kennametal, Inc.
Kentron Hawaii, Ltd.
Kollmorgen Corp.
Kraft, Inc.
La Crosse Garment Mfg. Co., Inc.
Lear Siegler, Inc.
Linkabit Corp.
Litton Industries, Inc.
Litton Systems, Inc.
Lockheed Corp.
Lockheed Electronics Co., Inc.
Lockheed Missiles & Space Co., Inc.
Lockheed Shipbuilding Construction
Logicon, Inc.
Loral Corp.
Lykes Bros. Steamship Co., Inc.
Magnavox Co.
Magnavox Government & Industrial Electronics Co.
Maremont Corp.
Marion Corp.
Marquarot Co.
Martin Marietta Aluminum Sales, Inc.
Martin Marietta Corp.
Mason & Hanger Silas Mason Co.
Massachusetts Institute of Technology
Mayer Oscar & Co., Inc.
McDonnell Douglas Corp.
Metz R G Building Co.
Midwest Specialities
Mine Safety Appliances Co.
Mitre Corp.
Mobil Oil Corp.
Monsanto Enviro Chem Systems, Inc.
Motorola, Inc.
National Beef Packing Co.
National Steel & Shipbuilding Co.
Navajo Refining Co.
Nestle Co., Inc.
Newport News Shipbuilding & Dry Dock Co.
Norris Industries, Inc.
North Pole Refining Co.
Northrop Corp.
Northrop Worldwide Aircraft Services, Inc.
Northwest Airlines, Inc.
Okmulgee Refining Co.
Olin Corp.
Oshkosh Motor Truck, Inc.
Paccar, Inc.
Pacific Architects & Engineers, Inc.
Pacific Far East Line, Inc.
Pacific Gas & Electric Co.
Page Airways, Inc.
Pan American World Airways, Inc.
Paragon Corp. of Martinsville
Parker Hannifin Corp.
Parsons Ralph M Co., Inc.
Pennsylvania State University
Pepper Harry & Associates
Perkin Elmer Corp.
Philip Morris, Inc.
Phillips Petroleum Co.
Physics International Co.
Planning Research Corp.
Pneumo Corp.
Powerine Oil Co.
Pride Refining, Inc.
Proctor & Gamble Distributing Co.
Q E D Systems, Inc.
R & D Associates
R C A Alaska Communications, Inc.
R C A Corp.
R C A Global Communications, Inc.
Rand Corp.
Raythcon Co.
Raytheon Service Co.
Reflectone, Inc.
Remington Arms Co.
Reynolds R J Industries, Inc.
Rochester, University of
Rockwell International Corp.
Rhor Industries, Inc.
Rosenblatt M Son, Inc.
S R I International
Sanders Associates, Inc.
Santa Barbara Research Center
Science Applications, Inc.
Sea Land Service, Inc.
Seaboard World Airlines, Inc.
Selma Apparel Corp.
Shell Oil Co.
Sierra Research Corp.
Simplex Wire & Cable Co.
Singer Co.
Southern California, University of
Southern Union Refining Co.
Southwest Truck Body
Southwestern Refining Co., Inc.
Sparton Corp.
Sperry Rand Corp.
Standard Mfg. Co.
Stewart Warner Corp.
Summa Corp.
Sun Chemical Corp.
Sun Co., Inc.
Sun Oil Trading Co.
Sunstrand Corp.
Supreme Beef Co., Inc.
Swift & Co.
System Development Corp.
Systems Consultants, Inc.
Systems Research Laboratories, Inc.
T R W Colorado Electronics, Inc.
T R W, Inc.
Teledyne Brown Engineering
Teledyne C A E
Teledyne Electronics
Teledyne Firth Sterling
Teledyne, Inc.
Teledyne Industries, Inc.
Teletype Corp.
Tesoro Alaskan Petroleum Corp.
Tesoro Petroleum Corp.
Texas Instruments, Inc.
Texas, University of
Textron, Inc.
Thiokol Corp.
Tiger International, Inc.
Todd Shipyards Corp.
Tonkawa Refining Co.
Total Petroleum, Inc.
Tracor, Inc.
Trans International Airlines, Inc.
Union Carbide Corp.
Uniroyal, Inc.
United States & South American Enterprises
United States Lines Co.
United Technologies Corp.
Valley Construction Co.
Value Engineering Co.
Varian Associates
Varo, Inc.
Vl Mll, Inc.
Vought Corp.
Waterman Steamship Corp.
Watkins Johnson Co.
Western Electric Co., Inc.
Western Gear Corp.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
Whittaker Corp.
Williams Research Corp.
Wilson & Co., Inc.
Winfield Mfg. Co., Inc.
World Airways, Inc.
Xerox Corp.

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

JANUARY 10, 1979.

[FR Doc. 79-1288 Filed 1-12-79; 8:45 am]

[7710-12-M]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Mail Security Regulations—Puerto Rico

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This regulation implements section 3 of the Puerto Rico Federal Relations Act by allowing excise tax officials of the Commonwealth of Puerto Rico to record for tax purposes information appearing on the exterior of certain types of parcels received at any post office in Puerto Rico. The regulation changes the final implementing rule promulgated on April 5, 1978, 43 FR 14314, and repromulgated unchanged on September 13, 1978, 43 FR 40815, which limited the recording of data for tax purposes to incoming insured, certified, or C.O.D. mail parcels received at the San Juan post office.

EFFECTIVE DATE: January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Braun, (202) 245-4620.

SUPPLEMENTARY INFORMATION: On September 21, 1978, the Postal Service published for comment its proposal to revise the regulations as described above. No comments on the proposal were received.

Accordingly, the Postal Service hereby adopts, without change, the following revision of the Postal Service Manual:

Section 115.96 of the Postal Service Manual is revised to read as follows:

.96 *Puerto Rico.* Under 48 U.S.C. 741a, postal employees in any post office in the Commonwealth of Puerto Rico are authorized to permit excise tax collection officials of the Commonwealth to record for tax collection purposes the names and addresses that appear on the exterior of all incoming parcels which appear to contain taxable items, except those sent by registered mail. A postal employee must be present during such recording and no mail may be opened, detained, or delayed for this purpose.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401, 403, 404, 411.)

W. ALLEN SANDERS,
Assistant General Counsel.

[FR Doc. 79-1372 Filed 1-12-79; 8:45 am]

proposed rules

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 281]

NATURAL GAS REQUIRED FOR ESSENTIAL AGRICULTURAL USES

Natural Gas Policy Act of 1978; Interstate Pipeline Curtailment Plans

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Natural Gas Policy Act of 1978 (NGPA), in section 401, requires interstate pipeline curtailment plans, to the maximum extent practicable, to protect the requirements of essential agricultural uses. This Notice of Proposed Rulemaking contains a proposed regulation for the implementation of that section from March 9, 1979—October 31, 1979.

DATES: Written comments by January 22, 1979. Public hearings: January 22, 1979—Washington, D.C. at 9:30 a.m.

ADDRESSES: Send comments to Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (Reference Docket No. RM 79-13).

Hearing location: Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Romulo L. Diaz, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-3771, or

Martin A. Burless, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. (202) 275-4349.

SUPPLEMENTARY INFORMATION:

PREAMBLE TO THE INTERIM CURTAILMENT RULE

BACKGROUND

Section 401 of the Natural Gas Policy Act of 1978 (NGPA) seeks to assure that natural gas required for essential agricultural uses will not be curtailed unless curtailment is required to protect the needs of enumerated high-priority users.

Section 401(a) provides that not later than 120 days after the date of enactment the Secretary of Energy shall prescribe and make effective a rule which provides that no curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for any of the enumerated high-priority users. This rule must be enacted by March 9, 1979.

Section 401(c) states that the Secretary of Agriculture shall certify to the Secretary of Energy and to the Federal Energy Regulatory Commission the natural gas requirements for essential agricultural uses in order to meet the requirements of full food and fiber production.

Pursuant to section 403(b) of NGPA and section 402(a)(1)(F) of the Department of Energy Organization Act, the Federal Energy Regulatory Commission is charged with implementing the rules prescribed under section 401 under its authority to establish, review, and enforce curtailments, under the Natural Gas Act. The purpose of this rule is to implement, effective March 9, the Secretary of Energy's rule prescribed under section 401(a).

This interim rule will be effective from March 9, 1979, until October 31, 1979. During this interim period interstate natural gas pipelines will provide relief from curtailment where necessary to high-priority users and essential agricultural users in accordance with a new tariff provision which this rule directs that the pipeline file. This tariff provision is analogous to the existing life and property tariff provision that pipelines have filed pursuant to § 2.78(a)(4) of the Commission's rules of practice and procedure. This emergency relief mechanism has in the past been used to grant relief from curtailment which would have resulted in danger to life, health, and physical property. The Commission drew on this experience in drafting the present rule so that during this interim period interstate pipelines may provide relief from curtailment to high-priority users and essential agricultural uses under a mechanism with which they are familiar, and which they have successfully utilized in the past.

The proposed rule is an interim rule which will only be effective during a brief portion of the winter heating season. The rule will provide relief, when appropriate, during the summer season. The rule will only come into use if there is a threat of curtailment of essential agricultural users or high-priority users. Under the proposed rule, the maximum volume of gas which can be delivered is the lesser of the volumes the user would receive under the presently effective pipeline curtailment plan or its highest volume used during the last 3 years. Both of these measures of use would be based on the comparable curtailment periods as utilized by the interstate pipeline. Thus, they may be calculated on a daily, monthly, seasonal or annual basis.

In general the Commission believes the Congress intended to utilize as the basis of the section 401 curtailment priorities the base period volumes included in the various pipeline curtailment plans adjusted for alternative fuel capability. The proposed permanent rule is based on this concept. However, the proposed interim rule would implicitly rather than explicitly consider alternate fuel use by reducing the requirements of those users who utilized less than their base period volumes to the high volume used during the last 3 calendar years. The Commission believes that it is reasonable to presume that where a user has been curtailed, alternate fuel has been used in place of natural gas. In those situations where curtailment could not be offset and the facility was temporarily closed, the use of a 3 year period permits a calculation that will only reflect shutdowns that took place in all three 3.

The permanent rule for the implementation of section 401 will set forth a mechanism for ascertaining alternate fuel capability on a more direct and analytical basis. Because of the short lead time imposed by section 401 and considering the short period, the Commission has determined that this more detailed evaluation of requirements and alternate fuel capability is infeasible for purposes of interim implementation. To attempt to acquire the necessary data during this period of time would impose an impossible burden on the end users, distributors, pipelines and the Commission. It is the Commission's judgment that the proposed rule is the most practicable

method of implementing section 401 by March 9.

As previously noted, the proposed method of calculating essential agricultural requirements attempts to take account of both natural gas requirements and alternative fuel capabilities in a manner that will be administratively feasible and not unduly burdensome considering the short lead time and the short period in which the rule will be effective. Generally, the volumes of gas attributable to end users under a pipeline curtailment plan are the maximum volumes that would be taken regardless of alternate fuel capability. If base period requirements alone were utilized, with no consideration to alternative fuel capabilities, there would be a danger, in a situation requiring relief under this provision, of energy requirements that can utilize alternate fuels utilizing natural gas even though the alternative fuel would be economically practicable and reasonably available in accordance with the section 401(b) policy. Such a large shift in energy requirements would place demands on the interstate system that could be difficult to meet out of system supply. It would also cause large unexpected disruptions in fuel usage patterns. The periods of time involved are so short that effective planning and adjustments would be difficult. Also, as noted, the permanent rule provides for evaluation of alternative fuel capabilities and the public interest would not be served by short-term shifts on to gas and then off again when the permanent rule is implemented.

The Commission's rule treats high-priority users and essential agricultural users differently with respect to the applicability of the alternative fuel requirement. The statute only applies an alternative fuel test to essential agricultural uses and not to high-priority users. However, the Commission notes that the Department of Energy's proposed rule implementing section 401 would apply the alternative fuel criterion to high-priority users as well. The Commission decided not to follow this practice for the interim rule. In the absence of the data review the data verification committee will provide for the post November 1, 1979 period, the Commission is concerned that treating the two categories in the same fashion might lead to situations endangering life, health or the maintenance of physical property. Such a threat would be contrary to the spirit of this section of NGPA. Additionally, implementation of this procedure under the interim rule might contravene section 605 of the Public Utility Regulatory Policies Act of 1978, the "Savers Keepers Provision."

The Commission is contemplating changes to reflect the changes in its direct purchase program caused by the Natural Gas Policy Act of 1978 and the Public Utilities Regulatory Policies Act of 1978. The rule under consideration would provide a direct purchase program for agricultural users with alternate fuel capability, and for new and expanded uses. The proposal under consideration, if adopted, would insure access to natural gas for all agricultural requirements, both those included in pipeline curtailment plans and those not covered thereby. This rule under consideration would, if adopted, be an important complement to the present proposed rule.

The interim rule requires that all volumes delivered under this provision be used to serve the requirements, calculated in accord with the provision of this rule, of high-priority users and essential agricultural uses. To the extent that this procedure may require a local distribution company to obtain authorization from its state regulatory authority, it is expected to do so prior to requesting a waiver or adjustment of curtailment under this rule. Natural gas delivered under the provisions of this rule are intended to go to those categories of users identified in the statute.

The rule proposes a formula to determine the portion of a local distribution company's high-priority and essential agricultural requirement that the interstate pipeline must satisfy. The rule's purpose is to restate the policy that interstate pipelines are only required to satisfy a fixed share, based on historical contribution to a local distribution company's total supplies, of any local distribution company's additional requirements to serve high-priority users and essential agricultural uses. The formula is as follows:

$$V=(HPR_t-HPS_t)\ \frac{(IPS)}{(LDCS)}$$

V = volume of additional supplies that may be requested of each interstate pipeline supplier

HPR_t = high-priority requirements for current period

HPS_t = high-priority supply for current period

IPS = interstate pipeline supply to local distribution companies in corresponding curtailment period upon which the interstate pipeline's curtailment plan is based

LDCS = total LDC supply in corresponding curtailment period upon which the interstate pipeline's curtailment plan is based.

This provision will insure that additional demand for supplies is not placed on interstate systems that has not been present in the past. Volumes required under this provision will come from the general system supply of the interstate pipeline and thus, the grant of relief under this provision may result in some increase in the level of curtailment on the interstate pipeline's system including increased curtailment of lower priority requirement to the distributor requesting relief under this provision.

Where the increased system curtailments would result in one distributor having to curtail high-priority users or other essential agricultural uses, that distributor will be curtailed to a lesser degree. That distributor's curtailment will be limited to the volumes that can be curtailed without affecting high-priority users or essential agricultural uses.

The Commission has benefited from the consultation with the Department of Agriculture called for under section 401(b). The Commission understands that this consultation process does not necessarily imply that the Department of Agriculture concurs in this rule.

SUMMARY OF THE REGULATION

The regulation implements section 401 of the NGPA on an interim basis for the period March 9–October 31, 1979. This regulation applies to all sales of natural gas by interstate pipelines during this period. It authorizes the granting of relief to high-priority users as defined in the statute and essential agricultural uses as they are certified by the Secretary of Agriculture pursuant to rule.

The rule defines the terms schools and hospitals so that similar institutions are included within those definitions. This obviates the requirement to independently define the term similar institutions.

In determining the requirements of the end-users that can be met under this rule the high-priority user's requirements are limited to those requirements currently included in the interstate natural gas pipeline's effective curtailment plan. Thus, if an interstate pipeline curtails using a past fixed base period, the high-priority user will be entitled to receive those volumes it would be entitled to receive based on that base period. Where an interstate natural gas pipeline curtails on some other basis, that basis will be used to determine the high-priority user's natural gas requirements which may be met under this provision.

As noted earlier, however, the Commission plans to broaden its direct sales program to make it more accessible to meet demands not covered by natural gas pipeline curtailment plans. This program will complement this proposed rule.

In determining actual agricultural use, users will be permitted to receive the lesser of the amount they would be entitled to receive under the interstate pipeline's currently effective curtailment plan or their highest volumes of natural gas purchased during the appropriate curtailment period of 1976, 1977, or 1978. This provision is designed to grant essential agricultur-

al users the maximum volumes possible during this interim period. By going back three years the Commission anticipates that the requirements of essential agricultural uses adjusted for alternative fuel capabilities will be adequately represented during one of those three years. The Commission has determined that this is the most practicable way that essential agricultural requirements can be determined considering the time period. For the permanent rule a more precise mechanism will be proposed. The Commission has considered permitting essential agricultural users to project their requirements over a future period of time but has concluded that cannot be implemented in a practicable manner at least for the interim period.

The only limitations on relief contained in this interim rule are that the end-user be included in the interstate pipeline's currently effective curtailment plan. This excluded agricultural users who may have attached to a local distribution company after the close of a pipeline's base period and who are not considered in the pipeline's curtailment plan. However, as previously noted the contemplated revisions in the direct purchase program may make natural gas available to these end-users.

The proposed tariff provision provided that if upon the request of any direct sale customer or local distribution company the interstate pipeline determines that such customer qualifies for the waiver or adjustment of the level of curtailment in order to meet the needs of high-priority users or essential agricultural uses, the interstate pipeline shall waive or adjust curtailment to permit the volumes required to meet the high-priority user's needs or the essential agricultural user's needs to be supplied. Local distribution companies and direct sale customers are required to notify the interstate pipeline when the projected level of curtailments is such that curtailment of high-priority users or essential agricultural users will result. Where the interstate pipeline can grant requested relief the interstate natural gas pipeline is authorized to do so without prior approval or prior filings with this Commission.

The regulation requires that the interstate pipeline notify the Commission within 48 hours of the commencement of deliveries. The Commission will cause such notice of the waiver or adjustment of curtailment to be published in the FEDERAL REGISTER and will permit complaints to be filed within 45 days of such notice. The purpose of limiting the complaint period to 45 days is to foreclose an unlimited period of potential liability.

Where a request for relief is rejected by an interstate pipeline or the interstate pipeline cannot grant sufficient relief to the end user without resulting in curtailment of other high-priority users or essential agricultural uses the extraordinary relief provision of the Commission's Rules of Practice and Procedure are open to the essential agricultural use of high-priority user.

WRITTEN COMMENT AND PUBLIC HEARING PROCEDURE

Interested persons are invited to submit written comments on this proposal to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Comments concerning Subpart A of Phase I must be submitted by January 22, 1979, so that a final rule may be promulgated to be effective February 6, 1979.

Each person submitting a comment should include his name and address, identify the notice (Docket No. RM79-13), and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed.

The Commission intends to hold a public hearing on this proposal. This hearing shall be held on Monday, January 22, 1979, but comments at that time shall be limited to Subpart A of Phase I. The dates and locations of public hearings concerning other parts of the proposal will be announced as soon as practicable.

The public hearing on Subpart A of Phase I will be held on January 22, 1979, at 9:30 a.m., in Hearing Room A, 825 North Capitol Street, NE., Washington, D.C. 20426. Persons interested in participating should contact Kenneth F. Plumb, Secretary, at the Federal Energy Regulatory Commission, (202) 275-4166, by January 18, 1979.

In consideration of the foregoing it is proposed to add a new Part 281, Subpart A, Title 18, Code of Federal Regulations, as set out below.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

PART 281—NATURAL GAS CURTAILMENT

Subpart A—Interim Curtailment Rule

Sec.
281.101 Purpose.
281.102 Applicability.
281.103 Definitions.
281.104 Interim rule.
281.105 Waiver.
281.106 Volumes for which waiver may be granted.
281.107 Filing requirements.
281.108 Notice, complaint, remedy.
281.109 Extraordinary relief.

AUTHORITY: Administrative Procedure Act, 5 U.S.C. 553, Natural Gas Act, as amended, (15 U.S.C. 717), Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 Fed. Reg. 46267, Energy Supply and Environmental Coordination Act, 15 U.S.C. 791), Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350, Federal Energy Administration Act, (15 U.S.C. 761), Public Utility Regulatory Polices Act of 1978, Pub. L. 95-617.

Subpart A—Interim Curtailment Rule

§ 281.101 Purpose.

The purpose of this subpart is to implement, on an interim basis, section 401 of the NGPA in order to provide that for the period March 9, 1979, through October 31, 1979, the curtailment plans of interstate pipelines protect, to the maximum extent practicable, deliveries of natural gas for essential agricultural uses and for high-priority uses.

§ 281.102 Applicability.

This subpart applies to sales of natural gas by an interstate pipeline during the period March 9, 1979, through October 31, 1979, if the pipeline is curtailing its sales of natural gas to high-priority or essential agricultural users.

§ 281.13 Definitions.

(a) *NGPA definitions.* Terms defined in the NGPA shall have the same meaning for purposes of this subpart as they have under the NGPA, unless further defined in this subpart.

(b) *Subpart A definitions.* For purposes of this subpart:

(1) "NGPA" means the Natural Gas Policy Act of 1978.

(2) "School" means a facility, the primary function of which is delivering instruction to regularly enrolled students in attendance at such facility. Facilities used for both educational and noneducational activities are not included under this definition unless the latter activities are merely incidental to the delivery of instruction.

(3) "Hospital" means a facility, the primary function of which is delivering medical care to patients who remain at the facility. Outpatient clinics or doctors' offices are not included in this definition. Nursing homes and convalescent homes are included in this definition.

(4) "Essential agricultural use" means any use of natural gas which is certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" under section 401(c) of the NGPA.

(5) "Essential agricultural user" means a person who uses natural gas for an essential agricultural use and who is entitled to receive natural gas, directly or indirectly, from the inter-

state pipeline under its currently effective curtailment plan.

(6) "High-priority use" means any use of natural gas:

(i) in a residence;

(ii) in a commercial establishment in amounts of less than 50 Mcf on a peak day;

(iii) in a school or hospital; or

(iv) by any person who is designated by the Secretary of Energy as a "high-priority user" under 10 CFR 580.2 (c)(iv).

(7) "High-priority requirements" for a curtailment period from a particular interstate pipeline means the maximum volume the high-priority user or local distribution company on behalf of the high-priority user would be entitled to purchase for high-priority use under the interstate pipeline's currently effective curtailment plan but not including volumes a high-priority user may receive solely by operation of this subpart or volumes obtained under § 2.79.

(8) "High-priority user" means a person who uses natural gas for high-priority uses.

(9) "Essential agricultural requirements" for a curtailment period from a particular interstate pipeline means the lesser of:

(i) The highest metered volume of natural gas purchased from an interstate pipeline either under a direct sale contract or under a contract between the local distribution company and the interstate pipeline in the corresponding period of calendar year 1976, 1977, or 1978 and consumed for an essential agricultural use but excluding any volumes received solely through operation of this subpart or volumes obtained under § 2.79; or

(ii) the maximum volume the essential agricultural user or local distribution company on behalf of the essential agricultural user would be entitled to purchase for essential agricultural use under the interstate pipeline's currently effective curtailment plan but excluding any volumes received solely through operation of this subpart or volumes obtained under § 2.79.

(10) "Curtailment period" means the curtailment period, e.g., daily, monthly, seasonal, or annual used by the interstate pipeline in its curtailment plan.

§ 281.104 Interim rule.

Each interstate pipeline shall file tariff sheets which provide for waiver in accordance with § 281.105 of the otherwise applicable provisions of its curtailment plan, if necessary, to supply essential agricultural uses or high-priority uses. The tariff sheets shall be filed not later than February 6, 1979, with a proposed effective date of March 9, 1979, and shall meet the terms and conditions in this subpart.

§ 281.105 Waiver.

(a)(1) Subject to paragraph (a)(2) of this section, interstate pipelines shall waive or adjust the effective level of curtailment for its local distribution company customers and direct sale customers which have submitted to the interstate pipeline high-priority requirements or essential agricultural requirements in the manner prescribed and determined in accordance with paragraph (b) of this section.

(2) If an interstate pipeline's own records contain information which directly conflicts with the statements made under oath under paragraph (b) of this section, the pipeline shall not waive or adjust its currently effective level of curtailment for such local distribution company customer or direct sale customer.

(b) The local distribution company customer or direct sale customer shall demonstrate qualification for waiver by submitting, under oath, the following information to their interstate pipeline suppliers:

(1) The volume of natural gas, calculated in accordance with the provisions of this rule, that each of its high-priority users and essential agricultural users estimates will be necessary for its high-priority requirements and essential agricultural requirements during the curtailment period, except that the local distribution company may aggregate the high-priority requirements for residential and small commercial customers who use less than 50 Mcf on a peak day.

(2) A statement from the local distribution company and each high-priority user, except residential and small commercial customers who use less than 50 Mcf on a peak day, and essential agricultural user that the volumes specified in paragraph (b)(1) of this section will be used solely for high-priority uses or essential agricultural uses.

(3) The volume of natural gas for which waiver is requested is calculated as the sum of the volumes in paragraph (b)(1) of this section less the estimated supplies available to serve essential agricultural use and high-priority use, absent waiver.

(4) If a local distribution company customer or a direct sale customer has more than one source of natural gas supply it shall prorate the volume for which waiver may be requested from its interstate pipeline supplier by multiplying the volume calculated under paragraph (b)(3) of this section by the ratio that each interstate pipeline supplied for the corresponding period on which the interstate pipeline's currently effective curtailment plan is based to the total supply of the local distribution company or direct sale customer in the corresponding curtailment period. The calculation and the volume so prorated to each interstate pipeline supplier shall be submitted to the particular interstate pipeline supplier from whom waiver is requested.

§ 281.106 Volumes for which waiver may be granted.

(a) Subject to the conditions in paragraph (b), when a customer qualifies for waiver, the interstate pipeline supplier shall deliver, from its system supply, the additional volumes specified in § 281.105(b).

(b)(1) If a local distribution company customer or direct sale customer notifies the interstate pipeline that because of the level of curtailment resulting from the granting of a waiver for deliveries to other essential agricultural users, the local distribution company will curtail a high-priority user or another essential agricultural user, or a direct sale customer will be unable to meet its high-priority requirements or essential agricultural requirements, such local distribution company customer or direct sale customer shall be exempt from the adjusted level of curtailment to the extent necessary to meet high-priority requirements or essential agricultural requirements.

(2) If a local distribution company customer or direct sale customer notifies the interstate pipeline that, because of the level of curtailment resulting from waiver for deliveries to other high-priority users, the local distribution company will curtail other high-priority users, or a direct sale customer will be unable to meet its high-priority requirements, such local distribution company customer or direct sale customer shall be exempt from the adjusted level of curtailment to the extent necessary to meet such high-priority requirements.

§ 281.107 Filing requirements.

Each interstate pipeline which makes deliveries of natural gas under § 281.106 shall file a statement with the Commission indicating the direct sale customer or local distribution company customer and its high-priority users and essential agricultural users and the volumes on a customer and end-user basis to which deliveries are made under § 281.106. The filing shall be made within 48 hours of the commencement of deliveries and shall include a copy of the information submitted by the local distribution company or direct sale customer under § 281.105(b).

§ 291.108 Notice, complaint, remedy.

(a) *Notice.* The Commission shall publish in the FEDERAL REGISTER notice of all waivers made under this subpart.

(b) *Complaint.* Any person aggrieved by any action taken pursuant to the

provisions of this rule may file, within 45 days of notice, a complaint pursuant to § 1.6 of this chapter.

(c) *Remedy.* If the Commission determines that a willful and knowing violation of these regulations took place it shall take whatever action it deems appropriate in the circumstances. Such action may include, among others, payback in kind or in dollars by the person benefiting from the waiver.

§ 281.109 Extraordinary relief.

If an interstate pipeline rejects a request for waiver under § 281.105 or if the deliveries made pursuant to a waiver under § 281.106 are inadequate to forestall an emergency situation, the local distribution company customer or direct sale customer may file a request for relief from curtailment under § 1.7. The request shall contain the information required in § 2.78(b).

[FR Doc. 79-1367 Filed 1-12-79; 8:45 am]

[7710-12-M]

POSTAL SERVICE

[39 CFR Part 111]

AMERICAN SAMOA

Mail Security Regulations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize postal officials in American Samoa to cooperate with territorial customs officials of the Government of American Samoa by permitting them to examine the exterior of mail entering American Samoa which may contain dutiable or prohibited articles and to open, without a search warrant or the consent of the sender or addressee, such incoming suspected mail as the Postal Service has authority to open without a search warrant or consent. This would extend to territorial customs officials of American Samoa the same cooperation which is authorized to be given by postal employees in Guam to territorial customs officials of the Government of Guam, and by postal employees in the U.S. Virgin Islands to officials of the U.S. Customs Service in the Virgin Islands, under existing postal regulations.

EFFECTIVE DATE: Comments must be received on or before February 14, 1979.

ADDRESS: Written comments should be directed to the Assistant General Counsel, Special Projects, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, outside room 9000, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Charles R. Braun (202) 245-4620.

SUPPLEMENTARY INFORMATION: In 1977 the Postal Service proposed a comprehensive revision of its mail security regulations which, with expressly stated exceptions, generally prohibited mail opening, detention, or delay, or the disclosure of information concerning mail in postal custody. The proposed revision did not specially mention the territory of American Samoa, and therefore prohibited postal officials in American Samoa from cooperating in any special way with territorial customs officials with respect to mail in postal custody. 42 FR 18754-18758 (1977). No comment on the proposed regulations was received from the Government of American Samoa. The Department of Interior, which is the Federal executive agency to which the President's statutory authority for the local government of American Samoa is assigned,[1] did not mention American Samoa in its comments on the proposal.

In 1978 the proposed regulations were adopted and repromulgated without any change affecting American Samoa, 43 FR 14308-14314; 40812-40815 (1978).

The Government of American Samoa has asked the Postal Service to modify its mail security regulations so as to permit customs inspection of mail entering American Samoa. The principal arguments made by that Government in support of its request are that American Samoa is outside the jurisdiction and protection of U.S. customs laws and the U.S. Customs Service; that under existing postal regulations other U.S. territories "are either protected by U.S. customs or their own customs * * *"; that without such a modification the people of American Samoa would suffer "serious hardship" because their government would be deprived of an important source of revenue; and because the enforcement of local laws forbidding the importation of firearms, dangerous drugs, and diseased materials potentially injurious to the island's ecology would be frustrated. Existing postal regulations permit customs officials in Guam and the Virgin Islands to examine all incoming mail, and to open, without a search warrant or the consent of the sender or the addressee, all incoming mail which is reasonably believed to contain dutiable or prohibited articles and which is not sealed against inspection. Postal Service Manual 115.91(b), 115.94, 43 FR 14313-14314; 40814-40815.

Federal postal laws apply to American Samoa to the same extent as to Guam and the Virgin Islands. 39 U.S.C. 403(a)(1970). The Postal Service has concluded that there is no reasonable basis in law or policy to withold from territorial customs officials of American Samoa the same cooperation which the Postal Service affords under current regulations to territorial customs officials of the Government of Guam and to U.S. customs officials in the U.S. Virgin Islands. *See*, 9 Op. Solic. P.O. Dep't No. 200 at 249 (1948); 42 FR 18755-18756 (1977) (paragraph (f), encaptioned *"Territorial Cooperation"*). No comments in opposition to these provisions have been received before or after their adoption.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendment of the Postal Service Manual:

Part 115 of the Postal Service Manual is amended by adding a new section 115.97 as follows:

.98 *Customs inspection in American Samoa.* Pago Pago postal employees may permit designated American Samoa customs officials without a search warrant, to open, inspect, and read the contents of unsealed mail, and to examine the exterior (but not open or read the contents) of sealed mail, which originates outside the Territory of American Samoa and is addressed for delivery within the Territory of American Samoa. Upon the request of American Samoa customs officials, postal employees in the Pago Pago post office may ask the addressee of sealed mail which American Samoa customs reasonably suspects of containing dutiable or prohibited matter to authorize American Samoa customs officials to open and inspect the contents of the sealed mail, or to appear at the post office to accept delivery of the sealed mail in the presence of an American Samoa customs official.

An appropriate amendment of 39 C.F.R. 111.3 to reflect this change will be published if the proposal is adopted.

(39 U.S.C. 401, 403, 404, 411, 3623(d)).

W. ALLEN SANDERS,
Assistant General Counsel.

[FR Doc. 79-1371 Filed 1-12-79; 8:45 am]

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[1] 48 U.S.C. 1661(c) (1970); Exec. Order No. 10,264, June 29, 1951, 16 FR 6419, 48 U.S.C. 1662 note (1970).

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 1037-3]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the Connecticut Department of Environmental Protection to Westerly Ready-Mixed Concrete Co., Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Connecticut Department of Environmental Protection to Westerly Ready-Mixed Concrete Co., Inc. The order requires the company to bring air emissions from its asphalt batching plant in Pawcatuck, Connecticut into compliance with certain regulations contained in the federally-approved Connecticut State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 14, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region, Rm. 2103, J.F.K. Federal Building, Boston, MA 02203. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Attorney Michael Gurchin at 617-223-5061 or engineer Steven Fradkoff at 617-223-5610, both at the following address: U.S. Environmental Protection Agency, JFK Federal Building, Boston, MA 02203.

SUPPLEMENTARY INFORMATION:

The Westerly Ready-Mixed Concrete Co., Inc. operates an asphalt batching plant at Pawcatuck, Connecticut. The order under consideration addresses emissions from equipment at the facility, with state registration numbers 035 and 027, which are subject to section 19-508-5(e) of the Connecticut regulations for the abatement of air pollution. The regulation governs testing of emissions from all sources, and is part of the federally-approved Connecticut State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 through shutting down and subsequently restarting the plant with improved scrubbers. In addition, Westerly Ready-Mixed Concrete Co., Inc. must submit stack test emission and progress reports to the Connecticut Department of Environmental Protection by July 15, 1979.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Connecticut SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: December 20, 1978.

WILLIAM R. ADAMS, Jr.
Regional Administrator,
Region I.

[FR Doc. 79-1270 Filed 1-12-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1037-4; Docket No. DCO-78-49]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of Delayed Compliance Order Issued by the North Carolina Environmental Management Commission to Morganton Dyeing and Finishing Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a delayed compliance order issued by the North Carolina Environmental Management Commission to Morganton Dyeing and Finishing Corp. in Morganton, North Carolina. The delayed compliance order requires Morganton Dyeing and Finishing Corp. to bring air emissions from the three (3) Tenter frames in Morganton, North Carolina, into compliance with an applicable regulation contained in the North Carolina State Implementation Plan (SIP) by January 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with the provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 14, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Floyd Ledbetter, U.S. Environmental

Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, Telephone Number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: Morganton Dyeing and Finishing Corp. operates a textile finishing plant in Morganton, Burke County, North Carolina. The order under consideration addresses emissions from the three (3) tenter frames, which are subject to the North Carolina Administrative Code (NCAC), Title 15, Chapter 2D, Section .0521. This regulation limits the visible emissions from process operations, and is part of the federally-approved North Carolina State Implementation Plan. The order requires compliance with the regulations by January 1, 1979, through the implementation of the following schedule for the construction or installation of control equipment:

(1) Begin reconstruction of precipitator housing and installation of replacement parts on or before September 15, 1978.

(2) Complete reconstruction and achieve compliance with 15 NCAC 2D.0521 "Control of Visible Emissions" on or before January 1, 1979.

The source has consented to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. As an interim limit, the visible emissions from the three (3) units shall not exceed sixty percent opacity (60%) averaged over any 1 hour period, prior to the attainment of the last milestone.

Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before becoming effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the order satisfies these requirements.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the North Carolina SIP. Compliance with the proposed order will not exempt the company from complying with applicable requirements contained in any subsequent revisions to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER, the Agency's final action on the order in 40 CFR Part. 65.

(42 U.S.C. 7413, 7601.)

Dated: January 8, 1979.

JOHN A. LITTLE,

Acting Regional Administrator, Region IV.

[FR Doc. 79-1269 Filed 1-12-79; 8:45 am]

[6820-96-M]

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

[41 CFR Part 101-47]

DISPOSAL OF PROPERTY FOR EDUCATIONAL AND PUBLIC HEALTH PURPOSES EXTENSION OF COMMENT PERIOD

AGENCY: General Services Administration.

ACTION: Extension of comment date for proposed rule.

SUMMARY: On January 2, 1979, at 44 FR 70, the General Services Administration published a proposed rule governing the disposal of surplus real property for educational and public health use to require that all such conveyances and notices of no objections be subject to perpetual use restrictions. This document extends the date for receipt of comments from February 1, 1979, to February 16, 1979.

DATE: Comments must be received on or before February 16, 1979.

FOR FURTHER INFORMATION CONTACT:

James H. Pitts, Office of Real Property, Special Programs Division (202-566-0003).

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

Dated: January 10, 1979.

WILLIAM R. CAMPBELL, JR.,
Acting Commissioner, Federal Property Resources Service.

[FR Doc. 79-1311 Filed 1-12-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 476]

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Confidentiality and Disclosure of Professional Standards Review Organization (PSRO) Information

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: These regulations would govern the acquisition, protection and disclosure of information obtained or generated by Professional Standards Review Organizations (PSROs). The PSRO statute (Title XI, Part B of the Social Security Act) authorizes PSROs to acquire information necessary to fulfill their duties and functions. Section 1166 of the Act places limits on the disclosure of PSRO information and establishes penalties for unauthorized disclosure. These regulations are intended to assure that PSROs have access to the necessary information, that confidential information is adequately safeguarded, and that the information may be used as effectively as possible.

DATES: Consideration will be given to written comments or suggestions received on or before March 16, 1979. When commenting, please refer to HSQ-37-P. Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, beginning approximately 2 weeks after publication, in Rm. 5231, Switzer Building, 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202/245-0950).

ADDRESS: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Kathryn Moss, 202/245-2196.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Professional Standards Review Organizations (PSROs) are established under Title XI, Part B of the Social Security Act (the Act) to carry out professional standards review of the health care services funded under Titles V, XVIII and XIX (Maternal and Child Health, Medicare, and Medicaid programs, respectively) of the Act. PSROs are responsible for determining that those services are medical-

ly necessary and at the appropriate level of care, and that the quality of these services meets professionally recognized standards.

To carry out their responsibilities, PSROs are dependent on information acquired from other sources or developed in the conduct of review. Information is acquired from the medical records of patients and from other records maintained by health care institutions, practitioners and claims payers. Information generated by the PSRO includes medical necessity determinations and PSRO evaluations of the quality and appropriateness of health care services. PSROs use the information to develop and review profiles (patterns of utilization and practice), for audits of medical care and to transmit PSRO determinations to organizations responsible for making payment under the Act.

It is evident that much of the information acquired by PSROs, especially from medical records, is sensitive or personal, and should be treated as confidential information. Furthermore, to preserve the integrity of the peer review process in which peers work together to improve health care services, it is critical that certain information be held in confidence. On the other hand, disclosure of PSRO information for claims payment purposes, to assist others who can benefit from access to PSRO information and to ensure accountability of the PSROs is of equal importance.

Statutory Basis

The PSRO statute recognizes both the need to protect information and the need to disclose information. Section 1166 of the Act states that all PSRO information shall be held in confidence and not disclosed except as necessary for the purposes of the PSRO statute, the purposes of health planning and fraud or abuse investigations, or as the Secretary shall provide in regulations assuring adequate protection of the rights and interests of patients, health care practitioners, or providers of health care. This proposed rule is the culmination of an extensive effort to meet the legislated mandate.

History

In 1976, initial policies on the confidentiality of PSRO information were issued. Additions and modifications to these policies were distributed in 1976. An interim regulation was published on January 16, 1978 (43 FR 2282) providing for disclosure of information that was public prior to receipt by the PSRO and for disclosure of summary statistics from the Uniform Hospital Discharge Data Set (UHDDS) (the multi-purpose, basic data set containing information on hospital discharges, approved by the Department for use in Federal health programs). Specifications for this proposal were widely distributed for comment in April 1977. Comments received in response to the Notice of Proposed Rulemaking for the interim regulation and on the specifications for this proposal have been of great assistance. In addition, the advice of experts in the field of health data and confidentiality, existing legislation on privacy and disclosure of information, the Report of the Privacy Protection Study Commission mandated to examine issues relating to personal privacy, and other Federal policies and regulations contributed to the development of this proposal. Plaintiff in a recent lawsuit, *Public Citizen Health Research Group* v. *Dept. of H.E.W., et al.* (U.S.D.C. for D.C., C.A. No. 77-2093) is seeking disclosure, under the Federal Freedom of Information Act (FFIA), of a substantial amount of PSRO information which identifies physicians and hospitals. In the event of a final court ruling that PSROs are subject to the FFIA and that PSRO data cannot be witheld from disclosure under the exemptions of the FFIA, substantial revision of these proposed HEW regulations would be required. However, there has been no court order to disclose any information at this time and final resolution of the matter is expected to take some time. Therefore, we believe it is appropriate to issue these proposed rules at this time.

Scope

The proposal attempts to deal, in a comprehensive manner, with all information acquired or generated by PSROs for review purposes and with information concerning contracts and agreements between PSROs and other entities. PSROs may use their own discretion in disclosing financial and administrative information which is not addressed in the regulation. We do not believe that Congress intended to restrict the disclosure of PSRO information which does not directly relate to the review activities.

Due to the dependence of PSROs on information from other sources, these proposed rules address the acquisition of information by PSROs. Procedures for maintaining the security of information are also included. The acquisition and data security aspects of the proposal are fairly straightforward.

The disclosure sections of the proposal are more complicated. For disclosure purposes, information has been categorized as confidential or nonconfidential. Nonconfidential information encompasses the criteria and procedures used by PSROs to conduct review, previously public information, certain administrative information, and statistical information, including statistics on the utilization and patient population of individual institutions and groups of practitioners.

Medical Care Evaluation studies from which all person or institution identifiers have been deleted or information describing a study are considered non-confidential. Confidential information includes information in which an individual person can be identified, Medical Care Evaluation Study information with identifiers, sanction reports and the deliberations of PSRO reviewers.

Information on individuals can be presented in a number of ways:

1. Information on an individual which clearly identifies the individual by name,
2. Information which is uniquely coded to a particular individual, e.g., a social security number,
3. Information on individuals from which identifiers have been deleted, e.g., removal of a name or identifying number from a report,
4. Information which implicitly identifies an individual, (e.g., statistics on orthopedic surgery in a hospital where there is only one orthopedic surgeon).

Any of these types of presentation would be considered confidential information if the identity of an individual could be discerned or inferred by the user of the information. Sanction reports noting PSRO findings of violations of obligations on practitioners and on institutions are confidential. The deliberations of the PSRO, including reviewer notes, minutes of meetings and any other records of discussions and judgements involving review matters are also classified as confidential.

Major Provisions and Issues

1. Basic rule. PSRO information is to be held in confidence and not disclosed under the law unless the disclosure is necessary to carry out the purposes of the PSRO statute or provided for by regulation. Hence, the basic rule provides for disclosure without regulation if the intended use of the information coincides with the purposes of the PSRO statute. The purposes of the PSRO statute, in our view, are to assure the medical necessity, appropriate level of care and quality of health care paid for under the Social Security Act. Any other extension of the disclosure provisions would require regulatory or statutory amendment.

2. Access to medical records. There has been some resistance by health care providers and practitioners to providing medical records to PSROs. Section 1155(b) of the Act gives PSROs authority to access pertinent records of health care practitioners and providers. The proposal not only provides for such access, but under

certain circumstances PSROs can more efficiently and effectively carry out their responsibilities if copies of records are available. We share the concern of health care institutions and practitioners that health records be carefully protected, but believe that PSROs, as organizations of health care professionals, can be trusted to protect them properly. At the same time, to assure that the provision of records does not impose an undue burden on the provider, the proposal specifies that copies of records shall be required only when it is not feasible for the PSRO to access the records onsite. The same rules would apply to Medicare and Medicaid claims payers that monitor PSROs. Thus, when onsite access of records is not feasible, copies of records would be provided to the monitors.

3. Access by the Secretary and State Medicaid Agencies. Concern has been expressed by PSROs and the health community about the access and use of PSRO information by State and Federal agencies. However, many of these agencies believe that PSRO information will be invaluable to them in fulfilling their respective responsibilities. The proposal attempts to resolve this issue by providing the Secretary with complete access to PSRO information, but specifying procedures for access and redisclosure of information by the Secretary. Information related to the responsibilities of States to assure appropriate expenditure of funds for health care and services funded by the State would be available to State agencies, but redisclosure of the information would be restricted. This approach to government access to PSRO information is intended to assure that State and Federal agencies have access to the information they need for effective administration and management of their responsibilitaies while preserving the integrity of confidential information.

4. Requirements for maintaining confidentiality. To assure that PSRO information is handled responsibly, the proposal contains provisions for maintaining the security of PSRO information. Due to the criminal penalties for unauthorized disclosure of PSRO information, persons handling the information must be made aware of their responsibilities and of the risk of penalty. Procedures are required for maintaining logs of access to confidential information and for coding the identity of patients, practitioners and institutions on documents containing confidential information.

5. Procedures for disclosure. Provisions are included requiring PSROs to notify patients, practitioners and institutions about disclosures of information pertaining to them. To reduce the burden on PSROs for meeting requests for previously published information, PSROs are required only to release this information in the form in which it is readily available. In general, PSROs may charge a reasonable fee for providing requested information.

6. Disclosure of non-confidential information. The proposal requires PSROs to fulfill all requests for non-confidential information regardless of the source of the request. PSROs may also disclose this information at their option, to anyone who they believe would be interested in the information. We are aware of some objections to treating statistical information on institutions as non-confidential information. However, organizations are not generally accorded the same right to privacy as individuals and we believe that the benefits to be gained by sharing this information outweigh the potential disadvantages. Organizations such as health planning agencies and rate setting commissions are dependent on institutional information to carry out their responsibilities. Because these organizations are required to publicly disclose all information in their possession, they would be unable to protect the information.

The disclosure of non-confidential information serves the purpose of meeting the needs of others for health information and also provides for a degree of public accountability. By disclosing contractual documents, agreements, and minutes of meetings (except when confidential information is involved), the public can be informed of PSRO activities. The disclosure of the norms, criteria, and standards provides an opportunity for the public to be aware of the professional standards utilized in the review process.

7. Disclosure of confidential information. The disclosure of all confidential information is restricted in this proposal. Medical Care Evaluation studies, with identifiers, are shared only with practitioners or institutions identified in the study and with accreditation and certification bodies. PSRO summaries and conclusions, based on confidential studies, which do not identify patients, practitioners or institutions may be shared with governmental agencies involved with assuring quality of care. In addition, PSROs may disclose their interpretation and generalizations on the quality of care of individual institutions to these governmental agencies. PSRO deliberations are not to be disclosed outside the PSRO, although the reasons for PSRO decisions may be shared. The purpose of these protections is to ensure frank discussion and documentation of the detailed findings of professional standards review and to create an environment in which those best suited to judge professional services (professional peers) are free to explore potential problems in depth without fear of unwarranted liability or litigation. Many States have, by statute, protected this type of information from disclosure or subpoena.

Provisions are made for some disclosure of information, including profiles, on individuals. Individuals may have access to their own records. Governmental agencies (including fraud or abuse agencies), licensing bodies, and researchers may have limited access to identifying information. These disclosures are intended to provide for the sharing of information with those who have a significant need for the information to carry out their recognized responsibilities or to avoid duplication in the collection and processing of information. Information on individuals is specifically protected by statute from subpoena or discovery proceedings in civil actions. (See section 1166(d) of the Act) Consideration was given to prohibiting disclosure in criminal actions. However, this raises some difficult issues that require further exploration. We would particularly appreciate comment on this matter.

It is important to recognize that certain information in the possession of the PSRO is information which other governmental agencies are also authorized to acquire. For this type of information, the PSRO not only uses the information for its own purposes, but also serves as a vehicle to provide the information to other authorized users. The primary example of this type of information is the Uniform Hospital Data Set (UHDDS). The data elements of the UHDDS collected on each hospital discharge are:

1. Person Identification
2. Date of Birth
3. Sex
4. Race
5. Residence
6. Hospital Identification
7. Admission Date and Hour
8. Discharge Date
9. Attending Physician
10. Operating Physician
11. Diagnoses
12. Procedures, e.g., Surgical Operation
13. Disposition of Patient
14. Expected Principal Source of Payment

This information is collected by the PSRO from hospital records and is used by the PSRO to examine hospital utilization patterns and patterns of medical practice in the PSRO area. Other authorized users of the UHDDS information are claims payers, such as the Medicare Fiscal Intermediaries and State Medicaid agencies, who need the information to assure the appropriate payment of claims under the Federal health care funding programs. Because the UHDDS is multipurpose data, the PSRO is merely serving as a "pass-through" to transfer the infor-

mation from the hospital to the claims payers.

The provisions on the disclosure of information on individuals reflect a concern for personal privacy. There is widespread agreement that the privacy of patients is of highest priority. Although it is recognized that patient privacy is eroded by the acquisition of information by PSROs, the benefit to be gained from assuring that health care and services are medically necessary, appropriate and of acceptable quality justifies the acquisition. PSROs may collect patient information only if it is relevant and appropriate to their responsibilities.

The protection of the privacy of health care practitioners is less generally accepted. However, we believe that to make information on individual practitioners generally available would severely inhibit the effectiveness of the peer review process an discourage participation in PSRO activities.

8. Limitations on redisclosure. It is apparent that the confidentiality of PSRO information cannot be maintained if PSROs are required to share information without some limits on redisclosure by the recipient. The issue is complicated by the fact that some recipients of PSRO information may be subject to freedom of information laws or other statutory requirements for disclosure of information. The Department has concluded that regulatory restrictions must be placed on the redisclosure of confidential PSRO information. Information which does not fall in this category can be freely disclosed by the recipient.

9. Public notice of PSRO information systems. Under this proposal a PSRO would be required to place a public notice in newspapers of the existence of its data system and the types of information acquired by the PSRO. In addition, each patient, practitioner and institution must be informed of the system and the procedures whereby they may obtain access to information on themselves. These provisions are in keeping with recognized information system practices and are recommended by experts concerned with assuring that individuals are aware of information collected about them.

10. Optional disclosure of confidential information. We are reviewing, but have not proposed, a regulatory provision giving PSROs discretionary authority to disclose information, identifying practitioners and providers but not individual patients, concerning patterns of practice and MCE studies. The purpose would be to make this information available to consumers and others concerned about local health care problems.

In addition to the disclosures PSROs are required to make under section 116(b) of the Act, they do have authority under section 1166(a) to disclose information, without specific regulatory authority, in order to carry out the purposes of the PSRO statute. The proposal under review would give PSROs discretion to disclose for any purpose but would establish criteria and guidelines for the PSRO to use in exercising this discretion. Furthermore, if the PSRO decided to disclose some of this information on a particular practitioner or provider, it could not refuse to disclose other countervailing information about the same practitioner or provider. We specifically invite comments and suggestions this on issue, including comments and suggestions for criteria which would achieve the goal of allowing PSROs to determine the circumstances under which the disclosure of information would further PSRO purposes.

42 CFR Part 476 is proposed to be revised to read as follows:

PART 476—CONFIDENTIALITY AND DISCLOSURE OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION (PSRO) INFORMATION

Subpart A—General Provisions

Sec.
476.1 Scope and applicability
476.2 Definitions
476.3 General rules.
476.4 PSRO access to records and information.
476.5 Procedures for PSRO disclosure.
476.6 Limitations on redisclosure.
476.7 Penalities for unauthorized disclosure.
476.8 Applicability of other statutes.
476.9 Applicability to councils.

Subpart B—PSRO Responsibilities

476.11 Requirements for maintaining confidentiality.
476.12 Public notice of PSRO information system.

Subpart C—Disclosure of Nonconfidential Information

476.21 PSRO criteria and procedures.
476.22 Public information acquired by the PSRO.
476.23 Statistical information.
476.24 Medical Care Evaluation (MCE) study information without identifiers.
476.25 Medicare provider number.

Subpart D—Disclosure of Confidential Information

476.31 Disclosure to patients or their representatives.
476.32 Disclosure to practitioners, reviewers and institutions.
476.33 Disclosure necessary to perform review responsibilities.
476.34 Disclosure to claims payment agencies.
476.35 Disclosure to investigative and prosecutional agencies.
476.36 Disclosure for other specified purposes.
476.37 Disclosure of PSRO deliberations.
476.38 Disclosure of MCE study information and sanction reports.
476.39 PSRO involvement in shared health data systems.

AUTHORITY: Secs. 1102, 1152(d)(2), 1155(a)(4), 1155(b)(3), 1155(f)(1)(B), 1162(c)(2), 1165, and 1166 of the Social Security Act; (42 U.S.C. 1302, 1320C-1, 4, 11, 14, and 15).

Subpart A—General Provisions

§ 476.1 Scope and applicability.

This part establishes rules for preserving confidentiality and disclosing information collected or generated by a PSRO (or the review component of a delegated institution) in performing its responsibilities under the Act. These regulations also govern the acquisition of information necessary for review and monitoring, and the acquisition of PSRO information by the Secretary.

§ 476.2 Definitions.

As used in this part:

"Act" means the Social Security Act.

"Confidential information" means:

(1) Identifying information;

(2) Sanction reports and recommendations;

(3) Medical Care Evaluation study information which identifies patients, practitioners or institutions;

(4) PSRO deliberations;

(5) Any other PSRO information which contains information specified in paragraphs (1) through (4) of this section.

"Council" means the Statewide PSRO Council.

"Delegated institution" means an institution to which the PSRO has delegated review responsibility in accordance with Section 1155(c) of the Act.

"Federal program patient" means a person who receives medical care and services for which payment may be made (in whole or in part) under the Act.

"Health care services" means a service or item for which payment may be made (in whole or in part) under the Act.

"Identifying information" means PSRO information in which the identity of an individual patient, practitioner or reviewer can be discerned or inferred by the user of the information.

"Institution" means an organization involved in the delivery of health care services or items for which payment may be made (in whole or in part) under the Act.

"MCE study information" means all documentation of a Medical Care Evaluation study or medical audit including study findings, analyses and recommendations.

"Practitioner" means a physician or other health care professional meeting all applicable State or Federal require-

ments for the practice of the profession.

"PSRO deliberations" means discussions or communications (within a PSRO, or within a Council or between a PSRO and a Council) regarding PSRO review responsibilities, appeals from PSRO determinations, and sanctions resulting from PSRO determinations, in which the opinions or judgement of or about a particular individual can be discerned.

"PSRO information" means data or information collected, acquired or generated in the exercise of a PSRO's duties and functions under Title XI, Part B of the Act.

"PSRO review system" means the PSRO and those organizations and individuals directly responsible for providing medical care or for assuring, reviewing, and making determinations with respect to the medical necessity, appropriate level of care, and quality of health care services that may be reimbursed under the Medicare, Medicaid, or Maternal and Child Health and Crippled Children's programs. The system includes:

(1) The PSRO and its officers, members and employees;

(2) Health care institutions and practitioners; and

(3) PSRO reviewers and supporting staff.

"Reviewer" means a review coordinator, physician, or other person authorized to perform PSRO review functions.

"Sanction report" means a PSRO report documenting its determination that a practitioner or institution has failed to meet certain statutory requirements (Section 1160 of the Act) in furnishing health care services or in documenting them, and recommending appropriate action.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare, or any other person to whom he has delegated the pertinent authority.

"Shared health data system" means an agency or other entity specifically authorized under State or Federal law or utilized by a component of the review system to provide data to the PSRO to conduct, or arrange for, the collection, processing and dissemination of data on health care services.

"Statistical information" means aggregated information which does not contain confidential information.

§ 476.3 General rules.

(a) *Statutory requirements.* PSRO information shal be held in confidence and shall not be disclosed unless specifically permitted or required under this part or to carry out the purposes of Title XI, Part B of the Act.

(b) *Disclosure to the Secretary.* All PSRO information shall be disclosed to the Secretary in the manner and form required by the Secretary except that:

(1) Identifying information will be available only

(i) At the PSRO office or delegate institution;

(ii) In the form of records or reports on hearings, appeals, or sanction; or

(iii) As required by the Secretary to assist in the investigation of fraud or abuse in Medicare or Medicaid.

(2) MCE study information with identifiers of patients, practitioners or institutions will be available to the Secretary only at the PSRO office or delegate institution.

(c) *Access to medical records for monitoring of PSROs.* A person, organization or agency authorized by the Secretary or by Federal statute to monitor a PSRO shall have access to Federal program patients' medical records maintained by institutions or health care practitioners. The monitor may, for good cause, as provided in guidelines issued by the Secretary, required copies of the records.

§ 476.4 PSRO access to records and information.

(a) *Records and information of institutions and practitioners.* (1) A PSRO is authorized to have access to and obtain any records and information pertinent to the health care services rendered to Federal program patients, or patients whose eligibility for Federal programs is pending, held by any institution or practitioner in the PSRO area. The PSRO may require the institution or practitioner to provide copies of such records or information to the PSRO.

(2) A PSRO may have access to, and obtain information from, the records of other patients if authorized by the institution or practitioner.

(3) A PSRO shall notify institutions and practitioners that copies of patient medical records, or portions thereof, may be shared with claims payment agencies (See § 476.34).

(b) *Records and information of claims payment agencies.* A PSRO is authorized to have access to, and require copies of, any records or information held by any organization or agency responsible for paying claims under the Medicare, Medicaid or Maternal and Child Health and Crippled Children's programs which the PSRO determines to be necessary to carry out PSRO review responsibilities.

(c) *Information collected for PSRO purposes.* (1) Institutions and other entities shall disclose identifying information collected by them for PSRO purposes to the PSRO.

(2) Information collected or generated by institutions or practitioners to carry out MCE studies shall be disclosed to the PSRO.

(d) *Limitation on data collection.* a PSRO or any agent, organization, or institution acting on its behalf as a collector of information on the health care furnished to Federal program patients shall collect only that information which is necessary to accomplish the purposes of Title XI, Part B of the Act.

§ 476.5 Procedures for PSRO disclosure.

(a) *PSRO guidance.* A PSRO may provide a statement of comment, analysis, or interpretation to guide the recipient in using information disclosed under this part.

(b) *Fees.* A PSRO may charge a fee to cover the cost of providing information authorized under these regulations unless the fee is specifically exempted in these regulations or by the Secretary. These fees shall not exceed the amount necessary to recover the cost to the PSRO for providing the information.

(c) *Format for disclosure of public information.* A PSRO is required to disclose public information (Subpart C, § 476.22) only in the form in which it is acquired by the PSRO or in the form in which it is maintained for PSRO use.

(d) *Notification of the disclosure of nonconfidential information.* At least 15 calendar days before disclosure of nonconfidential information (Subpart C), the PSRO shall notify an identified institution of its intent to disclose information about the institution which is not routinely prepared for PSRO use and provide the institution with a copy of the information. The identified institution may submit comments to the PSRO which shall be attached to the information if received before disclosure or forwarded separately if received later.

(e) *Notification of the disclosure of confidential information.* (1) A PSRO shall notify the physicians who have treated a patient of a request for disclosure to the patient or patient representative (Subpart D, § 476.31). The physician shall be notified at least 14 calendar days before the PSRO fulfills the request for disclosure.

(2) A PSRO shall notify a practitioner or institution of the PSRO's intent to disclose identifying information on a practitioner or institution to a licensing or investigative agency (Subpart D, § 476.35 and § 476.36). The physician or institution shall be notified and provided a copy of the information to be disclosed at least 15 calendar days before the PSRO discloses the identifying information. Comments submitted by the practitioner or institution to the PSRO shall be forwarded with the information. This notification requirement does not apply if the investigative agency speci-

fies that the information is related to a potential prosecutable offense.

(3) The PSRO shall attach a notice to each authorized disclosure of confidential PSRO information informing the receiver of the limitations on redisclosure and of statutory penalties for unauthorized disclosure of confidential information.

§ 476.6 Limitations on redisclosure.

Persons or organizations that obtain confidential PSRO information shall not further disclose the information to any other person or organization except:

(a) As directed by the PSRO to carry out a disclosure permitted or required under a particular provision of this part;

(b) As directed by the Secretary to carry out specific responsibilities of the Secretary under the Act;

(c) As necessary for a Council to carry out Council responsibilities for hearings and appeals under section 1159 of the Act or sanctions under section 1160 of the Act;

(d) If the health care and services provided to an individual patient are reimbursed from more than one source, the sources may exchange confidential information as necessary for the payment of claims;

(e) If the information is acquired by the PSRO from another source and the receiver of the information is authorized under its own authorities to acquire the information directly from the source, the receiver may disclose the information in accordance with its own rules;

(f) As necessary for the General Accounting Office to carry out audit responsibilities;

(g) A patient or a practitioner may disclose information pertaining to him;

(h) An institution may disclose information pertaining to itself; or

(i) A fraud or abuse agency recognized by the Secretary may disclose information as necessary in a judicial, administrative or other formal legal proceeding resulting from an investigation conducted by the agency.

§ 476.7 Penalties for unauthorized disclosure.

(a) *General Rule.* Under section 1166(c) of the Act, any person is prohibited form disclosing information acquired by any PSRO in the exercise of its duties and functions unless the disclosure is necessary to carry out the purposes of title XI, part B of the Act or is authorized by the regulations of this part. A person who make an unauthorized disclosure shall, upon conviction, be fined no more than $1,000, and imprisoned for no more than six months, or both fined and imprisoned, and shall pay the costs of prosecution.

(b) *Exceptions.* If a health planning agency recognized by the Secretary receives aggregate statistical data from a PSRO in accordance with subpart C of this part, it may disclose that information and is not subject to the penalties in paragraph (a) of this section.

§ 476.8 Applicability of other statutes.

The Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) and the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582) provide for the confidentiality of patients' records generated and maintained in connection with any drug or alcohol abuse prevention function conducted, regulated, or assisted by the Federal government. The implementing regulations of this Act, at 42 CFR Part 2, are applicable to PSRO information.

§ 476.9 Applicability to Councils.

The provisions of this part which apply to a PSRO apply equally to a Council.

Subpart B—PSRO Responsibilities

§ 476.11 Requirements for maintaining confidentiality.

(a) *Responsibilities of PSRO officers and employees.* Each PSRO shall instruct its officers and employees and health care institution employees participating in PSRO activities of their responsibility to maintain the confidentiality of information and of the legal penalites which may be imposed for unauthorized disclosure of any PSRO information.

(b) *Responsible individual within the PSRO.* The PSRO shall assign to a single individual the responsibility for maintaining the confidentiality of information within the PSRO review system, in accordance with this part. That individual shall notify the Secretary of any violations of these regulations which comes to his attention.

(c) *Training requirements.* The PSRO shall provide a continuing program to train participants of the PSRO review system in handling confidential information.

(d) *Authorized access.* No individual participating in the PSRO review system on a routine or ongoing basis shall be authorized access to confidential PSRO information unless that individual:

(1) Is undergoing or has completed a training program in the handling of such information in accordance with paragraph (c) of this section or has received comparable training from another source; and

(2) Has signed a statement indicating that he

(i) Recognizes his responsiblity to hold the information in confidence, and

(ii) Is aware of the legal penalities for unauthorized disclosure.

(e) *Use of logs.* Each PSRO shall establish procedures for the handling of confidential information within the PSRO review system. At a minimum, the PSRO and each delegated institution shall maintain a log indicating removal of any confidential information and any cross-reference indices from the premises of the PSRO or delegated institution.

(f) *Codification of person identifiers.* The PSRO shall assure that identification of individual patients, health care practitioners, and PSRO reviewers on PSRO generated reports and forms, and the identification of individual health care institutions on Medical Care Evaluation studies is in coded form. Index files containing the cross-reference of codes to names of patients, practitioners, institutions and PSRO reviewers shall be maintained in a secure manner within the PSRO review system.

(g) *Purging of personal identifiers.* (1) The PSRO shall purge, or arrange for purging, computerized and non-computerized files of all personal identifiers as soon as it is determined by the Secretary that those identifiers are no longer necessary for the development of profiles or for the PSRO purposes.

(2) Confidential information generated from computer files and maintained in hard copy shall be destroyed when the PSRO determines that the maintenance of hard copy is no longer necessary to serve the specific purpose for which it was generated.

(3) The rules in paragraphs (g) (1) and (2) of this section do not apply to PSRO information used for other than PSRO purposes, stored in a shared health data system.

(h) *Data system procedures.* The PSRO shall be responsible for assuring that organizations and consultants providing data services to the PSRO have established procedures for maintaining the confidentiality of PSRO information in accordance with requirements defined by the PSRO and consistent with procedures established under this part.

§ 476.12 Public Notice of PSRO information system.

(a) *Notice in newspaper.* Within 90 calendar days after initiating review activities, and periodically thereafter, the PSRO shall publish a notice in a local newspaper of general circulation in the PSRO area specifying:

(1) The title and address of the person responsible for the information system;

(2) The types of information that will be collected and maintained;

(3) The general rules governing disclosure of PSRO information; and

(4) The procedures whereby patients, practitioners, and institutions may obtain access to information about themselves.

(b) *Notice to individuals and institutions under review.* The PSRO shall establish and implement procedures, in accordance with guidelines issued by the Department, to individually notify patients, practitioners, and institutions of the information contained in the public notice required by paragraph (a) of this section.

Subpart C—Disclosure of Nonconfidential Information

§ 476.21 PSRO criteria and procedures

(a) *Disclosure of norms, criteria or standards.* A PSRO shall disclose, upon request, the norms, criteria and standards it uses for initial screening of cases, in the conduct of MCE studies, and for other review activities.

(b) *Disclosure of contractual documents.* (1) Winning applications for grants from the Secretary, and proposals for contracts or subcontracts under those grants, shall be disclosed by the PSRO to any person or organization within 30 calendar days of a request.

(2) Grants made to a PSRO by the Secretary, and contracts or subcontracts between the PSRO and a person or organization, shall be disclosed by the PSRO to any person or organization upon request.

(c) *Disclosure of administrative procedures documents.* Copies of documents describing administrative procedures, including Memoranda of Understanding, agreed to between the PSRO and institutions or between a PSRO and the Medicare intermediary, Medicare carrier, or Medicaid fiscal agent, shall be disclosed by the PSRO to any person or organization upon request.

(d) *Disclosure of routine Federal reports.* Financial information contained in routine reports submitted to the Secretary shall be disclosed upon request to any person.

(e) *Disclosure of records of meetings.* Summaries of the proceedings of all regular and other meetings on the governing body and general membership shall be made available upon request, except for those portions of the summaries involving PSRO deliberations. Those portions are confidential information and are subject to the provisions of Subpart D.

§ 476.22 Public information acquired by the PSRO.

(a) *Required disclosure.* A PSRO shall comply with a request for specific information in its possession, if:

(1) The information had been disclosed to the public prior to the request, by any individual or entity other than the PSRO or its employees, members or directors; and

(2) The disclosure of the information is not prohibited by Federal or State law.

(b) *Optional disclosure.* A PSRO may, on its own initiative, provide the information specified in paragraph (a) of this section to any person whom it determines may have an interest in such information.

§ 476.23 Statistical information.

(a) *Disclosure of routine information.* A PSRO shall disclose statistical information routinely compiled for PSRO use, without charge, if the request reasonably identifies the specific information.

(b) *Disclosure of non-routine information.* A PSRO shall disclose statistical information that is not routinely compiled for PSRO use to federal and State agencies and other parties if the request is in writing and reasonably identifies the specific information desired.

(c) *Optional disclosure of statistical information.* A PSRO may, on its own initiative, provide the information specified in paragraphs (a) and (b) of this section any person whom it determines may have an interest in such information.

§ 476.24 Medical Care Evaluation (MCE) study information without identifiers.

(a) *Study without identifiers.* A PSRO shall disclose to the Secretary and to any interested party, upon request, any Medical Care Evaluation study information, maintained for PSRO purposes, from which the identification of patients, practitioners and institutions has been deleted. The PSRO may disclose this information without request.

(b) *MCE study characteristics.* The PSRO shall disclose information describing the characteristics of a MCE study, including study design and methodology, to persons or organizations requesting the information.

§ 476.25 Medicare provider number.

A PSRO shall use the identification number assigned by the Medicare program on information submitted to the Secretary.

Subpart D—Disclosure of Confidential Information

§ 476.31 Disclosure to patients or their representatives

(a) *Type of information.* A PSRO shall disclose patient identifying information to the identified patient if:

(1) The patient requests the information in writing and

(2) The request includes the designation of a patient representative.

(b) *Manner of disclosure.* (1) The PSRO shall disclose the patient information directly to the patient unless knowledge of the information would be likely to harm the patient.

(2) If knowledge of the information is likely to harm the patient, the PSRO shall disclose the information to the representative of the patient.

(3) If the patient is mentally, physically or legally unable to designate a representative, the PSRO shall disclose the information to a person whom the PSRO determines is related to or responsible for the patient, upon the request of this person.

(4) The PSRO shall make disclosure within 20 calendar days of receipt of a request.

(c) *Verfication and amendment of records.* (1) A PSRO shall verify the accuracy of patient information and shall permit a patient to request amendment of a record pertaining to him.

(2) If the PSRO agrees with the request for amendment, the PSRO shall correct the patient record.

(3) If the PSRO disagrees with the request for amendment, a notation of the request and the reasons for refusal shall be included in the patient record and attached to any disclosure of the record.

§ 476.32 Disclosure to practitioners, reviewers or institutions.

(a) *Disclosure to the identified individual or institutions.* A PSRO shall disclose, to particular practitioners, reviewers and institutions, identifying information about themselves upon request, and may disclose it to them without request.

(b) *Disclosure to others.* (1) A PSRO shall disclose to an institution, upon request, identifying information on a practitioner or reviewer to the extent that the information displays practice or performance patterns of the practitioner or reviewer in that institution.

(2) A PSRO may disclose to any person, agency or organization, identifyng information on a particular practitioner or reviewer with the consent of that practitioner or reviewer.

(c) *Verification and amendment of identifying information.* (1) A PSRO shall verify the accuracy of identifying information concerning practitioners, reviewers, and institutions and shall permit the individual or institution to request an amendment of a record pertaining to the requestee.

(2) If the PSRO agrees with the request for amendment, the PSRO shall correct the pertinent records.

(3) If the PSRO disagrees with the request for amendment, a notation of the request and the reasons for refusal shall be included in the pertinent

record and attached to any disclosure of the record.

§ 476.33 Disclosure necessary to perform review responsibilities.

(a) *Disclosure to conduct review.* The PSRO shall disclose, or arrange for disclosure, of identifying information to individuals and institutions within the review system if necessary to fulfill their particular duties and functions under Title XI, part B of the Act.

(b) *Disclosure to consultants and subcontractors.* The PSRO shall disclose to consultants or subcontractors the identifying information that they need to provide specified services to the PSRO.

(c) *Disclosure to Statewide PSRO Councils.* The PSRO shall disclose to the Council the identifying information the Council requires for appeals (Section 1159 of the Act) and sanctions (Sections 1157 and 1160 of the Act).

(d) *Disclosure to other PSROs.* The PSRO shall disclose, to other PSROs, identifying information on patients and practitioners who are also subject to review by the other PSRO.

§ 476.34 Disclosure to claims payment agencies.

(a) *Required disclosure.* A PSRO shall disclose identify information that relates to, or is necessary for, payment of claims to claims payment agencies for Medicare, Medicaid, Maternal and Child Health and Crippled Children as follows:

(1) The PSRO shall disclose review determinations and claims forms for health care services provided in the manner and form agreed to by the PSRO and the claims payment agency.

(2) The PSRO shall disclose, upon request, copies of medical records acquired from practitioners or institutions for review purposes.

(3) The PSRO shall disclose identifying information about a particular patient or practitioner if:

(i) The request identifies the particular patient or practitioner by name or code number, and

(ii) The PSRO and the claims payer, or the Secretary if the PSRO and the claims payer cannot agree, determine that the information is necessary for the administration of the Medicare, Medicaid, or Maternal and Child Health program.

(4) The PSRO shall disclose, at the request of the claims payer, identifying information aggregated by the PSRO on individual patients and practitioners if:

(i) The information is available from multipurpose data which the claims payer has been authorized by the Secretary to acquire, and

(ii) The information is pertinent to health care services reimbursable by the payer.

(b) *Optional disclosure.* The PSRO is authorized to disclose, without a specific request, identifying information on patients and practitioners to the claims payer if the PSRO or the Secretary determines that the PSRO is the most appropriate source of information and that:

(1) The disclosure is appropriate for monitoring of the PSRO; or

(2) The disclosure is necessary for the administration of a particular Federally-funded program.

(c) *Uniform disclosure in States with two or more PSROs.* In States with two or more PSROs, the Secretary may require all PSROs in the State to provide identifying information in a uniform manner to the agency responsible for the Medicaid or Maternal and Child Health and Crippled Children's programs.

§ 476.35 Disclosure to investigative and prosecutional agencies.

(a) *Required disclosure.* The PSRO shall disclose, upon written request verifying active investigation of a particular practitioner or institution, to governmental agencies recognized by the Secretary as responsible for the identification, investigation and prosecution of cases or patterns of fraud and abuse in the Medicare and Medicaid programs, identifying information, including PSRO medical necessity determinations, that describes or displays incidents or patterns of the practice or performance of a particular practitioner or institution.

(b) *Optional disclusure.* The PSRO may provide the information specified in paragraph (a) of this section without request.

§ 476.36 Disclosure for other specified purposes.

(a) *Disclosure to licensing bodies.* (1) A PRSO shall disclose, upon request, to State or Federal licensing bodies responsible for the professional licensure of a particular practitioner, identifying information, including PSRO medical necessity determinations, that displays the practice or performance patterns of that practitioner.

(2) A PRSO shall disclose, upon request, to State or Federal licensing bodies responsible for the licensure of a particular institution, identifying information, including PSRO medical necessity determinations, that displays or describes the practice or performance patterns of particular practitioners in that institution.

(3) A PRSO may provide the identifying information specified in paragraph (a)(1) and (a)(2) of this section to the State or Federal licensing body without request.

(b) *Disclosure to State and local Public Health officials.* A PSRO shall disclose identifying information to State and local public health officials, whenever the PSRO determines that the disclosure of such information is necessary to protect against an imminent danger to individual or public health.

(c) *Disclosure to the courts.* (1) No patient record in the possession of a PSRO, Council or the National Professional Standards Review Council shall be subject to subpoena or discovery proceedings in a civil action.

(2) No practitioner record in the possession of a PSRO, Council, or the National Professional Standards Review Council shall be subject to subpoena or discovery proceedings in a civil action unless:

(i) It is necessary to the defense of the PSRO, its members or employees, or

(ii) The Secretary determines it is necessary for the prosecution of cases involving fraud or abuse of the Medicare or Medicaid programs.

(3) At the request of the PSRO, members or employees of the PSRO may testify at judicial proceedings involving cases of fraud or abuse.

(d) *Disclosure to Medical Review Boards.* A PSRO shall disclose, upon written request, to Medical Review Boards established under the End Stage Renal Disease (ESRD) program (section 226 of the Social Security Act), identifying information that describes or displays the practice and performance patterns of particular practitioners providing services funded under the ESRD program.

(e) *Disclosure to the General Accounting Office.* A PSRO shall disclose identifying information to representatives of the General Accounting Office only at the PSRO office or at a delegate institution. The General Accounting Office representatives may remove identifying information from the site if it is necessary for conduct of the current investigation.

(f) *Disclosure to researchers or statistical agencies.* A PSRO may disclose identifying information for a governmental or non-governmental health service, biomedical or epidemiological research or statistical project only if:

(1) The PSRO determines that information in identifiable form is necessary to accomplish the research or statistical purpose for which use or disclosure is to be made; and

(2) The researcher agrees in writing:

(i) To use the information solely for the project for which it is provided; and

(ii) Not to redisclose the information in any form permitting direct or indirect identification of an individual.

(g) *Disclosure of PSRO interpretations on the quality of health care.* A PSRO may disclose PSRO interpreta-

tions and generalizations on the quality of health care available or provided, based on confidential information, identifiable to a particular institution to:

(1) The Council in its State;

(2) Federal and State agencies responsible for the administration of the Medicare, Medicaid, Maternal and Child Health, or Crippled Children's programs; or

(3) Governmental agencies responsible for improving the quality or delivery of health care and services.

§ 476.37 Disclosure of PRSO deliberations.

(a) *PSRO deliberations.* A PSRO shall not disclose its deliberations except to:

(1) The Secretary at the PSRO office or at a delegate institution; or

(2) The Secretary and the Statewide PSRO Council, to the extent that the deliberations are incorporated in sanction and appeals reports.

(b) *PSRO decisions.* A PSRO may disclose to those who may have access to PSRO information under other provisions of this part, the reasons for PSRO decisions pertaining to that information provided that the opinions or judgments of a particular individual cannot be discerned.

§ 476.38 Disclosure of MCE study information and sanction reports.

(a) *MCE study information with identifiers of patients, practitioners or institutions.* (1) A PSRO shall disclose MCE study information with identifiers to authorized personnel from the General Accounting Office, or to representatives of authorized accreditation or certification bodies. The disclosure shall be only at the PSRO or at a delegate institution.

(2) A PSRO shall disclose MCE study information with identifiers to an institution or practitioner, if the information is directly related to health care services furnished by the institution or practitioner.

(3) A PSRO may disclose MCE study information with identifiers to all institutions or practitioners involved in a particular MCE study.

(4) A particular institution or group of practitioners may disclose MCE study information if the information relates to health care services they provided.

(5) No MCE study information with identifiers shall be subject to subpoena or discovery proceedings in a civil action.

(b) *MCE study conclusions or summaries.* A PSRO shall, upon request, and may, without a request, disclose its conclusions or summaries, based on confidential information from a particular MCE study, without identifiers to:

(1) The Council in its State;

(2) Federal and State agencies responsible for the administration of the Medicare, Medicaid, Maternal and Child Health, or Crippled Children's programs; and

(3) Other Governmental agencies responsible for improving the quality or delivery of health care and services.

(c) *Sanction reports and Council recommendations on sanctions.* (1) In States with a Council:

(i) The PSRO shall disclose sanction reports to the Council in its State.

(ii) The Council shall disclose the PSRO sanction report and the Council recommendations to the Secretary.

(2) In States without a Council, the PSRO shall disclose sanction reports directly to the Secretary.

(3) The PSRO or the Council shall, upon request, and may without request, disclose sanction reports and Council recomendations to:

(i) State and Federal licensing bodies responsible for the professional licensure of the institution or practitioner;

(ii) State and Federal agencies recognized by the Secretary as responsible for identification, investigation or prosecution of cases of fraud or abuse in the Medicare and Medicaid programs in accordance with § 476.35 and

(iii) Institution and practitioner certification and accreditation bodies recognized by the Secretary.

(4) The Secretary will maintain the confidentiality of sanction reports he receives or records of sanction determinations he makes until he makes a decision to sanction or not to sanction.

(5) The Secretary shall disclose sanctions determinations in accordance with Part 474 of the chapter.

(6) Once the secretary makes a decision, the bodies and agencies described in paragraph (c)(3)(i-iii) of this section may disclose documents relating to that sanction in accordance with the disclosure rules of those bodies and agencies.

§ 476.39 PSRO involvement in shared health data systems.

(a) *Information collected by a PSRO.* Except as prohibited in paragraph (b) of this section, identifying information collected by a PSRO may be processed and stored by a cooperative health statistics system established under Section 306(c)(1), of the Public Health Service Act (42 U.S.C. 242k), or other State or Federally authorized shared data system.

(b) *PSRO participation.* A PSRO may not participate in a Cooperative Health Statistics System or other shared health data system if the disclosure rules of the system would prevent the PSRO from complying with the rules of this part.

(c) *Disclosure of PSRO information obtained by a shared health data system.* Identifying information specified in paragraph (a) of this section shall not be disclosed by the shared health data system unless:

(1) The source from which the PSRO acquired the information consents to or requests disclosure, or

(2) The PSRO requests the disclosure of the information to carry out a disclosure permitted under a particular provision of this part.

(Secs. 1102, 1152(d)(2), 1155(a)(4), 1155(b)(3), 1155(f)(1)(B), 1162(c)(2), 1165, and 1166 of the Social Security Act (42 U.S.C. 1302, 1320C-1, 4, 11, 14, and 15).)

(Catalog of Federal Domestic Assistance Program Nos. 13.714 Medical Assistance Program; 13.773 Medicare—Hospital Insurance; 13.774 Medicare—Supplementary Medical Insurance.)

Dated: October 31, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: January 2, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-1295 Filed 1-12-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Renewal

Notice is hereby given that the Hop Marketing Advisory Board is being renewed for an additional period of 2 years under provisions of the Federal Advisory Committee Act [86 Stat. 770].

The purpose of the Board is to advise the Hop Administrative Committee under Federal Marketing Order No. 991 concerning marketing policy and other operational matters as the Committee requests.

This Board represents handlers of hops. Representation for most is based on the quantities of hops handlers; and one representative is for extractors.

Information about this Board may be obtained from Mr. Allan E. Henry, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Boise Cascade Building, Suite 805, 1600 S.W. Fourth Avenue, Portland, Oregon 97201. Telephone: 503-221-2724.

Authority for this Board will expire 1/8/81 unless it is determined that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92-463.

Dated: January 9, 1979.

WILLIAM T. MANLEY,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-1286 Filed 1-12-79; 8:45 am]

[3410-16-M]

Soil Conservation Service

MOUNT HOPE WATERSHED, KANSAS

Intent to Not File an Environmental Impact Statement for Deauthorization of Funding of the Mount Hope Watershed

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of funding of the Mount Hope Watershed, Reno and Sedgwick Counties, Kansas.

The environmental assessment of this federally-assisted action indicates that project deauthorization will not cause significant local, regional, or national impacts on the human environment. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this deauthorization.

Project deauthorization involves not constructing any of the planned four floodwater retarding dams or 6.53 miles of channel work. Woodland amounting to nine acres will not be removed due to the project. Four thousand eight hundred and seventy acres of flood plain will continue to flood. Estimated project costs would have exceeded benefits.

Approximately 78 percent of the watershed is adequately treated. Remaining land treatment will be installed under the going program.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401, 913-825-9535. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. Copies of the Environmental impact appraisal are available upon request.

No administrative action on implementation of the proposal will be taken until March 16, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 USC 1001-1008.)

Dated: January 5, 1979.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 79-1281 Filed 1-12-79; 8:45 am]

[3510-13-M]

DEPARTMENT OF COMMERCE

National Bureau of Standards

[COMM REQ 294 & 315]

SIMPLIFIED PRACTICE RECOMMENDATION ACTION OF WITHDRAWAL

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Simplified Practice Recommendation R 3-60, "Metal Lath (Expanded and Sheet) and Metal Plastering Accessories."

It has been determined that this standard is technically inadequate and that revision would serve no useful purpose because the subject matter of R 3-60 is adequately covered by the American Society for Testing and Materials' standard ASTM C 847-77, "Standard Specification for Metal Lath" and the American National Standard Institute's standard ANSI A42.4-1967, "Specifications for Interior Lathing and Furring." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of December 1, 1978 (43 FR 56255), to withdraw this standard.

The effective date for the withdrawal of this standard will be on March 16, 1979. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: January 9, 1979.

ERNEST AMBLER,
Director.

[FR Doc. 79-1280 Filed 1-12-79; 8:45 am]

[3510-13-M]

[COMM REQ 294 and 315]

VOLUNTARY PRODUCT STANDARD ACTION OF WITHDRAWAL

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Voluntary Product Standard PS 16-69,

"Types and sizes of forms for One-Way Concrete Joist Construction."

This withdrawl action is being taken for the reason that PS 16-69 is adequately covered by the American National Standards Institute standard ANSI A48.1-1978, "Types and Sizes of Forms for One-Way Concrete Joist Construction," and duplication is inappropriate and not in the public interest. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of November 29, 1978 (43 FR 55812) to withdraw this standard.

The effective date for the withdrawal of this standard will be on March 16, 1979. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: January 9, 1979.

ERNEST AMBLER,
Director.

[FR Doc. 79-1279 Filed 1-12-79; 8:45 am]

[3510-04-M]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the Patent-Application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service Office of Gov't. Inventions & Patents, Springfield, Va. 22161.

Patent application 950,943: Improved Method and Apparatus for Detecting Clear Air Turbulences; filed Oct. 13, 1978.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street, SW, Washington, D.C. 20324.

Patent Application 921,140: Electronic Tripod Technique; filed June 30, 1978.

Patent 4,090,446: Controlled Depth of Burial Penetrator; filed Feb. 2, 1977; patented May 23, 1979; not available NTIS.

Patent 4,091,279: Method and Means for Equalizing the Sensitivity of a Multi-Element Sensor Array; filed Mar. 23, 1976; patented May 23, 1978; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 882,285: Passive Optical Rangefinder-Sextant; filed Feb. 28, 1978.

Patent Application 908,185: Scanner; filed May 22, 1978.

Patent Application 922,401: Dual Pyroelectric Vidicon Infrared Camera; filed July 6, 1978.

Patent 4,053,867: Acoustic Hologram Reconstructor Using Surface Acoustic Wave Devices; filed Dec. 22, 1975; patented Oct. 11, 1977; not available NTIS.

Patent 4,077,326: Impulse Compensated Continuous Rod Warhead; filed Mar. 19, 1970; patented Mar. 7, 1978; not available NTIS.

Patent 4,090,449: Method for Synchronizing Point Detonating Arming with Controlled Variable Time Detonating Arming in Military Fuzes; filed Jan. 19, 1970; patented May 23, 1978; not available NTIS.

[FR Doc. 79-1283 Filed 1-12-79; 8:45 am]

[3510-11-M]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel Advisory Board of the U.S. Department of Commerce will meet on February 27, 1979, at 9 a.m., in Room 4833 of the Main Commerce Building, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purpose of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended. A detailed agenda for the meeting will be published in the FEDERAL REGISTER in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, the United States Travel Service, Room 1860, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202-377-4752), will respond to public requests for information about the meeting.

FABIAN CHAVEZ, JR.,
Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc. 79-1320 Filed 1-12-79; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

GEORGE GOTTESMAN

Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by George Gottesman, doing business as Paramount Bedding Company, Portland, Oregon 97201, in which he agrees to conduct prototype and production flammability testing of his mattresses, to establish production units and randomly select mattresses therefrom for testing, and to maintain records as required by the Flammable Fabrics Act and regulations. If finally accepted, this consent agreement will settle allegations of the Commission staff that Gottesman has violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by January 30, 1979.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in, or obtained from, the Office of the Secretary, Consumer Product

Safety Commission, 3d Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

George E. Hill, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. Phone 301-492-6632.

Dated: January 10, 1979.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-1292 Filed 1-12-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Receipt of Report of Determination Process

JANUARY 10, 1979.

Pursuant to section 18 CFR 174.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission, describing the method by which such agency will made certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and Date

State of New Mexico Energy and Minerals Department, Oil Conservation Division, November 29, 1978.
State of Louisiana Department of Conservation, November 29, 1978.
Railroad Commission of Texas, November 30, 1978.
West Virginia Department of Mines, Oil and Gas Division, November 30, 1978.
Alabama State Oil and Gas Board, November 30, 1978.
State Oil and Gas Board of Mississippi, November 30, 1978.
Kansas State Corporation Commission Conservation Division, November 30, 1978.
State of Michigan, Department of Natural Resources, Geological Survey Division, December 1, 1978.
State of California Department of Conservation Division of Oil and Gas, December 4, 1978.
Commonwealth of Virginia, Department of Labor and Industry, Division of Mines and Quarries, December 4, 1978.
State of Wyoming Office of Oil and Gas Conservation Commission, December 4, 1978.
State of Colorado Department of Natural Resources, December 5, 1978.
State of Ohio Department of Natural Resources Division of Oil and Gas, December 6, 1978.
State of Arizona, Oil and Gas Conservation Commission, December 14, 1978.
State of Nebraska Oil and Gas Conservation Commission, December 15, 1978.
State of Tennessee, Oil and Gas Board, December 19, 1978.
State of Indiana Department of Natural Resources, December 26, 1978.
State of Pennsylvania, Department of Environmental Resources, Division of Oil and Gas, December 26, 1978.
State of North Dakota, Geological Survey, January 4, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUM,
Secretary.

[FR Doc. 79-1326 Filed 1-12-79; 8:45]

[6450-01-M]

NATURAL GAS POLICY ACT OF 1978

Determination by a Jurisdictional Agency

JANUARY 10, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from The State Oil and Gas Board of Mississippi of a determination pursuant to 18 CFR 274.104(a) and Section 102 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 23-063-20226, Operator: Victor P. Smith Drilling, Inc., Well Name: Wood Well No. 2, Field: West Rodney Field, County: Jefferson County, Purchaser: Locust Ridge Gas Company, Volume: 434 MCFD.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is 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 this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 30, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1327 Filed 1-12-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. RP72-142, RP76-135 and RP78-76]

CITIES SERVICE GAS CO.

Proposed Changes in FERC Gas Tariff

JANUARY 4, 1979.

Take notice that Cities Service Gas Company (Cities Service) on December 22, 1978, tendered for filing Revised Third Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1. Cities Service states that pursuant to the Purchased Gas Adjustment in Article 21 of its FERC Gas Tariff, it proposes to increase its rates effective January 23, 1979, to reflect:

(1) An increase in the Cumulative Rate Adjustment due to increases in Cities Service's natural gas supplier rates, including increased rates attributable to the Natural Gas Policy Act of 1978 (NGPA);

(2) An increased Surcharge Adjustment to amortize the Deferred Purchased Cost Account balance and to pass through estimated increases in purchased gas costs directly attributable to the NGPA and for the period December 1, 1978 through January 22, 1979;

(3) A negative Advance Payment Rate Adjustment of 0.91¢ per Mcf;

(4) An increase in the GRI funding unit to 0.35¢ per Mcf.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-135.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All such petitions or protests should be filed on or before January 19, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1328 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

Application for New Major License

JANUARY 8, 1979.

Take notice that on September 29, 1977, an application for a new major license was filed by the City of Seattle, Washington, for the Skagit River Project No. 553. The original license for the project expired on October 28, 1977. The project is located on the Skagit River in Snohomish, Skagit, and Whatcom Counties, Washington, near the towns of Diablo, Newhalem, Marblemount, and Rockport, Washington, and the province of British Columbia, Canada. The project affects lands of the United States within the Ross Lake National Recreation Area, North Cascades National Park, and the Mount Baker National Forest. Correspondence regarding the application should be sent to: Mr. Gordon F. Vickery, Department of Lighting, City of Seattle, 1015 Third Avenue, Seattle, Washington 98104.

According to the application, the Skagit River Project No. 553, with an installed capacity of 789,700 kW, principally consists of three developments:

(A) Gorge Dam, consists of: (1) a 300-foot high concrete arch and gravity section dam constructed to elevation 880 feet above sea level with a gravity spillway section; (2) a reservoir having a gross storage capacity of 8,500 acre-feet at normal surface elevation 875 feet; (3) a new intake structure; (4) a power tunnel about 2 miles long, leading to three penstocks; (5) a surge tank; (6) a powerhouse containing two 24,000 kW, one 29,700 kW, and one 60,000 kW, generating units; (7) a switching station; and (8) appurtenant facilities.

(B) Diablo, located immediately upstream of Gorge Reservor, consists of: (1) a concrete arch dam, 389 feet high with a spillway section at each end of the dam surmounted by tainter gates; (2) a 4-mile long reservoir with a useable capacity of 60,000 acre-feet and a gross capacity of 90,000 acre-feet at a spillway elevation of 1,200 feet; (3) an intake structure; (4) a concrete lined power tunnel about 2,200 feet long, and two steel penstocks, extending from the dam to the powerhouse; (5) a surge tank; (6) a powerhouse containing two 60,000 kW generating units; (7) a transmission line extending from the powerhouse to the Gorge plant; (8) the Diablo transmission line; and (9) appurtenant facilities.

(C) Ross, located immediately upstream of Diablo Reservoir, consists of: (1) a concrete arch dam about 425 feet high impounding a 500,000 acre-foot capacity reservoir at normal full pool elevation of 1,500 feet. The Applicant has received approval from the Commission to redevelop Ross Dam so that this development would consist of: (1) a concrete arch dam about 661 feet high known as High Ross Dam, to be constructed to elevation of 1,704.5 feet; (2) a reservoir having a gross capacity of 3,456,000 acre-feet and a useable capacity of 1,052,000 acre-feet, at a normal full pool elevation of 1,725 feet; (3) control gates in the spillway sections; (4) two power tunnels extending downstream from the intake works to a power plant; (5) a powerhouse containing four 133,000 kW generating units; (6) a 230-kV double circuit transmission line extending from the Ross power plant to Bothell Substation; (7) a transmission line extending from the Ross plant to the Diablo plant; and (8) appurtenant facilities.

The Applicant maintains recreational facilities within the project boundary consisting of 27 picnic tables, 358 individual camping sites, 5 boat launch lanes, and 80 miles of trail within two miles of the project boundary. The Applicant proposes the development of 12 boat-in campgrounds at Diablo Lake, which would include: (1) permanent docks, tent sites, sealed vault toilets, picnic tables and fireplaces; (2) marina facilities at Thunder Arm, comprising 4 permanent docks and a dredged access; (3) an access road from State Route 20 to the Diablo Dam; and (4) the Gorge Creek Overlook, comprising parking areas, pedestrian bridges, trails and viewing points.

The Applicant uses the energy developed by the project to serve the needs of its customers located in and near the City of Seattle, Washington.

A separate proceeding (designated Docket No. EL78-36) is being conducted to address the issue of the effect of the project's flow regime on the Skagit River's fishery resources. Public notice of that proceeding was issued on September 7, 1978.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 9, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1329 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. CP75-233]

CONSOLIDATED GAS SUPPLY CORP. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

JANUARY 3, 1979.

Take notice that on December 18, 1978, Consolidated Gas Supply Corporation (CGS), 445 West Main Street, Clarksburg, West Virginia 26301, and Texas Gas Transmission Corporation (TGT), 3800 Frederica Street, Owensboro, Kentucky 42301 (Petitioners) filed in Docket No. CP75-233 a petition to amend the order of the FPC issued in the instant docket on July 2, 1975, pursuant to Section 7(c) of the Natural Gas Act to add an additional point of exchange between Petitioners, all as more fully set forth in the petition on file with the Commission and open to public inspection.[1]

Petitioners state that they agreed on November 20, 1978, to add a point of exchange between them so as to permit either party to deliver volumes of natural gas to others at the interconnection of the system of CGS with the facilities of Columbia Gulf Transmission Company and TGT in Acadia Parish, Louisiana. Accordingly, Petitioners request that the order issued in the instant docket on July 2, 1975, be amended to reflect this change. It is indicated that the additional exchange point would assist Petitioners in fulfilling their system obligations and would provide added flexibility of operation and continuity of service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 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

[1] This proceeding was commenced before the FPC. By joint regulation on October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1330 Filed 1-12-79; 8:45 am]

[6450-01-M]

FINDINGS AND ORDER AFTER STATUTORY HEARING ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND DENYING REQUESTS FOR LIMITED TERM CERTIFICATES AND GRANTING PETITION TO INTERVENE

JANUARY 2, 1979.

In the matter of Delhi Gas Pipeline Corporation (CP77-523), Northern Natural Gas Company (CP77-649), Panhandle Eastern Pipe Line Company (CP77-652), Columbia Gas Transmission Corporation and Columbia Gulf Transmission Corporation (CP77-657), Northern Natural Gas Company (CP78-480), Panhandle Eastern Pipe Line Company and Trunkline Gas Company (CP78-511),

On July 25, 1977, Delhi Gas Pipeline Corporation (Delhi) filed in Docket No. CP77-523 an application for a limited-term certificate with pre-granted abandonment pursuant to Section 2.70 of the Commission's [1] Regulations under the Natural Gas Act (18 CFR 2.70). In this application Delhi proposes to sell to Columbia Gas Transmission Corporation (Columbia Gas) up to 60,000 Mcf of gas per day at a rate of $2.25 per MMBtu for all sales made on and subsequent to November 1, 1978 (pre-November 1, 1978, rates were set at $2.21 per MMBtu under Columbia Gas' purchase gas contract with Delhi). Under the terms of Delhi's gas purchase contract with Columbia Gas this limited-term sale will terminate on November 1, 1979.

Delhi asserts in its application that Columbia Gas has advised that it requires these limited-term volumes to offset the gas supply shortage on its system which will prevent it from meeting a substantial part of its firm requirements. Delhi stresses that Columbia Gas' projected curtailment for the period of this limited-term purchase demonstrates that it needs these additional volumes in order to provide reliable and adequate service for its high priority customers and for the purpose of making adequate injection volumes available for its extensive storage system.

Delhi also asserts in its application that the natural gas it proposes to sell to Columbia Gas is available as a result of certain of its recent gas purchase agreements, because the natural gas deliverable under these agreements has not as yet been dedicated to any of its intrastate customers. Delhi further states that it is anticipated that it will dedicate the gas it currently desires to sell to Columbia Gas under a limited-term certificate to one of its intrastate customers by November 1, 1979, or shortly thereafter. Delhi notes that it has heretofore made sales of such undedicated gas in both the interstate and intrastate markets.

Delhi further notes that the price of $2.25 per MMBtu is based on an average replacement cost of gas of $2.05 per MMBtu [2] plus twenty cents per MMBtu that Delhi charges for gathering, treating, compressing and for return on its facilities. Further, as of November 1, 1978, Delhi has the right to have the price redetermined to equal the average of the highest price being paid by Delhi to a producer for gas in the West Texas Area or Gulf Coast Area. [3]

The point of delivery for this limited term sale will be at the existing interconnection of Delhi's facilities and Northern Natural Gas Company's (Northern) facilities located in Section 57 Block OW, H & GN Survey, Pecos County, Texas. The limited term volumes will be delivered at this point by Delhi to Northern for the account of Columbia Gas. No additional facilities will have to be constructed by Delhi or Northern to effectuate the delivery of the gas at this point.

Delhi notes in its application that its sales of natural gas are restricted to intrastate operations and except for the deliveries that it may make as a result of its application in this proceeding, pursuant to Section 2.70, its operations will be wholly intrastate in nature. It, therefore, requests that certain conditions be incorporated into any limited-term certificate issued to it by the Commission pursuant to its request in Docket No. CP77-523. Delhi expressly requests that the Commission waive its accounting and reporting requirements and that the non-jurisdictional status of its independent producers and other suppliers as well as its own facilities and operations remain unaffected during the term of any limited-term certificate issued to it herein. It further requests that the limited-term certificate be made subject to the rates as noted herein or the higher rates that may be redetermined effective November 1, 1978, in accordance with Delhi's contract with Columbia Gas.

Our decision herein to deny Delhi's certificate application on the merits is based on an application of the three-part test spelled out in Opinion No. 699-B [4] to the facts in this case.[5] Briefly, the three criteria employed in considering applications for limited-term certificates are: (1) is the price to be charged reasonable (is it the lowest price at which the gas can be obtained for the interstate market); (2) does the purchasing interstate pipeline need the gas; and (3) is the gas available only for the limited period for which certification is sought. All three of these criteria must be met before a limited-term certificate can be issued. Because the third criterion has not in our view been satisfied, we will deny Delhi's request for a limited-term certificate.[6] We are also of the belief that a strong showing has not been made as to the emergency situation underlying the need for these specific volumes, i.e., 60,000 Mcf per day until November 1979 on behalf of Columbia Gas. We shall discuss the price criterion herein in the context of Section 2.70 even though there is no need to render a determination with respect to Delhi's application on the basis of price.

Delhi's proposed pre and post November 1, 1978, prices of $2.01 and $2.05 per MMBtu (excluding transportation) are within the highest range of intrastate prices published by the FPC at the time the contract was executed (July 19, 1977). Prices for the first quarter of 1977, reflecting the average of the highest prices for the Texas Gulf Coast and West Texas area were 225.75 cents per Mcf and were published on May 17, 1977.[7] Hence, there

[1] This proceeding was commenced before the Federal Power Commission (FPC). The term "Commission" when used with respect to action taken prior to October 1, 1977, refers to the FPC; when used otherwise, it refers to the FERC.

[2] This price was computed on the basis of an average replacement cost of $2.045 in the West Texas Area and $2.10 in the Gulf Coast Area of Texas.

[3] West Texas Area takes in Texas Railroad Districts 7-C and 8 and the Gulf Coast Area takes in Texas Railroad Districts 2, 3 and 4.

[4] Opinion No. 699-B Just and Reasonable Rates for Sales of Natural Gas From Wells Commenced On or After January 1, 1973, and New Dedications of Natural Gas to Interstate Commerce on or After January 1, 1973, —— FPC ——, Docket No. R-389-B, issued September 9, 1974.

[5] Without determining whether Delhi is an "intrastate pipeline" as defined by Section 2(16) of the Natural Gas Policy Act of 1978 (NGPA), we note that while *sales* by intrastate pipelines will eventually come within the purview of Section 311(b) of the NGPA, implementing regulations therefore are not yet in effect. In the interim, as we have previously determined (see "Interim Regulations Implementing the Natural Gas Policy Act of 1978", Docket No. RM79-3, issued December 1, 1978, mimeo pp. 141-42), sales of the type proposed here will be governed under the emergency program established under the Natural Gas Act, which includes Section 2.70 of the Regulations.

[6] See, generally, Harkins Co., *et al.*, Docket Nos. CI77-721, *et al.*, order issued December 2, 1977, denying limited term certification under Section 2.70 to a producer, and order denying rehearing, issued February 21, 1978.

[7] See Commission Staff Report on Intrastate Natural Gas Prices of FPC Jurisdictional Natural Gas Companies selling more than one million Mcf per year in Interstate

Footnotes continued on next page

is no doubt that the aforementioned prices fall within the *highest* range of intrastate prices published by the FPC. However, of equal or even greater significance is the existence in Delhi's gas purchase contract of a provision which calls for an indefinite rate redetermination as of November 1, 1978. As of the latter date, Delhi has the right to have the price redetermined to equal the average of the highest price being paid by Delhi for gas to a producer located in the West Texas or Gulf Coast Areas. In the event a redetermination provided for under the contract is made the price payable to Delhi would be such redetermined price.

One of the three criteria that must be established under the Opinion No. 699-B doctrine is whether the price is reasonable, i.e., the lowest price at which the gas can be obtained for the interstate market. Redetermination provisions of this nature might contravene the pricing criterion that must be satisfied in order to meet the requisites set forth in Opinion 699-B. The existence of this type of a provision, contrary to assuring that the gas supply made available to the interstate market is at the lowest reasonable price, continually upgrades the price of the gas so that the interstate purchaser is required to match the highest prices at which gas is being sold. This provision applies even though contracts upon which the redetermined price is predicated antedate this particular contract by several years.

We need not make any determination on this price issue, however, because it is our opinion that Delhi failed in its application to satisfy the third criterion that must be met in order to qualify for a limited-term certificate under Opinion 699-B. It must be established that the gas supply will be available for the limited period of time that it is being made available to the interstate market. The rationale underlying the limited availability criterion is that suppliers of gas should not commit their supplies to the interstate market on a short-term basis for the purpose of being in a position to subsequently resell their gas again at higher prices.

The availability of this gas clearly appears to be the outgrowth of Delhi's intrastate customers inability to absorb such volumes. The requested term of the proposed sale (November 1, 1977 to November 1, 1979) has not been shown to be related to the specific needs of Delhi's markets.

It is evidently anticipated that this gas will eventually be purchased by Delhi's own customers. However, no showing has been made disclosing the existence of a specific market for this gas at the conclusion of the term of the instant purchase gas contract. Hence, Delhi has failed to show that the requirement of limited-term availability can be satisfied.[8]

We have reviewed Delhi's proposed sale to Columbia Gas in the context of Section 2.70 and the standards prescribed thereunder in Opinion No. 699-B, and have determined that the proposed sale cannot be approved under the Section 2.70. We shall therefore also deny those portions of other applications being considered herein that only appertain to the implementation of the Delhi's request for authorization to make a limited-term sale in Docket No. CP77-523.[9]

Northern and Columbia Gas/Gulf in Docket Nos. CP77-649 and CP77-657 respectively, also contemplate an exchange arrangement that will enable Northern to obtain certain volumes of its offshore Louisiana gas without the implementation of the exchange of the volumes purchased by Columbia Gas from Delhi and delivered by the latter company in Pecos County, Texas, as requested in Docket No. CP77-523. Under this alternative arrangement, Columbia Gulf will receive for Columbia Gas' account Northern's gas available at Erath, Louisiana, and Columbia Gas will cause Columbia Gulf to deliver equivalent volumes to Trunkline for Northern's Account at a point of interconnection constructed by Northern between the facilities of Columbia Gulf and Trunkline near Egan, Louisiana. The aforementioned exchange between Columbia Gas/Gulf and Northern is on a gas for gas basis and no monetary consideration is involved in the exchange agreement.

Panhandle and Trunkline Gas Company (Panhandle/Trunkline) in their joint application in Docket No. CP78-511 request permission to transport this gas for Northern's Account from the Egan point of interconnection to Trunkline's mainline compressor station at Longview, Louisiana. This gas will enter Trunkline's mainline at that point and be transported by Trunkline to the point of interconnection between the facilities of Panhandle and Trunkline in Douglas County, Illinois. Panhandle is to redeliver this gas to Northern at the point of interconnection between their respective facilities in Kiowa County, Kansas.

Trunkline's facilities extending eastward from its mainline compressor station at Longville in addition to being interconnected with the facilities of Columbia Gulf at Egan, Louisiana, are also interconnected with the facilities of Tennessee Gas Pipeline Company (Tennessee) in Jefferson Davis Parish, Louisiana (Kinder) and the facilities of Columbia Gulf in Saint Mary's Parish, Louisiana (Centerville). Authorization has been issued or is pending to permit the delivery of offshore natural gas to Trunkline; for the account of Northern at these receipt points on Trunkline's facilities.[10]

Panhandle/Trunkline in Docket Nos. CP78-511 seek authorization to transport the gas that Trunkline receives at the latter three delivery points for the account of Northern to its Longville Compressor Station. Panhandle/Trunkline have been authorized by the Commission to deliver offshore gas for Northern's account under an arrangement which contemplates the transportation of such volumes by Trunkline from Longville to the point of interconnection with Panhandle's facilities in Douglas County, Illinois, and the redelivery of equivalent volumes by Panhandle to Northern at the point of interconnection of their respective facilities in Kiowa County, Kansas.[11] Panhandle/Trunk-

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Footnotes continued from last page

Commerce. Prices for the second quarter of 1977, reflecting the average of the highest prices for the Texas Gulf Coast and West Texas Areas, were $2.10 per Mcf and were published on August 25, 1977.

[8] In addition, Columbia Gas has not fully demonstrated that its system is currently confronted with an emergency of sufficient magnitude to warrant the utilization of Section 2.70.

[9] The 60,000 Mcf per day sold to Columbia Gas by Delhi would be delivered to Columbia Gas by a series of transportation and exchanges for which authorization is requested herein by Northern in Docket No. CP77-649, Panhandle Eastern Pipe Line Company (Panhandle) in Docket No. CP77-652 and Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company (Columbia Gas/Gulf) in Docket No. CP77-657. The 60,000 Mcf per day to be delivered by Delhi to Northern in Pecos County, Texas, could be redelivered to Columbia Gas under two separate but related methods: (a) direct transportation of up to 28,000 Mcf per day by Northern to Panhandle at Mullinville, Kansas, and redelivery of such volumes by Panhandle to Columbia Gas at Lucas, Ohio, and (b) an exchange of up to 32,000 Mcf per day in which Northern would cause delivery of equivalent volumes of off-shore gas to Columbia Gulf for the account of Columbia Gas at Erath and Egan, Louisiana. To the extent that Northern makes offshore gas available in excess of 32,000 Mcf per day, redeliveries to Panhandle would be correspondingly reduced. Panhandle's application in Docket No. CP77-652 shall be denied in its entirety due to the fact that it relates *solely* to the transportation of volumes involved in the proposed limited-term sale by Delhi to Columbia Gas for which Delhi has requested authorization in Docket No. CP77-523 and which request we will deny herein.

[10] See related petitions to amend involving Columbia Gulf and Tennessee respectively in Docket Nos. CP68-245 (presently pending), and CP77-21 in which a permanent certificate was issued on October 12, 1978.

[11] See order issued in *Trunkline Gas Company, and Panhandle Eastern Pipeline Company, et al.*, in Docket Nos. CP77-11, *et al.*, issued on August 29, 1977, as amended, by an order Granting Rehearing in *Trunkline Gas Company and Panhandle Eastern Pipeline Company* in Docket No. CP77-17 issued on October 28, 1977.

line in their application in Docket No. CP78-511 seek authorization to transport up to a maximum of 15,000 Mcf/day of Northern's offshore gas from the above noted three points of receipt on the facilities of Trunkline in southern Louisiana to its Longville compressor station in that state. Under an agreement dated June 19, 1978, between these pipelines volumes of up to 15,000 Mcf/day were to be transported between the latter receipt points and Longville for a period of five years from the date of first delivery. This agreement also afforded Northern the option of reducing this volume by 50 percent during the 6th and subsequent years in which gas continues to flow thereunder. Northern also agreed therein to sell to Panhandle up to 20 percent of such volumes.

Northern will pay Panhandle/Trunkline a monthly charge of $19,080 subject to adjustment based on firm transportation for Northern of 12,000 Mcf per day between the Egan and Kinder points of receipt and Trunkline's Longville Compressor Station. An upward or downward adjustment of 5.22¢ per Mcf will be applied to any deficiency or excess in quantities taken. The rates are derived from Trunkline's transmission system unit cost of service per 100 miles as proposed in Docket No. RP78-11. The latter per 100 miles cost is used to determine the cost on a per miles basis of the transportation between the Kinder and Egan receipt points and Longville in which only Trunkline facilities are invloved.[12]

In view of the fact that Trunkline's facilities between Centerville and Kinder are operating at full capacity, it must utilize the capacity available to it in a pipeline owned by Tennessee (Tennessee's Muskrat Line) that also extends from Centerville to Trunkline's Kinder compressor station in order to deliver these additional volumes to Longville. Trunkline, of course, will be required to pay Tennessee the increased charges stemming from this additional flow-through. It has been agreed that these charges shall consist of the additional commodity charges attributable to each additional Mcf of gas as required under Tennessee's currently effective tariff filed in Docket No. RP77-62 that Trunkline must pay for additional deliveries from its Kinder and Egan receipt points under this arrangement.[13] This charge represents the actual increased cost that will be incurred by Trunkline as a result of the flow of these volumes. Trunkline will only charge Northern this amount since the gas received at the Kinder and Egan receipt points is not transported the full distance from Centerville.[14] These charges are subject to increase or decrease depending upon rate changes resulting from rate proceedings invloving the various pipelines which are involved in this transportation. The monthly charges herein are geared to and should be modified to be made consistent with the final determinations in the pending Tennessee rate proceeding in Docket No. RP77-62 (Revised).

As partial consideration for the above-described transportation of this gas for Northern's account by Panhandle and Trunkline, Northern has agreed to sell Panhandle up to 20 percent of the volume received by Trunkline at the above-noted delivery poins. In consideration for the transportation of this 20 percent of the Northern gas that it can purchase under the June 19, 1978, agreement, Panhandle will pay Trunkline a monthly charge of $20,280 based on a firm transportation quantity of 3,000 Mcf/day during the five year period after the date of first delivery. In the sixth and subsequent years of the arrangement Panhandle shall have the option to reduce its volumes to not less than 50 percent of the initial volumes, and upward and downward adjustments of 22.21¢/Mcf will be applied to any deviation from said 3,000 Mcf/d in the quantities taken. The proposed charges cover the transportation of 3,000 Mcf from the point of receipt all the way to Douglas County, Illinois.[15]

The June 19, 1978, transportation agreement between Panhandle, Trunkline and Northern provides for the transportation of certain of Northern's offshore production and for the sale of 20 percent of such production to Panhandle.[16] Northern in its application filed in Docket No. CP78-480 requests that the Commission issue it a certificate of public convenience and necessity under Section 7 of the Natural Gas Act authorizing it to sell 20 percent of its East Cameron Block 335 and South Marsh Island Block 143 offshore Louisiana purchases approximately 3,000 Mcf, to Panhandle for resale in interstate commerce. The gas is to be sold to Panhandle on a monthly cost of service basis, which cost represents Northern's cost of gas at the point of delivery to Trunkline. The estimated average cost-of-service per Mcf for the first year of operation is $1.76 for East Cameron Block 335 production and $1.91 for South Marsh Island Block 143 production. The option afforded to Panhandle to purchase up to 20 percent of the volumes delivered to Trunkline, for Northern's account, is in partial consideration for the transportation of Northern's Block 335 and Block 143 gas as herein described. The Commission will authorize Northern to make this sale to Panhandle subject to its approval of the Exxon sale to Northern in Docket No. CI77-518 and the Cabot sale to Northern in Docket No. CI78-395.

The Commission will grant and deny the various requests in the applications filed in the above-styled proceedings as herein indicated and as hereinafter ordered and conditioned.

After due notice by publication in the FEDERAL REGISTER in Docket No. CP77-523 on August 18, 1977, in 42 FR 41449, Columbia Gas filed a petition to intervene in support of this application. No protests or petitions to intervene in opposition to any of the appli-

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(5.22¢ x 365/12 = $1.59.) (12,000 x $1.59 = $19,080.)

[12] Trunkline's cost per 100 miles is 2.34¢ per Mcf. The unit charge for this transportation of 53.5 miles based on this cost per 100 miles (Trunkline's current transportation cost as reflected in Docket No. RP78-11) is 1.25¢ per Mcf.

[13] Tennessee's commodity charge for the transportation of this gas to Trunkline is 3.97¢ per Mcf based on Tennessee's transmission rates in Docket No. RP77-62. (1.25¢ per Mcf plus 3.97¢ per Mcf = 5.22¢ per Mcf.)

[14] Centerville is also one of the receipt points through which gas can be delivered to Longville for Northern's account. However, it is anticipated that this gas will have to flow the full distance from Centerville to Kinder. The receipt of gas at this point by Trunkline shall be on a best efforts basis and shall only be delivered at Trunkline's option by displacement. An extra 0.62¢ will be charged to Northern for each Mcf taken at the Centerville delivery point. The latter charge represents the demand component of the latter Tennessee rate on a unit basis. Northern will be required to pay the full charge of the transportation of any volumes under this arrangement received at Centerville, i.e., both the commodity and demand component provided for in the Tennessee rate.

[15] Trunkline's charges for the gas it delivers to Longville for Panhandle are identical to what it charges Northern. Trunkline's charges Panhandle for delivery of these volumes from Longville to Douglas County, Illinois are also predicated on this 2.34¢ per Mcf transportation rate. This charge represents the 100 miles current cost on Trunkline's system for such transportation of an Mcf of natural gas used in docket No. RP78-11.

[16] Northern's offshore supplies subject to the above-noted transportation agreement consist of the 40 percent of the production it purchases from Exxon Corporation in East Cameron Block 335 and the purchase by Northern from Cabot Corporation of that producer's interest in South Marsh Island Block 143, offshore Louisiana. The Commission has issued a temporary certificate to Exxon in Docket No. CI77-518 for the sale of the East Cameron Block 335 gas to Northern. Cabot has pending before the Commission at Docket No. CI78-395 an application for the sale of its South Marsh Island Block 143 gas to Northern. Sea Robin Pipeline Company will transport Northern's Block 335 gas and Block 143 gas onshore and deliver such gas to Columbia Gulf for Northern's account at its Northern's terminus near Erath, Louisiana. The offshore transportation of this gas by Sea Robin was approved in Docket No. CP76-428.

cations in the above-styled proceeding have been filed.[17]

At a hearing held on December 20, 1978, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications and petitions as supplemented and amended, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds: (1) Applicants, Panhandle, Trunkline, Northern Columbia Gas and Columbia Gulf are natural gas companies within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The application of Delhi in Docket No. CP77-523 for a limited-term certificate with pregranted abandonment filed pursuant to Section 2.70 of the Commission's Regulation, and the corresponding application filed by Panhandle in Docket No. CP77-652 should be denied for the reasons more fully discussed in this order.

(3) The transportation and/or exchange of natural gas as hereinbefore described between Northern in Docket No. CP77-649 and in the joint applications filed by Columbia Gas/Columbia Gulf and Panhandle/Trunkline in Docket Nos. CP77-657 and CP78-511, respectively, will be made in interstate commerce subject to the jurisdiction of the Commission and is subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(4) The sale of natural gas by Northern to Panhandle in Docket No. CP78-480 will be made in interstate commerce subject to the jurisdiction of the Commission and is subject to the requirements of subsection (c) and (e) of Section 7 of the Natural Gas Act.

(5) Applicants Northern, Panhandle, Trunkline, Columbia Gas and Columbia Gulf are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(6) The transportation and/or exchange of natural gas as hereinbefore described between Northern in Docket No. CP77-649 and in the joint application filed by Columbia Gas and Columbia Gulf and Panhandle/Trunkline in Docket Nos. CP77-657 and CP78-511 respectively and the sale by Northern to Panhandle in Docket No. CP78-480, all subject to the jurisdiction of the Commission, are required by the pulic convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(7) Participation by Columbia Gas in Docket No. CP77-523 may be in the public interest.

The Commission orders: (A) Certificates of public convenience and necessity are issued to Applicants, Northern Natural Gas Company in Docket No. CP77-649; Columbia Gas Transmission Corporation and Columbia Gulf Transmission Corporation in Docket No. CP77-657 and Panhandle Eastern Pipe Line Company and Trunkline Gas Company in Docket No. CP78-511 to transport, exchange and redeliver gas as more fully described in their applications filed in these proceedings and as set forth in the body of this order as hereinafter ordered and conditioned:

(1) The certificates issued to Northern in Docket No. CP77-649 and Columbia Gas/Gulf in Docket No. CP77-657 are limited to the services that are not related to the proposed Delhi sale.

(B) The applications filed for limited-term certificates by Delhi Gas Pipeline Corporation in Docket No. CP77-523 and Panhandle Eastern Pipe Line Company in Docket No. CP77-652 are denied as are the Delhi related aspects of Docket Nos. CP77-649 and CP77-657.

(C) A certificate of public convenience and necessity is issued to Northern Natural Gas Company in Docket No. CP78-480 to sell natural gas to Panhandle Eastern Pipe Line Company as more fully described in its application filed in this proceeding and as hereinafter ordered and conditioned.

(D) The monthly charges authorized in the certificate of public convenience and necessity issued to Panhandle Eastern Pipe Line Company and Trunkline Gas Company in Docket No. CP78-511 in ordering paragraph (A) of this order will be subject to change (increase or decrease) pursuant to any related rate changes resulting from rate proceedings involving Trunkline Gas Company or Tennessee Gas Pipeline Company.

(E) The certificate of public convenience and necessity issued to Northern Natural Gas Company in Docket No. CP78-480 will be conditioned upon:

(1) The issuance of certificates of public convenience and necessity in the producer proceedings entitled Exxon Corporation in Docket No. CI77-518 and Cabot Corporation in Docket No. CI78-395 authorizing Northern to purchase the offshore supplies underlying the application filed herein in Docket No. CP78-480.

(F) The certificates issued by ordering paragraph (A) and (C) above and the rights granted thereunder are conditioned upon Applicant's compliance with all of the Commission's Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Part 154 and in paragraph (a) and (e) of Section 157.20 of such Regulation.

(G) Columbia Gas is permitted to intervene in Docket No. CP77-523 subject to the Rules and Regulations of the Commission: *Provided, however,* that participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1331 Filed 1-12-79; 8:45 am]

[17] Notice of each application in the above-styled proceedings was afforded by publication in the FEDERAL REGISTER as follows:

Docket No.	Notice issue date	Citation FR
CP77-523	Aug. 8, 1977	Pub. Fed. Reg. 42 FR 41449 Aug. 17, 1977
CP77-652	Oct. 17, 1977	Pub. Fed. Reg. 42 FR 56360 Oct. 25, 1977
CP77-657	Oct. 17, 1977	Pub. Fed. Reg. 42 FR 56355 Oct. 25, 1977
CP78-480	Aug. 25, 1978	Pub. Fed. Reg. 43 FR 38902 Aug. 31, 1978
CP78-511	Sept. 21, 1978	Pub. Fed. Reg. 43 FR 45458 Oct. 2, 1978

[6450-01-M]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Adjustments to Rates and Charges

JANUARY 8, 1979.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 26, 1978, tendered for filing the following revised tariff sheets:

To be effective January 1, 1979: Eighth Revised Sheets No. 5 and No. 6 superseding, Seventh Revised Sheets No. 5 and No. 6, Eighth Revised Sheets No. 10, No. 11 and No. 12.

Eastern Shore requests waiver of the 30 days notice requirement pursuant to Section 154.51 of the Commission's Regulations. The revised tariff sheets track a similar filing by Eastern Shore's sole supplier Transcontinental Gas Pipe Line Company (Transco).

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1332 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-98]

INTERSTATE POWER CO.

Filing

JANUARY 8, 1979.

Take notice that Interstate Power Company on December 7, 1978, tendered for filing a contract supplement dated November 16, 1978 for Contracts Nos. 14-06-600-1557 and 14-06-477.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1333 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-112]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Rate Change

JANUARY 3, 1979.

Take notice that on December 18, 1978, Jersey Central Power & Light Company (Jersey Central) tendered for filing increased tariff rates for all-requirements service to Allegheny Electric Cooperative, Inc., and to the Boroughs of Butler, Lavallette, Madison, Pemberton and Seaside Heights, New Jersey.

Jersey Central states that the increase amounts to $2,130,047, based on calendar year 1979. The reason for the increase, according to Jersey Central, is increased costs and the addition to rate base of its share of the Three Mile Island No. 2 nuclear generating unit.

Jersey Central requests an effective date of February 17, 1979.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 19, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 participate as party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Jersey Central Power & Light Company are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1334 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-19]

MOUNTAIN FUEL SUPPLY CO.

Tariff Sheet Filing

JANUARY 8, 1979.

Take notice that on December 18, 1978, Mountain Fuel Supply Company (Mountain Fuel) filed First Revised Sheet No. 60 of its FERC Gas Tariff Original Volume No. 1, Mountain Fuel states that the revised tariff sheet provides for an increase in the transportation rate charged from 4¢ per Mcf to 13.1¢ per Mcf at 14.65 psia to Colorado Interstate Gas Company (CIG) for the transportation of CIG's share of the gas produced in the Fox/Spearhead Ranch area of Converse County, Wyoming. The proposed effective date is January 1, 1979. Mountain Fuel requests waiver of the 30 days notice requirements pursuant to Section 154.51 of the Commission's Rules and Regulations.

Copies of the filing have been served upon the only effected customer, Colorado Interstate Gas Company, and are available for public inspection at the general office of Mountain Fuel Supply Company, 180 East First South, Salt Lake City, Utah.

Any person desiring to be heard and to make any protest with reference to said filing should on or before January 15, 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, 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 must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel's tariff filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1335 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. RP78-50]

NORTHWEST PIPELINE CORP.

Notice of Change in Rates

JANUARY 8, 1979.

Take notice that on December 14, 1978, Northwest Pipeline Corporation ("Northwest") tendered for filing a notice of change in rates for service rendered under its Rate Schedule SGS-1, pursuant to Commission Order dated October 2, 1978. Such order directed Northwest to eliminate the costs related to the expansion of the Jackson Prairie Storage Project if said costs were not approved by October 1, 1978.

The change in rates are reflected on Second Substitute Twentieth Revised Sheet No. 10, tendered herewith, and reduce Northwest's "Demand" and "Demand Credit Amount" rates from 66.76¢ per therm to 66.33¢ per therm. Schedules supporting the rate reduction are included in the instant filing.

Northwest requests that the Commission waive the notice requirement of Section 154.22 of its Regulations in order to allow the tendered tariff sheets to become effective October 1,

1978, the date authorized by the Commission in its October 2, 1978, Order mentioned above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1336 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. RP73-36 (PGA 79-1) (DCA79-1)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

JANUARY 8, 1979.

Take notice that on December 21, 1978, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following Substitute Revised Tariff Sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Twenty-Seventh Revised Sheet No. 3-A.

First Substitute Fourth Revised Sheet No. 3-B.

An effective date of February 1, 1979 is proposed.

On December 14, 1978, Panhandle filed with the Commission a PGA rate adjustment pursuant to Section 154.38(d)(4)(x) of the Commission's Regulations and in accordance with the General Terms and Conditions of Panhandle's FERC Gas Tariff, Original Volume No. 1. This filing, among other changes, reflected a rate adjustment pursuant to Section 18.4 of the General Terms and Conditions, such adjustment reflecting a Pipeline Supplier rate increase. Rate Schedules and rates that consist of a one part rate as well as the Excess-Deficiency Charge of the two-part rate schedules, were not adjusted to include their appropriate portion of the demand cost change under this Section 18.4 adjustment.

Therefore, Panhandle submits these substitute revised tariff sheets to properly reflect the demand cost change under Section 18.4 for one part Rate Schedules and rates.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1337 Filed 1-12-79; 8:45 am]

[6450-1-M]

[Docket No. ER77-402]

PHILADELPHIA ELECTRIC CO.

Extension of Time

JANUARY 2, 1979

On December 22, 1978, the Borough of Lansdale and Philadelphia Electric Company filed a joint motion for an extension of time to file briefs on exceptions to the initial decision issued in this proceeding on November 13, 1978. The motion states that these two parties are believed close to an agreement which would obviate the need for briefs. The motion also states that Staff does not oppose the request.

Upon consideration, notice is hereby given that the time for filing briefs on exceptions is extended to and including January 26, 1979. Briefs opposing exceptions shall be filed February 15, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1338 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-513]

PUBLIC SERVICE CO. OF INDIANA, INC.

Compliance Filing

JANUARY 8, 1979

Take notice that Public Service Company of Indiana, Inc. (PSI) by letter dated October 24, 1978, pursuant to ordering paragraph (G) of the Commission's "Order Accepting Rates for Filing, Rejecting Rate for Filing, Waiving Notice, Suspending Rate Increases, Granting Summary Disposition and Granting Interventions" issued August 25, 1978, in the above docket, filed in compliance with such Commission Order revised tariffs. PSI states that as support of required rate level of such revised tariffs, PSI also files Revised Cost of Service Data in the form of revised Statement N, Statement P, and rate comparisons for all jurisdictional customers showing the effect of the application of the revised tariffs to the customer's billing determinants for Period II, for the twelve-month period prior to the proposed effective date and for the twelve-month period following the proposed effective date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 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. 79-1339 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-18]

SOUTHERN NATURAL GAS CO.

Petition

JANUARY 8, 1979.

Take notice that on December 14, 1978, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. RP79-18 a petition pursuant to Section 4 and Section 16 of the Natural Gas Act and Section 1.7 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure requesting that the Commission issue such orders and grant such waivers of its rules and regulations as are necessary to permit Southern to retain in its rate base for a period of five years from March 20, 1979, certain advance payments made to Canadian Occidental of California, Inc. (Can-Oxy), all as more fully set forth in the petition of file with the

Commission and open to public inspection.

Southern states that pursuant to two advance payment agreements with Can-Oxy, dated March 20, 1974, it advanced $7,000,000 to Can-Oxy in consideration for the commitment by Can-Oxy of its interest in natural gas reserves in South Pass Block 78, offshore Louisiana. Because of unusual and unforeseen circumstances beyond the control of either Southern or Can-Oxy, deliveries of gas from South Block 78 cannot commence within the requisite five year period from the date the advance payments were made. Since a platform is now in place, drilling is in progress, and it is expected that a pipeline will be constructed to attach the South Pass Block 78 reserves by late 1979, Southern has filed a petition requesting authorization from the Commission to retain in account 166 for a period of five years from March 20, 1979, the expended portion of the $7,000,000 of advance payments it made to Can-Oxy.

Southern states further that it, Can-Oxy, and Oxy Petroleum, Inc. (Oxy-Petroleum), an affiliate of Can-Oxy, have reached certain agreements which are contingent upon the granting of the relief requested and which will significantly benefit the public interest. First, Can-Oxy will pay back immediately all portions of the advance payments which are unexpended on March 20, 1979, and will pay back the then remaining outstanding advance payments over a five-year period commencing with such date, regardless of whether or not deliveries have commenced on such date. The repayment of the outstanding advances in sixty consecutive equal monthly installments substantially accelerates the repayment schedule in the advance payments agreements and thereby shorten the time said advances are included in Southern's rate base. Second, Oxy-Petroleum will commit for sale to Southern, subject to the provisions of this Louisiana State Lease covering a portion of the reserves, its interest in the South Pass Block 57 and 58 gas reserves. Such additional dedication will very substantially increase Southern's commitment in the four-block area composed of South Pass Blocks 57, 58, 77, and 78.

Any person desiring to be heard or to make protest with reference to said petition should on or before January 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1340 Filed 1-12-79; 8:45 am]

[6450-01-M]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Interpreting Proposed Settlement, Requesting Comments and Setting Oral Argument

JANUARY 4, 1979.

I. SUMMARY

Transcontinental Gas Pipe Line Corporation (Transco) has submitted an Offer of Settlement of most but not all of the pending issues concerning a curtailment plan for that system. The settlement is supported by some of the parties but opposed by others.

The settlement addresses, among other matters, the remand by the U.S. Court of Appeals, D.C. Circuit,[1] of the permanent curtailment plan promulgated by the Federal Power Commission (FPC) for Transco's system in October, 1976.[2] The Court, in its decision, converted the permanent plan to an interim one[3] and directed that the actual current impact on end-use at the burner-tip be considered in the "implementation of curtailment plan for the Transco system."[4] The Court's decision also requires that the issue of compensation be considered on its merits based on an adequate record.[5] The settlement offer would, if accepted by interested parties and the Commission, supersede the remanded interim plan.[6]

Transco filed the settlement offer following extended negotiations with the parties. Rather than signing a settlement agreement, the parties indicated their position on the offer by submittal of initial and reply comments. Several of the parties attached considerable importance in their comments to that portion of the settlement (Article VIII) which indicates how the settlement is intended to operate in conjunction with the Natural Gas Policy Act of 1978 (NGPA). Some parties opposed the settlement because others did not fully endorse Article VIII.

This order sets forth the Commission's interpretation of Article VIII and discusses application of the settlement to the NGPA. This information was not available to the parties in their negotiations. The Commission believes it appropriate therefore in the unusual circumstances of this case, given the evolving nature of the subject matter and the views we express thereon, to afford the parties an opportunity to give us their current position on the settlement as construed and interpreted herein.[7] Those comments—which we hope will reflect the parties' serious consideration of the settlement offer as a long-term solution to Transco's curtailment matters—will be filed by January 11, 1979. The Commission expects to act expeditiously thereafter.

II. SUMMARY OF SETTLEMENT

We here summarize the settlement in some detail as background for our later discussion of it.

A. The settlement proposes to settle virtually all curtailment controversies on Transco's system—past, present and for some time into the future. Compensation is an exception. That issue is largely reserved for hearing.[8]

B. Under the settlement Transco would take various supply actions designed to assure that specific volumes of gas are available to its customers this winter as well as for the 1978-1979 annual period.[9] The settlement is to be effective as of November 1, 1978.

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[1] *State of North Carolina* v. *F.E.R.C.*, Nos. 76-2102, *et al.* (D.C. Cir. July 13, 1978). All references herein are to the Court's July 13 slip opinion without renumbering of footnotes to reflect the one added (footnote 20, p. 21) by the *per curiam* order issued August 29, 1978.

[2] *Transcontinental Gas Pipe Line Corporation*, Docket No. RP72-99, Opinion No. 778 (October 8, 1976) and Opinion 778-A (December 8, 1976).

[3] *State of North Carolina* at 31.

[4] *Id.* at 26.

[5] *Id.* at 31.

[6] The October 31, 1978 Offer of Settlement deals only with allocations. The issue of compensation is reserved for hearing.

[7] Transco is to provide additional information on supplies by January 9, 1979 (*infra*, p. 19) so that the parties may also consider it in their January 11, 1979 comments.

[8] Article VII of the Settlement Agreement. Article VIII also excludes an earlier appeal relating to compensation, *Transcontinental Gas Pipe Line Corporation, et al.* v. *F.E.R.C.* No. 74-2036 (D.C. Circuit).

[9] Transco's Answer and attached Affidavit of November 22, 1978 emphasize that different levels of supply (for the larger customers) will pertain as between the settlement offer and under the existing Opinion 778 plan, if it is continued.

The Affidavit of H. J. Miller, Jr. states at page 2:

"5. As requested by the Staff, the following data show a comparison between the quantities (Mdt's) available for sale to the CD, and ACQ and firm direct customers extrapolated from the Form 16 filed October 2, 1978 and those contained in the offer of settlement.

In order to arrive at the above comparison, the October "(Affidavit, p. 2) The source of additional supplies for this winter is "banked" gas which Transco would have to repay next summer. This amounts to ap-

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	October 2, 1978 Form 16	Proposed Settlement	Difference
1978-79 Winter Period	258,125	268,035	9,910
1978-79 Annual Period	631,997	*638,440	4,443

*(sic) (Should be 636,440).

C. Transco's small volume customers would in the first year receive the same entitlements as under the Opinion 778 plan. Article VI of the settlement states that the members of this class of customers will be permitted and are encouraged to transfer entitlements among themselves on a temporary basis during the first year to accommodate varying needs within that group. Aggregate volumes are adequate to accommodate these transfers. However, if voluntary adjustments betweeen members of this class are not successful in protecting high priority needs of these small volume customers, Transco reserves the right to file tariff revisions necessary in its view to accomplish it. If supplies subsequently exceed 680 MMdt, the proposed tariff provides for further adjustment of small volume entitlements based on specified standards.

D. The key to the proposed plan is the supply level pertaining to the large volume customers. This is evident from Article II, "Term of Agreement", which provides:

> This Agreement shall become effective on November 1, 1978 and shall continue in force and effect through October 31, 1979 (the "first curtailment year") and from year to year thereafter so long as Transco's projections of annual volumes available for sale to CD, ACQ and firm direct customers in years subsequent to the first curtailment year are equal to or in excess of 636,440 Mdt. At such time as Transco projects a lower annual volume for any year subsequent to the first curtailment year, Transco shall forthwith move that the Commission convene a conference among all parties to this Docket No. RP72-99 for the purpose of discussion of the appropriate curtailment plan for Transco's system for such subsequent year or years. Transco shall thereupon file such modified curtailment plan as may be agreed upon by the parties or, in the absence of such agreement such other plan as Transco in its judgment believes is just and reasonable. It is understood that any plan which Transco may file other than a plan agreed upon by the parties shall be governed by the provisions of Sections 4 and 5 of the Natural Gas Act.

Amounts in excess of 636 MMdt are allocated in accordance with specified factors with differing factors specified between 636 MMdt and 720 MMdt and above the 720 MMdt benchmark. (Tariff sheets No. 223-224, 230-231).

E. Article VIII of the Settlement is the provision which attempts to merge past, present and, to the extent possible, future controversies into the proposed plan. This last category, dealing with prospective rights of customers and the parties under the NGPA, has been a stumbling block. Article VIII provides in essence that the revised allocations specified in the settlement anticipate and include revisions which might occur under the NGPA when implemented.[10] The lack of full concurrence with this provision by some parties [11] has caused others [12] to object to the settlement. The balance of this order consists primarily of a discussion of how the Commission envisions the settlement working in relation to future actions under the NGPA. The Commission takes this unusual step in keeping with its policy of encouraging settlements and because the effect of the NGPA is a major issue among the parties in the settlement process.[13]

III. Article VIII of Settlement

A. Background

Brooklyn Union Gas Company (Brooklyn Union) stated in its initial comments that it considered Article VIII to be of vital importance in achieving stability for all customers on the Transco system. The Company emphasized the necessity for agreement by all *the parties* to this provision. Article VIII distinguishes between the obligations of *parties* and representations made by *customers* of Transco. As will be made clear, we believe Brooklyn Union's principal concerns should be over the representation of the customers. Because of the importance of this Article, we set it out in full.

> Article VIII
>
> RESOLUTION OF PENDING ISSUES AND SATISFACTION OF HIGH PRIORITY REQUIREMENTS
>
> The *parties* hereto agree that, except for the compensation questions reserved in Article VII hereof and in the pending appeal in *Transcontinental Gas Pipe Line Corporation, et al.* v. *F.E.R.C.*, No. 742036 in the United States Court of Appeals for the District of Columbia Circuit, all pending curtailment issues on Transco's system in Docket No. RP7299, whether related to the court remand referred to in Article I hereof or related to outstanding Commission orders concerning issues not resolved by Opinion Nos. 778 and 778-A, shall be deemed to be resolved by this Agreement in a manner consistent with the Natural Gas Act and the Natural Gas Policy Act of 1978. In addition, all *customers* presently expect that, during the effectiveness of this Agreement, adequate supplies from Transco and other sources, including but not limited to emergency gas supplies, will permit service to all high priority consumers. Therefore, while this Agreement remains in effect under the terms of Article II hereof, the *parties* agree that no modifications of the

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proximately 4,000 Mdt which would be retained in storage under the Opinion 778 plan. 6,265 Mdt is obtained based on the assumption that "normally anticipated producer outages" do not occur. The affidavit further states:

"In the event that the above possibilities of additional gas do not yield sufficient quantities to make up for the difference between the Form 16 and settlement allotments, Transco would acquire the necessary gas under FERC's emergency rules to satisfy the deficiency. Should it be necessary for Transco to purchase emergency supplies, there is an abundance of such supplies available from intrastate sources." (p. 2).

Article V of the Settlement Agreement provides that "the Commission is requested to provide assurance to Transco and the other parties that if, and only if, emergency gas volumes are required to be obtained under the Natural Gas Act in order that Transco will be enabled to protect the annual period entitlements and winter season allotments for the first curtailment year Transco will be permitted to obtain such emergency gas volumes." The Staff opposed this provision on the grounds it impermissibly sought advance approval of the rate treatment of emergency purchases. However, Transco in its November 22, 1978 Answer advised that the section was intended to deal only with *eligibility* for purchase of such supplies and noted that this concern would effectively become moot if we adopted the then existing proposed regulations on this subject. These regulations were, in essence, adopted and will apply for a limited term. It is therefore unnecessary for us to consider the waiver requested in Article V.

[10] The revisions also contemplate some adjustments potentially flowing from the remand in *State of North Carolina.*

[11] These include the State of North Carolina and the North Carolina Utilities Commission (filing jointly); The City of Danville, Virginia; North Carolina Natural Gas Corporation; Piedmont Natural Gas Company, Inc.; and Public Service Company of North Carolina, Inc. In addition, Elizabethtown Gas Company and Philadelphia Gas Works oppose the settlement outright.

[12] Brooklyn Union Gas Company, Public Service Electric and Gas Company and Pennsylvania Gas and Water Company.

[13] At the same time, the Commission emphasizes that it makes no present judgment as to the merits of the proposed settlement as interpreted herein.

curtailment plan embodied in this Agreement and, except for emergency relief as defined in Section 13.3 of the General Terms and Conditions of Transco's FERC Gas Tariff, no relief from the effect of the curtailment plan embodied in this Agreement shall be sought either under 2.78(b) of the Commission's General Policy and Interpretations promulgated under the Natural Gas Act or under Title IV of the Natural Gas Policy Act of 1978. (Emphasis ours).

In sum, this provision has two components. It is intended to wipe the slate clean of all pending curtailment matters except those identified pertaining to compensation. The matters resolved by this part of Article VIII basically pertain to the Opinion 778 plan. The second aspect of this Article relates to the proposed plan and future conduct relating to it. In this latter area, the comments indicate that at least one basic purpose of the provision is to assure that the distribution companies who have received substantial additional gas under the settlement would not be able at a later date to submit requests for allocations under the NGPA which were intended to be covered by the settlement. Avoidance of a double recovery is Article VIII's aim.

The distinction made in Article VIII between parties and customers takes on significance when assessing the comments received on the proposed settlement. It appears to us that the customers about which Brooklyn Union is perhaps rightly concerned have responded in a manner consistent with the provision which states that to the extent dependent on the settlement, supplies received would be adequate to serve all high priority requirements—including those recognized under the NGPA. For example, North Carolina Natural indicated in its initial comments that the volumes allocated under the settlement agreement would be sufficient and that by utilizing its full storage capacity, it "should be able to serve under normal weather conditions its essential firm markets for both the winter periods and the annual periods, including the Farmers Chemical Association nitrogen fertilizer facility at Tunis, North Carolina.[14] On the other hand, Farmers Chemical, a party to the curtailment proceeding but not a directly-served customer of Transco, states that while it has no objection to the allocations, it is not waiving rights under the NGPA, including the right to have Transco's allocations to conform with the new law.[15] But Farmers Chemical's assertion as to reservation of right under the NGPA is immaterial since its supplier, North Carolina Natural, has indicated that it will have adequate supplies to meet Farmers Chemical's requirements.

[14]Initial Comments, North Carolina Natural Corporation, November 13, 1978, at 1.

[15]Comments of Farmers Chemical Association, Inc., November 13, 1978, at 1.

North Carolina Natural, Public Service Company of North Carolina and Piedmont, however, do express a reservation about one aspect of Article VIII. Fundamentally, they note that the proposed plan could become a *de facto* permanent plan if Transco's future supplies continue as projected. They urge a limit on the time during which the plan would be impervious to change based on the NGPA. In addition, they suggest that it should not serve as a bar if circumstances arise which were not reasonably foreseeable. But all state, in essence, that it is not their desire that Article VIII be abolished or that its basic intent be distorted. Piedmont, for example, states that it "agrees that the allocations in the Settlement Agreement should be considered permanent except in the event of circumstances not presently reasonably foreseeable."[16] We think that these are reasonable, responsible requests. We believe our interpretation of Article VIII and its relation to the NGPA adequately recognizes these concerns without sacrificing the benefits of certainty and stability which would otherwise accrue under the settlement.

One party who is not a customer—the State of North Carolina and the North Carolina Utilities Commission (filing jointly)—takes exception to Article VIII. This exception is mitigated somewhat by the statement that North Carolina is unable to waive for the *indefinite future*, whatever rights may be granted to it by the new statutes (referring to NGPA). We respect North Carolina's views as a representative of the ultimate consumer in the State of North Carolina. We are not certain, however, that North Carolina's reservation is material in a light of the comments by distributors in the State of North Carolina who, as customers of Transco, offer representations more nearly in compliance with the spirit of Article VIII.[17]

[16]Initial Comments of Piedmont Natural Gas Company, Inc., November 13, 1978, at 1.

[17]There *may* be an exception. The sole entity, who is both a customer and a party, to register unqualified opposition to Article VIII is the City of Danville, Virginia. Danville in *its initial comments* stated: "Danville supports the settlement plan with the following qualifications. The allocated volumes are not sufficient to serve the City's high priority markets, but at least the allocations are better than under the Opinion 778 plan. We cannot possibly agree, as Article VIII requires, to waive any right of the City has under law, *i.e.*, the Natural Gas Policy Act of 1978." (Comments of the City of Danville, Virginia, filed November 14, 1978, at p. 4.) Transco, by reply, states that "The winter and annual allocations to the City of Danville in the first year, when combined with the available supplies of gas under FPC Order No. 533 and FERC Order No. 2 will provide more than enough gas for Danville to serve its residential and commercial customers and industrial customers utilizing natural gas for feedstock, process and plant protection purposes." Transco, (Miller Affidavit at p. 3.) Danville received 2,697 Mdt in 1977-1978. Under Opinion 778, in 1978-1979, they would receive 3,170 Mdt; under the settlement they will receive 4,167 Mdt. It is thus clear Danville will receive a significant increase under the settlement relative to its size. The question of possible additional allocations may be moot since Danville in Reply Comments filed November 24, 1978 states:

"Apparently some parties were concerned that Danville's reservation about Article VIII indicated acceptance of the curtailment plan's volumes, along with an intent to see additional volumes because of rights under the [NGPA]. In clarification, Danville's reservation on Article VIII simply means that the Commission cannot be prohibited by a settlement agreement among Transco's customers from carrying out its responsibilities under the Natural Gas Act, the [NGPA] or any other law.

". . . Danville continues to support the settlement agreement as a long-term plan. . . ." (Reply Comments, pp. 1-2)

The views of another party—also not a customer—are pertinent. The New York Public Service Commission, by reply comments supporting the settlement, states:

We recognize that a number of parties otherwise supporting or not objecting to the Transco proposal have raised questions or caveats with respect to Article VIII. Since New York supports the Article as a necessary and integral part of any settlement, we wish to set forth our views thereon. We do not read Article VIII as binding upon the Commission in the envent it determines that regulations adopted pursuant to Section 401-403 of the NGPA require modifications to an effective curtailment plan. We do understand Article VIII to reflect the understanding of the parties that the Transco plan was drafted in the light of the provisions of the NGPA and that accordingly they will not initiate action to upset the plan on grounds that they might be entitled to additional gas from Transco under such general regulations as may be prescribed under the new Act. We can understand that, as indicated in the Piedmont comments, circumstances not presently reasonably foreseeable might arise during the period in which the settlement is in operation which might justify a petition to reopen the proceeding. But there obviously is no settlement if those parties securing significant immediate benefits in terms of additional gas could within a year or so demand more on the basis of the regulations adopted pursuant to the NGPA. (Comments p. 2-3)

We believe the standards set forth below for dealing with NGPA requests post-settlement are generally consistent with the views expressed by the New York Public Service Commission.

B. ARTICLE VIII AND NGPA

We start with the fundamental assumption that, as between the parties, the waiver of rights provision of Article VIII may be given effect.[18] As to its

[18]Some elements of Article VIII are analogous to provisions which have previously been approved by this Commission. For example, the settlement in *Southern Natural,*

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application to this agency, we make clear at this point that we would not be bound by Article VIII, if (and to the extent) we are in the future presented with the situation where performance of our statutory duties (under either the Natural Gas Act or the National Energy Act) is found to conflict with this provision. Most, if not all the parties, appear to recognize that this must be the case.

The NGPA and other legislative initiatives constituting the National Energy Act are newly enacted and their full effect cannot be reasonably foreseen at this time. In the curtailment area, the relevant provisions of the NGPA are contained in Sections 401 and 402. Implementation of Section 402 (industrial process gas) will require substantial end use information which is not now uniformly available on an updated basis. It thus is not of immediate concern.

Implementation of Section 401, however, must be accomplished to the maximum extent practicable not later than 120 days [19] after the date of enactment of the NGPA. At that time, it will be necessary to consider whether the then existing curtailment plans of interstate pipelines can adequately protect essential agricultural users from curtailment. Under these circumstances, we cannot now say whether the deliveries under the subject settlement would meet all the ultimate requirements of Section 401. However, it would be the Commission's intent to fully consider the impact on this settlement in implementing Section 401 for Transco's customers. In other words, we would attempt to maintain the integrity of the settlement to the extent reasonable under the circumstances. [20]

For example, in the case of a customer [21] who indicated acquiescence in Article VIII but later sought modification based on the NGPA, such a request would be examined, assuming it complied with the basic provisions of the NGPA such as Title IV, to determine whether a double recovery was being sought by the customer.[22] In this instance, a customer's representation by comments submitted in this proceeding would be measured against those contained in the application. A full explanation of any discrepancies would be required.

We believe the views we have expressed are consistent with NGPA requirements. That Act will, of course, affect curtailment plans. However, it does not require that adjustments be blindly made, but rather "to the maximum extent practicable." [23] The settlement proposal is consistent with this concept to the extent it anticipates requirements under the NGPA (as best they can be foreseen at this time) and provides for modification of the existing Opinion No. 778 plan at this time.

IV. Further Comments

As an aid to the parties in considering the settlement in light of the Commission's interpretation of Article VIII, the following comments on various aspects of the proposed settlements are presented.

A

This settlement contains a simple and certain method for allocating supplies. Some parties would receive less gas under the settlement than they would at the lower levels which would pertain in the upcoming year for the Opinion 778 plan, but no one would receive less gas under the settlement than he received last year under the Opinion 778 plan (on an annual basis).[24]

Our assessment of the comments on the proposed settlement leads us to conclude that no one who would be aggrieved by the revised allocations applicable under the settlement agreement objects unconditionally to the allocation feature of the proposed plan. Rather, those who do object (and who may be technically aggrieved) object principally on the basis that the deal struck—revised allocations in exchange for the certainty and stability of a true settlement,—is being jeopardized by comments of other parties. Brooklyn Union's and Public Service Electric and Gas Company's (PSEG) objections appear premised on this basis.

The objections of PSEG and Brooklyn Union,[25] surfaced fully only in their reply comments. Their basic view appears to be that the settlement, because of comments submitted by various parties—particularly those questioning Article VIII providing for waivers under the NGPA-would not provide a viable long-term solution to Transco's curtailment controversies. Rather, further extended litigation could be expected. We have addressed these concerns in our construction of Article VIII and the statement of our intent, as best we are able to render it at this time, of how requests under the NGPA would be dealt with in light of the settlement. We hope our treatment of that matter will remove the objection of these two parties.[26]

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Opinion No. 5, Opinion And Order Approving Settlement Describing Permanent Curtailment Plan, Docket No. RP74-6 *et al.* (November 17, 1977) approved a provision which provides that plan may not be contested for a period of two years. (Slip Op. at 22).

[19] Proposed regulations dealing with § 401 will issue very shortly.

[20] At the same time, proponents of Article VIII must recognize that the settlement would not be considered to be inviolate. In the past, the FPC and this Commission have attempted to recognize unique load characteristics, customer blend and operating requirements of individual pipelines in the formulation of curtailment plans. In promulgating rules for the implementation of Title IV of the NGPA, the Commission will continue to adhere to that policy. Indeed, Section 502(c) of the NGPA contemplates such exceptions to our rules "as may be necessary to prevent special hardship, inequity, or on an unfair distribution of burdens."

[21] We assume ultimate consumers who are neither parties nor customers would not be directly affected by the provision. It does not bar such rights as they may have under the NGPA, but rather appears to re-direct them, at least in the first instance, to the distributor-customer.

[22] Transco's Answer also includes this pertinent statement: "If the Commission should approve the settlement embodied in the offer, it would be the intent of Transco to strive to protect the integrity of this settlement, including the provisions of Article VIII, based upon circumstances existing at the present time and reasonably foreseeable for the future. While we would not expect the Commission to attempt to waive any of its statutory responsibilities and while it is always possible that unforeseen changed circumstances could intervene Transco would expect that any provate party and any state and local governmental body would have an extremely heavy burden of persuasion if such party accepts the present fruits of the settlement and later attempts to overcome any essential feature of the settlement." (*Id.* p. 3-4) The standard announced above in the text of this order should not necessarily be equated with that of "an extremely heavy burden of persuasion." However, the Commission would accommodate the settlement solution where possible.

[23] NGPA §§ 401-402. *See also*, H. R. Rep. No. 95-1752, 95th Cong., 2d Sess. 112-115 (October 19, 1978).

[24] Miller affidavit attached to Transco Answer, November 22, 1978 at p. 2. This affidavit also states at p. 1:

"2. The "Offer of Settlement . . . . was developed as a means of allocating the available supplies on the Transco system for the next several years in a manner which protects actual high priority markets on the system without the necessity of a lengthy data collection and hearing process. One indication that the settlement will actually protect the high priority markets on the system is the fact that, as a result of a recent survey of its customers, Transcso has determined that, barring some unforseen extraordinary circumstance, the allocation procedures set forth in the settlement will enable all of its distribution customers to serve their high priority markets without the necessity of those customers acquiring emergency supplies for this coming winter. The responses of the customers in this regard have been specifically conditioned upon approval of the settlement . . . ."

[25] Pennsylvania Gas and Water Company, in reply comments of November 22, 1978, voices essentially the same concerns. However, that Company, somewhat like Elizabethtown, would not appear to be aggrieved since it would receive the same volume in 1978-1979 under both plans.

[26] We preceive concern over the integrity of the settlement to be Brooklyn Union and PSEG's principal concern based on analysis

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In contrast to PSEG and Brooklyn Union, Elizabethtown Gas Company (Elizabethtown) and Philadelphia Gas Works (PGW) opposed the settlement from the start. Their objections appear to be for entirely opposite reasons.

Elizabethtown apparently objects to this settlement only because it does not provide for curtailment on a pro rata basis. Public Service Company of North Carolina, Inc.'s reply comments place this objection in context.

[T]he fact [is] that the *Settlement has no material adverse impact upon Elizabethtown.* Elizabethtown's central contention, for example, is that curtailment on the Transco system should be carried out, to the extent possible, on a proportionate basis. However, a review of the Elizabethtown's own proffered "Statement of Thomas F. Withka" and attached Appendices shows that (1) for the 1978-79 annual period, Elizabethtown's proportionate allocations is an insignificant 118 Mdt (0.7%) greater than under the Settlement (Appendix B) and (2) for the 1979-80 annual period, Elizabethtown's proportionate allocation is *178 Mdt less than under the Settlement* Appendix C). Thus, Elizabethtown would be in a generally better position as to the allocation of volumes if the settlement were accepted. (PSNC reply comments, pp. 4-5.)

It appears, therefore, that Elizabethtown would not be aggrieved by the settlement. *Philadephia Gas Works* v. *FPC et al.*, 557 F.2d 840 (D.C. Cir. 1977).

Unlike Elizabethtown, PGW is a leading proponent of the end-use concept embodied in the Opinion 778 plan. Under the proposed settlement, PGW would receive 39,186 Mdt in 1978-1979; under the Opinion 778 plan, 40,809 Mdt. However, PGW's basic point appears to be that the settlement should be rejected because its adoption would be contrary to the remand in *State of North Carolina* which requires reexamination (rather than abandonment) of the Opinion 778 plan. We cannot agree that we are limited solely to consideration of the existing plan.[27] Moreover, assuming a return to hearings for that purpose, it is uncertain how well PGW would fare. The Court observed that in accordance with the October 1976 tariff filing, PGW was a "favored" customer who also has access to other pipelines supplies (besides Transco's).[28] The Court's remand, of course, would require that we consider whether adjustments should be made in that circumstance based on an examination to determine whether.

. . . without the shift effected in the name of end use by the 778 plan, any of the five favored customers would have insufficient *pipeline* gas to serve high-priority uses which could be served by the disfavored customer absent the transfer. (Slip Op. 24, emphasis added).

Transco, in its reply comments, provides the following information which would appear to effectively negate PGW's opposition to the settlement.

With respect to Philadelphia Gas Works, staunch and consistent advocate of the Opinion No. 778 plan despite the fact that it has been remanded by the Court of Appeals, (footnote omitted) no contention is made by PGW that the basic allocations provided by the settlements will not permit PGW to serve fully its markets without resort to emergency gas. Indeed, as shown by the attached statement by Mr. Miller, PGW would be receiving this winter from its *pipeline* sources substantially more gas than it received last year and it is Mr. Miller's opinion that PGW will be able to serve its markets under the offer of settlement without acquiring emergency gas.[29] (Transco Answer at page 2, emphasis ours).

PGW also argues that the impact assessment requirement of *State of North Carolina* has not been met. Considerable information has been submitted which addresses this concern (e.g., EIA Form 50 material provided by the staff and the comments of the parties on the proposed settlement). However, additional information as to the impact of the proposed plan on end-use is desirable. *Accordingly, we are directing that each of Transco's customers file an affidavit with the Commission on this subject by January 11, 1979.* What we desire, given the brief time period allowed, is each customer's best available assessment of the plan's impact. We do not specify a rigid format. However, each affidavit must include a discussion of the distributor's ability to serve its residential, commercial and industrial customers as a result of deliveries contemplated under the settlement through October 31, 1979. Impacts such as potential shut-down of industrial facilities should also be noted.

B

Transco's affidavit attached to its November 22 Answer states that different levels of supply would be applicable to the existing Opinion 778 plan and the proposed settlement. A comparison was provided for both plans for the 1978-1979 Winter Period as well as to the 1978-1979 Annual Period.[30]

Brooklyn Union by telegram of December 18, 1978 stated it has been advised by Transco "that Transco's supply available for market this winter will increase by approximately eleven billion cubic feet over the supply previously projected to be available in Transco's September Form 16." Brooklyn Union urges that this matter is material to full consideration of the settlement.

The Commission desires to have the matter of available supplies clarified. Accordingly, Transco is directed to file a statement of its current supply situation by January 9, 1979. If that evaluation differs from that contained in Transco's November 22 statement, the reasons for and the significance of those changes—as to both the existing

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Footnotes continued from last page

of their reply comments. We do not think that allocations under the proposed plan are the problem since neither party opposed the plan in their initial comments. Rather, both emphasized the need for substantial support of the settlement by the parties. Their complaint as to the allocations arose only in their reply comments. Even then, only Brooklyn Union addresses the proposed plan in detail. We know that both Brooklyn Union and PSEG would receive more gas under the settlement than they received last year and, in PSEG's case, more than was expected as recently as April of this year. Neither has made more than a vague representation that the amounts allocated would not be enough to cover their high priority needs. Moreover, Brooklyn Union in its assertion that the adverse impact on it of the proposed settlement compared with the opinion 778 plan would be approximately $14 million has assumed in its comparison that the higher level of supply under the settlement plan would also apply to the Opinion 778 plan (Brooklyn Union reply at 9). At the lower levels of supply which would pertain under the 778 plan (at least for the next year) if it were to continue, the adverse impact on Brooklyn Union would be significantly reduced to something on the order of $5 million (assuming *arguendo* a $2.50 per Dt value for replacement gas). We consider even that figure to be speculative depending on Brooklyn Union's total *pipeline* supplies. The comparison should not have been of 75,712 Mdt (under 778) versus 70,028 Mdt (under the settlement), but rather 72640 (under the existing 778 plan) versus the 70,028 Mdt they would receive under the settlement. (*See* appendix B to Elizabethtown's Initial Comments and Miller Affidavit attached to Transco Answer at p. 2). In terms of Brooklyn Union comments on volumes that would be received by other parties, one item is of interest. Brooklyn Union's comments, p. 10, show the volumes that North Carolina Natural, Piedmont and PSNC would receive. The column entitled excess allocation (5) includes 5,610 Mdt for North Carolina Natural. Objection on this point appears totally to ignore the fact that Farmers Chemical which presumably would be entitled to substantially increased supplies under the NGPA is served by North Carolina Natural. Moreover, North Carolina Natural noted that contrary to PGW's suggestion, that hey in fact have advised Transco of possible need for emergency supplies.

[27] *See, Michigan Consolidated Gas Co.* v. *FPC*, 283 F. 2d 204, 224 (D.C. Cir. 1960).

[28] *State of North Carolina* at 24.

[29] PGW's other pipeline supplier, Texas Eastern, Delivered 33,563 Mdt to PGW in the period September 1, 1977 to August 31, 1978. Texas Eastern projects deliveries to PGW for the same period in 1978-1979 of 34,056 Mdt. (Form 16, filed October 16, 1978).

[30] Statement of H. J. Miller, Jr., Concerning Offer of Settlement in Docket No. RP72-99 at p.2.

Opinion 778 plan and the settlement plan—shall be discussed in detail.[31]

C

We now ask the parties, in light of our construction and interpretation of the settlement and other comments herein, to provide their present view on the proposed settlement.[32] The parties shall advise us of their conclusions in this regard (including consideration of Transco's January 9, 1979 submittal dealing with supplies) by January 11, 1979. Oral argument will then be heard, *Friday, January 12, 1979.*[33] We expect to act on the settlement expeditiously thereafter.

The Commission Orders: (A) Transco shall submit the information on supplies discussed in Section IV B of this order by January 9, 1979.

(B) All parties wishing to file comments on the settlement as construed and interpreted in the body of this order and the information on supplies provided by Transco shall have until January 11, 1979 to do so.

(C) Each customer shall file the affidavit on end-use impact described in the text of the order at page 18 by January 11, 1979.

(D) Oral argument in this proceeding shall be held in Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C. at 1:30 p.m. on January 12, 1979. Requests to participate in the oral argument shall be filed with the Secretary on or before close of business January 10, 1979.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1341 Filed 1-12-79; 8:45 am]

[31] Transco's affidavit, *supra*, fn. n. 30, states that the settlement proposal "was developed as a means of allocating the available supplies on the Transco system for the next several years. . . ." (*Id.*, p. 1). Article II of the settlement establishes a base of 636 MMdt for CD, ACQ and firm direct customers and provides for continuation of the plan from year-to-year assuming availability of at least this base amount. Volumes in excess of 636 MMdt are allocated in accordance with specified factors. (Tariff sheets, p. 223-224; 230-231). Under these circumstances, information on Transco's near-term supply situation (*e.g.*, 1979-1982) would aid our evaluation of the settlement. Accordingly, Transco's submittal should encompass such information to the extent reasonably available at this time.

[32] Unlike the requirement applicable to each customer for filing an affidavit on end-use impact (*supra*, p. 18), it is not mandatory that all parties file comments on this order.

[33] Parties having similar positions on the settlement should consolidate their positions and make a collective appearance through the use of a single spokesman. We reserve the right to limit participation in the oral argument to avoid repetitive presentations.

[6450-01-M]

[Docket No. ER79-109]

VIRGINIA ELECTRIC & POWER CO.

Tendered Revised Contract Supplement

JANUARY 3, 1979

Take notice that on December 15, 1978, Virginia Electric and Power Company (VEPCO) tendered for filing a new supplement to the contract between VEPCO and Virginia Electric Cooperative. VEPCO states that the new contract supplement is for a new delivery point which has been requested by the Cooperative and designated Greenwood Delivery Point.

Delivery Point: Greenwood. Proposed FERC No. 87-32.

VEPCO requests that the Commission allow the Greenwood Delivery Point Supplement to become effective on the date the facilities are connected with the understanding that VEPCO will notify the Commission of the effective date.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 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 protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-1342 Filed 1-12-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[Program Requirements Memorandum PRM No. 79-2; FRL 1037-6]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Royalties for Use of or for Rights in Patents; Final Program Policy Issuance

INTRODUCTION

To assure national uniformity in program implementation and to provide policy direction in integrating the various complex requirements of the Federal water pollution control program EPA headquarters periodically issues policy and operational guidance documents to the EPA Regional Offices and others involved in the grants program.

A Program Requirements Memorandum conveys basic program policy. The specific provisions of a Program Requirements Memorandum will not be available in existing regulations or in other EPA policy documents.

The Environmental Protection Agency encourages the development of new products, apparatus and processes that will reduce the cost of construction, operation and maintenance of wastewater treatment works. Toward this end, it is necessary to clarify existing policy and procedures regarding the payment of royalties in the construction grants program.

Generally, Federal participation in the payment of a royalty is an allowable cost. There are, however, certain technical, legal and financial judgments that the grantee must make prior to paying such costs or charges. The grantee must determine the applicability of the technology to their project, their legal obligation to pay any royalty or license fee, and then ascertain the reasonableness of the cost or charge.

This is a notice that Program Requirements Memorandum PRM No. 79-2 was issued to EPA's Regional Administrators on November 13, 1978. The contents of that Program Requirements Memorandum are included with this notice.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

PURPOSE

This memorandum sets forth Agency policy and procedures concerning the allowable cost associated with the procurement of the right to use, or the rights in, a patented product, apparatus or process which is necessary for the proper performance of a construction grant agreement or subagreement thereto.

DISCUSSION

Questions have been raised about the allowability of royalties for the use of or for rights in patents. Royalties are itemized costs or charges in the nature of patent royalties, license fees, patent or license amortization costs, or the like. Such royalties are paid to a patent licensor either by the grantee or by a contractor, who in turn separately charges the grantee for this actual cost.

This memorandum addresses the payment of royalties during the construction of the waste treatment works, as distinguished from the grantee's periodic payment of royalties for the right to operate under a patent. Periodic payments are operating costs and are not within the purview of this

memorandum. Any part of a license fee, beyond a mere royalty, which can be attributed to services rendered by the licensor is also beyond the purview of this memorandum.

There are at least two occasions when the grantee may be obligated to pay a royalty for the use of or for rights in patents:

1. The treatment works design includes a patented product, apparatus, or process, or

2. A patented product, apparatus or process may be necessary for the proper performance of a subagreement to a construction grant.

POLICY

Royalties for the use of or for rights in patents are allowable costs within the limits of the principles and procedures contained herein.

IMPLEMENTATION

1. The grantee shall report to the EPA Project Officer, with copies for the EPA Regional Counsel, the following information, if applicable, for each item of royalty in excess of $1,000 which the grantee will be obligated to pay as an actual cost:

a. Name and address of licensor;

b. Date of license agreement;

c. Patent Numbers;

d. Brief description, including any part or model numbers of each contract product, apparatus, or process for which the separate royalty is payable;

e. Percentage or dollar rate or royalty per unit or other method of determining the royalty;

f. Unit price of contract items;

g. Number of units;

h. Total dollar amount of royalties; and

i. Current license agreements.

2. Prior to selecting a patented product, apparatus, or process for the treatment works, on which an item of royalty must be paid, the grantee must consider:

a. The necessity and reasonableness of the royalty.

b. The royalty in any cost-effective analysis and as an evaluation factor in any bid analysis;

c. The use of performance type specifications for competitive procurement of a royalty-free product, apparatus or process; and

d. The use of Step 3 bid alternatives to each proposed patented product, apparatus, or process on which a royalty must be paid.

3. The grantee shall obtain and submit to the EPA Project Officer, with copies for the EPA Regional Counsel, as soon as the patented product, apparatus or process, on which a royalty must be paid, has been proposed in the facilities plan or design, a copy of the proposed license agreement.

4. Royalties on a patent necessary for the proper performance of the grant agreement or any subagreement thereto and applicable to grant products, apparatus or processes, are allowable unless:

a. The Federal government has title to the patent or a royalty fee license with the right to sub-license the grantee;

b. The patent has been adjudicated to be invalid, or has been administratively determined to be invalid by an Agency of the Federal government;

c. The patent or license agreement is considered to be unenforceable by the grantee or an Agency of the Federal government;

d. The patent either has expired or will expire prior to the incurrence, by the grantee, of any possible infringement liability;

e. The grantee has received from a patent attorney, an opinion that the patent is either not infringed or invalid.

5. The grantee shall determine whether any of the circumstances of paragraph 4 above exist. The grantee may also be advised by EPA to make a study of the validity, infringement or other aspects relating to the enforceability of the patent. All costs incurred by the grantee in making the required determinations and studies will be allowable, provided that prior approval of the anticipated costs has been received from the EPA Project Officer, with the advice of the EPA Regional Counsel.

Written reports of such determinations and studies shall be submitted to the EPA Project Officer, with copies for the EPA Regional Counsel.

6. If the implementation of the facilities plan would obligate the grantee to the payment of royalties for the use of or rights in patents in excess of $5,000, the grantee's public hearing, held in accordance with 40 CFR 35.917-5, shall include a discussion of the proposed or selected patented product, apparatus or process, and afford concerned commercial interests adequate opportunity to express their views.

7. Special care should be exercised by the grantee in determining reasonableness of the royalties where they may have been arrived at as a result of less than arm's length bargaining; e.g.:

a. Royalties to be paid to persons, including corporations, affiliated with the party requiring payments of such royalty or license fee;

b. Royalties to be paid to unaffiliated parties, including corporations, under an agreement between the person requiring payment and the patent licensor which was entered into in contemplation that the EPA grant or grantee's contract would be awarded; or

c. Royalties to be paid under an agreement between the person requiring payment and the patent licensor which was entered into after the award of the grant by EPA or the contract by the grantee.

8. In any case involving a patent formerly owned by the grantee's contractor, the amount of royalty allowed will not exceed the cost which would have been allowed had the contractor retained title thereto.

9. The royalty shall not exceed the lowest rate at which the licensor has offered or licensed a public or private entity.

10. When negotiating the royalty, the grantee should consider the technical and financial risk that they must assume and the future commercial benefits that may accrue to the licensor as a result of the grantee's utilization of the patent.

11. EPA payment will normally not be made on a royalty until Step 3. Certain exceptions should be allowed when the use of a patented product, apparatus, or process is necessary for the proper performance of the grant agreement, or a subagreement, during Step 1 or 2. The grantee's license or other agreement whereby the grantee was obligated to pay a royalty, must be submitted with the request for EPA payment. If the grantee's payment is made to a licensee, a copy of that licensee's agreement with its licensor must be submitted with the request for EPA payment.

Dated: November 13, 1978.

JOHN T. RHETT,
Deputy Assistant Administrator, Water Program Operations.

FRANCES E. PHILLIPS,
Associate General Counsel, Grants, Contracts and General Administration.

[FR Doc. 79-1267 Filed 1-12-79; 8:45 am]

[6560-01-M]

[FRL 1037-5; OPP-30000/14B]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION OF PESTICIDE PRODUCTS CONTAINING PRONAMIDE

Determination and Availability of Position Document

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

ACTION: Notice of Determination and Availability of Position Document on Pronamide.

SUMMARY: On May 20, 1977, the EPA published in the FEDERAL REGISTER (42 FR 25906) a notice of rebuttable presumption against registration

(RPAR) of pesticide products containing pronamide, a pesticide used primarily on lettuce and alfalfa. Registrants and other interested persons were provided the opportunity to submit data and information to rebut the presumption. After reviewing the rebuttals the EPA has determined that the cancer risk announced in the pronamide RPAR has not been rebutted, and that the uses of pronamide pose a risk of cancer to certain exposed groups. The Agency has also reviewed information relating to the benefits of these uses, and has determined that there is a significant benefit from the use of pronamide on lettuce, that there are less significant benefits from alfalfa, and that the benefits of small volume uses such as berries, turf, sugarbeet seed, and woody ornamentals are unquantifiable. However, after considering the risks in relation to benefits, the Agency has determined that these risks may be reduced by modifying the terms and conditions of registration and it will reregister all uses of pronamide provided that registrants amend the terms and conditions of registration, lower the lettuce tolerance, and provide monitoring reports of pronamide residues in milk at 5 year intervals concurrent with reregistration.

DATE: Comments must be received on or before February 14, 1979.

ADDRESS COMMENTS TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Richard Troast, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs (TS-791), Room 447, East Tower, EPA (202/755-8050).

SUPPLEMENTARY INFORMATION: The Notice of Determination and the Pronamide Position Document set forth in detail the reasons for the regulatory actions being proposed. As required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, copies of this Notice of Determination and the Position Document are being transmitted to the Secretary of Agriculture and the Scientific Advisory Panel for comment; these documents are also being provided to the affected registrants and applicants for registration. Other interested persons may receive a copy of the Position Document by contacting Richard Troast, Project Manager, at the address given.

Anyone may comment on the proposed actions. All comments should be sent to the Federal Register Section at the EPA Headquarters address given. Copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the comments. The comments should bear the identifying notation OPP-30000/14B.

I. Introduction

On May 20, 1977, the Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration ("RPAR") of pesticide products containing pronamide (42 FR 25906), thereby initiating the Agency's public review of the risks and benefits of the registered uses of pronamide, and the uses for which applications for registration are pending. This notice constitutes the Agency's Notice of Determination ("Notice") pursuant to 40 CFR 162.11(a)(5), terminating the pronamide RPAR.

In broad summary, the Agency has determined that the cancer risk presumption announced in the pronamide RPAR has not been rebutted, and that the cancer risk that pronamide poses to certain exposed groups is of sufficient concern to require the Agency to consider whether offsetting economic, social or environmental benefits exist. The Agency has considered benefits information, including that submitted by registrants, interested persons and the United States Department of Agriculture, and has analyzed the economic, social and environmental benefits of the uses of pronamide. The Agency has weighed risks and benefits together, in order to determine whether the risks of each pronamide use are warranted by the benefits of the use. In weighing risks and benefits, the agency considered what risk reductions could be achieved, and how risk reduction measures would affect the benefits of the use.

The Agency has determined that the risks of all uses of pronamide are greater than the social, economic and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms of conditions of registration, as described below. The Agency has further determined that these modifications in the terms or conditions of registration accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the uses. In addition, the Agency has decided to revise the pronamide tolerance on lettuce to 1 ppm, and to require registrants for alfalfa uses to monitor pronamide residues in milk in order to permit the agency to monitor exposure to persons ingesting food products which may contain pronamide residues.

The remainder of this Notice and the accompanying Position Document set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the pronamide RPAR, and the Agency's reasons and factual bases for the regulatory actions it is initiating. The Notice is organized into four sections. Section I is this introduction. Section II, titled "Legal Background", sets forth a general discussion of the regulatory framework within which this action is taken. Section III sets forth the Agency's determinations concluding the pronamide RPAR and initiating the regulatory actions which flow from these determinations; Section III and the accompanying Position Document set forth the basis for these determinations. Section IV, titled "Procedural Matters", provides a brief discussion of the procedures which will be followed in implementing the reguatory actions which the Agency is initiating in this Notice.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, as amended ("FIFRA"), a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects" on the environment (Section 3(c)(5)).

"Unreasonable adverse effects on the environment" is defined to mean "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA, Section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practice. The burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect. Under Section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.[1]

[1] Another part of the statutory standard for registration is that the pesticide must satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" (FIFRA Section 2(q)). Among other things, this section provides that a pesticide is misbranded if "the labeling * * * does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with

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The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a structure for the gathering and evaluation of information about the risks and benefits of these uses. The structure permits public participation at major points in the evaluation process.

The RPAR process is set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to man or the animal or plant of concern with regard to the adverse effect in question.[2] Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweight the risk of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination. In that Notice, the Agency is required to state and explain its position on the question whether the risk presumption has been rebutted. If the Agency determines that the presumption is not rebutted, it will then consider information relating to the social, economic and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency. If the Agency determines that the risks of a pesticide use appear to outweigh its benefits, the RPAR process will conclude with a notice of intent to cancel or deny registration, pursuant to FIFRA Section 6(b)(1) or Section 3(c)(6). If, on the other hand, the Agency determines that benefits appear to outweigh the risks, the Agency may issue a notice of intent to hold a hearing as authorized by Section 6(b)(2) of FIFRA to determine whether the registration should be canceled or applications for registration denied. The regulations further provide that the Agency may withdraw a notice of intent to hold a hearing on whether registration should be canceled or denied if there is insufficient public interest.

In determining whether the use of a pesticide poses risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications in the terms or conditions of registration on the benefits of the use. Among the risk reduction measures short of cancellation which are available to the Agency are requiring changes in the directions for use on the pesticide's labeling, and classifying the pesticide for "restricted use" pursuant to FIFRA Section 3(d).

The statute requires the Agency to submit notices issued pursuant to Section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy [Section 6(b)]. The Agency is required to submit these documents to the Secretary at least 60 days before making the notice effective by sending it to registrants or making it public. The Secretary of Agriculture is required to comment in writing within 30 days of receiving the notice, and the Agency is required to publish the Secretary's comment and the Administrator's response with publication of the notice. The statute also requires the Administrator to submit Section 6 notices to a Scientific Advisory Panel for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture [Section 25(d)].

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decisionmaking to afford an opportunity to comment on the bases for the proposed action to registrants and other interested persons, during the time that the proposed action is under review by the Secretary of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decision documents are transmitted for formal external review, through publication of a notice of availability in the FEDERAL REGISTER, and by other means. Registrants and other interested persons will be allowed the same period of time to comment—thirty days—that the statute provides for receipt of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After complying with these external review requirements and accomplishing any changes in the contemplated action which are deemed appropriate as a result of any comments received, the Agency will proceed to implement the desired regulatory action by sending and making public a notice of intent to cancel under FIFRA Section 6(b)(1) or a notice of intent to hold a hearing under FIFRA Secion 6(b)(2), as appropriate. Registrants and other interested persons have 30 days to request a hearing, in the case of notices of intent to cancel under FIFRA Section 6(b)(1). In the event a hearing is not requested and any changes in the terms and conditions of registration directed in the cancellation notice are not accepted, the cancellation action announced in the notice of intent will take effect automatically at the end of the thirty day notice period. If a hearing is requested, it will be governed by the Agency's Rules of Practice for hearings under FIFRA Section 6 [40 CFR Part 164]; the cancellation action will not become effective except pursuant to an order of the Administrator at the conclusion of the hearing. Rules governing participation in and the conduct of hearings under FIFRA Section 6(b)(2) are also set forth in 40 CFR Part 164. As noted earlier, the Agency may withdraw such a notice prior to the commencement of a hearing, upon appropriate findings.

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any * * * (restriction) imposed under section 3(d) * * * are adequate to protect health and the environments." The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the labeling is not changed, or by finding that the pesticide would cause unreasonable adverse effects on the environment, unless labeling changes are made which accomplish risk reductions.

[2] 40 CFR 162.11(a)(4) provides that registrants and applicants may rebut a presumption against registration by sustaining the burden of proving: "(1) in the case of a pesticide which meet or exceeds the criteria for risk set forth in paragraphs (a)(3)(i) or (iii) that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms in not likely to result in any significant acute adverse effects; or (ii) in the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (iii) that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error. A primary purpose of the RPAR process is to screen for appropriate action those pesticide uses which pose risks which are of sufficient concern to require the Agency to consider whether offsetting benefits justify the risks. Accordingly, the Agency's approach to rebuttal determinations concentrates on whether the risk concerns which are central to each RPAR proceeding have in fact been answered.

III. Determination and Initiation of Regulatory Action

The Agency has considered information on the risks associated with the uses of pronamide, including information submitted by registrants and other interested persons in rebuttal to the pronamide RPAR. The Agency has also considered information on the social, economic and environmental benefits of the uses of pronamide subject to the RPAR, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture. The Agency's assessment of the risks and benefits of the uses of pronamide subject to this RPAR, its conclusions and determinations whether any uses of pronamide pose unreasonable adverse effects on the environment, and its determinations whether modifications in terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects, are set forth in detail in the Position Document accompanying this Notice. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice, and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the Position Document, the Determinations of the Agency with respect to pronamide are as follows:

A. Determinations on Risks

The pronamide RPAR was based on laboratory studies showing that pronamide induced oncogenic effects in experimental mammalian species. As developed fully in the Position Document, the Agency has determined that these studies provide a reliable basis for concluding that pronamide induces oncogenic effects in experimental mammalian species, and that under the Agency's Interim Cancer Assessment Guidelines, these laboratory studies provide substantial evidence that pronamide poses a cancer risk to man. The Agency further has determined that human exposure may result from the uses of pronamide and that these uses therefore pose a cancer risk to man of sufficient magnitude to require the Agency to determine whether the uses of pronamide offer offsetting social, economic or environmental benefits. The Agency has identified pesticide applicators and users as the key populations at risk with respect to pronamide. The risk to persons ingesting pronamide-treated food products is smaller.

B. Determinations on Benefits

The uses of pronamide which are subject to this RPAR may be grouped into three categories: lettuce uses, alfalfa uses, and other uses. The other uses include pronamide use on blueberries and other cane fruits, woody ornamentals, turf and sugarbeet seed.

The Agency depended on a team of agricultural specialists from the U.S. Department of Agriculture to evaluate usage data and make economic estimates based on that data. The Agency used the U.S. Department of Agriculture data and the rebuttal data to prepare a Preliminary Assessment of Benefits (July 1978).

1. *Lettuce*

Pronamide is used on approximately 55% of the total lettuce production of California and Arizona, an area that grows 80-90% of the total U.S. lettuce production.

Although several other pesticides are registered for use in lettuce, pronamide is the herbicide of choice in the Santa Maria Valley and Salinas Valley areas of California. Pronamide is used because it is easy to apply and controls a larger variety of weeds than any of its alternatives.

2. *Alfalfa*

Pronamide is used to control broadleaf weeds and grasses in alfalfa grown for hay and seed. It is used on 0.3% of the alfalfa-hay acreage primarily in Wisconsin, Ohio, and Indiana because it is the only registered pesticide that controls quackgrass in these areas. It is used on 10.2% of the alfalfa-seed acreage and 1.5% of the alfalfa hay acreage in Oregon, Washington, and Idaho because growers must certify that alfalfa is free of downy brome in order to export this crop.

3. *Other Uses*

The data currently available to the Agency is inadequate to quantitate the benefits of the lesser volume uses of pronamide. The available information indicates that pronamide has major use on some berry fruits and minor uses on other minor crops such as sugarbeet seeds because of the weed spectrum that this pesticide controls. For these other uses, substitutes are generally as available as pronamides and under certain conditions, these substitutes are as effective as pronamide as weed control agents.

C. Determinations of Unreasonable Adverse Effects

For the reasons set forth in detail in Position Document 3, the Agency has made the following unreasonable adverse effect determinations about the uses of pronamide:

The Agency has determined that the risks arising from continuing the lettuce, alfalfa and other uses of pronamide are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms and conditions of registration as described in the following section.

The Agency has further determined that these modifications in the terms and conditions of registration accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the uses. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the uses of pronamide will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and that the labeling of pronamide pesticide products will not comply with the provisions of FIFRA.

D. Other Determinations

The Agency has determined that registrants and applicants for registration of pronamide products for alfalfa uses must develop and submit to the Agency market basket analyses of pronamide residues in milk every 5 years. The Agency will use these data for the purpose of refining its risk and benefit assessments on the use of pronamide on alfalfa; these data will also be used to reassess its conclusion that the use of pronamide on alfalfa, in accordance with the Agency's proposed modifications to the terms or conditions of registration, does not cause unreasonable adverse effects on the environment.[5]

E. Initiation of Regulatory Actions

Based upon the determinations summarized above and developed in detail in the Position Document, the Agency is initating the following regulatory action, and this document shall constitute its Notice of Intention to initiate this action:

Cancellation and denial of registrations of pronamide products for all uses unless registrants or applicants for registration modify the terms or conditions of registration as follows: [6]

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[5] For the Agency's authority to require registrants to conduct studies relevant to assessing the risks and benefits of a pesticide, and to report the results thereof to the Agency, see 40 CFR 162.8(d)(1) and FIFRA Section 6(b)(1).

[6] FIFRA 6(b)(1) provides that the Administrator may initiate proceedings to cancel a registration or *change* its use classification, where the Administrator finds that the pesticide does not satisfy the statutory standard for registration. However, the registered pronamide products subject to this RPAR have not yet been initially classified. Ac-

Footnotes continued on next page

a. Classification of pronamide products for all uses for restricted use, for use only by or under the direct supervision of certified applicators.

b. Modification of the labeling of all pronamide products formulated as a wettable powder to include the following:

(i) The following statements must appear on the labels of all pesticide products containing Pronamide:

HAND SPRAYING PROHIBITED

RESTRICTED USE PESTICIED

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certification.

(ii). The following statements must appear on the labels of pesticide products containing pronamide formulated as a wettable powder.

GENERAL PRECAUTIONS

A. Take special care to avoid getting pronamide in eyes, on skin or on clothing.

B. Require the following items of clothing when applying pronamide:

1. Long sleeved, one piece protective outergarment (overalls or jumpsuit)
2. Hat with brim
3. Heavy duty fabric work gloves

HANDLING PRECAUTIONS

A. This product is in water soluble bag. Do not break open the bag prior to use. Do not use in quantities smaller than one full bag. If a bag is leaking, use extreme care in handling. Do not get in eyes, on skin or on clothing.

The following packaging requirements must be used for all wettable powder formulations.

A. All wettable powder formulations are to be packaged in water soluble bags.

B. Water soluble bags are not to contain less than one pound of 50% material (0.5 lb. A.I.) per bag.

C. Minimum labeling to appear on the water soluble bag shall include the product name, EPA Registration No. and the words "Caution: Keep out of reach of children".

In addition to these actions, at the appropriate time the agency will initiate actions to (1) require the milk monitoring studies referenced above and (2) revise the lettuce tolerance to 1 ppm. These actions are not being initiated by this notice, but instead will be initiated by correspondence from the Office of Pesticide Programs to affected pronamide registrants and applicants for registration, and by FEDERAL REGISTER Notice.

IV. PROCEDURAL MATTERS

As discussed above in Section II of this Notice, the Agency's decision to initiate the regulatory actions described in Section III must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The transmittal of the Agency's decision to satisfy these external review requirements will occur shortly. As further indicate above, the Agency also will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action by making copies of the Position Document available upon request. Registrants and other interested persons will be given the same period of time to submit comments—thirty days that the statute provides for comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the regulaory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory actions resulting from the conclusion of this RPAR.

Dated: January 6, 1979.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-1268 Filed 1-12-79; 8:45 am]

Footnotes continued from last page

cordingly, any classification action with respect to these products in an *initial* classification, and not a *change* in classification. Initial classification generally does not give rise to a right to review the classification decision in an adjudicatory hearing. (See *Preamble to Optional Procedures for Classification of Pesticide Uses by Regulation*, 42 FR 5782, 5784 (Feb. 9, 1978). However, in view of the fact that the Agency is proposing other changes to the terms or conditions of the registration (e.g., labeling changes) for registered pronamide products, which are reviewable in adjudicatory hearings, the Agency has determined that it is appropriate to exercise its discretion to fashion procedures in excess of minimum statutory requirements, and to permit the question of whether pronamide products should be initially classified for restricted use and its use limited to certified applicators to be reviewed in any such adjudicatory hearing as well.

[6560-01-M]

[FRL 1037-8]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

President Carter's Reorganization Plan No. 1 (see President's Message of July 15, 1977) transferred certain functions from the Council on Environmental Quality (CEQ) to the Environmental Protection Agency (EPA). Some of these functions relate to operational duties associated with the administrative aspects of the environmental impact statement (EIS) process. In Memorandum of Agreement No. 1 entered into between CEQ and EPA, dated March 29, 1978, it was agreed that EPA would be the official recipient of EIS's and would publish the availability of each EIS received on a weekly basis. This is the duty formerly carried out by CEQ pursuant to § 1500.11(c) of the CEQ Guidelines.

Review periods for draft and final EIS will be computed as follows: The 45 day review period for draft EIS's will be computed from the Friday following the week which is being reported; the 30 day wait period for final EIS's will be computed from the date of receipt of the EIS by EPA and commenting parties.

The following is a list of environmental impact statements received by the Environmental Protection Agency from January 2, 1979 through January 5, 1979; the date of submission of comments on draft EIS's as computed from January 12, 1979 is February 26, 1979.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 10, 1979.

PETER L. COOK,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Final

John Day Unit Plan, Malheur and Umatilla National Forest, Grant County, Oreg., January 5: Proposed is a land use plan for some 586,489 acres of national forest land in John Day River and Middle Fork of the John Day River drainages, Malheur and Umatilla National Forests. Land use area include wilderness, recreation, wilderness study, botanical and scenic areas, and resource management. (USDA-FS-R6-FES(ADM)-76-3.) Comments made by: EPA, DOI, DOC, NOAA, USDA, State and local agencies, groups and individuals. (EIS Order No. 90024.)

The following EIS will be available from USDA for distribution on January 17, 1979. Therefore, it has been agreed that the Review period for this final EIS will end on February 28, 1979.

Rare II, Roadless Area Review and Evaluation, several counties, January 4: this statement recommends the following designa-

tions for the 62,036,904 acres of roadless national forest system land: 1) 15,088,838 acres of national wilderness preservation system, 2) 36,151,558 acres of non-wilderness use, and 3) 10,796,508 acres for further planning category for all uses. The 20 area documents concern: North Dakota; Washington; Oregon; Colorado; Montana; Alaska; California; New Mexico; Utah; Idaho; Wyoming; Arizona; Nevada; the Midland States; Southern Appalachian and Atlantic Coast States; Northern Appalachian and New England States; the Lake States; the Central Plains; the Gulf Coast States and Puerto Rico; and the Ozark and Quachita Highlands States. Comments made by: DRBC, DOC, DOI, DOT, EPA, ORBC, USDA, COE, State agencies, groups and businesses. (EIS Order No. 90030.)

Sam Houston Unit, Sam Houston National Forest, Montgomery, Walker, and San Jacinto Counties, Tex., January 3: This proposed action involves the implementation of a ten-year management plan for the Sam Houston Unit. This unit includes the entire Sam Houston National Forest, comprising 158,654.88 acres in Montgomery, Walker and San Jacinto Counties Texas. Major actions include timber harvest and site preparation; increased diversity of wildlife habitat with emphasis on three squirrels; road construction and reconstruction; mineral leasing; and establishment of special management areas. (USDA-FS-F8-FES (ADM) 08-13-78-01.) Comments made by: EPA, USDA, AHP, DOI, DOT, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90013.)

Final Supplement

King Planning Unit, Klamath National Forest, Siskiyou County, Calif., January 5: This statement supplements a final EIS filed in April 1977, concerning the management of the King Planning Unit, Klamath National Forest, Siskiyou County, California. This supplement provides additional information about two of the five alternative plans for management of the 49,000 acres involved, and evaluates more completely the roadless and wilderness characteristics of roadless lands within the planning unit. (USDA-FS-R5-FES (ADM) 05-05-76-3-(S).) (EPA Order No. 90029.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, (202) 693-6795.

Draft

Oakland Outer Harbor Navigation Improvements, Alameda County, Calif., January 3: Proposed are deep-draft navigation improvements for Oakland Outer Harbor, California. These improvements consist of deepening the existing channel and widening the channel to provide (a) a channel width of 1,100 feet at the entrance to the outer harbor, (b) a channel width of 800 feet adjacent berth E at the outer harbor dogleg, and (c) relocating the existing turning basin 3,000 feet westward and expanding its width from 950 feet to 1,800 feet. The COE filed a draft EIS, #60886, dated 6-14-76, which is replaced by this revised draft. (San Francisco District.) (EIS Order No. 90014.)

Brazos Island Harbor, Channel Improvement, Cameron County, Tex., January 2: Proposed is the enlargement of the turning basin, main channel, and entrance channel, of Brazos Island Harbor located in Cameron County, Texas. The main channel would be deepened to 42 feet for a distance of approximately 14.8 miles. The turning basin would also be deepened to 42 feet and widened, with widths ranging from 325 to 400 feet. The entrance channel will be widened to 400 fect and deepened to 44 feet. Minimum health and safety measures are proposed for the jetty area. Recreational facilities are also included as part of the proposal. The COE filed a draft EIS, #70915, dated 7-27-77, which is replaced by this revised draft. (Galveston District.) (EIS Order No. 90000.)

Draft

Borg-Warner Plastics Plant, Saveston, Permit, Ralls County, Mo., January 2: The proposed action is a request made by Borg-Warner Chemicals for permits from the corps to construct a barge docking facility with a wastewater outfall pipe along the Mississippi River as part of a chemical plant to be built at Saverton, Ralls County, Missouri. The facility will produce 150 million pounds per year of acrylonitrile, butadiene, styrene (ABS) plastic. Raw materials for this facility will be shipped into the plant by barge, rail and truck. The proposed plant will be constructed on a 305 acre site. (Rock Island District.) (EPA Order No. 90002.)

Yakima/Union Gap Flood Damage Reduction, Yakima County, Wash., January 2: Proposed is a flood damage reduction plan for the Yakima-Union Gap in Yakima County, Washington. The plan will involve the improvement of 9 miles of existing right and left bank levees along the Yakima River. The project also includes construction of new levees and flood control structures below the WA-24 bridge which involves a 2.7 mile left bank levee and a 1.1 mile right bank levee. One-half mile of bank protection for I-82 and two control structures for culverts to protect the city of Union Gap would also be included. (Seattle District.) (EIS Order No. 90009.)

Final

Moline, Illinois, Local Flood Protection, Rock Island County, Ill., January 2: Proposed is a flood protection plan for the city of Moline in Rock Island County, Illinois. The plan will provide protection for 390 acres of commercial, industrial, public and residential lands within the city. The project area is divided into two units. Reach a will consist of a levee and flood wall system from the western city limits to 34th street, and an improved, higher levee on Sylvan Island. Reach C will involve the construction of a floodwall and levee from 48th street to the eastern city limits. Both reaches will involve the raising of and modification to existing sewer lines, railroads, and streets. (Rock Island District.) Comments made by: AHP, USDA, DOC, HUD, DOI, DOT, EPA, State and local agencies, individuals and businesses. (EIS Order No. 90001.)

Missouri River Bank Stabilization, Navigation, several counties, January 2: Proposed is the completion of construction and navigation structures for the Missouri River in the States of Iowa, Kansas, Missouri, and Nebraska. The project would achieve the authorized design channel configuration and continuation of maintenance of the Missouri River Bank Stabilization and Navigation Project. The project area will extend from the mouth of the river to Sioux City, Iowa. A distance of 734.8 miles, and under current authorization provide a continuous 9-foot navigation channel, 300-feet wide. Development of non-resevoir recreation areas are included in the project. (Omaha District.) Comments made by: AHP, DOI, HEW, HUD, EPA, FPC, USDA, USCG, State and local agencies, groups, individuals, and businesses. (EIS Order No. 9003.)

Westhaven Cove, Basin Expansion, Grays Harbor, Grays Harbor County, Wash., January 4: The proposed action of this statement concerns the expansion of the small boat basin in Westhaven Cove, Grays Harbor, Grays Harbor County, Washington. Some actions involved include: 1) Removal of a 350 foot extension of breakwater, 2) construction of a 865 foot extension to breakwater, and a 200 foot spur breakwater, 3) dredging a new entrance channel, access channel, and turning basin, 4) use of 5.5 acres of intertidal wetlands and two confined upland sites to dispose and stockpile dredging material, and (5) slope protection. (Seattle District.) Comments made by: FPA, CGD, DOC, DOT, HUD, USDA, HEW, AHP, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90023.)

Draft Supplement

Grand Isle and Vicinity, Beach Erosion, Jefferson County, La., January 2: This statement supplements a final EIS filed in September 1976 concerning beach erosion and hurricane protection for grand Isle and Vicinity located in Jefferson Parish, Louisiana. The project will consist of a 2,600-foot stone jetty at Caminada Pass to stabilize the western end of Grand Isle and a sandfill dune and berm extending approximately 7.5 miles along the Island's Gulf Shore. Sandfill for the dune and berm will be dredged from nearshore bottoms. Five alternatives are considered. (New orleans District.) (EIS Order No. 90005.)

Coos Bay, Charleston Breakwater Extension, Coos County, Oreg., January 5: This statement supplements a final EIS filed in November 1976 concerning the operation and maintenance of Coos Bay. Coos County, Oregon. The coe proposed to: 1) Construct an 800-foot breakwater extension north from the end of the present breakwater paralleling channel alinement; 2) raise the top elevation of the existing breakwater; and 3) construct a 400-foot long groin on the east side of the Charleston Channel, if later determined necessary to control channel Shoaling. (Portland District.) (EIS Order No. 90031.)

Final Supplement

Tulsa Urban Renewal Authority, River Parks Project, Tulsa County, Okla., January 5: This EIS supplements a final filed in December 1976 which concerned the issuance of an Army permit to the Tulsa Urban Renewal Authority. In April of 1978 this permit was transferred to the River Parks Authority which is now applying for revision of the permit. The revision, if approved, would allow the construction of a low water weir which was discussed on a conceptual basis in the final EIS. The proposed structure would be located on the Arkansas River in Tulsa County, Oklahoma. (Tulsa District.) Comments made by: USDA,

HUD, DOI, DOT, EPA, State and local agencies, businesses. (EPA Order No. 81379.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377-4335

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Port of Camas-Washougal Industrial Park, expansion, Clark County, Wash., January 5: Proposed is the expansion of the existing port of Camas-Washougal Industrial Park, located in the city of Washougal, Clark County, Washington. The principal objective is to foster economic development by increasing industrial employment and diversifying the economic base of Washougal and southern Clark County. Land adjacent to the existing industrial park will be prepared for occupancy by small and medium-sized industrial firms. (EIS Order No. 90026.)

The Department of Commerce has been granted a waiver of 15 days of the review period on the following final EIS. Therefore, the review period will end on January 18, 1979.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Halibut off the coast of Alaska, fishery management plan, several counties, Alaska, January 1: The proposed action is the fishery management plan which addresses the hook and line fisheries for Halibut off the coast of Alaska. The specific goals for the Halibut resource are: (1) to rebuild the halibut resource to a level of abundance which will provide long term optimal yield, and (2) to provide for a viable halibut setline fishery for United States fishermen. Comments made by: Groups, individuals and business. (EIS Order No. 90018.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Edward Cox, Solid Waste Information Office, Environmental Protection Agency, 26 West St. Clair, Cincinnati, Ohio 45260.

The review period for the following statement has been extended to March 16, 1979.

Draft

Resource Conservation and Recovery Act, subtitle C, regulatory, January 1: Proposed is the implementation of subtitle C of the Resource Conservation and Recovery Act of 1976. Subtitle C provides EPA with the authority to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste in a manner that protects human health and the environment. RCRA also authorizes States to implement their own program for the management of hazardous waste if it is, at a minimum, equivalent to the Federal regulations. Compliance with the proposed regulations is mandatory; noncompliance is subject to penalty of law. (EIS Order NO. 90019.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6308.

Draft

Independence Village East, Columbus, Franklin County, Ohio, January 1: Proposed is the issuance of HUD home mortgage insurance for Independence Village East subdivision located in Columbus, Franklin County, Ohio. The project area will encompass approximately 260 acres and will consist of approximately 162 duplexes, 766 multi-family, and 766 single family units. (HUD-ROS-EIS-76-01 (D). (EIS Order No. 90022.)

Final

Makakilo subdivision development, Ewa, Oahu, Honolulu, Hawaii, January 2: Proposed is the private development of a primarily residential community on 607 acres at Makakilo, Ewa, Oahu, in Honolulu County, Hawaii, with an ultimate projected population of about 12,000. The development consists of 3,693 housing units including single family, townhouses and garden apartments on 378 acres, recreational facilities occupying 22 acres, 6 acres for schools and the balance in unimproved open space and rights of way. (HUD-R09-EIS-78-4F.) Comments made by: USDA, USN, DOT, EPA, DOC, AHP, USAF, DOD, USA, GSA, VA, State and local agencies, groups and businesses. (EIS Order No. 90006.)

Final

Northwest Park subdivision, Harris County, Tex., January 3:. The proposed action is the application by Rosslyn Road, Incorporated for mortgage insurance for the development of the Northwest Park subdivision, located in the northwest portion of Harris County, Texas. When completed, the proposed subdivision, which encompasses approximately 457 acres, is expected to consist of approximately 1,007 dwelling units. (HUD-R06-EIS-78-44F.) Comments made by: AHP, DOT, EPA, COE, USDA, DOI, State, and local agencies. (EIS Order No. 90015.)

Section 104 (H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

CBD redevelopment, Los Angeles, Los Angeles County, Calif., January 3: Proposed is the development of the Los Angeles City Central business district, Los Angeles County, California. The project intends the rehabilitation of existing deteriorated structures, improvement of the local street system; expansion of park, recreation and public facilities; development of new commercial and industrial facilities; and expansion of low and moderate income, elderly, and other housing in the downtown area. Alternatives include: (1) No project, (2) reduction/elimination of proposed housing development, (3) restriction/elimination of all new commercial developments, and (4) elimination of peripheral parking proposals. Comments made by: DOT, EPA, State and local agencies. (EIS Order No. 90011.)

North Hollywood redevelopment project, Los Angeles County, Calif., January 1: Proposed is the redevelopment of North Hollywood located in Los Angeles City, Los Angeles County, California. Features of the project include: (1) Rehabilitation of existing deteriorated residential and commercial structures, (2) new residential and commercial development, (3) development of community facilities, (4) open space development, and (5) improvement of the local street system. Four alternatives are considered which include: (1) No project, (2) delay in the project, (3) change of project, and (4) change in design of project. Comments made by: DOI, EPA, and local agencies. (EIS Order No. 90012.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Draft

Salt-Gila Aqueduct and Transmission System, Maricopa and Pinal Counties, Ariz., January 4: Proposed is the construction and operation of the Salt-Gila aqueduct and associated electrical transmission system in Maricopa and Pinal Counties, Ariz. The aqueduct would convey Colorado River water from the terminus of the Granite Reef aqueduct to the beginning of the Tucson aqueduct. Water would enter the aqueduct at the Salt-Gila pumping plant forebay, be raised 74 feet and would flow by gravity through the open, concrete-lined canal for 58 miles to service areas. (DES-79-1.) (EPA Order No. 90021.)

GEOLOGICAL SURVEY

Draft

Colstrip Project, Rosebud County, Mont., January 5: Proposed is the granting of right-of-way easements across Federal lands for the transmission system and loan guarantees for two REA cooperatives contemplating participation in the Colstrip project located in Rosebud County, Mont. The project, proposed by four companies, consists of two 700-MW coal-fired electric generating units; continued development of coal resources; a water supply system; and two single-circuit 500 kV transmission lines. (DES-79-2.) (EPA Order No. 90027.)

U.S. NUCLEAR REGULATORY COMMISSION

Contact: Mr. Richard E. Cunningham, Director (Mail 3960SS), Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4152.

Sweetwater Uranium Project, Operation, Sweetwater County, Wyo., January 4. Proposed is the issuance of a source material license to the Minerals Exploration Company (MEC) for the construction and operation of the proposed Sweetwater uranium mill with a nominal capacity of 3,000 tons per day of uranium ore. As part of the proposal, the applicant proposes to construct a heap leaching and resin ion-exchange facility to extract uranium from low-grade ores and mine water. The heap leach will not be authorized for operation until MEC has developed an environmentally acceptable reclamation plan for the tailings. (NUREG-0505.) Comments made by: AHP, DOE, HUD, USDA, DOI, EPA, DOT, State agencies, groups, individuals, and businesses. (EIS Order No. 90020.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Final

Watts Bar Nuclear Plant, Units 1 and 2, operation, Rhea County, Tenn., January 2: The proposed action is the issuance of operating licenses to the Tennessee Valley Authority (TVA) for the startup and operation of the Watts Bar Nuclear Plant Units 1 and 2 on the west shore of Chickamauga Reservoir in Rhea County, 8 miles southeast of Spring City, Tenn. Each unit will employ a pressurized water reactor to produce up to 341 MWt for a total of 6,822 thermal megawatts. This heat will be used to produce steam to drive steam turbines providing 2,340 MW net of electrical power capacity. The units will be cooled by cooling towers drawing makeup water from Chickamauga Reservoir. (NUREG-0498). Comments made by: USDA, DOE, DOC, DOI, TVA, EPA, State and local agencies, groups and individuals. (EIS Order No. 90004.)

STATE DEPARTMENT

Contact: Mr. Cameron Sanders, Office of Environmental Affairs, Department of State, Washington, D.C. 20520, 202-632-9169.

Draft

Narcotics Control in Mexico, Herbicide Use, Foreign, January 3: Proposed and examined is the continuation of the joint U.S. Government-Government of Mexico program which utilizes herbicides to eradicate opium poppy (2, 4-D) and marihuana (paraquat) crops. The statement addresses Mexican narcotics eradication and control projects including the use of herbicides. It presents drug traffic and drug consumer profiles and estimates the extent of contamination of heroin and marihuana in the United States along with associated health effects. (EIS Order No. 90010.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-97, Baltimore/Annapolis Corridor Study, Anne Arundel County, Md., January 2: Proposed is the construction of I-97 and possibly other major improvements to the existing highway network, between Annapolis and the Baltimore Beltway in Anne Arundel County, Md. The statement explores several feasible alternative highway networks in the area to determine the proper location of I-97. Other major highway facilities which will be required to serve in this development are evaluated and may include possible improvements both in existing and new locations. (FHWA-MD-EIS-78-02-D). (EIS Order No. 90008.)

Final

3rd Street, Southeast Mandan, Improvement, Morton County, N. Dak., January 3: The proposed project is located in southeast Mandan, Morton County, N. Dak. The purpose of the proposed improvement is to construct a street from ND-1806 easterly to Memorial Highway. The length of the project varies from 6,000 to 6,600 feet depending upon which alternative is selected. The project consists of the purchase of right-of-way and the construction of a street between the two aforementioned highways. (FHWA-ND-EIS-78-01F). Comments made by: USCG, CUE, DOI, HEW, USDA, State and local agencies. (EIS Order No. 90016.)

N. & S. TIGARD INTERCHANGES, PACIFIC HWY.—I-5

Clackamas, Multnomah, Washington, Counties, Oreg., January 1: The proposed action calls for the widening of 1.44 miles of existing four lane freeway to six lanes, completing the six-lane freeway from Salem to Portland. Two safety features are proposed in addition: Reconstruction of Hines Interchange and construction of an exclusive truck bypass lane. The bypass lane would join an existing shoulder which would be converted to an exclusive truck climbing lane. Three alternatives are currently under consideration, each having its respective impact. (FHWA-OR-EIS-76-04-F). Comments made by: EPA, USDA, DOI, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90007.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Pittsburgh Light Rail Transit Reconstruction, Allegheny County, Pa., January 3: The proposal of this statement concerns the reconstruction of portions of 22.5 miles of a trolly system currently in operation in the South Hills Corridor, Pittsburgh, Allegheny County, Pa. This project includes complete reconstruction of 10.5 miles of the system including the Mt. Lebanon via Beechview Trolly Line and a section of the Shannon-Library and Shannon-Drake Lines south of Castle Shannon, rehabilitation of power and communications systems on the other 12 miles of the system, and construction of a new downtown Pittsburgh distribution system. (UTMA-PA-03-0012). Comments made by: AHP, COE, ICC, DOI, EPA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90017.)

INFORMATION REPORT

The EPA has received the following report which provides supplemental information on proposals which have fulfilled the NEPA process. Copies of the report are available from the originating agency upon request.

U.S. ARMY, CORPS OF ENGINEERS

Contact: Dr. C. Grant AsH, Office of Environmental Policy, Attn: DARN-CWR-P, Office of the Chief of Engineers, Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20310, 202-693-6795. EPA No. 90025, Date Rec'd., 1-5-79, Title Supplemental Data-Paintsville Lake Project, Kentucky, (Huntington District).

OFFICIAL CORRECTION

The Department of Housing and Urban Development notified EPA regarding an EIS which was sent to EPA for official filing and not received by EPA. The draft EIS was distributed to the public on or before December 20, 1978. Therefore, EPA has established the review period for the Draft EIS listed below to end on February 3, 1979.

Herbert C. Huber Subdivision, Wayne Township Montgomery County, Ohio, January 5: Proposed is the issuance of HUD home mortgage issuance for the Wayne Township located in Montgomery County, Ohio. The development will encompass approximately 643.6 acres and when completed will include 2,038 single-family detached housing units. Land within the development has been set aside for schools, open space, and a fire station. (HUD-R05-EIS-78-08-CD)). (EIS Order No. 90028.)

[FR Doc. 79-1008 Filed 1-12-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10423; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 5, 1979. Comments should include facts and arguments concerning the approval, modification or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO. 134-40.

FILING PARTY: C. J. Smith, Chairman, Gulf/Mediterranean Ports Conference, Suite 927 Whitney Building, New Orleans, Louisiana 70130.

SUMMARY: Agreement No. 134-40 would amend the self-policing provisions of the Gulf/Mediterranean Ports Conference to conform to the require-

ments of the Commission's new self-policing rules as contained in revised General Order 7 (Part 528 of Title 46 C.F.R.).

AGREEMENT NO. 2744-41.

FILING PARTY: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler & Sparber, 120 Broadway, New York, New York 10005.

SUMMARY: Agreement No. 2744-41 modifies the basic agreement of the Atlantic and Gulf/West Coast of South America Conference to conform to the requirements of General Order 7, revised.

AGREEMENT NO. 3868-26.

FILING PARTY: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler & Sparber, Attorneys at Law, 120 Broadway, New York, New York 10005.

SUMMARY: Agreement No. 3868-26 would amend the self-policing provisions of the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference to conform to the requirements of the Commission's new self-policing rules as contained in revised General Order 7 (Part 528 of Title 46 C.F.R.).

AGREEMENTS NOS. 5680-29 and 6060-24.

FILING PARTY: R. Frederic Fisher, Esq., Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

SUMMARY: Agreements Nos. 5680-29 and 6060-24 are identical and would modify the basic agreements of the Pacific/Indonesian Conference and the Pacific/Straits Conference to reflect the following, viz: (i) that each Conference might vote to "open" its rates with respect to any commodity, thus permitting each line to quote its own rates with respect to that commodity; and (ii) that credit to any shipper or consignee could be advanced by any line but only to the extent permitted by the rules and provisions of the conferences' tariffs.

AGREEMENT NO. 7590-27.

FILING PARTY: Seymour H. Kligler, Esquire, 120 Broadway, New York, New York 10005.

SUMMARY: Agreement No. 7590-27 modifies the basic agreement of the East Coast Columbia Conference to conform to the requirements of General Order 7, revised.

AGREEMENTS NOS. 7680-38 and 9420-8.

FILING PARTY: John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

SUMMARY: Agreements Nos. 7680-38 and 9240-8 would amend the self-policing provisions of the American West African Freight Conference and the United States Great Lakes and St. Lawrence River Ports/West Africa Rate Agreement, respectively, to conform to the requirements of the Commission's new self-policing rules as contained in revised General Order 7 (Part 528 of Title 46 C.F.R.).

AGREEMENTS NOS. 7690-17, 8040-11, 8050-11, 8054-17, 8558-8, 8650-10 and 9502-12.

FILING PARTY: William L. Hamm, Chairman, The India, Pakistan, Bangladesh, Ceylon, and Burma Outward Freight Conference, 25 Broadway, New York, New York 10004.

SUMMARY: Agreements Nos. 7690-17, 8040-11, 8050-11, 8054-17, 8558-8, 8650-10 and 9502-12 would amend the self-policing provisions of The India, Pakistan, Bangladesh, Ceylon & Burma Outward Freight Conference; West Coast of India and Pakistan/U.S.A. Conference; Ceylon/U.S.A. Conference; South and East Africa/U.S.A. Conference; Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement No. 8558; Calcutta, East Coast of India and Bangladesh/U.S.A. Conference; and United States/South and East Africa Conference, respectively, to conform to the requirements of the Commission's new self-policing rules as embodied in revised General Order 7 (46 CFR, Part 528, effective January 1, 1979). In addition, each Agreement would increase to $50,000.00 (from differing amounts depending upon the particular Agreement involved) the amount of security each party shall deposit as a guarantee of faithful performance of obligations under the Agreement and of prompt payment of any penalties against the party under the Agreement.

AGREEMENT NO. 7890-15.

FILING PARTY: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler & Sparber, 120 Broadway, New York, New York 10005.

SUMMARY: Agreement No. 7890-15 modifies the basic agreement of the West Coast South America Northbound Conference to conform to the requirements of General Order 7, revised.

AGREEMENT NO. 8300-15.

FILING PARTY: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler & Sparber, 120 Broadway, New York, New York 10005.

SUMMARY: Agreement No. 8300-15 modifies the basic agreement of the Atlantic and Gulf/West Coast of Central America and Mexico Conference to conform to the requirements of General Order 7, revised.

AGREEMENT NO. 8493-10:

FILING PARTY: R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

SUMMARY: Agreement No. 8493-10 would amend Article 2 of the Trans-Pacific American Flag Berth Operators Agreement by adding the following additional language at the end of said article:

> Credit for payment of charges due under tariffs issued pursuant to this Article 2 may be extended by the parties only as permitted by and in accordance with rules and provisions and related bonding requirements (including rules and provisions in any standard credit agreement or indemnity bond forms) set forth in such tariffs. No credit shall be extended by any party to any shipper or consignee that the Secretary of the Association or his designate has advised the parties in writing is delinquent in the payment of freight charges to any party under tariffs filed pursuant to this Agreement.

AGREEMENT NO. 8900-10.

FILING PARTY: Marc J. Fink, Esq., Billig, Sher & Jones, P. C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

SUMMARY: Agreement No. 8900-10 would amend various articles of the "8900" Lines Rate Agreement for the purpose of (1) bringing the agreement's self-policing provisions into conformity with the requirements of the Commission's new self-policing rules as embodied in revised General Order 7 (Part 528 of Title 46 CFR); (2) providing that any line applying for readmission to membership within 24 months of its withdrawal is exempt from the payment of the admission fee; (3) precluding any party or agent thereof from chartering space on a non-member line's vessel operating in the agreement trade or soliciting cargo on such a vessel except where no other suitable agents are available; and (4) providing that each party to the agreement shall deposit and maintain, as a financial guarantee of faithful performance of obligations thereunder and of prompt payment of any fines or judgments rendered against it, the sum of $50,000 in United States currency, or Government bonds, or an irrevocable letter of credit, or a surety bond.

AGREEMENT NO. 9427-6.

FILING PARTY: Patricia E. Byrne, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

SUMMARY: Agreement No. 9427-6 modifies the Germany-North Atlantic Ports Rate Agreement to conform with recent revisions to the Commission's General Order 7.

AGREEMENT NO. 9510-5.

FILING PARTY: Alan F. Wohlstetter, Esq., Denning & Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9510-5 would amend the self-policing provisions of the Household Goods Forwarders Association of America Rate Agreement to conform to the requirements of the Commission's new self-policing rules as embodied in revised General Order 7 (46 CFR, Part 528, effective January 1, 1979).

AGREEMENT NO. 9552-4.

FILING PARTY: Patricia E. Byrne, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

SUMMARY: Agreement No. 9552-4 modifies the North Atlantic/West Europe Rate Agreement to conform with recent revisions of the Commission's General Order 7.

AGREEMENT NO. 9615-28.

FILING PARTY: Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

SUMMARY: Agreement No. 9615-28 modifies the Iberian/U.S. North Atlantic Westbound Freight Conference Agreement to conform with recent revisions to the Commission's General Order 7.

AGREEMENT NO. 9648-A-13.

FILING PARTY: Paul B. Thornquist, Executive Administrator, Inter-American Freight Conference, 17 Battery Place, New York, New York 10004.

SUMMARY: Agreement No. 9648-A-13 modifies the basic agreement of the Inter-American Freight Conference (1) to conform to the requirements of General Order 7, revised, and (2) to clarify the matter of security deposits.

AGREEMENTS NOS. 9831-3, 6200-21 and 10268-3.

FILING PARTY: Marc J. Fink, Esq., Billig, Sher & Jones, P. C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

SUMMARY: Agreements Nos. 9831-3, 6200-21, and 10268-3 would amend the self-policing provisions of the New Zealand Rate Agreement, the U.S. Atlantic & Gulf/Australia-New Zealand and Australia-Eastern U.S.A. Shipping Conferences, respectively, to conform to the requirements of the Commission's new self-policing rules as contained in revised General Order 7 (Part 528 of Title 46 CFR).

AGREEMENT NO. 9968-2.

FILING PARTY: Paul B. Thornquist, Executive Administrator, Inter-American Freight Conference, 17 Battery Place, New York, New York 10004.

SUMMARY: Agreement No. 9968-2 modifies the basic agreement of the Inter-American Freight Conference-Puerto Rico and U.S. Virgin Islands Area to conform to the requirements of General Order 7, revised.

AGREEMENT NO. 10012-4.

FILING PARTY: F. Conger Fawcett, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

SUMMARY: Agreement No. 10012-4 would amend the self-policing provisions of the Australia-Pacific Coast Rate Agreement to provide for the appointment of one or more officers or employees of said agreement to serve as the policing authority in accordance with terms and conditions set forth therein. Agreement No. 10012-4 is designed to conform to the requirements of Part 528, 46 CFR (General Order 7, Revised) in all respects other than that which pertains to the requisite independent policing authority.

AGREEMENT NO. 10122-3.

FILING PARTY: Jose Vicente Valdez, CONFERENCIA INTERAMERICANA DE FLETES, Buenos Aires, Argentina.

SUMMARY: Agreement No. 10122-3 modifies the basic agreement of the Inter-American Freight Conference Area River Plate/Pto Rico and U.S. Virgin Is./River Plate to conform to the requirements of General Order 7, revised.

AGREEMENT NO. 10261-5.

FILING PARTY: Marc J. Fink, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D.C. 20006.

SUMMARY: Agreement No. 10261-5 modifies the basic agreement of the U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement to conform to the requirements of General Order 7, revised.

AGREEMENT NO. T-3759.

FILING PARTY: Lynne Feldman, Esquire, Deputy City Attorney II, Office of the City Attorney, City of Richmond, California 94804.

SUMMARY: Agreement No. T-3759, between the City of Richmond, Surplus Property Authority of the City of Richmond (City) and Canal Industrial Park, Inc., (CIP), provides that CIP shall have the use of certain lease areas, certain nonexclusive preferential assignment areas, and certain exclusive assignment areas at Shipyard Three, Richmond, California, for a period of approximately ten years. The assignment areas shall be used for the docking and mooring of vessels and for the loading, unloading, receipt, handling, storage, transporting and delivery of cargo; and the lease areas shall be used for office space and the repair, assembling and processing of automobiles for delivery and processing storage. As rental for the leased area consisting of approximately 12.24 acres, CIP will pay $5,182 per month. CIP must meet an annual performance requirement of $675,000 minimum in gross revenues under the Port of Richmond Tariff No. 1 (based on a three-year moving average) with the City reciving 73 percent of said minimum revenues and CIP retaining 27 percent; as the amount of gross revenues increase, CIP retains a proportionately greater percentage up to 50 percent of revenues in excess of one million dollars. Included with the filing of Agreement No. T-3759 is a Compromise Settlement and Mutual Release Agreement between the City of Richmond and two of its agencies, on the one hand, and CIP and several of its affiliates, on the other hand.

AGREEMENT NO. T-3076-1.

FILING PARTY: Mr. Leslie E. Still, Jr., Senior Deputy City Attorney, Harbor Branch Office, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

SUMMARY: Agreement No. T-3076-1, between City of Long Beach and Baker Commodities, Inc., modifies the parties' basic agreement which provides for the six year lease of certain premises and pipeline rights for the operation of a liquid bulk terminal for the receipt, handling, loading, unloading, storage, processing, delivery and disposition of tallow, vegetable oils, molasses and other related bulk liquid merchandise. The purpose of this modification is to increase the size of the premises by 5,364 square feet to encompass two new storage tanks and to increase the rental for the leased premises.

By Order of the Federal Maritime Commission.

Dated: January 10, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-1310 Filed 1-12-79; 8:45 am]

[6730-01-M]

PETITION TO ALLOW OFFICERS OR EMPLOYEES OF A RATE-FIXING AGREEMENT TO SERVE AS THE POLICING AUTHORITY

Filing

Pursuant to section 528.3(b)(3) of Part 528, 46 CFR (General Order 7, Revised) petitions for exemption have been filed on behalf of the following rate-fixing agreements to allow agreement personnel to perform the self-policing functions in lieu of an independent policing authority; viz:

Mediterranean North Pacific Coast Freight Conference, Agreement No. 8090.
Puerto Rican Section of the Med-Gulf Conference, Agreement No. 9522.
Australia-Eastern U.S.A. Shipping Conference, Agreement No. 10268.

Interested parties may inspect and obtain a copy of each of the petitions at the Washington Office of the Federal Maritime Commission, 1100 L Strect, N.W., Room 11101, and at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Comments on each petition may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 5, 1979 in which this notice appears. Comments should include facts and arguments concerning the request for an exemption.

By order of the Federal Maritime Commission.

Dated: January 9, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-1308 Filed 1-12-79; 8:45 am]

[6730-01-M]

PETITION TO ALLOW OFFICERS OR EMPLOYEES OF A RATE-FIXING AGREEMENT TO SERVE AS THE POLICING AUTHORITY

Pursuant to scction 528.3(b)(3) of 46 CFR, Part 528 (General Order 7, Revised) a petition for exemption has been filed on behalf of the Household Goods Forwarders Association of America Rate Agreement (Agreement No. 9510) to allow the President thereof to perform the self-policing functions of the Rate Agreement in lieu of an independent policing authority.

Interested parties may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Strcet, N.W., Room 11101, and at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Comments on the petition may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within *20* days after the date of the FEDERAL REGISTER in which this notice appears. Comments should include facts and arguments concerning the request for an exemption.

By ordcr of the Federal Maritime Commission.

Dated: January 9, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-1309 Filed 1-12-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

AMERICAN NATIONAL BANCORP., INC.

Formation of Bank Holding Company

American National Bancorp., Inc., South Bend, Indiana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of American Affiliates, Inc., and thereby to control 80 percent or more of American National Bank and Trust Company of South Bend, a subsidiary of American Affiliates, Inc., both of South Bend, Indiana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 February 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 question 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, January 9, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-1302 Filed 1-12-79; 8:45 am]

[6210-01-M]

FIRST BANCORPORATION OF HOLDENVILLE, INC.

Formation of Bank Holding Company

First Bancorporation of Holdenville, Inc., Holdenville, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank and Trust Company of Holdenville, Holdenville, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

First Bancorporation of Holdenville, Inc., Holdenville, Oklahoma, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of First Holdenville Business Trust, Holdenville, Oklahoma. Notice of the application was published on October 26, 1978, in *Holdenville Daily News*, a newspaper circulated in Holdenville, Oklahoma.

Applicant states that the proposed subsidiary would through its wholly owned subsidiary, First Holdenville Insurance Agency, Inc., Holdenville, Oklahoma, act as agent or broker with respect to credit life and accident and health insurance directly related to extensions of credit by its proposed banking subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 9, 1979.

Board of Governors of the Federal Reserve System, January 9, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-1303 Filed 1-12-79; 8:45 am]

[6210-01-M]

SG BANCSHARES, INC.

Formation of Bank Holding Company

SG Bancshares, Inc., Okeene, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of State Guaranty Bank, Okeene, Oklahoma. The factors that are considered in acting on the application are set forth

in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 February 6, 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, January 8, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-1304 Filed 1-12-79; 8:45 am]

[6210-01-M]

TRUST CO. OF GEORGIA

Acquisition of Bank

Trust Company of Georgia, Atlanta, Georgia, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Trust Company Bank of Gwinnett County, the proposed successor by merger to Gwinnett Commercial Bank, Lawrenceville, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 8, 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, January 8, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-1305 Filed 1-12-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

SEMIANNUAL AGENDA OF REPORTS AND REGULATIONS

AGENCY: Federal Trade Commission.

ACTION: Notice of Semiannual Agenda.

SUMMARY: The following agenda of reports and regulations is published voluntarily by the Federal Trade Commission in connection with Executive Order 12044, issued by the President on March 24, 1978. The agenda has been divided into four categories:

(A) The general subject matter of reports expected to be made public within the next six months.

(B) The general subject matter of internal rules of operating procedures upon which the Commission is expected to take action within the next six months.

(C) A list of investigations that are expected to result within the next six months in recommendations to the Commission for proposed rules or reports.

(D) A list of rules already proposed by the Commission with target dates for completion of significant steps in their development.

Each item on the list includes the name and telephone number of a person to contact for further information.

It should be noted that these lists are based on projections at the time of this publication of the subject matter and timing of future Commission action. Discovery of new information, changes in circumstances or personnel and changes in the law may alter the projected dates of matters listed in this document. All matters are subject to review and approval by the Commission.

FOR FURTHER INFORMATION CONTACT:

Office of Policy Planning, Federal Trade Commission, Washington, D.C. 20580, (202) 523-1447. For information about any specific item on the agenda, call or write the "contact person" indicated.

A. REPORTS EXPECTED TO BE MADE PUBLIC

1. *The Development and Structure of the U.S. Electric Lamp Industry.*

This report is an industry study of electric lamp manufacturing. It discusses the technology of lamp production, and investigates market structure, business conduct, economic performance, and their interrelationships in the industry.

2. *Brand Performance in the Cigarette Industry and the Advantage of Early Entry.*

This report examines the importance of rank and timing of "entry" on subsequent brand "success" in consumer product submarkets.

3. *Grocery Retailing Concentration in Metropolitan Areas, Economic Census Years, 1954-1972.*

This is a statistical report describing changing patterns of seller concentration in food retailing within individual urban markets over the period 1954-1972.

4. *Consumer Reaction to Government Provision of Information: the Impact of Health information on Nicotine and Tobacco Consumption.*

This report is an econometric study of the impact of health warning information on the cigarette smoking behavior of individuals.

5. *Economic Structure and Behavior in the Natural Gas Production Industry.*

This study describes concentration in natural gas reserves and production (both onshore and offshore) in 1974 and in selected earlier years. It also describes the impact of outer continental shelf joing ventures on concentration measures, as well as the motivations for joint ventures. Finally, it analyses the evidence that nonproducing shut in leases were a result of monopolistic behavior.

6. *Analysis of the Ban on Intra-Major Joint Ventures in OCS Petroleum Lease Sales.*

This study analyzes the impact of the Department of the Interior ban on joint ventures on the outer continental shelf by the largest oil companies. It compares the number of bids, size of partners and concentration in bidding and in the winning bids before and after the joint venture took place. It also considers the probable effect of changing the definition of which firms are included in the joint venture ban.

7. *Competition in the Nuclear Fuel Industry.*

This study describes the structure of the nuclear fuel industry including concentration in production, reserves, acreage, and drilling. It also lists mergers and acquisitions, joint ventures, new entry, and the significance of reserves and production accounted for by oil and gas companies. It briefly describes such other topics as economies of scale and vertical integration, recent uranium price increases, government price guarantee, foreign sources of uranium, and the breeder reactor.

8. *Professional Advertising: An Empirical Study of the Relationship Between Advertising and the Price and Quality of Optometric Services.*

This study empirically investigates the question of whether the price and quality of professional services are associated with advertising and commercial practice. It focuses on optometry, a licensed profession for which considerable variation among the states concerning restrictions on advertising and professional practice has existed for some time.

Contact person for the preceding eight reports: P. David Qualls, (202) 254-7750, Bureau of Economics.

9. *Fair Debt Collection Practices Act* (15 U.S.C. 1692).

Publication of Annual Report to Congress setting forth the Commission's enforcement experience under the Act.

Contact Person: Alan Reffkin, (202) 724-1187, Bureau of Consumer Protection.

10. *Unavailability of Advertised Specials* (16 CFR 424).

A report examining the impact of the Commission's trade regulation rule governing retail food store advertising and marketing practices.

Contact Person: Ken Bernhardt, (202) 724-1878, Bureau of Consumer Protection.

11. *Warranties* (15 U.S.C. 2301).

A report gathering base line data with which to examine the impact of regulations issued under the Magnuson-Moss Warranty Act.

Contact Person: Ken Bernhardt, (202) 724-1878, Bureau of Consumer Protection.

12. *Antitrust Implications of Voluntary Agreements Among Oil Producers to formulate Plans for the International Allocation of Oil in the Event of Emergency Supply Disruptions.*

A semiannual report to Congress and to the President pursuant to Section 252 of the Energy Policy and Conservation Act, Pub. L. No. 94-163, § 252(i), 89 Stat. 871, 895 (1975).

Contact Person: Ronald B. Rowe, (202) 724-1441, Bureau of Competition.

13. *Cigarettes.*

Annual Report to Congress on Marketing and advertising of cigarette companies for 1978.

Contact Person: Jane Dalkart, (202) 724-1499, Bureau of Consumer Protection.

14. *Cigarettes.*

Report on the results of testing cigarettes for tar, nicotine, carbon monoxide levels.

Contact Person: Jane Dalkart, (202) 724-1499, Bureau of Consumer Protection.

B. INTERNAL RULES OR PROCEDURES UPON WHICH THE COMMISSION IS EXPECTED TO TAKE ACTION

1. *Restrictions on practice before the Commission by former members and employees.*

The Commission is expected to publish final rules specifying the period of time during which former members and employees will be required to seek permission prior to representing a client before the agency. The rule which had previously been published for comment, will also clarify the standards that the Commission uses to decide whether, in a given matter, participation by a former member or employee would be proper.

Contact Person: Jack Schwartz, (202) 523-3615, Office of General Counsel.

2. *Standards of Conduct for Attorneys Practicing Before the Commission.*

The Commission is expected to publish for comment a proposed amendment to its rules that will clarify the standards of ethical conduct expected of lawyers who practice before the Commission and will set out in more detail the procedure to be followed when there is an allegation that a lawyer has not conformed to those standards.

Contact Person: Oliver J. Trytell, (202) 523-3442, Office of General Counsel.

3. *Procedures for Requesting Confidential Treatment of Information Submitted to the Commission.*

The Commission is expected to publish final rules which will announce procedures for persons requested or required to submit information to the Commission to obtain confidential treatment of that information. This proposal has previously been published for comment.

Contact Person: Barry Rubin, (202) 523-3520, Office of General Counsel.

4. *Fair Debt Collection Practices Act* (15 U.S.C. 1962)—*State Exemptions.*

The Commission is expected to publish proposed rules specifying exemptions for classes of debt collection practices within any state that meets the statutory requirements.

Contact Person: Alan Reffkin, (202) 724-1187, Bureau of Consumer Protection.

C. INVESTIGATIONS WHICH MAY RESULT IN A RECOMMENDATION TO THE COMMISSION FOR A RULE OR REPORT

1. *Blue Shield.*

An investigation of the extent to which physicians influence or control the conduct of Blue Shield plans, especially with respect to reimbursement of physicians, and the extent to which such influence or control may impede the ability of Blue Shield plans to hold down reimbursement levels and costs generally.

Contact Person: Walter T. Winslow, (202) 724-1341, Bureau of Competition.

2. *Written Warranties.*

An investigation of warranty advertising, the form of warranty titles and text, the disclosure of warranty terms and delayed warranty service performance.

Contact Person: Rachel Miller, (202) 523-0425, Bureau of Consumer Protection.

3. *Eyeglasses II.*

An investigation of private and state restrictions on ownership of and operations of opthalmic good dispensaries.

Contact Person: Christine Latsey, (202) 523-3432, Bureau of Consumer Protection.

4. *Dental Laboratories Investigation.*

An investigation of restrictions on the ability of denture laboratories to provide dental care directly to the public.

Contact Person: Ann Grover, (415) 556-1270, San Francisco Regional Office.

5. *Recycled Oil for Use as a Burner Fuel.*

An investigation to determine how to encourage the recycling of used oil as a burner fuel by measuring whether the used oil is substantially equivalent to new oil.

Contact Person: Carthon Aldhizer, (202) 724-1491, Bureau of Consumer Protection.

6. *Insurance Cost Disclosure.*

This report examines: (1) the extent to which consumers lack adequate cost information to comparison shop for whole life insurance; and (2) the adequacy of various proposed cost disclosure systems.

Contact Person: David Fix, (202) 523-3812, Bureau of Consumer Protection.

7. *Arbitration.*

A report on the use of arbitration to resolve consumer disputes.

Contact Person: John O'Brien, (212) 264-1207, New York Regional Office.

8. *Cigarettes.*

An investigation of the advertising practices of cigarette companies.

Contact Person: Jane Dalkart, (202) 724-1499, Bureau of Consumer Protection.

9. *Test Preparation Services.*

A report on the effects of coaching on standardized admission examinations.

Contact Person: Harry Garfield II, (617) 223-6621, Boston Regional Office.

10. *Buying Clubs.*
A report examining consumer problems connected with the sale of memberships in buying clubs.
Contact Person: Alan Krause, (312) 353-5546, Chicago Regional Office.

11. *Public Accounting Profession.*
An investigation of private and state restrictions on advertising, solicitation and delivery of services by accountants.
Contact Person: John M. Peterson, (312) 353-8522, Chicago Regional Office.

D. TARGET DATES FOR THE DEVELOPMENT OF RULES ALREADY PROPOSED

1. *Used Motor Vehicle Sales* (41 FR 1089; Jan. 6, 1976).
End of post record comment period on or before February 14, 1979. Oral presentation, before the Commission during May 1979, if determined necessary by the Commission. Commission consideration of the rule on or before June 30, 1979.
Contact Person: Bernard J. Phillips, (202) 523-1642, Bureau of Consumer Protection.

2. *Reasonable Duties Under a Full Warranty* (42 FR 39223; Aug. 3, 1977).
Commission consideration of the rule on or before June 30, 1979.
Contact Person: Jeffrey M. Karp, (202) 523-1753, Bureau of Consumer Protection.

3. *Funeral Industry Practices* (40 FR 39901; Aug. 29, 1975).
Oral presentation if determined necessary by the Commission, and Commission consideration of the rule on or before February 28, 1979.
Contact Person: Michael Rodemeyer, (202) 523-1753, Bureau of Consumer Protection.

4. *Food Advertising (Phase I)* (39 FR 39842 Nov. 11, 1974); (41 FR 8980; Mar. 19, 1976).
End of post record comment period on or before January 29, 1979. Oral presentation, before the Commission during May 1979, if determined necessary by the Commission. Commission consideration of the rule on or before June 15, 1979.
Contact Person: Judith A. Neibrief, (202) 724-1496, Bureau of Consumer Protection.

5. *Food Advertising (Phase II)* (39 FR 39842; Nov. 11, 1974); (41 FR 8980; Mar. 19, 1976).
Commission consideration of staff recommendations to publish a revised proposed rule during January, 1979.
Contact Person: Judith A. Neibrief, (202) 724-1496, Bureau of Consumer Protection.

6. *Over-the-Counter Drugs* (41 FR 39768; Sept. 16, 1976).
Publication of staff report on or before March 1, 1979. End of post record comment period on or before May 1, 1979.
Contact Person: Joel Brewer, (202) 724-1530, Bureau of Consumer Protection.

7. *Advertising for Over-the-Counter Antacids* (41 FR 14534; Apr. 16, 1976).
Public hearings end on or before January 31, 1979. Rebuttal ends on or before March 31, 1979.
Contact Person: Joel Brewer, (202) 724-1530, Bureau of Consumer Protection.

8. *Hearing Aid Industry* (40 FR 26646; Jan. 24, 1975).
End of post record comment period on or before February 19, 1979. Oral presentation before the Commission during June 1979 if determined necessary by the Commission. Commission consideration of the rule on or before July 15, 1979.
Contact Person: Robert Patterson, (202) 724-1497, Bureau of Consumer Protection.

9. *Credit Practices* (40 FR 16347; Apr. 11, 1974).
Publication of staff report on or before April 15, 1979. End of post record comment period on or before June 15, 1979.
Contact Person: David H. Williams, (202) 724-1100, Bureau of Consumer Protection.

10. *Amendment to Preservation of Consumers' Claims and Defenses* (40 FR 53530; Nov. 18, 1975).
End of post record comment period on or before January 24, 1979. Oral presentation before the Commission during April 1979 if determined necessary by the Commission. Commission consideration of the amendment on or before April 30, 1979.
Contact Person: Sarah Jane Hughes, (202) 724-1567, Bureau of Consumer Protection.

11. *Children's Television Advertising* (43 FR 17967; Apr. 27, 1978).
Commencement of legislative hearings in San Francisco on January 15, 1979. Continuation of legislative hearings in Washington, D.C. on March 5, 1979. Designation of disputed issues by the Commission on or before June 30, 1979.
Contact Person: Katherine Mazzaferri, (202) 724-1499, Bureau of Consumer Protection.

12. *Labeling and Advertising of Residential Thermal Insulation Materials* (42 FR 59678; Nov. 18, 1977).
Commission consideration of rule on or before February 28, 1979.
Contact Person: Paul J. Petruccelli, (202) 724-1508, Bureau of Consumer Protection.

13. *Health Spas* (40 FR 34615; Aug. 18, 1975.)
Publication of Presiding Officer's report on or before May 1, 1979.
Contact Person: John Crowley, (212) 264-7150, New York Regional Office.

14. *Disclosure Requirements and Prohibitions Concerning the Flammability of Plastics* (39 FR 28292; Aug. 6, 1974).
Commission consideration of whether to terminate this proceeding on or before March 30, 1979.
Contact Person: Kent C. Howerton, (202) 724-1514, Bureau of Consumer Protection.

15. *Appliance Labeling* (43 FR 21806; July 21, 1978).
Publication of staff report on or before February 28, 1979. End of post record comment period on or before March 28, 1979. Oral presentation, before the Commission during June 1979, if determined necessary by the Commission. Commission consideration of the rule on or before July 15, 1979.
Contact Person: Andrew Wolf, (202) 724-1453, Bureau of Consumer Protection.

16. *Amendments to the Care Labeling of Textile Wearing Apparel* (41 FR 3747; Jan. 26, 1976).
Oral presentation before the Commission during February 1979, if determined necessary by the Commission. Commission consideration of the rule on or before March 15, 1979.
Contact Person: Earl Johnson, (202) 724-1362, Bureau of Consumer Protection.

17. *Octane Posting* (43 FR 34028; Sept. 22, 1978).
End of post record comment period on or before January 29, 1979. Oral presentation before the Commission during February 1979 if determined necessary by the Commission. Commission consideration of the rule on or before February 28, 1979.
Contact Person: James Mills, (202) 724-1967, Bureau of Consumer Protection.

18. *Standards and Certification* (43 FR 57269; Dec. 7, 1978).
Written comment period ends March 16, 1979. Public hearings commencing on April 30, 1979 in San Francisco on or before May 21, 1979 in Washington, D.C.
Contact Person: Robert J. Schroeder, (202) 523-3936, Bureau of Consumer Protection.

19. *Mobile Home Sales and Service* (40 FR 28334; May 29, 1975).
Publication of Presiding Officer's report on or before April 30, 1979.
Contact Person: Pamela Stuart, (202) 523-3933, Bureau of Consumer Protection.

20. *Amendment to Games of Chance in Food Retailing and Gasoline Industries* (43 FR 48654; Oct. 19, 1978).

Publication of staff report on or before April 15, 1979. Publication of Presiding Officer's report on or before June 1, 1979. End of post record comment period on or before July 1, 1979.

Contact Person: Noble F. Jones, (216) 552-4207, Cleveland Regional Office.

21. *Advertising and Labeling of Protein Supplements* (40 FR 41144; Sept. 5, 1975); (41 FR 22593; June 4, 1976).

Publication of staff report on or before April 1, 1979. End of post record comment period on or before June 1, 1979.

Contact Person: Karen Chandler, (414) 556-1270, San Francisco Regional Office.

By the Commission dated December 29, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-1414 Filed 1-12-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on January 10, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before February 2, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests an extension without change clearance of the Annual Line of Business, Form LB, through December 31, 1979. The LB Program has been undertaken as part of the FTC's mandate under Section 6 of the Federal Trade Commission Act to gather and compile information concerning the organization, business, conduct, practices, and management of corporations engaged in commerce in the United States. The FTC estimates that the form will be sent to 475 companies selected from among the 1,000 largest in the manufacturing sector and that an average of 960 hours will be required per respondent.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc. 79-1294 Filed 1-12-79; 8:45 am]

[6820-23-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 3, on January 30, 1979, from 8:30 a.m. to 4:14 p.m., in Room 2636 of the GSA Regional Office Building, Seventh and D Streets, SW, Washington, D.C. The meeting will be devoted to the initial stage of the process for screening and evaluating prospective architect-engineer firms to furnish professional services required in connection with development of Design Services for Repair and Alteration of General and Special Purpose Office Space for the Department of Energy in the Forrestal Building, Washington, D.C. (GS-03B-88627/99015). The meeting will be open to the public.

WALTER V. KALLAUR,
Regional Administrator.

[FR Doc. 79-1312 Filed 1-12-79; 8:45 am]

[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADIVSORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend the meeting.

DATE: Meeting: February 5-6, 1979.

ADDRESS: The Washington Hotel, Fifteenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT:

William G. Shannon, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street, N.W.; Suite 529, Washington, D.C. 20004. Telephone: (202)376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all Federally supported extension and continuing education programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending any meeting are asked to call the Council's office beforehand. Available seats will be assigned on a first-come basis.

The purpose of the meeting of the Executive Committee is to consider issues recommended by the Council for priority consideration and other future activities of the Council. The agenda will include consideration of:

a. Appropriate responses to Congressional requests for policy recommendations and legislative changes concerning the Higher Education Act,

b. a special report for The White House and The Congress.

c. Council committee progress reports, and

d. the proposed agenda for the Council's April meeting.

The meeting will begin on February 5, 1979 at 6:30 p.m., recessing at 9:00 p.m. It will be resumed on February 6

at 9:00 a.m. and adjourn around 5:00 p.m.

All records of the Council proceedings are available for public inspection at the Council's staff office, located at 425 Thirteenth street, N.W.; Suite 529, Washington, D.C.

Dated: January 9, 1979.

WILLIAM G. SHANNON,
Executive Director.

[FR Doc. 79-1298 Filed 1-12-79; 8:45 am]

[4110-12-M]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women, will hold its Health Task Force meeting on Thursday, February 1, 1979 from 9:30 a.m. to 5:00 p.m., and on Friday, February 2, 1979 from 9:30 a.m. to 3:00 p.m. The meetings will be held in Room 303-A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The agenda will include briefings on Departmental programs and policies relating to women's health issues.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: January 5, 1979.

SUSAN C. LUBICK,
Executive Secretary, Secretary's Advisory Committee on the rights and Responsibilities of Women.

[FR Doc. 79-1285 Filed 1-12-79; 8:45 am]

[4110-12-M]

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Change of Meeting Place

The President's Committee on Mental Retardation (43 FR 61016, Dec. 29, 1978) will meet on Wednesday, January 17, 1979, from 9 a.m. to 12 noon, Thursday, January 18, 1979, from 9 a.m. to 5 p.m., at the Disabled American Veterans Building, First Floor Conference Room, 807 Maine Avenue SW., Washington, D.C., and on Friday, January 18, 1979, from 9 a.m. to 4 p.m., in Conference Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C.

Dated: January 8, 1979.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc. 79-1461 Filed 1-12-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-657; FDAA-568-DR]

KENTUCKY

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of major disaster declaration for the Commonwealth of Kentucky (FDAA-568-DR), dated December 12, 1978.

DATED: December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: The Notice of major disaster for the Commonwealth of Kentucky dated December 12, 1978, and amended on December 17 and 20, 1978, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 12, 1978.

The County Of: Larue.

Federal assistance extended under this designation may be made available pursuant to Sections 404 and 407 through 413 of Pub. L. 93-288, and Small Business Administration disaster loan assistance, and Farmers Home Administration emergency loan assistance.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-1284 Filed 1-12-79; 8:45 am]

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for an amendment to PRT 2-1609 to take ten additional sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Dr. G. L. Kooyman, Physiological Research Laboratory, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, California 92093.

2. Type of Permit: Scientific research.

3. Name and Number of Animals: Sea otters (Enhydra lutris)—10.

4. Type of Activity: To take by capture.

5. Location of Activity: Prince William Sound, Alaska.

6. Period of Activity: To December 31, 1979.

The purpose of this application *is to provide an additional 5 sea otters for oilling experimentation so that 5 may have depth recorders attached for a maximum of 3 days and 5 for attaching radio transmitters for a maximum of 2 weeks. It has been determined that the two types of instruments cannot be attached to the same animals. The remaining five additional sea otters will be utilized only if females with pups are captured and must be released without being utilized in the research.*

Concurrent with the publication of this notice in the FEDERAL REGISTER the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-1609. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: January 9, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 79-1321 Filed 1-12-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Clifford M. Anderson, Box 136, Woodinville, Washington 98072.

The applicant requests a permit to take (capture) American peregrine falcons (*Falco peregrinus anatum*) for banding and radio tagging for research.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3486. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this application. Please refer to the file number when submitting comments.

Dated: January 5, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-1322 Filed 1-12-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: John B. Holt, Jr.; 858 Johnson Street, N. Andover, Massachusetts 01845.

The applicant requests a permit to take (capture) bald eagles (*Haliaeetus leucocephalus*) for banding in Michigan, Wisconsin, and Ohio and to salvage same for scientific research.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3601. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this application. Please refer to the file number when submitting comments.

Dated: January 4, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-1323 Filed 1-12-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Sergej Postupalsky, Dept. of Wildlife Ecology, University of Wisconsin, Madison, Wisconsin 53706.

The applicant requests a permit to take (capture) bald eagles (*Haliaeetus leucocephalus*) in Michigan, Wisconsin, and Ohio for banding and to salvage same.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3592. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 14, 1979. Please refer to the file number when submitting comments.

Dated: January 4, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-1325 Filed 1-12-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Notice of Receipt of Applicotion

Applicant: Indianapolis Zoo,
3120 East 30th Street,
Indianapolis, Indiana 46218.

The applicant wishes to apply for a Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propogation, of tigers (*Panthera tigris*) listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3617. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 14, 1979. Please refer to the file number when submitting comments.

Dated: January 5, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-1324 Filed 1-12-79; 8:45 am]

[4310-31-M]

Geological Survey

OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS)

Proposed Requirements for Verifying the Structural Integrity of OCS Platforms

AGENCY: Geological Survey, U.S. Department of the Interior.

ACTION: Proposed Geological Survey Standard.

SUMMARY: The comment period for the draft document entitled "Requirements for Verifying the Structural Integrity of OCS Platforms" and its associated appendices and commentary is extended to March 1, 1979.

Several requests have been received to extend the January 30, 1979, due date for written comments on the draft document announced in the FEDERAL REGISTER on December 5, 1978 (Vol. 43, No. 234, FR 56945).

In consideration of these requests, the Geological Survey hereby extends the comment period to March 1, 1979.

Dated: January 4, 1979.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 79-1289 Filed 1-12-79; 8:45 am]

[8230-01-M]

INTERNATIONAL COMMUNICATION AGENCY

TREATY OF FRIENDSHIP AND COOPERATION BETWEEN THE U.S. AND SPAIN

Cooperative Research Grants—1979/80

The US-Spanish Joint Committee for Educational and Cultural Affairs (Supplementary Agreement n° 4 of the Treaty of Friendship and Cooperation between the United States of America and Spain) announces the application period for Cooperative Research Grants found below for the academic year 1979/80.

The applicable norms are as follows:

FIRST—Scope and nature of the grants. Applications will be considered to subsidize cooperative research projects between U.S. and Spanish Institutions in the humanities, arts, psychology, anthropology, social sciences, political sciences, law, economic sciences, education sciences, and the communication sciences, under the direction of a Spanish principal researcher and a U.S. principal researcher.

The Cooperative Research Grant application should be prepared by means of direct contact between the Spanish principal researcher and the U.S. principal researcher. The Spanish principal researcher is responsible for the cooperative project proposal in Spanish that is to be carried out by the Spanish institution. In like manner, the U.S. principal researcher will present in English the cooperative project proposal that is to be carried out by the U.S. institution. The Joint Administrative Staff (The Secretaria Ejecutiva) of the U.S.-Spanish Joint Committee will communicate all matters pertaining to the cooperative project exclusively through the Spanish principal researcher.

SECOND—Institutions that may apply. The following non-profit Spanish institutions, in collaboration with their cooperating U.S. institutions, may apply:

a) Centers or institutions which pertain to ministerial departments.

b) Public incorporated bodies.

c) Institutions, departments, centers, sections and other research units integrated into public incorporated bodies.

d) University institutes, departments and chairs, and any other university entity.

e) Local public municipalities pertaining to cities or regions.

f) Other institutions and foundations of a public or private nature that are legally registered with the state as non-profit organizations.

The joint applications for this type of grant will always be presented by the Spanish institution.

THIRD—Amount, nature and duration of the grants. The amounts of the grant will be those which are approved based on budgets applied for by the Spanish institution and the U.S. institution. The Spanish budget will be paid to the Spanish institution and the U.S. budget to the U.S. institution.

The norman duration of these grants will be for twelve months to take place beginning 1 September 1979 through 31 August 1980. This period of time refers exclusively to those grants which are here announced. However, should the nature of the cooperative project be such that a greater length of time is needed (maximum of three years from the beginning date of the grant) each cooperative project will have the opportunity to request renewal by submitting a renewal application on a year to year basis. Approval of the renewal application will be based on the favorable review of reports to be submitted at the end of each yearly grant period.

FOURTH—Preparation and presentation of the applications. The applications must be submitted by March 1, 1979. The application forms may be obtained from the Secretaria Ejecutiva del Comité Conjunto Hispano-norteamericano para Asuntos Educativos y Culturales, calle Cartagena, 83-85, 3°, Madrid-28, Spain; telephone 255-08-00 extensions 135 and 221.

FIFTH—Filling out the applications. The applications, an orginal and six copies, will consist of the following parts:

A. Cover Page: The information that must be included in the cover page is the following: project title, total amount being applied for in dollars, proposed initiation date of the project and total duration of project in months (maximum 12 months).

In addition the following information is required:

a) For each subproposal (Spanish-subproposal and U.S. subproposal): amount being applied for in dollars, name of the principal researcher, National Identification Number for Spaniards and Social Security Number for Americans, the name of the actual center where each subproject will be carried out, address of the center and the name of the institution to which the center pertains.

(b) Name of the ministry to which the Spanish institution pertains (if applicable).

(c) For each subproposal: Academic title of the principal researcher, signature and date of signature, and telephone number. Name of the principal researcher's immediate superior, his or her position, signature of approval of subproposal and date of signature. Name and title of the individual who legally represents the institution, his or her title, signature of approval of subproposal and date of signature.

B. Text of the Spanish institution's subproposal (in Spanish):

(a) Summary (about 200 words).

(b) Common objectives, interests, and advantages sought through the cooperation.

(c) Research plan of the Spanish institution.

(d) Means available (personnel and facilities).

(e) Bibliography on the subject.

(f) Principal researcher's Curriculum Vitae.

(g) Budget.

The budget, prepared jointly by the U.S. and Spanish institutions, will consist of two separate columns in which will be shown the amounts applied for by the Spanish institutions, and will include the following parts:

(1) Salaries and wages (In the Spanish institution's budget people permanently employed on a full time basis and whose names appear on the permanent payroll of the Spanish institution cannot be included under salaries and wages).

(2) Inventoriable material.

(3) Expendable material.

(4) Travel.

(5) Other costs.

(6) Total cost in dollars.

The above described budget for the Spanish institution should be attached to the Spanish institution's subproposal.

C. Text of the U.S. institution subproposal (in English):

(a) Summary (about 200 words).

(b) Common objectives, interests, and advantages sought through the cooperation.

(c) Research plan of the U.S. institution.

(d) Means available (personnel and facilities).

(e) Bibliography on the subject.

(f) Principal researcher's Curriculum Vitae.

(g) Budget.

Instructions regarding the budget are the same as found above in Part B, item g, sub-items(1)-(6), In addition, the U.S. institution's subproposal should contain a translation in English of the Spanish institution's detailed budget.

Neither the Spanish nor the U.S. institutions are allowed to include indirect costs of any type in their respective budgets. In addition, neither the Spanish nor U.S. institutions are allowed to include Social Security nor other fringe benefits in the budget item entitled "Salaries and wages."

D. Budget Summary.

SIXTH—Place to submit applications. The applications must be submitted to the Secretary of the Comité Conjunto Hispano-Norteamericano para Asuntos Educativos y Culturales at the previously mentioned address of the Secretaria Ejecutiva of said committee.

SEVENTH—Selection procedure. That portion of the cooperative project to be carried out in Spain will be evaluated by the Comisión Asesora de Investigación Cientifica y Técnica which is obligated to request reports from each of the ministries involved. The Comisión Asesora will recommend the awards to be granted under Cooperative Research Grants to the US-Spanish Joint Committee for Educational and Cultural Affairs who will then study the recommendations for its final decision and the publication of the grants awarded in the *Boletin Oficial del Estado.* That portion of the cooperative project to be carried out in the United States of America will be submitted for the evaluation process as is seen fit by the U.S. side of the US-Spanish Joint Committee for Educational and Cultural Affairs.

The US-Spanish Joint Committee for Educational and Cultural Affairs will study all proposals of the cooperating institutions for its final decision. In order for a grant to be awarded a favorable evaluation of both the Spanish and U.S. subproposals is required.

EIGHTH—Obligatory reports regarding the progress of the cooperative projects will be submitted in triplicate to the Comisión Asesora through the Secretary of the US-Spanish Joint Committee for Educational and Cultural Affairs. These reports will be submitted by the Spanish and U.S. principal researchers. The reports will be evaluated by the previously mentioned Comisión Asesora and then will be presented to the US-Spanish Joint Committee for its final decision. The principal researchers will receive detailed information regarding the submission of these reports.

JOHN E. REINHARDT,
Director, International Communication Agency.

[FR Doc. 79-1271 Filed 1-12-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[AA1921-193]

BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF KOREA

Notice of Investigation and Hearing

Having received advice from the Department of the Treasury on December 26, 1978, that bicycle tires and tubes from the Republic of Korea, are being, or are likely to be sold at less than fair value, the United States International Trade Commission, on January 9, 1979, instituted investigation No. AA1921-193 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For the purposes of its determination concerning sales at less than fair value, the Treasury Department defined "bicycle tires and tubes" as pneumatic bicycle tires and tubes therefor of rubber or plastics, whether such tires and tubes are sold as units or separately, as provided for in TSUS items 772.48 and 772.57.

Hearing. A public hearing in connection with the investigation will be held in Washington, D.C., beginning at 10 a.m., e.s.t., on Thursday, February 8, 1979, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. All persons shall have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Thursday, February 1, 1979.

Issued: January 10, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-1348 Filed 1-12-79; 8:45 am]

[7020-02-M]

[Investigation No. 337—TA-49]

CERTAIN ATTACHE CASES

Notice of Commission Hearing on the Presiding Officer's Recommendation, and on Relief, Bonding and the Public Interest

Recommendation of "no violation" issued

In connection with the United States International Trade Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain attache cases in the United States, the presiding officer recommended on December 8, 1978, that the Commission determine that there is no violation of section 337. The presiding officer certified the record to the Commission for its consideration. Copies of the presiding officer's recommendation may be obtained by interested persons by contacting the office of the Secretary to the Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone (202) 523-0161.

Commission hearing scheduled

The Commission will hold a hearing beginning at 10:00 a.m., e.s.t., on Thursday, February 1, 1979, in the Commission's Hearing Room (Room 331), 701 E Street, N.W., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral argument on the presiding officer's recommendation that there is no violation of section 337 of the Tariff Act of 1930. Second, the Commission will receive oral presentations concerning appropriate relief, bonding, and the public interest in the event that the Commission determines that there is a violation of section 337. These matters are being heard on the same day in order to facilitate the completion of this investigation within time limits under law and to minimize the burden of this hearing upon the parties to the investigation. The procedure for each portion of the hearing follows.

Oral argument on presiding officer's recommendation

A party to the Commission's investigation or an interested agency desiring to present to the Commission an oral argument concerning the presiding officer's recommendation will be limited to no more than 30 minutes. A party or interested agency may reserve 10 of its 30 minutes for rebuttal. The oral arguments will be held in this order: complainant, respondents, interested agencies, and Commission investigative staff. Rebuttals will be held in this order: respondents, complainant, interested agencies, and Commission investigative staff.

Oral presentations on relief, bonding, and the public interest

Following the oral arguments on the presiding officer's recommendation, a party to the investigation, an interested agency, a public-interest group, or any interested member of the public may make an oral presentation on relief, bonding, and the public interest.

1. *Relief.* If the Commission finds a violation of section 337, it may issue (1) an order which could result in the exclusion from entry of certain attache cases into the United States or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of these attache cases.

2. *Bonding.* If the Commission finds a violaion of section 337 and orders some form of relief, such relief would not become final for a 60-day period, during which the President would consider the Commission's report. During this period the attache cases would be

entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury.

3. *The public interest.* If the Commission finds a violation of section 337 and orders some form of relief, it must consider the effect of that relief upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

Those making an oral presentation will be limited to no more than 15 minutes. Each participant will be permitted an additional 5 minutes for summation after all presentations have been made. Participants with similar interests may be required to share time. The order of oral presentations will be as follows: complainant, respondents, interested agencies, public-interest groups, other interested members of the public, and Commission investigative staff. Summations will follow the same order.

How to participate in the hearing

Any person desiring to appear at the Commission's hearing must file a written request to appear with the Secretary to the U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, no later than the close of business (5:15 P.M., e.s.t.) on January 30, 1979. Such written request must indicate whether such person wishes to present an oral argument concerning the presiding officer's recommendation or an oral presentation concerning relief, bonding, and the public interest, or both. While only parties to the Commission's investigation, interested agencies, and the Commission investigative staff may present an oral argument concerning the presiding officer's recommendation, public-interest groups and other interested members of the public are encouraged to make an oral presentation concerning the public interest.

Written submissions to the Commission

The Commission requests that all written submissions be filed no later than the close of business (5:15 p.m., e.s.t.) on February 12, 1979.

1. *Briefs on the presiding officer's recommendation.* Parties to the Commission's investigation, interested agencies, and the Commission investigative staff are encouraged to file briefs concerning exceptions to the presiding officer's recommendation. Briefs must be served on all parties of record to the Commission's investigation on or before the date they are filed with the Secretary. Statements made in briefs should be supported by references to the record. Persons with the same positions are encouraged to consolidate their briefs, if possible.

2. *Written comments and information concerning relief, bonding, and the public interest.* Parties to the Commission's investigation, interested agencies, public-interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, bonding, and the public interest. These written submissions will be very useful to the Commission if it determines that there is a violation of section 337 and that relief should be granted.

Additional information

The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Chairman of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's Office.

Notice of the Commission's investigation was published in the FEDERAL REGISTER of March 7, 1978 (43 FR 9379).

Issued: January 10, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-1349 Filed 1-12-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION FIRST CIRCUIT PANEL

Meeting

The First Circuit Panel of the United States Circuit Judge Nominating Commission, Chairperson: Florence Rubin, will meet on February 3rd and February 23rd and 24th, 1979, at the Federal Courthouse, Post Office Square, Boston, Massachusetts at 9:30 a.m. These meetings will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF 5 U.S.C. 552b (c) (6).)

JOSEPH A. SANCHES,
Advisory Committee, Management Officer.

JANUARY 9, 1979.

[FR Doc. 79-1299 Filed 1-12-79; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Notice 78-12]

AVAILABLE FLIGHT-QUALIFIED EQUIPMENT AND FLIGHT-QUALIFIABLE EQUIPMENT

Intent To Formulate a Computer Data Bank

The objective of this program is to provide NASA Headquarters, its field installations, the acrospace industry, and the academic community with a current listing of available flight-qualified and flight-qualifiable equipment. The listing will serve as a means of informing interested users of the availability of such equipment. The information will be provided through a time-sharing computer system.

At the present time, a current listing of standard equipment has been established on an information services network time-sharing system. As a supplement to the standard equipment listing, the NASA Headquarters Office of the Chief Engineer, Systems Engineering Division, plans to embark on a one-year pilot program to test the utility of a similar listing for available flight-qualified and flight-qualifiable equipment.

The list shall include but shall distinguish between the following two classes of items of equipment: (1) items launched or flight-qualified within the last two years; and (2) items that are considered to be flight-qualifiable because the items are under contract for their design, development or manufacture, with a projected launch date.

An item is considered flight-qualified if it has successfully passed all U.S. Government, or commercial customer-specified qualification tests considered by them as necessary to obtain satisfactory operation for the intended mission. A commercial customer for this purpose is the end user organization procuring the satellite systems or subsystems from the manufacturer (e.g., COMSAT, INTELSAT, SBS, WU, etc.).

Manufacturers of space equipment are invited to participate throughout the full one—year term of the pilot program which will end December 1979. Further information may be obtained by contacting NASA Headquarters, Office of the Chief Engineer, Systems Engineering Division (Code DL-2), Washington, D.C. 20546, area code (202) 755-3040.

A. M. LOVELACE,
Acting Administrator.

JANUARY 8, 1979.

[FR Doc. 79-1293 Filed 1-12-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held February 3, 1979, from 9:00 a.m. to 5:00 p.m., and February 4, 1979, from 9:00 a.m. to 5:00 p.m., in room 1422, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on February 3, 1979, from 9:00 a.m. to 5:00 p.m., and February 4, 1979, from 12:00 p.m. to 5:00 p.m. The topic of discussion will be policy and guidelines.

The remaining sessions of this meeting on February 4, 1979, from 9:00 a.m. to 12:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

JANUARY 8, 1979.

[FR Doc. 79-1300 Filed 1-12-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Fourteenth Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the fourteenth periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 1, No. 3). The release date in January 10, 1979.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The fourteenth report to Congress is for the third quarter of 1978. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There was one abnormal occurrence at the 70 nuclear powerplants licensed to operate. The event involved a degraded primary coolant boundary in a boiling water reactor.

(b) There were no abnormal occurrences at fuel cycle facilities (other than nuclear powerplants).

(c) There were no abnormal occurrences at other licensee facilities.

(d) There were two abnormal occurrences reported by the Agreement States. One involved an overexposure of a radiographer's assistant. The second involved the theft of two radiography devices.

The incidents involved temporary reductions in margins of safety normally provided.

The fourteenth report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG-0090, Vol. 1, No. 3, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $4.50 a copy on or about January 24, 1979.

Dated at Washington, D.C. this 5th day of January, 1979

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-1274 Filed 1-12-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

URBAN IMPACT REVIEW

Proposed Amendment to OMB Circular No. A-95

AGENCY: Office of Management and Budget.

ACTION: Proposed Amendment.

SUMMARY: The proposed amendment modified OMB Circular A-95 (revised January 2, 1976, and published in Part IV of the FEDERAL REGISTER of January 13, 1976 (41 FR 2052-2065)). It encourages clearinghouses to evaluate the urban impact of projects proposed for Federal assistance as part of the A-95 review process. Such analysis, if undertaken, will help determine the potential significant positive or negative impacts on communities of federally assisted projects and provide an opportunity for clearinghouses to work with applicants to minimize potential adverse impacts prior to submission of applications to Federal agencies.

DATES: Comments must be received on or before March 20, 1979.

ADDRESS: Mail comments to: Thomas F. Snyder, Intergovernmental Affairs Division, Office of Management and Budget, Room 5235, New Executive Office Building, Washington, D.C. 20503. Phone: 202-395-6911.

SUPPLEMENTARY INFORMATION: On March 27, 1978, the President announced a National Urban Policy. It called for a partnership among all levels of government, the private sector, neighborhood and volunteer organizations, and individual citizens to work together to conserve America's communities. Copies of *The President's National Urban Policy Report* have been sent to all clearinghouses. As part of the implementation of this policy, an Executive Order was issued, requiring Federal agencies to identify the urban impact of proposed Federal policy and program initiatives on cities, counties and other communities.

The Executive Order does not, however, require analysis of beneficial or negative impacts of individual federally assisted projects or applications for assistance. Although a Federal program may be generally supportive of urban communities, an individual project receiving assistance under that program may have adverse impacts. By incorporating urban impact reviews into the existing A-95 review and comment system, the effects of individual applications for Federal assistance on economic, social and environmental

well being of urban communities and their residents can be assessed.

WILLIAM R. FEEZLE,
Acting Deputy Associate Director for Intergovernmental Affairs.

Attachment.

PROPOSED AMENDMENT

Attachment A—Circular No. A-95 Revised, Part I: Project Notification and Review System, Section 5. Subject matter of comments and recommendations.

Add: j. The extent to which the project creates a significant impact on central cities, older suburban cities and other communities within the jurisdiction of the clearinghouse, including the relative impacts the project may have on one type of place as compared to others. Such assessments should consider the relationship of the proposed project to factors such as:

(1) Economic revitalization objectives, particularly those related to distressed communities, and efforts to prevent additional areas from becoming distressed;

(2) Business location and level of economic activity;

(3) Expansion of jobs for minorities and the unemployed;

(4) Expansion of housing choices for disadvantaged and minorities;

(5) Efforts to strengthen the fiscal condition and tax base of urban communities, particularly distressed communities;

(6) Conservation and revitalization of neighborhoods, particularly blighted neighborhoods; and

(7) Improvement of urban physical, cultural and aesthetic environments through protection of park, recreation, historic and cultural resources and development of mass transit opportunities.

[FR Doc. 79-856 Filed 1-12-79; 8:45 am]

[8010-10-M]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20872; 70-5388]

EASTERN UTILITIES ASSOCIATES, ET AL.

Proposed Extension of Bank Borrowing by Subsidiary Company

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, Rhode Island 02865; Brockton Edison Company, 36 Main Street, Brockton, Massachjusetts 02403; Fall River Electric Light Company, 85 North Main Street, Fall River, Massachusetts 02722; Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its electric utility subsidiary companies, Blackstone Valley Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup"), have filed a post-effective amendment to their application-declaration, as previously filed and amended in this proceeding with this Commission designating Sections 6(a), 7, 9(a), 10, 12(b), 12(c), and 12(f) of the Act and Rules 43(a) and 45(a) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

The transactions dealt with by the original application have, insofar as hereto relevant, been duly authorized and consummated. The post-effective amendment deals only with a proposed extension of the maturity of a bank loan of Blackstone's, which was one of the original series of transactions.

As a part of its reorganization program, Blackstone has been authorized in this proceeding (order dated February 19, 1975, HCAR No. 18817) to borrow $25,000,000 from the Chase Manhattan Bank, N.A. ("Chase"). Blackstone originally issued Chase its note in that amount, maturing on February 16, 1976, and bearing interest at 115% of the prime rate in effect at Chase from time to time. By orders dated February 12, 1976, February 8, 1977, and January 17, 1978 (HCAR Nos. 19386, 19880 and 20388) Blackstone was authorized to extend the maturity of the note, in each instance for approximately one year. The note now matures on February 1, 1979. The note is secured by a second mortgage on certain properties of Blackstone, said second mortgage being subject, among other encumbrances, to the prior lien of Blackstone's Indenture of Mortgage and Deed of Trust dated as of November 1, 1943. No compensating balance is required in connection with this borrowing.

Proceeds of the loan have been used by Blackstone to reduce open account advances to Blackstone from EUA. EUA applied the funds so received to reduce its short-term borrowings.

By post-effective amendment filed in this proceeding, it is now proposed that the term of the Chase note be further extended to mature on or about January 28, 1980. The interest rate will continue to be the prime as defined. No compensating balance will be required in connection with the extension of the Chase loan. Assuming a prime rate at Chase of 11.75%, the effective interest cost of the note, as revised and extended, would be 14.09%. It is stated that Blackstone had originally intended to convert that Chase note into a longer term secured obligation, but that restrictions on consoldiated capitalization ratios, contained in EUA's bond indenture, make it impossible at the present time to extend the Chase note for more than one year.

It is stated that the Public Utilities Commission of the State of Rhode Island has jurisdiction over the proposed extension of the Chase loan to Blackstone and that no other state Commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Any fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than January 29, 1979, request in writing that a hearing be held on this matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants EUA and Blackstone at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1392 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Release No. 20875; 70-6250]

GEORGIA POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, N.W., Atlanta, Georgia 30302, an electric utility subisidary of The Southern Company, a registered holding company, has filed an application with this Commission purpuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell up to $225,000,000 aggregate principal amount of its first mortgage bonds ("new bonds"). Of such amount, it is proposed that up to $100,000,000 principal amount of new bonds will be issued in February 1979 and up to $125,000,000 principal amount of new bonds will be issued in April 1979, but in either case not later than August 1979. It is intended that each series of new bonds will have a term of not less than five nor more than 30 years and will be sold at competitive bidding for the best price obtainable, but for a price to Georgia of not less than 98% not more than 101¾% of the principal amount thereof, plus accrued interest. The new bonds will be issued under the Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented by various indentures supplemental thereto, and as to be further supplemented by a Supplemental Indenture to be dated as of February 1, 1979, in the case of the $100,000,000 principal amount of new bonds and April 1, 1979, in the case of the $125,000,000 principal amount of new bonds.

It is stated that it is difficult to determine, under present bond market conditions, whether it would be more advantageous to Georgia to sell the new bonds with a 30-year term or some shorter term and that it is in the public interest for Georgia to be afforded the necessary flexibility to adjust its financing program to developments in the markets for long-term debt securities when and as they occur in order to obtain the best possible price, interest rate, and term for its new bonds. Georgia intends, therefore, to decide on the term of each series of the new bonds after the date of the respective public invitation for proposals and then in each case notify prospective bidders by telephone, confirmed in writing, of its decision not less than 72 hours prior to the time of each bidding.

Georgia also proposes to issue up to $50,000,000 of preferred stock, without par value, but with a stated value of $25 per share or $100 per share, ("new preferred stock") and to sell such securities at competitive bidding for the best price obtainable but for a price to Georgia of not less than 100% nor more than 102% of the stated value per share, which shall also be the public offering price per share. In addition, Georgia proposes to pay to the purchasers of the new preferred stock compensation for their services in purchasing and making a public offering of such shares. It is proposed that such stock be issued in February 1979 but in any event not later than August 1979. The terms of the new preferred stock will be established by amendment to the charter of Georgia. Georgia may also make provision for a cumulative sinking fund for the benefit of the new preferred stock which would retire annually not more than 5% of the number of shares initially issued, commencing five years after the sale, with the non-cumulative option on any sinking fund date, commencing five years or later after the sale, of redeeming an additional like number of shares.

It is stated that Georgia may request by amendment that each of the proposed sales be excepted from the competitive bidding requirements of Rule 50, should circumstances develop which, in the opinion of Georgia's management, make such exception in the best interest of Georgia and its investors and consumers.

Georgia intends to use the proceeds from each sale of the new bonds and the sale of the new preferred stock, along with other funds, in financing its 1979 construction.

Statements of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that the proposed transactions will have been authorized by the Georgia Public Service Commission and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 31, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will recieve any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1393 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5592; File No. 81-429]

GRAND UNION CO.

Application and Opportunity for Hearing

JANUARY 4, 1979.

Notice is hereby given that Grand Union Company ("Applicant") has filed an application, pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from the reporting provisions of Section 15(d) of the 1934 Act.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the State of Delaware.

2. On July 28, 1977, Applicant merged with and became a wholly-owned subsidiary of Cavenham (USA) Inc. As a result of this merger, Applicant no longer has any publicly owned common stock.

3. As of April 2, 1978, Applicant's Preferred Stock was held by 259 holders.

4. Prior to July 15, 1978, the Applicant deposited funds with Fidelity Union Trust Company, as Trustee under an Indenture dated as of July

15, 1958, sufficient to pay at the maturity of the Applicant's 4½ percent Subordinated Debentures on July 15, 1978 the principal and interest due to the date of maturity on all outstanding Debentures.

In the absence of an exemption, Applicant is required to file reports pursuant to Section 15(d) of the 1934 Act. Applicant believes 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, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than Jan. 29, 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own notion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMONS,
Secretary.

[FR Doc. 79-1394 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5615; File No. 81-436]

ISL LIQUIDATING CORP. (FORMERLY LEONARD SILVER INTERNATIONAL, INC.)

Application and Opportunity for Hearing

JANUARY 4, 1979.

Notice is hereby given that ISL Liquidating Corporation ("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 Section 15(d) of that Act.

The Applicant states, in part;

1. On September 11, 1978, the Applicant's assets were sold to the Elwot Corporation, a wholly owned subsidiary of Towle Manufacturing Company, in exchange for Towle stock. As a result of the sale, the Applicant ceased all business activities and public trading in its securities ceased.

2. On November 21, 1978, Applicant's registration under 12(g) of the 1934 Act was terminated.

In the absence of an exemption, Applicant would be required to file periodic reports for the year ending December 31, 1978.

Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) of the 1934 Act is appropriate inasmuch as there is no public trading in its stock, it has ceased all business activities and the public may obtain sufficient information regarding Applicant's activities from the reports of Towle Manufacturing Company.

For a more detailed statement of the information presented, all persons are referred to the application which may be examined at the Commission's Public Reference Section, 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than January 29, 1979, may submit to the Commission in writing his view 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, 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. 79-1395 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Release No. 20874; 70-6047]

MIDDLE SOUTH UTILITIES, INC.

Proposal To Extend Period During Which Common Stock May Be Issued to Trustee Under an Employee Stock Ownership Plan

JANUARY 5, 1979.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated September 20, 1977 in this matter (HCAR No. 20183), Middle South was authorized to make available, for acquisition by First National Bank of Commerce, New Orleans, Louisiana, as trustee ("Trustee") under the Employee Stock Ownership Plan of Middle South Utilities, Inc. and Subsidiaries ("Plan"), directly from Middle South, through January 31, 1979, up to 300,000 authorized but unissued shares of its common stock, $5 par value ("Additional Stock"). Middle South now proposes to extend for three years, from January 31, 1979 to January 31, 1982, the period during which Middle South may offer and issue the Additional Stock directly to the Trustee under the Plan.

Pursuant to the terms of the Plan, Middle South and its subsidiaries contribute to the Trustee for employees participating in the Plan an amount equal to an additional investment tax credit allowed to Middle South on its consolidated federal income tax return for such purpose under the Internal Revenue Code of 1954, as amended. The Trustee must invest and reinvest cash contributions, and any income thereon, exclusively in Middle South's common stock, $5 par value, which is acquires, at its discretions, through open market or private purchases or directly from Middle South. If Middle South offers Additional Stock to the Trustee and the Trustee chooses to accept such offer rather than to acquire Middle South's common stock in the open market or elsewhere, the Additional Stock is acquired for an amount equal to the value of such Stock based upon the average of the closing prices of Middle South's common stock based on consolidated trading as defined by the Consolidated Tape Association and reported as part of the consolidated trading prices of New York Stock Exchange listed securities for twenty consecutive trading days immediately preceding the acquisition ("Market Value"). If dividends are reinvested in Additional Stock, such Stock is acquired for an amount equal to the Market Value of such Stock.

Middle South currently estimates that the balance of the Additional

Stock remaining unissued to date, namely 93,053 shares, should be sufficient, based upon the recent market value of its common stock and Middle South's current tax position, to satisfy the requirements of the Plan through January 31, 1982, the extended date through which it is now proposed that Middle South be permitted to offer and issue the Additional Stock directly to the Trustee pursuant to the Plan.

The proceeds derived by Middle South through the issuance of the balance of the Additional Stock will be utilized for repayment of then outstanding bank loans to Middle South, pursuant to the credit agreement between Middle South and various commercial banks, dated June 29, 1978.

Except as set forth above, all terms and conditions of the offer and issuance by Middle South, and acquisition by the Trustee, of the Additional Stock pursuant to the Plan, as set forth in the application-declaration as approved in the Commission's order of September 20, 1977, are to remain unchanged.

It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 29, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1396 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Release No. 20876; 70-6241]

NATIONAL FUEL GAS CO., AND SENECA RESOURCES CORP.

Proposed Issuance and Sale of Short-Term Notes to Bank by Subsidiary Company and Guaranty Thereof by Holding Company

JANUARY 5, 1979.

Notice is hereby given that National Fuel Gas Company ("National") 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and one of its wholly-owned subsidiary companies, Seneca Resources Corporation ("Seneca") 10 Layfayette Square, Buffalo, New York 14203, have filed a declaration and an amendment thereto with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

Seneca proposes to issue and sell notes pursuant to a line of credit with Houston National Bank upon the following terms. Seneca will enter into a loan agreement with Houston National Bank pursuant to which Seneca will have the right to borrow not to exceed $20,000,000 in principal amount at any one time outstanding. Such loan will be evidenced by unsecured short-term notes which will be dated the date of issue, will mature on January 31, 1980, and will be prepayable, at any time in whole or in part, without penalty or premium. It is proposed that payment of principal and interest on the notes will be unconditionally guaranteed by National. The notes will bear interest not in excess of the prime rate of interest at Houston National Bank as it fluctuates from time to time. In addition, Seneca has agreed with Houston National Bank to maintain average balances at 10% of the amount of the line of credit, plus 10% of the amount drawn down by Seneca under the line of credit. Assuming an average balance of 20%, the effective cost of money, based on an 11¾% prime rate, would be 14.6875%.

Under the terms of the loan agreement, Seneca is obligated to pay the reasonable fees and expenses of counsel for Houston National Bank in connection with the preparation of the loan agreement and all transactions pursuant thereto. Other than such counsel fees, there will be no commitment fee or any other closing or related costs in connection with the above transactions.

Seneca intends to use the proceeds from the sale of said short-term notes to repay interest-free emergency loans aggregating not to exceed $9,000,000 from National Fuel Gas Supply Corporation ("Supply"), a wholly-owned subsidiary of National. Seneca also intends to repay at maturity $3,000,000 in loans advanced by National from the proceeds of the sale of commercial paper by National. The loans to Seneca from Supply and National were made for the purpose of supplying working capital to Seneca and financing Seneca's 1977 and 1978 gas exploration and development program. Seneca plans to use the remaining amount available under the proposed line of credit as working capital and to finance gas exploration and development in 1979. It is stated that repayment of the notes by Seneca will be made by funds generated internally and by possible external financial arrangements.

A statement of the fees and expenses to be incurred in connection with the proposed transactions is to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. National requests that it be permitted to file the certificates required by Rule 24 relating to the proposed transactions on a quarterly basis.

Notice is further given that any interested person may, not later than January 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1397 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Rel. No. 20879; 70-6252]

OHIO EDISON CO.

Proposed Issuance of Bonds for Sinking Fund Purposes, Proposed Issuance and Sale of Common Stock and Request for Exemption From Competitive Bidding

JANUARY 8, 1979.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 76 South Main Street, Akron, Ohio 44308, an operating company and a registered holding company, has filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue on or about May 1 and November 1 of the year 1979 a total of $15,158,000 principal amount of its first mortgage bonds, 3¼% Series of 1955 due 1985 ("Sinking Fund Bonds"), such issuance to be under its Indenture dated as of August 1, 1930, as amended and supplemented (the "Mortgage"). The Sinking Fund Bonds are to be of the series provided for by the Twelfth Supplemental Indenture dated as of May 1, 1955, and will be identical in all respects to the sinking fund bonds of this series which were the subject of previous orders by this Commission (the latest such order being that of March 21, 1978 (HCAR No. 20549)).

Ohio Edison proposes to use the Sinking Fund Bonds solely to obtain the inclusion in its general funds, through the authentication and delivery by the Indenture Trustee and surrender by Ohio Edison to said Trustee for cancellation of Sinking Fund Bonds, of the sinking fund payments on deposit or required to be made with the Trustee under the improvement and sinking fund provisions of the Mortgage in 1979. The cash so withdrawn will be used for general corporate purposes. It is proposed that the Sinking Fund Bonds will be ussued either on the basis of unfunded property additions or on the basis of retired bonds previously outstanding under the Mortgage. It is estimated that, after giving effect to the issuance of the Sinking Fund Bonds, unfunded net property additions as of September 30, 1978, will amount to $604,000,000. Ohio Edison presently has available $25,058,000 aggregate principal amount of retired bonds previously outstanding under the Mortgage against which bonds can be issued.

Ohio Edison also proposes to issue and sell up to 6,000,000 shares of its authorized but unissued common stock, par value $9 per share ("New Common Stock"). The proceeds from such sale will be used (1) to enable Ohio Edison to continue its on-going construction program, estimated at $385,776,000 for 1979; (2) to reduce its unsecured short-term debt (estimated to amount to $130,000,000 at the time of issuance and sale of the New Common Stock; and (3) to use for other similar corporate purposes for which borrowing under short-term credit lines would be required if such funds were not so used.

Ohio Edison requests that it be granted for such issuance and sale an exemption from the competitive bidding requirements of Rule 50 promulgated under the Act pursuant to Rule 50(a)(5). It is stated that management believes it to be in the best interests of its securityholders and ratepayers that it be permitted to negotiate an offering of the New Common Stock with underwriters so so as to channel as much effort and flexibility as possible into the proposed sale. Ohio Edison's earnings per share for the twelve months ended November 30, 1978, were $1.19 per share; its dividend rate is currently $1.76 per share per annum. At said date its price/earnings ratio was 12.6 times, an extremely high ratio in comparison with the recent past. At the present time Ohio Edison cannot issue either first mortgage bonds or preferred stock due to lack of adequate coverage ratios under its first mortgage indenture and charter. It is claimed that these financial problems make for great uncertainties in the market for its common stock. Ohio Edison states it must be able to tailor the sale of the New Common Stock for the most favorable market if the sale is to be consummated on reasonable terms, and that this is not possible under the constraints of competitive bidding, which prevent last minute changes in timing or amount of securities to be offered. In addition it is felt that the sale of the New Common Stock in the present circumstances will require substantial presale preparation and effort by the underwriter, which only his advance selection will permit. Finally, it is noted that Ohio Edison has filed with this Commission an application under Section 3(a)(2) of the Act requesting an order exempting it from the provisions of the Act (File No. 31-766), and the effect of the action requested therein is something concerning which underwriters will need to be educated.

The fees and expenses to be incurred in connection with the propose transactions will be supplied by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the issuance and sale of the New Common Stock and the issue and use of the Sinking Fund Bonds, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the application-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1398 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Release No. 34-15459; File No. SR-NYSE-78-65]

SELF-REGULATORY ORGANIZATIONS

New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 18, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The New York Stock Exchange, Inc. ("NYSE") has proposed amendment of Paragraph .10 of NYSE Rule 103 to provide that (i) all members registered with the exchange as regular specialists, or odd-lot dealers or odd-lot brokers will be required to pay a monthly registration fee of $37.50 and (ii) all members registered as relief or associate specialists will be required to pay a monthly registration fee of $1.67. This proposal simply provides for payment of the registration fees required by NYSE Rule 103.10 in monthly, rather than quarterly, installments.

STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

The NYSE asserts that the purpose of the proposed rule change is to modify Paragraph .10 on NYSE Rule 103 to indicate that registration fees are to be paid monthly rather than quarterly by all members registered with the exchange as regular specialists, odd-lot dealers or brokers, relief specialists, or associate specialists.

STATEMENT OF BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The NYSE believes that this amendment of NYSE Rule 103 will facilitate internal recordkeeping and enhance the exchange's capacity to enforce members' compliance with that provision. Accordingly, the NYSE points to Section 6(b)(1) of the Act as providing the statutory basis. Section 6(b)(1) requires, among other things, that a registered national securities exchange have the capacity to enforce compliance by its members with the exchange's rules.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

The NYSE states that no comments have been solicited or received.

BURDEN ON COMPETITION

The NYSE believes that its Rule 103, as amended, will not impose any burden on competition.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act because it changes the time of payment of certain fees. At any time within sixty days of the date of filing of this proposed rule change, the Commission may summarily abrogate the rule 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 Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 4, 1979.

[FR Doc. 79-1403 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Release No. 34-15460; File No. SR-NYSE-78-67]

SELF-REGULATORY ORGANIZATIONS

New York Stock Exchange, Inc. (the "NYSE" or "Exchange")

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 26, 1978, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change and has furnished the following terms of substance, purpose, and basis under the Act for the proposed rule change:

TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes would require that members, member organizations, allied members, approved persons and registered and non-registered employees report to the Exchange whenever any one of them becomes the subject of any of the following matters: violations of rules or regulations of regulatory and self-regulatory bodies; written customer complaints alleging defalcation, theft or forgery; any disciplinary proceeding by a regulatory or self-regulatory body, or when denied registration, membership or otherwise disciplined by such authorities; arrests and related criminal proceedings; certain associations with a fiduciary implicated in a regulatory or criminal matter; a claim by a customer, broker or dealer which is settled for more than $5,000; a judgment, award or settlement exceeding $5,000 resulting from securities or commodities-related civil litigation or arbitration; and "statutory disqualifications" as defined in the Act.

PURPOSE OF PROPOSED RULE CHANGES

The foregoing reporting requirements would, in light of the standards set forth in Section 6(c)(3) of the Act, enable the Exchange to determine if a member or person associated with a member is qualified to maintain his status with the Exchange.

The proposed amendments are intended to make Exchange reporting requirements consistent with the Act and provide greater efficiency to enable the Exchange to enforce the Act and rules of the Exchange.

Additionally, the proposed new rule eliminates redundancies by consolidating the reporting requirements for members, member organizations, allied members and approved persons, which are currently contained in one rule with the virtually identical reporting requirements for registered employees, which are set forth in another rule.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The proposed new NYSE Rule 351 and the rescission of NYSE Rules 311.10 and 351 are consistent with Sections 3(a)(39), 6 (b) and (c), 15(b)(4)(B)-(E) and 17(a) of the Act. The proposed reporting requirements would provide the Exchange with information enabling it to enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder. By requiring the reporting of persons subject to "statutory disqualifications" as defined in the Act and of other information necessary to determine if a person has "engaged in

acts or practices inconsistent with just and equitable principles of trade," the proposed rule provides the Exchange with the opportunity to determine, as stated in Section 6(c) of the Act, the qualifications of a broker or dealer to be a member or any person to be associated with a member. By providing the Exchange with a means to enforce compliance with the Act and rules of the Exchange, the proposed reporting requirements would help to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade and serve to facilitate the protection of investors and the public interest. Further, the proposed Rule would provide the Exchange with a means to determine if its members or persons associated with its members should be appropriately disciplined for violation of the provisions of the Act or the rules of the Exchange.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

The NYSE states that comments were solicited and received from the Securities Industry Association and incorporated into the proposed rule. Their suggestions were to require reports of settlements exceeding $5,000, rather than $2,500, and of rule violations known to have actually occurred.

BURDEN ON COMPETITION

The NYSE has determined that this proposal will not impose any burden on competition.

Within 35 days of the January 15, 1979, date of publication of this notice in the FEDERAL REGISTER (February 19, 1979), or within such longer period (i) as the Commission may designate up to 90 days of such date (April 16, 1979) if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 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 all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 5, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 4, 1979.

[FR Doc. 79-1404 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5541; File No. 81-440]

SOUTH SHORE PUBLISHING CO., INC.

Application and Opportunity for Hearing

Notice is hereby given that South Shore Publishing Co., Inc. ("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. The Applicant became subject to the periodic reporting requirements of Section 15(d) of the 1934 Act for its common stock in 1969.

2. Applicant's registration under Section 12(g) of the 1934 Act, effective in 1972, was terminated on November 28, 1978.

3. On October 6, 1978, the stockholders of the Applicant approved an amendment to the corporate charter to effect a reverse split of its common stock. As the result of such reverse stock split, the Company has only three stockholders.

In the absence of an exemption, Applicant would be required to file reports pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations, thereunder, for the balance of the fiscal year ending May 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 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 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 Jan. 29, 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. 79-1400 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Rel. No. 20878; 70-6251]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Acquisition of Coal Rail Cars

JANUARY 8, 1979.

Notice is hereby given that Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

SWEPCO seeks authorization to acquire 605 one hundred ton, sixty foot, open-top coal hopper rail cars (the "Equipment") for use in unit train service between Gillette, Wyoming and SWEPCO's Welsh Unit No. 1, Welsh Unit No. 2 and Flint Creek power plants. SWEPCO has acquired 605 equivalent rail cars pursuant to the authorizations given in previous orders of August 9, 1976 (HCAR No. 19643), and October 12, 1977 (HCAR No. 20207). Each unit train consists of 110 coal cars and SWEPCO maintains a 10% or 11 car reserve for maintenance and repairs. The proposed acquisition of 605 cars will provide one additional unit train for Welsh Unit No. 1, one additional unit train for Flint Creek and three unit trains for Welsh Unit No. 2, which is presently

being constructed and is scheduled for commercial operation in 1980. The 605 cars comprising the Equipment will cost approximately $25,000,000, with the final cost dependent upon cost escalations under the contract with the manufacturer, delivery charges and the amounts of any sales or use taxes.

It is stated that additional unit trains for Welsh Unit No. 1 and Flint Creek are necessary because the turnaround times experienced by SWEPCO are in excess of the times originally estimated, such tardiness being attributed to congestion on the railroad's line from the mine site near Gillette, Wyoming to the Welsh plant in Cason, Texas and the Flint Creek plant in Siloam Springs, Arkansas, distances of about 1500 and 1100 miles, respectively. The estimated turnaround time to the Welsh plant was 155 hours; that actually experienced, 210 hours. The estimated turnaround time to the Flint Creek plant was 114 hours; that actually experienced, 183 hours. To compensate for the added times SWEPCO had been using two unit trains consisting of carrier-owned rail cars supplied by Burlington Northern, Inc., one of which is no longer available to SWEPCO. SWEPCO believes it advisable to acquire sufficient additional cars (242) so that it does not need to rely on carrier-owned cars for these two units trains.

It is further stated that 363 cars (three unit trains) are presently estimated to be sufficient to transport the coal requirements for Welsh Unit No. 2, the coal for which is to be provided under a contract between SWEPCO and Amax Coal Company covering coal requirements for Welsh Unit No. 1, Welsh Unit No. 2 and Flint Creek for the first 25 years of the operation of such facilities.

SWEPCO intends that all of the Equipment will be used exclusively by it. Since the unit trains will operate continuously there will be no spare car capacity. In the event the turnaround time now experienced by SWEPCO is reduced, SWEPCO will either acquire fewer coal cars than the number presently anticipated to be required to service Welsh Unit No. 3 or will refrain from replacing cars which have become worn out or irreparably damaged in operation, or both.

Of the 605 rail cars, SWEPCO plans to acquire 242 between February and June 1979, pursuant to a proposed railroad equipment lease ("Lease") described further below. The financing arrangements for the remaining 363 rail cars, which are scheduled for delivery from October through December 1979, have not been completed and will be the subject of further amendment to this application.

The Lease SWEPCO proposes to enter into is with Cason Car Corporation ("Lessor") and is for 242 rail cars for an interim term beginning on the date of delivery of the rail cars and ending on August 1, 1979, followed by a primary term of 20 years ending on August 1, 1999. The rental for the interim term will be a payment on August 1, 1979, equal to the purchase price of the rail cars, as defined in the Lease, times the daily equivalent of 9½% per annum for each day of the interim term. Rentals thereafter will be required semiannually, commencing February 1, 1980, in accordance with the following schedule:

Rental Payment Dates	Number of Payments	Percent of Purchase Price
Feb. 1, 1980 to Aug. 1, 1984.....	10	4.75%
Feb. 1, 1985 to Feb. 1, 1999.....	29	6.16%
Aug. 1, 1999.....	1	16.16%

The rental payments are calculated to be an amount sufficient to pay interest only at 9½% per annum on the purchase price for the first 5 years of the primary term, to amortize 90% of the purchase price at 9½% per annum during the 6th through 20th year of the primary term, with a final payment of the then-remaining unamortized portion of the purchase price.

The Lease is a net lease under which SWEPCO agrees to pay all taxes and charges on the rail cars or assessed against the Lessor (other than income taxes assessed against the Lessor on its fees) and covenants to keep the rail cars insured or self-insured, free of non-permitted liens and encumbrances, in good maintenance and repair and in compliance with laws and governmental regulations. In the event of a casualty occurrence (which would include a rail car's becoming worn out, lost, stolen, destroyed, condemned or otherwise permanently unfit for use), SWEPCO is required to either: (i) terminate the Lease with respect to such rail car and pay the Lessor a sum equal to the Casualty Value of such rail car; (ii) substitute replacement equipment having a value and a useful life at least equal to the Casualty Value and remaining useful life of the rail car being replaced; or (iii) provide sufficient funds to the lessor to enable it to acquire replacement equipment meeting the requirements of clause (ii) above. The Casualty Value of a rail car represents the then unamortized portion of its purchase price as of a given rental payment date.

The rail cars are being manufactured by Thrall Car Manufacturing Company ("Thrall") and will be sold by it to the Lessor under a conditional sales agreement ("CSA"). Thrall will assign its right, title and interest in the CSA and the rail cars to Mercantile-Safe Deposit and Trust Company, as agent ("Agent") pursuant to an agreement and assignment ("Assignment"), which will hold security title to the rail cars on behalf of Greenwich Savings Bank and Pilot Life Insurance Company (collectively, the "Investors") who will provide 100% of the purchase price of the rail cars. The Investors will be repaid in installments under the CSA equal to the rental payments required to be made by SWEPCO under the Lease. The Investors, the Agent and SWEPCO will enter into a finance agreement describing the proposed transaction, and the Lessor will assign to the Agent, as additional security, the rentals to be received under the Lease (SWEPCO will acknowledge notice of and consent to such assignment).

SWEPCO will have the right to terminate the Lease as of any rental payment date occurring on or after August 1, 1989, in the event it determines the rail cars are no longer economical for use in its operations by paying the Casualty Value of the rail cars at such date to the Lessor. Upon payment of the Casualty Value or upon payment of the last rental installment SWEPCO will receive title to the rail cars and will have no further obligations under the Lease. SWEPCO will also have the right to terminate the Lease as of any rental payment date by depositing with the Agent an amount sufficient to prepay the unamortized principal amount of the CSA indebtedness plus a premium equal to 9½% of such amount during the first year of the primary term and declining by equal annual amounts to no premium in the final year of the primary term, provided that no such redemption can be made prior to August 1, 1989, from the proceeds of borrowings by SWEPCO having a lesser interest cost or a shorter remaining weighted average life than the interest cost or remaining weighted average life of the CSA indebtedness. SWEPCO can also terminate the lease as of any rental payment date by entering into and delivering to the Agent an assumption agreement under which the lessor would assign its interests as vendee under the CSA to SWEPCO and SWEPCO would directly assume liability for repayment of the CSA indebtedness.

It is stated that SWEPCO intends to include the full amount of the rental payments under the Lease in determining its fuel costs for use in the fuel adjustment clause of its rates, subject to approval by applicable regulatory authorities.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no state com-

mission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 29, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1399 Filed 1-12-79; 8:45 am]

[8010-01-M]

[File No. 1-4162]

UOP, INC.

6¾% Sinking Fund Debentures Due May 1, 1993; Application To Withdraw From Listing and Registration

JANUARY 2, 1979.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the NEW YORK STOCK EXCHANGE, INC. ("NYSE").

The reason alleged in the application for withdrawing this security from listing and registration include the following:

The 6¾% Sinking Fund Debentures ("Debentures") of UOP, Inc. (the "Company") are being withdrawn from listing and registration because the Company has determined that the expense of complying with the Commission's reporting requirements is not justified. The Company has indicated that there are less than 300 recordholders for the above listed Debentures. The NYSE has posed no objection in this matter.

Any interested person may, on or before January 31, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-1401 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5589; File No. 81-402]

WORCESTER CONTROLS CORP.

Application and Opportunity for Hearing

JANUARY 4, 1979.

Notice is hereby given that Worcester Controls Corporation ("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 requirements to file reports pursuant to Sections 13 and 15(d) of the Exchange Act.

The Applicant states, in part:

1. The Applicant is a Massachusetts corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On August 28, 1978, a wholly-owned subsidiary (WCC Corp.) of BTR Limited, an English Corporation, became the sole shareholder of the Applicant when it acquired 100 percent of Applicant's outstanding equity securities as a result of a merger of a wholly-owned subsidiary of WCC Corp. with and into the Applicant.

3. The merger was voted upon and approved by the Applicant's shareholders at a meeting held on August 28, 1978.

4. Upon the terms of the merger, the shares of the Applicant's common stock outstanding prior to the merger were each converted into $30.00 cash.

5. The holders of such shares do not have any continuing interest in or rights as shareholders, of the Applicant.

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 August 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 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 500 North Capitol Street, N.W., Washington, D.C.

Notice is further given that any interested person not later than January 29, 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. 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) 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. 79-1402 Filed 1-12-79; 8:45 am]

[8010-01-M]

[Release Nos. 33-6011; 34-15458; 35-20869; IC-10542]

ADVISORY COMMITTEES

Establishment

ACTION: Notice of Establishment of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting.

SUMMARY: The Chairman of the Commission, with the concurrence of the other members of the Commission, has established the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting, which is to advise the Chief Accountant of the Commission on various difficult, complex and technical questions relating to the development of oil and gas reserve recognition accounting.

FOR FURTHER INFORMATION CONTACT:

James Russell or Gretta Powers, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-0222 or (202) 472-3782.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. I, and the regulations thereunder, the Commission has ordered publication of this notice that Chairman Williams, with the concurrence of the members of the Commission, has established an advisory committee under the Federal Advisory Committee Act which is designated the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting, certifying that he has considered the establishment of this Committee and, with the concurrence of the other members of the Commission, has found the creation of this Committee to be in the public interest in that it will assist the Commission in the performance of its responsibilities under the federal securities laws.

The Advisory Committee's objectives are to advise the Chief Accountant of the Commission on various difficult, complex and technical questions relating to the development of oil and gas reserve recognition accounting including: cost-effective standards for reserve valuations; the appropriate format for a supplemental earnings summary presenting the results of oil and gas operations accounted for by the reserve recognition accounting method; the feasibility of incorporating data generated pursuant to the reserve recognition accounting method into the primary financial statements of registrants engaged in oil and gas producing activities; and other related matters coming to the attention of the Chief Accountant.

The Advisory Committee shall conduct its operations in accordance with the provisions of the Federal Advisory Committee Act.

The Advisory Committee shall submit its reports and recommendations to the Chief Accountant of the Commission. The duties of the Advisory Committee shall be solely advisory and shall extend only to the submission of reports and recommendations to the Chief Accountant of the Commission, who has sole responsibility for determining appropriate actions to be recommended to the Commission.

The Commission shall provide any necessary support services required by the Advisory Committee.

The estimated annual operating costs in dollars and staff-years of the Advisory Committee are as follows:

Dollar cost—$25,000 for travel, per diem and miscellaneous expenses for Advisory Committee members and Commission personnel per year on a continuing basis.

Staff-years—2 staff years, per year, for Commission personnel on a continuing basis.

The Advisory Committee shall meet at such intervals as are necessary to carry out its functions. It is estimated that the meetings of the full Advisory Committee generally will not occur more frequently than monthly (or twelve times a year).

The Advisory Committee shall terminate at the end of two years from the date of its establishment unless, prior to such time, its Charter is renewed in accordance with the Federal Advisory Committee Act, or unless the Chairman, with the concurrence of the other members of the Commission, determines that continuance of the Advisory Committee no longer is in the public interest.

Fifteen days after this notice has been published in the FEDERAL REGISTER, Notice of the establishment of the Committee and the Charter of this Committee will be filed with the Chairman of the Commission, the Senate Committee on Banking, Housing, and Urban Affairs, and the House of Representatives Committee on Interstate and Foreign Commerce. A copy of the Notice and the Charter will also be furnished to the Library of Congress and to the Office of Public Information of the Commission and will be available for public inspection.

The Commission anticipates announcing the membership of the Advisory Committee and the proposed date for its first meeting within the next few weeks.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 4, 1979.

[FR Doc. 79-1408 Filed 1-12-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 10/13-5027]

ALYESKA INVESTMENT CO.

Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 13 C.F.R. 107.701 (1978) for the transfer of control of Alyeska Investment Company (licensee), a small business investment company licensed by the Small Business Administration on June 18, 1971, and operating under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Licensee, an Alaskan corporation with its principal place of business located at 1815 South Bragaw Street, Anchorge, Alaska 99504, is presently owned by the following stockholders:

Name	Voting Shares	Percent of Ownership
Amerada Hess Pipeline Corporation	150	1.5
Arco Pipeline Company	2,100	21.0
BP Pipeline Inc.	1,584	15.8
Exxon Pipeline Company	2,000	20.0
Mobil Alaska Pipeline Company	500	5.0
Phillips Alaska Pipeline Corporation	166	1.7
Sohio Pipe Line Company	3,334	33.3
Union Alaska Pipeline Company	166	1.7
Total	10,000	100.0

Under the terms of a "Stock Purchase Agreement", Allen R. Thompson and Connie F. Thompson, husband and wife (collectively "Buyers"), propose to acquire all of the outstanding stock of the licensee.

Upon transfer of control, the "Buyers" will continue the operations of the licensee at 234 East 2nd Avenue, Anchorage, Alaska 99501 with no change in the investment policy or in the area of operations. However, the following will be named officers and directors:

Allen R. Thompson, Lot 13, Prospect Heights Road, Anchorage, Alaska 99504, President, Director & 100% Stockholder.
Rick A. Thompson, SR 2, Box 251, Eagle River, Alaska 99577, Vice President, Director.
Sharyn C. Clabaugh, 2901 West 33rd, Anchorage, Alaska 99503, Secretary, Director.
Alfred R. Knighten, 1019 San Fernando #8, Anchorage, Alaska 99504, Treasurer, Director.
John L. Alexander, 1519 E Street, Anchorge, Alaska 99501, Director.
Nina M. Anderson, 1813 G Street, Anchorage, Alaska 99501, Director.
Robert W. Fritz, 3501 Lunar Drive, Anchorage, Alaska 99504, Director.
Terry L. Petruska, P.O. Box 4-1910, Anchorage, Alaska 99509, Director.
Finis J. Sheldon, Mi 23, Old Glenn Highway, Chugiak, Alaska 99567, Director.
Roger E. Smith, 715 Pisgah Drive, Canon City, Colorado 81212, Director.
George E. Williams, 2511 ½ West 30th, Anchorage, Alaska 99503, Director.

Matters involved in SBA's consideration of the application include the general business reputation and char-

acter of management and shareholders, and the probability of successful operations of the licensee under their management in accordance with the Act and Regulations.

Notice is further given that any person may, not later than January 31, 1979, submit to SBA in writing, comments on the proposed transfer of control of this company. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published by the licensee in a newspaper of general circulation in Anchorage, Alaska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 18, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-1350 Filed 1-12-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1554]

INDIANA

Declaration of Disaster Loan Area

Clark County and adjacent counties within the State of Indiana constitute a disaster area as a result of damage caused by excessive rainfall and severe flooding which occurred from December 8-16, 1978. Applications will be processed under the provisions of Public Law 94-305. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 5, 1979, and for economic injury until the close of business on October 5, 1979, at:

Small Business Adminstration, District Office, Federal Building—5th Floor, 575 North Pennsylvania Street, Indianapolis, Ind. 46204,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 4, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-1351 Filed 1-12-79; 8:45 am]

[4710-070-M]

DEPARTMENT OF STATE

[Public Notice CM-8/148]

STUDY GROUP 6 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on February 8, 1979, at Boulder, Colorado. The meeting will open at 9:00 a.m., in Room 3012 of the Radio Building, 325 Broadway, Boulder, Colorado.

Study Group 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The purpose of the meeting will be a review of the documentation approved at the CCIR Special Preparatory Meeting and to review the program for submission of documents to the CCIR for the 1978-1982 cycle.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, Telephone 202-632-2592.

Dated: January 8, 1979.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc. 79-1306 Filed 1-12-79; 8:45 am]

[4710-19-M]

[Public Notice 646]

PARTICIPATION OF PRIVATE-SECTOR REPRESENTATIVES ON U.S. DELEGATIONS

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting the following list of private-sector representatives and advisers who participated in U.S. Delegations during the month of December, 1978.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the FEDERAL REGISTER on August 24, 1978.

Dated: January 2, 1979.

BRYAN H. BAAS,
Deputy Director, Office of International Conferences.

UNITED STATES DELEGATION TO THE SECOND SESSION, PREPARATORY COMMITTEE FOR THE THIRD INTERNATIONAL COCOA AGREEMENT, INTERNATIONAL COCOA COUNCIL AND SPECIAL SESSION, INTERNATIONAL COCOA COUNCIL, LONDON, DECEMBER 4-15, 1978

REPRESENTATIVES

John P. Ferriter, Chief, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.

ALTERNATE REPRESENTATIVE

Thomas J. O'Donnell, American Embassy, London.

ADVISERS

Ralph Ives, Resources Policy Division, Department of Commerce.
William Quinn, Office of Raw Materials, Department of the Treasury.
David A. Ross, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.

PRIVATE SECTOR ADVISERS

John C. K. Buckley, Vice-President, Purchasing, the Nestle Company, White Plains, N.Y.
Julian Hemphill, Chairman, New York Cocoa Exchange, New York, N.Y.
Elizabeth Wood, Assistant Coordinator of the Nutrition and Consumer Education, Consumers Cooperative of Berkeley, Berkeley, Calif.

THE ECONOMIC AND SOCIAL COUNCIL COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS, 10TH SESSION, GENEVA, DECEMBER 4 TO 13, 1978

REPRESENTATIVE

Alan I. Roberts, Director, Office of Hazardous Materials Regulation Research and Special Programs Administration, Department of Transportation.

ALTERNATE REPRESENTATIVE

Edward A. Atemos, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation.

ADVISERS

Robert C. Herman, Explosives Safety Board, Department of Defense.
Donnell W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation.
Charles W. Schultz, Engineering Branch, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation.
W. N. Spence, Captain, Chief, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

PRIVATE SECTOR ADVISERS

Michael T. Bohlman, Cargo Tank Engineer, Sea-Land Service, Inc., Elizabeth, N.J.
Orton Overman, Stauffer Chemical Co., Westport, Conn.

UNITED STATES DELEGATION TO THE AD HOC WORKING PARTY ON PULP AND PAPER, INDUSTRY COMMITTEE, ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD), PARIS, DECEMBER 12-13, 1978

REPRESENTATIVE

Donald W. Butts, Industry and Trade Administration, Department of Commerce.

ALTERNATIVE REPRESENTATIVE

Raymond Lombardi, United States Mission to OECD Paris.

PRIVATE SECTOR ADVISER

Irene Meister, Vice President, American Paper Institute, New York, N.Y.

UNITED STATES DELEGATION TO THE INTERNATIONAL SUGAR ORGANIZATION COUNCIL, LONDON, DECEMBER 13-14, 1978

REPRESENTATIVE

Thomas J. O'Donnell, American Embassy, London.

ALTERNATE REPRESENTATIVE

David H. Burns, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.

ADVISER

Paul P. Pilkauskas, American Embassy, London.

PRIVATE SECTOR ADVISERS

Arthur M. Best, Deputy Commissioner, Department of Consumer Affairs, New York, N.Y.
H. Paul Gardner, New York Coffee and Sugar Exchange, New York, N.Y.
Gregg R. Potvin, President, U.S. Cane Sugar Refiners Association, Washington, D.C.

UNITED STATES DELEGATION TO THE FOURTH SESSION OF THE PREPARATORY COMMITTEE OF THE INTERNATIONAL MARITIME SATELLITE SYSTEM (INMARSAT), INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMCO), LONDON, DECEMBER 18-22, 1978

REPRESENTATIVE

Arthur L. Freeman, Office of International Communications Policy, Department of State.

ADVISERS

Veronica Ahern, Director, International Affairs, National Telecommunications and Information Administration, Department of Commerce.
H. Clay Black, Shipping Attaché, American Embassy, London.
Robert Greenburg, Common Carrier Bureau, Federal Communications Commission.
Waldimir Naleszkiewicz, National Telecommunications and Information Administration, Department of Commerce.

PRIVATE SECTOR ADVISERS

Robert N. Zxelrod, ComSat General Corporation, Washington, D.C.
Robert Bourne, Attorney, Communications Satellite Corporation, Washington, D.C.
Edward Martin, Assistant Vice President, ComSat General Corporation, Washington, D.C.
Edward Slack, ComSat General Corporation, Washington, D.C.

CONGRESSIONAL ADVISERS

Ronald Coleman, House Interstate and Foreign Commerce Committee Staff.
Brian Moir, House Interstate and Foreign Commerce Committee.

UNITED STATES DELEGATION TO THE INSURANCE COMMITTEE, ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) PARIS, DECEMBER 19-20, 1978

REPRESENTATIVE

Albert N. Alexander, Director, International Services Division, Department of Commerce.

ADVISER

Stephen Altheim, United States Mission to OECD, Paris.

PRIVATE SECTOR ADVISER

Harold K. Shelp, International Insurance Advisory Council, Washington, D.C.

UNITED STATES DELEGATION TO THE INTERNATIONAL WHALING COMMISSION (IWC), TOKYO, DECEMBER 19-20, 1978

COMMISSIONER

The Honorable Richard A. Frank, Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

DEPUTY COMMISSIONER

Thomas Garrett, Garrett, Wyo.

ADVISERS

William Aron, Director, Office of Ecology and Conservation, National Oceanic and Atmospheric Administration, Department of Commerce.
Janice K. Barnes, Office of Ocean Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.
Robert Brownell, Fish and Wildlife Laboratory, Department of the Interior.
Robert Eisenbud, General Counsel, Marine Mammal Commission.
Prudence Fox, Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.
Katherine Gillman, Council on Environmental Quality.
Eldon Greenberg, General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce.
James Johnson, Fisheries Attaché, Tokyo.
Michael Tillman, Marine Mammal Division, National Oceanic and Atmospheric Administration, Department of Commerce.

PRIVATE SECTOR ADVISERS

Patricia Forkan, Vice President, Humane Society of the United States, Washington, D.C.
Claudia Kendrew, National Wildlife Federation, Washington, D.C.
Ronn Storro-Patterson, Whale Center, Oakland, Calif.

[FR Doc. 79-1301 Filed 1-12-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ELMENDORF RADAR APPROACH CONTROL

Closing

Notice is hereby given that on or about January 10, 1979, the Elmendorf Radar Approach Control (RAPCON), Anchorage, Alaska, will be closed. Air traffic services formerly provided by this facility will be provided by the Anchorage Terminal Radar Approach Control (TRACON).

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.

Issued in Anchorage, Alaska on January 2, 1979.

DONALD T. KEIL, JR.,
Acting Director,
Alaskan Region.

[FR Doc. 79-1278 Filed 1-12-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMISSION

Office of Proceedings

[Notice No. 2]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1979.

IMPORTANT NOTICE

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the

quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 2202 (Sub-573TA), filed November 20, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Neosho, MO as an off-route point in connection with applicant's regular routes, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): LA-Z-Boy Chair, Inc., P.O. Box 628, Neosho, MO 64850. SEND PROTESTS TO: Mary Wehner, I.C.C., 731 Federal Office Bldg., 1240 East Ninth St., Cleveland, OH 44199.

MC 11207 (Sub-460TA), filed October 20, 1978. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, Al 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. *Plywood paneling, gypsum board, composition board, and molding,* from the facilities of Cambe Industries, Incorporated, at or near Valdosta, GA, to points in AL, AR, FL, IN, KY, LA, MS, NC, SC, TN, TX, and VA, for 180 days. SUPPORTING SHIPPER(S): Cambe Industries, Inc., P.O. Box 1893, Valdosta, GA 31601. SEND PROTESTS TO: Mabel E. Holston, Transportation Asst., I.C.C., Rm. 1616—2121 Bldg., Birmingham, AL 35203.

MC 14215 (Sub-19TA), filed November 20, 1978. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, Ohio 43952. Representative: John L. Alden, P.O. Box 12241, 1396 West Fifth Avenue, Columbus, Ohio 43212. *Roofing and roofing material,* From the facilities of Koppers Company, Inc. in Youngstown, Wickliffe, and Heath, OH to IN, KY, MI, NY, PA, and WV, for 180 days. SUPPORTING SHIPPER(S): Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. SEND PROTESTS TO: J. A. Niggemyer, I.C.C., 416 Old Post Office, Bldg., Wheeling, WV 26003.

MC 16872 (Sub-17TA), filed November 24, 1978. Applicant: WILLIAM MIRRER, d/b/a/ MIRRER'S TRUCKING CO., 100 E. 25th Street, Patterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Plastic Granuels* (except in bulk) (1) From Joliet and Chicago, IL to Santa Ana, CA, Houston and Beaumont, TX (2) From Chicago, IL to NY, PA, CT, RI, MA, (3) From Houston and Beaumont, TX to Chicago, IL, NY, PA, CT, RI, MA, (4) Santa Ana, CA to TX, IL, NJ, MO, (5) Holyoke, MA to Santa Ana, CA, TX. (5) From NJ to NY, PA, CT, RI, MA. Restricted to shipments originating at the facilities of Mobil Chemical Co., and Rexene Polyefins Company, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Mobil Chemical Corp., P.O. Box 37, Paramus, NJ 07652. Rexene Polymers Co., P.O. Box 37, Paramus, NJ 07652. SEND PROTESTS TO: Joel Morrows, I.C.C., 9 Clinton St., Newark, NJ 07102.

MC 16872 (Sub-18TA), filed November 24, 1978 Applicant: WILLIAM MIRRER, D/B/A MIRRER'S TRUCKING CO., 100 E. 25th Street, Paterson, NJ 07524. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Washing, cleaning, and scouring compounds,* (except commodities in bulk), From the facilities of Witco Chemical Corp., located at Paterson, NJ, to points in that portion of the US lying in and east of the states of ND, SD, NE, KS, OK and TX and (2) materials, equipment and supplies used in the manufacture and sale of the commodities described in (1) above, (except commodities in bulk) from points in the destination in (1) above to the facilities of Witco Chemical Corp., located at Paterson, NJ, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Witco Chemical Corp., P.O. Box 305, Paramus, NJ 07652. SEND PROTESTS TO: Joel Marrows, I.C.C., 9 Clinton Street, Newark, NJ 07102.

MC 17051 (Sub-20TA), filed November 27, 1978. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Ave., Elizabeth, NJ 07202. Representative: S. Michael Richards/Raymond A. Richards, 44 North Ave., Webster, NY 14580. *Wearing apparel, on hangers, equipment, materials, and supplies used or useful in the manufacture and sale of wearing apparel,* (1) between the facilities of L.CID Casuals, Inc. at New York, NY, on the one hand, and, on the other, Uniontown, AL, and (2) between the facilities of Cooper Sportswear Mfg. Co., Inc. at Carteret, Newark, Perth Amboy, and Trenton, NJ, and Johnstown, NY, on the one hand, and, on the other Columbus, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER(S): Sidney Panoff, Pres., L.CID Casuals, Inc., 1359 Broadway, New York, NY 10018 and Sidney Cooper, Sec/Treas., Cooper Sportswear Mfg. Co., Inc., 720 Frelinghuysen Ave., Newark, NJ 07114. Send protests to: Robert E. Johnston, I.C.C., 9 Clinton Street, Newark, NJ 07102.

MC 42011 (Sub-48TA), filed November 20, 1978 Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. (1) *Process equipment, exchangers, tanks and vessels,* and (2) *material and equipment* used in, or in connection with the manufacture of (1) above, between the facilities of Plant Maintenance Service Corp., at or near Memphis, TN, on the one hand, and, on the other, points in the U.S. except AK, AL, GA, FL, SC and NC, for 180 days. SUPPORTING SHIPPER(S): Plant Maintenance Service Corporation, P.O. Box 28883, 3000 Fite Road, Memphis, TN 38128. SEND PROTESTS TO: Connie Stanley, ICC, Room 240 Old Post Office and Court House Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 59117 (Sub-63TA), filed November 27, 1978 Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 74301. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., Oklahoma City, OK 73112. *Fly ash,* in bulk, from Gentry, AR to points in TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Gifford-Hill and Co., Inc., Ash Products Division, Box 47127, Dallas, TX 75247. SEND PROTESTS TO: Connie Stanley, Room 240 Old Post Office and Court House Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 94635 (Sub-6TA), filed November 20, 1978. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrance D. Jones, 2033 K Street, NW, Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel and clay,* from points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May and Atlantic Counties, NJ to points in DE, DC, MD, MA, NY and PA (except points in Bucks, Berks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery and Philadelphia Counties), restricted to transportation services performed under a continuing contract or

contracts with Owens Illinois, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Owens Illinois, Inc., Glass Container Division, P.O. Box 1035, Toledo, OH 43666. SEND PROTESTS TO: John P. Lynn, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 100666 (Sub-414TA), filed November 20, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Mr. Wilburn L. Williamson, 280 National Foundation Life Bldg., Oklahoma City, OK 73112. *Canned goods*, from the facilities of Michigan Fruit Canners Division, Curtis-Burns, Inc., at or near Coloma, MI to points in OK, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Michigan Fruit Canners Division, Curtis-Burns, Inc., P.O. Box 206, Coloma, MI 49038. SEND PROTESTS TO: Connie A. Guillory, ICC, T-9038, Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

MC 105813 (Sub-249TA), filed November 20, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co. at Montgomery, AL, to all points in all states in and east of TX, OK, KS, NE, SD, ND, and DC, for 180 days. SUPPORTING SHIPPER(S): John Morrell & Co., 208 S. LaSalle Street, Chicago, IL 60604. SEND PROTESTS TO: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 106398 (Sub-853TA), filed November 20, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Oklahoma 74103. Representative: Irvin Tull, Traffic Manager, 525 South Main, Tulsa, Oklahoma 74103. *Iron and steel articles* from the facilities of Speedrack, Inc. at Quency, IL; from the facilities of Joslyn Empire Galvanizing at Franklin Park, IL; and from the facilities of Reliable Galvanizing at Chicago, IL, to all points in the United States (except HI)., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Speedrack, Inc., 5300 Golf Rd., Skokie, IL 60077. SEND PROTESTS TO: Connie Stanley, Trans., Asst., I.C.C., Rm. 240, Old Post Office & Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 107515 (Sub-1191TA), filed November 27, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Representative: Alan E. Serby & Richard M. Tettelbaum. Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30336. *Drugs, medicines, and such commodities as are dealt in by wholesale and retail food chains, drugstores, hospitals, discount and variety stores, and grocery houses* (except in bulk), in vehicles equipped with mechanical refrigeration. From: Facilities utilized by Bristol-Myers, Inc., Atlanta, GA. To: Points in AL, FL, KY, MS, NC, SC, and TN, for 180 days. ETA is being filed simultaneously with this application. Supporting shipper(s): Bristol-Myers Company, 345 Park Avenue, New York, NY 10022. Send protests to: Sara K. Davis, Trans. Asst., I.C.C., 1252 W. Peachtree Street NW., Rm. 300, Atlanta, GA 30309.

MC 108631 (Sub-10TA), filed November 29, 1978. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at U.S. 22 Bypass, Bethlehem, PA 18017. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Steel transmission poles, and parts and accessories therefor,* between the facilities of Meyer Industries, Division of International Telephone and Telegraph Corp. at points in the borough of West Hazleton and the township of Hazle, Luzerne County, PA, on the one hand, and, on the other, points in MD, NJ, NY, OH, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meyer Industries, Division of International Telephone and Telegraph Corp., P.O. Box L, Hazleton, PA 18201. Send protests to: T. M. Esposito, ICC, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 110563 (Sub-254TA), filed November 17, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: John L. Maurer (same as applicant). *Candy, Confectionery and Confectionery Products,* from Philadelphia, PA to points in CO, IA, KS, and NE for 180 days. Supporting shipper(s): Falcon Candy Co., 2300 Carpenter Street, Philadelphia, PA 19146. Send protests to: I.C.C., 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 112304 (Sub-157TA), filed November 21, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. *Zinc products* from the facilities of Jersey Miniere Zinc Co. in Montgomery County, TN to points in and east of ND, SD, NB, KS, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Jersey Miniere Zinc Company, 2200 First American Center, Nashville, TN 37238. Send protests to: Paul J. Lowry, I.C.C., 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 112989 (Sub-80TA), filed November 21, 1978. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. *Insulated building and roofing panels and equipment, materials and supplies used in the installation thereof,* (expect commodities in bulk), from the facilities of Panel Era Corporation at or near Salt Lake City, UT to points in CA, ID, NV, OR, and WA; for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Panel Era Corp., 1857 S. 3850 W., Salt Lake City, UT 84104. SEND PROTESTS TO: A. E. Odoms, I.C.C., 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, OR 97204.

MC 115379 (Sub-49TA), filed November 30, 1978. Applicant: JOHN D. BOHR, INC., P.O. Box 217, Annville, PA 17003. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. *Chemical lime,* from the facilities of Bethlehem Mines Corporation at or near Annville, PA to Cleveland, OH, restricted to traffic originating at and destined to the above-named origin and destination for 180 days. Supporting Shipper(s): Bethelem Steel Corp., Bethlehem, PA 18016. Send protests to: Charles F. Myers, I.C.C., P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 115841 (Sub-581TA), filed November 20, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same as above). *Frozen pies,* from Chicago, IL and its commercial zone to points in FL, GA, and TX, for 180 days. SUPPORTING SHIPPES(S): Fasano Pie Company, 6201 West 65th Street, Chicago, IL 60638. SEND PROTESTS TO: Glenda Kuss, I.C.C., Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115904 (Sub-135TA), filed November 28, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Lumber,* from points in AR, to points in KS,

NE, ND, SD, WY, and points in MN located in and north of Clay, Becker, Hubbard, Cass, Itasca, and Koochiching Counties, MN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Chandler Corp., P.O. Box 2840, Boise, ID 83701. SEND PROTESTS TO: Barney L. Hardin, I.C.C., Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 117119 (Sub-706TA), filed November 29, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Malt beverages* (except in bulk), *in vehicles equipped with mechanical refrigeration*, from the facilities of Miller Brewing Company at Fort Worth, TX to Fayetteville, AR, for 180 days. SUPPORTING SHIPPER(S): Fayetteville Ice Company, 339 North West Street, Fayetteville, AR 72701. SEND PROTESTS TO: William H. Land, Jr., I.C.C., 3180 Federal Office Bldg., 700 West Capitol, Little Rock, AR 72201.

MC 118159 (Sub-302) filed November 30, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Ice cream, water ices, frozen yogurt, and frozen confection* from Macon, Atlanta, and Marietta, GA to Miami and Tampa, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Tropic Ice, Inc., 16330 N.W. 48th Avenue, Hialeah, FL 33014 (Bob Tammara). Send protests to: Connie Stanley, Trans. Asst., I.C.C., Rm. 240, Old Post Office & Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118959 (Sub-186TA), filed November 26, 1978. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, Cape Girardeau, MO 63701. Representative: Edward G. Bazelon, 39 S. LaSalle, Chicago, IL 60603. *Paper and paper products, cellulose products, and textile softeners* from Green Bay, WI to IA, IL and MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Proctor and Gamble Paper Products Company, P.O. Box 599, Cincinnati, OH 45201. SEND PROTESTS TO: P. E. Binder, ICC, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

MC 119767 (Sub-343TA), filed November 20, 1978. Applicant: BEAVER TRANSPORT CO., P.O. Box 168, Pleasant Prairie, WI 53158. Representatives: Michael V. Kaney, P.O. Box 186, Pleasant Prairie, WI 53158 and John R. Sims, Jr., 915 Pennsylvania Building, 425—13th Street, NW., Washington, DC 20004. (1) *Such commodities as are dealt in by wholesale, retail, chain grocery and food business houses, drug and discount stores* from the plantsite and warehouse facilities of S. C. Johnson & Son, Inc., at Waxdale, WI to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH and TN, and (2) *materials, equipment, and supplies used or useful in the manufacture, sale or distribution of the commodities described in (1) above*, from points in the states named in (1) above to the plantsite and warehouse facilities of S. C. Johnson & Son, Inc., at Waxdale, WI, for 180 days. RESTRICTED: (1) To traffic originating at or destined to the above named plantsite and warehouse facilities, (2) To traffic transported in vehicles equipped with mechanical refrigeration, and (3) Against commodities in bulk. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): S. C. Johnson and Son, Inc., Racine, WI 53403. SEND PROTESTS TO: Gail Daugherty, ICC, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 119767 (Sub-345TA), filed November 27, 1978. Applicant: BEAVER TRANSPORT COMPANY, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: Michael V. Kaney (same as above). *Meat, fresh and frozen, in packages or combo bins*, from the facilities of Kenosha Beef International, Ltd., and Birchwood Meat Provisions, Inc., at or near Kenosha, WI to points in IL, IN, OH and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Kenosha Beef International, Ltd. and Birchwood Meat Provisions, Inc., P.O. Box 639, Kenosha, WI 53141. SEND PROTESTS TO: Gail Daugherty, ICC, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 121470 (Sub-18TA), filed November 27, 1978. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37202. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. (1) *Mining conveyors and industrial conveyors*, and (2) *materials, equipment, and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture of the commodities in (1) above, from and to the following points, between the facilities of Goodman Conveyor Corp., at or near Murfreesboro, TN, on the one hand, and, on the other, AR, AL, AZ, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV, WI, and WY, for 180 days. SUPPORTING SHIPPPER(S): Goodman Conveyor Corporation, 450 Butler Road, Murfreesboro, TN 37130. SEND PROTESTS TO: Glenda Kuss, ICC, Suite A-422—U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124078 (Sub-905TA), filed November 21, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement*, from the facilities of Dundee Cement Co. and Louisville Cement Co. at or near Cincinnati, OH to points in IN and KY for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Dundee Cement Company, P.O. Box 122, Dundee, MI 48131, James H. Riley; Louisville Cement Company, 501 South Second Street, Louisville, KY 40202, Louis B. Hartlage. SEND PROTESTS TO: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-906TA), filed November 21, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Clay slurry*, in bulk, in tank vehicles, from McIntyre, GA to Ft. Madison, IA for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Engelhard Minerals & Chemicals Corp., Menlo Park, Edison, NJ 08817. SEND PROTESTS TO: Gail Daugherty, I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Milwaukee, WI 53202.

MC 124554 (Sub-25TA), filed November 20, 1978. Applicant: LANG CARTAGE CORP., P.O. Box 513, Milwaukee, WI 53201. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by a retail mail order house (1) from the facilities of Stanley Home Products, Inc., at Dubuque, IA, to points in Anoka, Hennepin, Morrison, Ramsey, Todd and Washington counties, MN, for 180 days. SUPPORTING SHIPPER(S): Stanley Home Products, Inc., P.O. Box 58, Dubuque, IA, 52001. SEND PROTESTS TO: Gail A. Daugherty, I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Milwaukee, WI 53202. Under a continuing contract or contracts with Stanley Home Products, Inc.

MC 126255 (Sub-5TA), filed November 27, 1978. Applicant: BUTLER-JONES AIR FREIGHT, INC., Salisbury-Wicomico Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, Caldwell & Greene, 900 17th Street, NW., Washington,

D.C. 20006. *General commodities* between Baltimore-Washington International Airport, Anne Arundel County, MD and National Airport, Gravelly Point, VA on the one hand, and, on the other, points in Kent and Queen Annes Counties, MD restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. SUPPORTING SHIPPER(S): Duffey Ford Tractor, Inc., Box 248, Rt 404, Wye Mills, MD. Lynn K. Schrecker, Inc., Rt 1, Box 756 A, Chester, MD 21619. La Motte Chemical Product Co., P.O. Box 329, Chestertown, MD 21620. Tidewater Publishing Corp., P.O. Box 130, Centreville, MD 21617. SEND PROTESTS TO: T. M. Esposito, Trans. Asst., 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 129712 (Sub-16TA), filed November 28, 1978. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber, treated or untreated, and materials, equipment and supplies used, sold or dealt in by lumber wholesalers and manufacturers*, between points in Henry County, GA, on the one hand, and, on the other, all points in AL, FL, NC, SC, MS, LA, TN, VA, KY, WV, and TX, under a continuing contract, or contracts, with Shockley Forest Industries, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Shockley Forest Industries, Inc., P.O. Box 311, McDonough, GA 30253. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., I.C.C., 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 133405 (Sub-8TA), filed November 20, 1978. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 353, Waldorf, MD 20601. Attorney: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014, (301) 654-2240. (1) *Malt beverages* from Williamsburg, VA, to ME, NH, VT, MA, RI, and CT, and (2) *empty containers, dunnage, and pallets*, from ME, NH, VT, MA, RI, and CT, to Williamsburg, VA, for 180 days. Applicant has also filed an underlying emergency temporary authority seeking up to 90 days of operating authority. SUPPORTING SHIPPER(S): Anheuser-Busch, Inc. of St. Louis, MO, at Williamsburg, VA. SEND PROTESTS TO: T. M. Esposito, Trans. Asst., 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 133591 (Sub-54TA), filed November 20, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. BOX 303, Mt. Vernon, MO 65712. Representative: Charles A. Daniel (Same as above). *Bakery goods*, between Kansas City, KS and Oakland, CA and Santa Fe Springs, CA, for 180 days. SUPPORTING SHIPPER(S): Sunshine Biscuits, Inc., New York, NY 10017. SEND PROTESTS TO: John V. Barry, ICC, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 133655 (Sub-134TA), filed November 30, 1978. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Boulevard, Fort Lauderdale, FL 33308. *Such commodities* as are dealt in, or used by, manufacturers and distributors of specialty wood products between Klamath Falls and Bend, OR and El Paso and Amarillo, TX on the one hand, and, on the other, points in the United States, for 180 days. SUPPORTING SHIPPER: Maywood, Inc., P.O. Box 30550, Amarillo, TX 79120 (Carroll H. Posey). SEND PROTESTS TO: Haskell E. Ballard, I.C.C., P.O. Box F-13206 Federal Building, Amarillo, TX 79101.

MC 134105 (Sub-19TA), filed November 27, 1978. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Malt beverages, related advertising materials and empty used beverage containers*, between the facilities of Adolph Coors Co., at or near Golden, CO, on the one hand, and, on the other, IA and MO, restricted to traffic originating at or destined to the facilities of Adolph Coors Co., for 180 days. SUPPORTING SHIPPER: Adolph Coors Co., Golden, CO. SEND PROTESTS TO: Glenda Kuss, Interstate Commerce Commission, Federal Building, 801 Broadway A422, Nashville, TN 37203.

MC 134467 (Sub-35TA), filed November 27, 1978. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Arkansas 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203 (303) 839-5856. *Canned and preserved foodstuffs*, from the facilities of Heinz, U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in AR, OK, and TX, restricted to traffic originating at the named facilities and destined to the named states, for 180 days. SUPPORTING SHIPPER(S): Heinz, U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA, 15230. SEND PROTESTS TO: William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 134755 (Sub-164TA), filed November 20, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Canned and preserved foodstuffs* (except commodities in bulk), from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to AR, OK and TX, for 180 days. SUPPORTING SHIPPER(S): Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: John V. Barry, Rm. 600, 911 Walnut, Kansas City, MO 64106.

MC 134783 (Sub-44TA), filed November 30, 1978. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, Texas 79408. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203. *Hides*, from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE and Denison, IA to Laredo, TX for 180 days. Applicant has also filed an underlying ETA application seeking up to 90 days of operating authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE, 68731. Send protests to: Haskell E. Ballard, I.C.C., Box 13206 Federal Bldg., Amarillo, TX 79101.

MC 134838 (Sub-18TA), filed November 28, 1978. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236—Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, Century Parkway, Atlanta, GA 30345. (1) *Material handling and processing equipment*, from Loganville, GA, to points in AL, FL, KY, MS, NC, SC, TN, VA and WV, and (2) *Materials and equipment used in the manufacture of material handling and processing equipment* (expect commodities in bulk), from points in the states named in (1) above, to Loganville, GA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Fesco Inc., 6295 Pleasantdale Rd., Doraville, GA 30340. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., I.C.C., 1252 West Peachtree Street NW., Atlanta, GA 30309.

MC 135797 (Sub-164TA), filed November 20, 1978. Applicant: J. B. HUNT TRANSPORT, INC., U.S. Highway 71, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. *Canned foodstuffs*, (1) From Benton County, AR, to points in AZ, CO, CT, DE, ID, IL, IN, IA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OK, RI, SD, UT, VT, WI, WY, DC, (2) From Crawford County, AR, and Moorhead, MS, to points in

the United States (except AK, HI). Restricted in (1) and (2) above to traffic orginating at the facilities of Allen Canning Company, for 180 days. SUPPORTING SHIPPER(S): Allen Canning Company, P.O. Box 250, Siloam Springs, AR 72761. SEND PROTESTS TO: William H. Land, Jr., I.C.C., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, AR 72201.

MC 138082 (Sub-3TA), filed November 20, 1978. Applicant: WARREN WILSON TRUCK LINE, R.R. No. 2, Stover, MO 65078. Representative: Warren Wilson (Same as above). *Cast iron pipe fittings,* from Lawrence, KS to Laurie, MO, for 180 days. SUPPORTING SHIPPER(S): Gravois Manufacturing Co., Inc., Route 1, Box 1206, Gravois Mills, MO 65037. SEND PROTESTS TO: John V. Barry, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 138469 (Sub-94TA), filed November 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, Oklahoma 73147. Representative: Mr. Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Illinois 60068. *Frozen Foods* from the facilities of Stouffer Foods, a division of the Stouffer Corporation, located at Cleveland, OH and points in its commercial zone to points in CA and to Austin, Dallas, Garland, Houston and San Antonio, TX; Denver and Grand Junction, CO; and Seattle, WA and points in the respective Commercial Zones of the named cities. Send protests to Connie Stanley, Trans., Assit., Rm. 240, Old Post Office & Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 139457 (Sub-11TA), filed November 27, 1978. Applicant: G. L. SKIDMORE, dba JELLY SKIDMORE TRUCKING COMPANY, P. O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P. O. Box 2207, Austin, TX 78768. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Ingredients and supplies used in the manufacture of canned and preserved foodstuffs* from Chicago, IL and Hart, Lake Odessa and Sodus, MI to the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX under a continuing contract or contracts with Campbell Soup (Texas) Inc., for 180 days. SUPPORTING SHIPPER(S): Campbell Soup (Texas) Inc., Paris, TX. SEND PROTESTS TO: Opal M. Jones, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 139923 (Sub-51TA), filed November 27, 1978. Applicant: MILLER TRUCKING CO., INC., P. O. Drawer D., Stroud, OK 74079. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Canned and preserved foodstuffs* (except commodities in bulk), from the facilities of Heinz U.S.A., division of H. J. Heinz Co., at or near Pittsburgh, PA to points in AR, OK and TX, for 180 days. SUPPORTING SHIPPER(S): Heinz U.S.A., division of H. J. Heinz Company, P. O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: Connie Stanley, Room 240 Old Post Office and Court House Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129923 (Sub-52TA), filed November 27, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue., Park Ridge, IL 60068. *Frozen foods,* from the facilities of Stouffer Foods, a division of the Stouffer Corporation located at Cleveland, OH and points in its commercial zone to points in CA and to Austin, Dallas, Garland, Houston, and San Antonio, TX and points in the respective commercial zones of the named cities, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Stouffer Foods Corporation, Division of the Stouffer Corporation, 5750 Harper Road, Solon, OH 44139. SEND PROTESTS TO: Connie Stanley, Room 240 Old Post Office and Court House Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143775 (Sub-35TA), filed November 20, 1978. Applicant: PAUL YATES, INC., 660 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (Same as above). *Rubber in temperature controlled equipment,* from Burton, OH to Sparks, NV, for 180 days. SUPPORTING SHIPPER(S): Hamilton Kent of Nevada, 1650 Linda Way, Sparks, NV 89431. SEND PROTESTS TO: Andrew V. Baylor, ICC, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 143775 (Sub-36TA), filed November 20, 1978. Applicant: PAUL YATES, INC., 660 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, 6601 West Orangewood, Glendale, AZ 85301. *Cherries and Olives in bottles or cans* from Fremont, MI to CA, FL, GA, IA, KS, KY, MN, MO, NC, NJ, OR, PA, TX, and WI. Applicant holds contract carrier authority at No. MC 143610; therefore, dual operations may be involved, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Belle-Sommers Inc., 411 N. Darling, Fremont, MI 49412. SEND PROTESTS TO: Andrew V. Baylor, I.C.C., Rm. 2020, Federal Bldg., 230 N. First Ave., Phoenix, AZ 85025.

MC 143775 (Sub-37TA), filed November 20, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (Same as above). *Apple juice and sweet cider in cans and bottles,* from Fremont, MI to Rogers, AR; Denver, CO; Minneapolis, MN; Kansas City, MO; Oklahoma City, OK; Dallas, Houston, and Pairs, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Spears, Inc., 502 Connie Avenue, Fremont, MI 49412. SEND PROTESTS TO: Andrew V. Baylor, I.C.C., Rm. 2020, Federal Bldg., 230 N. First Ave., Phoenix, AZ 85025.

MC 144083 (Sub-9TA), filed November 29, 1978. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *New furniture and furnishings* from points in MS to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VT, VA, WA, WV, WI, and WY. (RESTRICTION: restricted to traffic destined to the facilities of Montgomery Ward in the named states.) (Hearing site: Jackson, MS or Chicago, IL.) An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Montgomery Ward and Company, One Montgomery Ward Plaza, Chicago, IL 60671. SEND PROTESTS TO: Alan C. Tarrant, I.C.C., Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

NOTE.—Applicant holds motor contract authority in No. MC-123064 and sub numbers thereunder, therefore, dual operations may be involved, for 180 days.

MC 144661 (Sub-3TA), filed November 21, 1978. Applicant: F. A. MILLER, INC., P.O. Box 401, Rexburg, Idaho 83440. Representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products and particleboard,* from (a) points in WA, east of U.S. Highway 97 and ID and points in MT, on and west of Interstate Highway 15 to points in CO and WY, under a continuing contract with Idaho Forest Industries, Inc., and (b) From Fremont County, ID to points in Albany County, WY, under a continuing contract with Authentic Homes Corporation; 2) *Precut log home packages,* from Albany County, WY to points in and west of MN, IL, MO, AR, IA, LA (except AK and HI), under a continuing contract with Authentic Homes Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Authentic Home Corp., P.O. Box 1288, Laramie, WY 82070. SEND PROTESTS TO: Barney L. Hardin, I.C.C.,

Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 145381 (Sub-3TA), filed November 28, 1978. Applicant: S & P Trucking Co., Inc., P.O. Box 1058, Fletcher, NC 28732. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *dialysis supplies and equipment* (except in bulk) between McAllen, TX and points in NJ on the one hand, and, on the other, points in the U.S. (execpt HI and AK) under a continuing contract or contracts with Erika, Inc., for 180 days. Applicant has also filed an underlying ETA seking up to 90 days of operating authority. SUPPORTING SHIPPER(S): Erika, Inc., 1 Erika Place, Rockleigh, NJ 07647. SEND PROTESTS TO: Terrell Price, I.C.C., 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 145514 (Sub-1TA), filed November 30, 1978. Applicant: CHRISTY TRUCKING, INC., Route 6, Box 6473-A, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood moulding*, from Lakeview, OR and Fruitland, ID to points in KS, GA, and TX, under a continuing contract with Dame Lumber and Moulding Co., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Dame Moulding Co., P.O. Box 369, Fruitland, ID 83619. SEND PROTESTS TO: Barney L. Hardin, ICC, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 145570 (Sub-1TA), filed November 20, 1978. Applicant: THOMAS & STROUD TRUCKING, P.O. Box 531, Pangburn, AR 72121. Representative: Charles Stroud (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplements*, from Memphis, TN and Marks, MS to Pangburn, AR, under a continuing contract or contracts with Tharp Bros., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tharp Bros., Inc., Route 1, Pangburn, AR 72121. Send protests to: William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145671 (Sub-1TA), filed November 21, 1978. Applicant: TAYLOR BROTHERS WHOLESALE DISTRIBUTORS, 246 South Robson, Mesa, AZ 85202. Representative: Lewis P. Ames, Shimmel, Hill, Bishop & Gruender, P.C., 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *prepared foods* from Mesa, AZ, to Los Angeles, CA, and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Rosarita Mexican Foods, 310 South Extension, Mesa, AZ 85301. Send protests to: Andrew V. Baylor, I.C.C., Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025. Under a continuing contract or contracts with Rosarita Mexican Foods.

MC 145713TA, filed November 27, 1978. Applicant: TAURUS TRUCKING CORP., 199 Calcutta Street, Port Newark, NJ 07114. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, library furniture, and materials used in their manufacture*, created and crated, from Art Metal-U.S.A., Inc., plantsite in Newark, NJ to points and places in GA, MD, MA, PA, VA, and DC, under a continuing contract or contracts with Art Metal-U.S.A. Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Art Metal-U.S.A. Inc., 300 Passaic Street, Newark, NJ 07114. Send protests to: Joel Morrows, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 145738 (Sub-2TA), filed November 29, 1978. Applicant: EAST-WEST MOTOR FREIGHT, INC., Post Office Box 525, Selmer, TN 38375. Representative: Richard M. Tettelbaum, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. (1) Rubber tire treads, tread stock, tire patches, tire tubes, solvents, adhesives, cured rubber, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above, between the facilities of Bandag, Inc., at Chino, CA; Griffin, GA; Muscatine, IA; Oxford, NC; and Abiline, TX. *Restriction:* Restricted against the transportation of commodities in bulk, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bandag, Inc., Muscatine, IA 52761. Send protests to: Floyd A. Johnson, I.C.C., 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 145772 (Sub-1TA), filed November 20, 1978. Applicant: LANG CARTAGE CORP., P.O. Box 513, Milwaukee, WI 53201. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Such merchandise, as is dealt in by a retail mail order house* (1) from the facilities of Spiegel, Inc., at Chicago, IL, to points in MN, WI, and the Upper Peninsula of MI, and (2) from the facilities of Lang Cartage Corp. at Milwaukee and LaCrosse, WI, to points in MN, WI, and the Upper Peninsula of MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s); Spiegel Inc., Spiegel Regency Towers, Oak Brook, IL 60521 (Richard Pawlak, Director of Trans.). Send protests to: Gail A. Daugherty, I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Milwaukee, WI 53202.

MC 145788 (Sub-1TA), filed November 22, 1978. Applicant: RAYMOND C. THEDE, d/b/a THEDE TRUCKING, R.R. #2, P.O. Box 56, Jefferson, IA 50129. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Soybean meal* (except in tank vehicles), from the facilities of West Central Co-Op at or near Ralston, IA to points in IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Central Co-Op, Ralston, IA 51459. Send protests to: Herbert W. Allen, I.C.C., 518 Federal Bldg., Des Moines, IA 50309.

MC 145793TA, filed November 27, 1978. Applicant: EMBERS EXPRESS TRUCKING CO., INC., P.O. Drawer 937, Lake City, SC 29560. Representative: Wm. Reynolds Williams, P.O. Box 1909, Florence, SC 29503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes and charcoal supplies*, from Lake City, SC to points in FL, GA, SC, KY, MD, NJ, WV, AL, NC, DC, PA, IN, MS, VA, DE, OH, TN, and NY, under a continuing contract or contracts with T. S. Ragsdale Co., Inc., for 180 days. Supporting shipper(s): T. S. Ragsdale Company, Inc., P.O. Drawer 937, Lake City, SC 29560. Send protests to: E. E. Strotheid, ICC, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 145815TA, filed November 29, 1978. Applicant: COBRA TRUCKING, INC., 132 Highway 80 West, P.O. Box 2137, Clinton, MS 39056. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. (1) *glass beads, glass spheres and thermal plastic marking materials;* and (2) *materials, equipment and supplies* used in the installation of the commodities named in (1) above, except commodities in bulk, from the facilities of Cataphote Div. of Ferro Corporation at or near Jackson, MS to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV and WI; and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities listed in (1) above, except commodities in bulk, from points in the states listed in (2) above to the facilities of Cataphote Div. of Ferro Corporation at or

near Jackson, MS, for 180 days. Supporting shipper(s): Cataphote Div./ Ferro Corp., 1001 Underwood Drive, Flowood, MS 39208. Send protests to: Alan C. Tarrant, I.C.C., Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 145818TA, filed November 30, 1978. Applicant: AMERICAN TRANSPORT, INC., 305 West 14th Street, Sioux Falls, South Dakota 57102. Representative: M. Mark Menard, Post Office Box 480, Sioux Falls, South Dakota 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings, grain bins, grain drying systems and elevator leg systems;* From: Atlantic and Houghton, Iowa; Assumption, Illinois; and Madison, Wisconsin; To: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Texas and Louisiana, over irregular routes under a continuing contract or contracts with Agra Sun Systems, Inc. and Wholesale Farm Supply, Inc., Sioux Falls, South Dakota, for 180 days. SUPPORTING SHIPPER(S): Agra Sun Systems, Inc., Wholesale Farm Supply Corp., 305 W. 14th St., Sioux Falls, SD 57102 (Dennis Chambliss Secretary-Treasurer & Gen. Mgr. SEND PROTESTS TO: J. L. Hammond, I.C.C., Rm. 455, Federal Bldg., Pierre, SD 57501.

MC 145822TA, filed November 28, 1978. Applicant: EWING G. MCDOWELL AND DONALS HASTIE, D/B/A M&H TRANSPORT, R.R. 1, Box 34A, Cave-in-Rock, IL 62919. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flurospar, barite, zinc and lead, for the account of Ozark Mahoning Company*, from points in Hardin County, Illinois to points in the United States east of MN, IA, MO, AR and LA, for 180 days. SUPPORTING SHIPPER(S): H. Dale Whiteis, Mgr. of Trans., Ozark-Mahoning Company, 1870 S. Boulder, Tulsa, OK 74119. SEND PROTESTS TO: Charles D. Little, I.C.C., 414 Leland Office Bldg., 527 East Capitol Ave., Springfield, IL 62701. Under a continuing contract or contracts with Ozark-Mahoning Company.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 79-1253 Filed 1-12-79; 8:45 am]

[7035-01-M]

[Notice No. 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

January 5, 1979.

Important Notice

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there wil be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2421 (Sub-18TA), filed November 22, 1978. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Charles H. Keller, P.O. Box 678, Lenoir, NC 28645. *New furniture and furniture parts*, from the plantsites and warehouse facilities of Broyhill Furniture Industries, Inc., located in Catawba and Alexander Counties, NC., to points in IL, IN, OH, PA, and WV., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPERS(S): Broyhill Furniture Industries, Lenoir, NC 28633. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 30032 (Sub-9TA), filed November 23, 1978. Applicant: GRANE TRANSPORTATION LINES, LTD., 1011 S. Laramie Avenue, Chicago, IL 60644. Representative: Hubert Grane, Jr., (same address as applicant). *Freight all kinds*, (1) Between the Chicago, IL Commercial Zone, and the states of WI, IA, IN, MI, OH, and KY.; (2) Between the Chicago, IL Commercial Zone, and the St. Louis, MO Commercial Zone. RESTRICTION: Parts 1 and 2 of this authority is restricted to traffic having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPERS(S): There are approximately (17) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below, SEND PROTESTS TO: Lois M. Stahl Trans. Asst., I.C.C., 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 78228 (Sub-No. 97TA), filed November 24, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., Wick Vuono & Lavelle, 2319 Grant Building, Pittsburgh, PA 15219. *Coke* (in bulk, in dump vehicles), from the facilities of Semet Solvay Division of Allied Chemical Corporation, Ashland, KY, to points in IL, IN, MI, NY, NC, OH, PA, TN, VA, and WV., for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Semet Solvay Division of Allied Chemical Corporation, P.O. Box 1013R, Morristown, NJ 07960. SEND PROTESTS TO: J. A. Niggemyer DS, ICC, 416 Old Post Office Building, Wheeling, WV 26003.

MC 78228 (Sub-98TA), filed November 24, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., Wick, Vuono & Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Bulk rock salt*, from the facilities of Morton Salt, a Division of Morton-Norwich Products, Inc., Fairport Harbor, OH to points in Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland Counties, PA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Morton Salt Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, IL 60606. Send protests to: J. A. Niggemyer, DS, ICC, 416 Old Post Office Building, Wheeling, WV 26003.

MC 85970 (Sub-14 TA), filed November 22, 1978. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38107. Representative: Mr. Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rubber, rubber products and such commodities* as are manufactured, processed or dealt in by manufacturers of rubber and rubber products, and equipment, materials and supplies used in the manufacture of facilities of The Goodyear Tire & Rubber Company located in the states of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Kansas, Oklahoma and TX., for 180 days. NOTE: Applicant intends to tack the authority here applied for to authority presently held by it in MC 85970 and subs thereunder, and further intends to interline with other carriers at Memphis, TN; Nashille, TN; St. Louis, MO; Jackson, TN; Fulton, KY; Union City, TN; Alamo, TN; Trenton, TN and Dyersburg, TN. SUPPORTING SHIPPER(S): The Goodyear Tire & Rubber Company, 1144 E. Market Street, Akron, OH 44316. SEND PROTESTS TO: Mr. Floyd A. Johnson DS, ICC, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 87511 (Sub-24TA), filed November 22, 1978. Applicant: SAIA MOTOR FREIGHT LINE, INC., P. O. Box 10157, Station One, Houma, LA 70360. Representative: Mr. Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, 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 the use of special equipment), serving the facilities of Monsanto Co., at or near Chocolate Bayou, TX., as an off-route point in connection with carrier's otherwise-authorized regular-route operations, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. SEND PROTESTS TO: Connie A. Guillory DS, ICC, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 95490 (Sub-45TA), filed November 24, 1978. Applicant: UNION CARTAGE COMPANY, 94 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M Street, Suite 501, Washington, D.C. 20036. *Glass containers and plastic containers*, from Bridgeton, Yardville, and Millville, NJ., to Boston, Methuen, Lawrence, Amesburg and Ayer, MA and Providence, RI., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): S. H. Ansell Company, 825 Summer Street, Boston, MA. SEND PROTESTS TO: David M. Miller DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 95920 (Sub-50TA), filed November 22, 1978. Applicant: SANTRY TRUCKING CO., 10505 N.E., 2nd Avenue, Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, MN., to Olympia, WA., under a continuing contract or contracts, with Olympia Brewing Company, for 180 days. SUPPORTING SHIPPER(S): Olympia Brewing Company, P.O. Box 947, Olympia, WA 98501. SEND PROTESTS TO: A. E. Odoms DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 107496 (Sub-1174TA), filed November 22, 1978. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Sand*, (in bulk), from LaSalle County, IL and Berrien County, MI., to points in Arkansas, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Lousisana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and WI., for 180 days. SUPPORTING SHIPPER(S): Manley Bros., P.O. Box 538, Chesterton, IN 46304. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 107496 (Sub-1175TA), filed November 22, 1978. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Inedible tallow*, (in bulk, in tank vehicles), from points in Iowa, Missouri and Kansas, to Fayetteville, AR., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Jacob Stern and Sons, Inc., Benjamin Fox Pavilion, Jenkintown, PA 19046. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 109689 (Sub-340TA), filed November 22, 1978. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, UT 84087. Representative: Mark K. Boyle, 10 West Broadway Bldg., Suite 400, Salt Lake City, UT 84101. *Borate rock*, in bulk, From Dunn Siding, CA., to Aiken and Anderson, SC, and Jackson, TN., for 180 days. SUPPORTING SHIPPER(S): Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659. (James K. Terry, General Traffic Manager) SEND PROTESTS TO: L. D. Helfer DS, ICC, 5301 Federal Bldg., Salt City, UT 84138.

MC 109533 (Sub-107TA), filed November 28, 1978. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, VA 23224. Representative: C. H. Swanson, P.O. Box 1216, Richmond, VA 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk and those requiring special equipment), to serve Red Bud, IL, as an off-route point in connection with its regular route operation, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Singer Climate Control Division, Jimmy Hartsfield, Traffic Manager, 602 Sunnyvale Dr., Wilmington, NC. Send protests to: Paul D. Collins DS, Room 10-502, Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 110988 (Sub-377TA), filed November 22, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, WI 54911. Representative: John R. Patterson, 2480 East Commercial Blvd., Fort Lauderdale, FL 33308. *Liquid chemicals*, (in bulk, in tank vehicles), from Marquette, MI to Minnesota and WI, for 180 days. Supporting shipper(s): Dow Chemical U.S.A., 690 Building, Midland, MI 48640 (Edward H. Gangross). Send protests to: Gail Daugherty, Trans. Asst., ICC, U.S. Federal Building and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, WI 53202.

MC 112520 (Sub-358TA), filed November 28, 1978. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Liquid chemicals*, (in bulk, in tank vehicles), from the facilities of Callaway Chemical Company, in Muscogee County, GA, to points in AL, NC, SC, VA, TN, MS, LA, AR, and TX, for 180 days. An underlying ETA seeks up to

90 days authority. Supporting shipper(s): Callaway Chemical Company, P.O. Box 2335, Columbus, GA 31902. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 112617 (Sub-410TA), filed November 22, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). *Nitric Acid,* (in bulk, in tank vehicles), from the facilities of Kaiser Agricultural Chemicals at Finney, OH, to points in IN; Hudson, WI; Midland, Warren & Romulus, MI; Pekin & Joliet, IL; St. Louis, MO; Carrollton & Louisville, KY; Erwin & Nashville, TN; Asheville & Hendersonville, NC; Brackenridge, West Leechburg & Midland, PA, and their commercial zones, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): David C. Cowart, Manager of Transportation, Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, GA 31402. Send protests to: Linda H. Sypher, DS, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 112617 (Sub-411TA), filed November 24, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 23195, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). *Salt and salt products,* from the facilities of Cargill, Inc., at or near Florence, AL, to points in AL, GA, MS and TN, for 180 days. Supporting shipper(s): Mr. John Labriola, General Transportation Manager, Salt Division, Cargill, Incorporated, P.O. Box 9300, Minneapolis, MN 55440. Send protests to: Mrs. Linda H. Sypher, DS, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 112617 (Sub-411TA), filed November 24, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 23195, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). *Coloring syrup,* (in bulk, in tank vehicles), from Louisville, KY, to Fergus Falls, MN, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Michael F. Recktenwald, Regional Sales Manager, D. D. Williamson & and Co., Inc., 1901 Payne Street, P.O. Box 6001, Louisville, KY 40206. Send protests to: Mrs. Linda H. Sypher, DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 112796 (Sub-10TA), filed November 22, 1978. Applicant: ELMER G. BRAKE, INC., 220 Wholesale Street, Clarksburg, WV 26301. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. *Flat glass,* from Clarksburg and Jerry's Run, WV, to points in AL, AR, CT, LA, MA, MS, NJ, NY, RI, and TN, for 180 days. Supporting shipper(s): Fourco Glass Company, Carter L. Shelton, Traffic Manager, P.O. Box 890, Bridgeport, WV. Send protests to: Mrs. Ruth F. Stark, DS, ICC, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

MC 114211 (Sub-388TA), filed November 24, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 210 Beck Street, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). *Such commodities* as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers (except commodities in bulk), between Armstrong, IA, on the one hand, and, on the other, points in United States, (including AL, but excluding HI), and including all Ports of Entry between the United States and Canada for furtherance in foreign commerce, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Armstrong Rim & Wheel Manufacturing Co., P.O. Box 556, Armstrong, IA 51504. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 114552 (Sub-184TA), filed November 22, 1978. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. *Clay and clay products,* (except in bulk), from Paris, TN., to points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Lowe's, 348 South Columbia Street, South Bend, IN 46601. SEND PROTESTS TO: E. E. Strotheid DS, ICC, Room 300, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 116063 (Sub-156TA), filed November 22, 1978. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (Same address as applicant). *Vegetable oils,* (in bulk, in tank vehicles), between Lorenzo, IL, on the one hand, and on the other, points in Alabama, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and WI, for 180 days. SUPPORTING SHIPPER(S): Durkee Foods, Division of S C M Corporation, P.O. Box 796, Joliet, IL 60447. SEND PROTESTS TO: Martha A. Powell Trans. Asst., ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 116459 (Sub-76TA), filed November 24, 1978. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Pineville Road, Route 5, Chattanooga, TN 37405. Representative: Charles T. Williams (Same address as applicant). *Ground limestone and ground limestone products,* (in bulk, in hopper type vehicles), from the facilities of Franklin Limestone Company at or near Crab Orchard, TN, to points in Alabama, Georgia, Kentucky, North Carolina, and South Carolina, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Franklin Limestone Company, 610 10th Avenue North, Nashville, TN. SEND PROTESTS TO: Glenda Kuss Trans. Asst., ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116947 (Sub-63TA), filed November 22, 1978. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, GA 30310. Representative: William Addams, 5299 Roswell Road, NE., Suite 212, Atlanta, GA 30342. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard, NOI, not corrugated,* From Chattanooga, TN, to points in the states of Arkansas, Missouri, Louisiana (West of the Mississippi River), and TX, under a continuing contract or contracts, with Container Corporation of America, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Container Corporation of America, 5853 E. Ponce de Leon Avenue, P.O. Box 1225, Stone Mountain, GA 30086. SEND PROTESTS TO: Sara K. Davis Trans. Asst., ICC, 1252 W. Peachtree Street, NW., Room 300, Atlanta, GA 30309.

MC 119726 (Sub-150 TA), filed November 28, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Glass containers,* from the facilities of Thatcher Glass Manufacturing Company, a division of Dart Industries, Inc., at or near Lawrenceburg, IN, to St. Louis, MO, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Thatcher Glass Mfg., Co., P.O. Box 265, Elmira, NY 14902. SEND PROTESTS TO: Beverly J. Williams Trans. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 120866 (Sub-5 TA), filed November 22, 1978. Applicant: THE TIMLAPH CORP., OF VIRGINIA, P.O. Box 3596, Richmond, VA 23213. Representative: Stanley E. McCormick, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209. *Petroleum products,* (except petrochemicals), in bulk, in tank vehicle, from the facilities of Exxon Company, U.S.A., located at or

near Wilmington, NC, to Buena Vista, Hopewell, Elkton, Dublin, Orange, Bedford, Brookneal, and Richmond, VA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001. SEND PROTESTS TO: Paul D. Collins DS, ICC, Room 10-502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

MC 123294 (Sub-52 TA), filed November 22, 1978. Applicant: WARSAW TRUCKING CO., INC., P.O. BOX 784, Warsaw, IN 46580. Representative: H. E. Miller, Jr., 1102 West Winona, Warsaw, IN 46580. *Asphalt*, (except in bulk), from Lawrenceville, IL, to points in IN and OH., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Witco Chemical Corp., 6200 W. 51st Street, Chicago, IL 60638. SEND PROTESTS TO: Lois Stahl Trans. Asst., ICC, Everett McKinley Dirksen Bldg., Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 124071 (Sub-16 TA), filed November 24, 1978. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel castings*, from Chehalis, WA to Sartell. MN; and (2) *Clay*, in bags, from Anniston, AL to Sartell, MN, under a continuing contract or contracts, with DeZurik Corporation of Sartell, MN for 180 days. SUPPORTING SHIPPER(S): DeZurik Corporation of Sartell, MN. Sartell, MN 56377. SEND PROTESTS TO: Delores A. Poe Trans Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 126109 (Sub-7TA), filed November 24, 1978. Applicant: TRECHO TRANSPORT, INC., 2756 Short Street, York, NY 14592. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Commodities* manufactured and-or distributed by Friendship Dairies, Incorporated, (2) *Related materials, supplies and equipment* used in the manufacture, production, packaging, sale or distribution of such commodities, (1) Friendship, NY., to New York, NY.; Coatsville, PA and points in the New York City commercial zone, NJ and FL; (2) From New York, NY, Ludlow, MA and points in the New York City commercial zone and NJ., to Friendship, NY., under a continuing contract or contracts, with Friendship Dairies, Incorporated, for 180 days. SUPPORTING SHIPPER(S): Friendship Dairies, Incorporated, Martin P. Schanback President, Friendship, NY 14739. SEND PROTESTS TO: ICC, U.S. Courthouse & Federal Building, 100 S. Clinton St., Room 1259, Syracuse, NY 13260.

MC 126582 (Sub-4TA), filed November 22, 1978. Applicant: CANOVA MOVING AND STORAGE, 1336 Woolner Avenue, Fairfield, CA 94533. Representative: Jonathan M. Lindeke, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. *Used household goods*, restricted to the transportation of traffic having a prior or subequent movement, in containers, to interstate and foreign destinations, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating or decontainerization of such traffic. (1) Between points in Trinity County, CA; on the one hand and, on the other, points in 33 counties named in Attachment B, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Chief, Regulatory Law Office, U.S. Army Legal Services Agency, Dept. of Army (JALS-RL) Room 20455, Pentagon, Washington, D.C. 20310. SEND PROTESTS TO: A. J. Rodriguez DS, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 133095 (Sub-220TA), filed November 22, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Plumbers' goods and materials, equipment and supplies* used in the manufacture and distribution thereof, from the facilities of American Standard at Salem, OH., to points in Arkansas, Louisiana, Oklahoma and TX., for 180 days. SUPPORTING SHIPPER(S): American Standard, Inc., P. O. Box 2003, New Brunswick, NJK 08903. SEND PROTESTS TO: Martha A. Powell Trans. Asst., ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 133655 (Sub-132TA), filed November 22, 1978. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Plastic containers*, from the facilities of The Continental Group, Inc., located at or near Passaic and Morris Counties, NJ to points in Kent County, MI., and Hillsborough County, NH, and Dothan, AL; Sterling, CO; Lenexa, KS; Madisonville, Lexington and Elizabethtown, KY; New Orleans, LA; Norfolk, NE; and Abilene, Corpus Christi, Dallas, Hallettsville, Houston, Longview, and San Antonio, TX., for 180 days. SUPPORTING SHIPPER(S): Continental Plastics Industries, 633 Third Avenue, New York, NY 10017. SEND PROTESTS TO: Haskell E. Ballard DS, ICC, Box F—13206 Federal Building, Amarillo, TX 79101.

MC 133805 (Sub-15TA), filed November 24, 1978. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, 5001 Brentwood Stair Road, Suite 115, Fort Worth, TX 76112. *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA to points in AR, OK and TX. Restriction: Restriced to traffic originating at the named facilities and destined to the named destination states, for 180 days. Supporting shipper(s): Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Martha A. Powell, Trans. Asst., ICC, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 135687 (Sub-5TA), filed November 28, 1978. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Road, Smyrna, GA 30080. Representative: Jack Weaver, 5452 Oakdale Road, Smyrna, GA 30080. *Roofing materials*, (except in bulk), from Warrior Sales and Distributors of Alabama, Inc., at Gwinnett County, GA, to all points in NC, SC and TN, and from Tuscaloosa County, AL, to all points in GA and TN, for 180 days. Supporting shipper(s): Warrier Sales & Distributors of AL., Inc., P.O. Drawer 3159, Tuscaloosa, AL 35401. Send protests to: Sara K. Davis, Trans. Asst., ICC, 1252 W. Peachtree Street, NW., Atlanta, GA 30309.

MC 136086 (Sub-13TA), filed November 22, 1978. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Avenue, Fontana, CA 92335. Representative: Milton W. Flack, 43111 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel roofing, siding and floor decking*, from the facilities of Verco Manufacturing, Inc., located at Phoenix, AZ; Fontana, CA; and Everett, WA, to points in ID, under a continuing contract or contracts, with Verco Manufacturing, Inc., of Phoenix, AZ, for 180 days. An underlying ETA seeks up to 90 days. Supporting shipper(s): Verco Manufacturing, Inc., 4340 North 42nd Avenue, Phoenix, AZ 85019. Send protests to: Irene Carlos, Trans. Asst., ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 136888 (Sub-14TA), filed November 24, 1978. Applicant: NORMAN AND SON, 7255 Avenue, Houston, TX 77587. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. *Spent molybdenum catalysts*, (in bulk, in dump vehicles only), from Denver, CO, to Houston and Freeport, TX, and from Tulsa, OK, to Freeport, TX, for 180 days. Supporting shipper(s): Phillipp Brothers, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: John F. Mensing, DS, 8610 Federal Bldg., 515 Rusk Avenue, Houston, TX 77002.

MC 138328 (Sub-76 TA), filed November 22, 1978. Applicant: CLARENCE L. WERNER, d/b/a WERNER ENTERPRISES, I-80 and Highway 50, Omaha, NE 68137. Representative: James F. Crosby or Jack Pugh, P.O. Box 37205, Omaha, NE 68137. *Plastic resins*, from Chicago, IL, and points in its commercial zone to Dallas and Ft. Worth, TX and points in their commercial zones, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Michael A. McAlister President, Lone Star Chemical Co., Suite 334, 558 South Central Expressway, Richardson, TX 75080. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 139206 (Sub-54 TA), filed November 22, 1978. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 64043. Representative: R. C. Mitchell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy substitutes, such as powdered milk with chocolate additive, materials, equipment and supplies* used in the manufacture and distribution of dairy substitutes, Between the facilities of Dairy Substitutes, Inc., St. Louis, MO, on the one hand, and, on the other, points in the Continental United States, under a continuing contract or contracts, with Dairy Substitutes, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Dairy Substitutes, Inc., 10920 Schuetz Road, St. Louis, MO 63141. SEND PROTESTS TO: P. E. Binder DS, ICC, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

MC 139482 (Sub-74TA), filed November 22, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Foodstuffs, and food curing, preserving and seasoning compounds*, from Owensboro and Henderson, KY, to points in the states of Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri, Kansas and OK, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Ragu' Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 140134 (Sub-10TA), filed November 28, 1978. Applicant: CALDARULO TRADING CO., 2840 South Ashland Avenue, Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionary and dessert preparations*, (except in bulk), from the facilities of Leaf Confectionery, Inc., at Chicago, IL, to Billings, MT; Spokane and Seattle, WA; and Portland, OR, under a continuing contract or contracts, with Leaf Confectionery, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Leaf Confectionary, Inc., Dan G. Duchak Distribution Manager, 1155 N. Cicero, Chicago, IL 60651. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 140363 (Sub-16TA), filed November 28, 1978. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, LA 70075. Representative: Mr. Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. *Aluminum fluoride*, (in bulk, in dump trucks), from Geismar, LA., to Hannibal, OH., across the river from New Martinsville, WV., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Allied Chemical Corp., Industrial Chemicals Division, P.O. Box 1139R, Morristown, NJ. 07960. SEND PROTESTS TO: Connie A. Guillory DS, ICC, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA. 70113.

MC 140849 (Sub-17TA), filed November 24, 1978. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, Drawer G, Poteau, OK 74953. Representative: Prentiss Shelley, P.O. Drawer G, Poteau, OK 74953. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyester fibers, quilting, quilting fillers, comforters, drapes, quilted bedspreads, and mattress pads in shipper and carrier owned trailers*, From Clinton, OK., to points in North Carolina and VT., under a continuing contract or contracts, with Kellwood Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Kellwood Company, 200 Sears Road, Perry, GA. 31069. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 141450 (Sub-6TA), filed November 24, 1978. Applicant: OLIN WOOTEN, d/b/a WOOTEN TRANSPORT COMPANY, P.O. Box 731, Hazelhurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel containers*, from Baltimore, MD, to points in Alabama, Conneticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and WV, under a continuing contract, or contracts, with Steeltin Can Corporation, for 180 days. SUPPORTING SHIPPER(S): Steeltin Can Corporation, 1101 Todds Lane, Baltimore, MD 21237. SEND PROTESTS TO: G H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 141770 (Sub-7TA), filed November 28, 1978. Applicant: TPC TRANSPORTATION COMPANY, 40 Cleveland Road East, Huron, OH 44839. Representative: Russell J. Bragg, 608 Second Avenue South, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers wet grain*, from St. Louis, MO, to all points in the States of Alabama, Kansas, Mississippi, Ohio and Oklahoma, under a continuing contract or contracts, with The Pillsbury Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): The Pillsbury Company, 608 2nd Avenue, South, Minneapolis, MN 55402. SEND PROTESTS TO: ICC, 313 Federal Office Bldg., 234 Summit Street, Toledo, OH 43604.

MC 142081 (Sub-1TA), filed Novermber 22, 1978. Applicant: ETHLAR T. SMALL, JULIA T. SMALL, ERIC T. SMALL AND CRAIG T. SMALL, d/b/a SMALL'S L.P. GAS COMPANY, P.O. Box 397, Wyatt, MO 63882. Representative: Eric T. Small (same address as applicant). *Propane gas*, from Wood River and E. St. Louis, IL, St. Louis, MO, West Memphis and Light, AR, Memphis, TN and Calvert City, KY, to all points in MO, KY, AR, TN and IL; and *Anhydrous ammonia*, from Wood River and E. St. Louis, IL, Crystal City (Selma), MO, Blytheville (Armorel), AR, Memphis (Woodstock), TN, and Henderson, KY, to all points in MO, KY, AR, TN and IL, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING

SHIPPER(S): There are approximately (4) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: P. E. Binder, DS, ICC, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

MC 143179 (Sub-8TA), filed November 24, 1978. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Bonded synthetic fiber,* from St. Louis, MO, to Minneapolis, MN; and Tomah, WI, under a continuing contract or contracts, with Mid America Fiber Co., Inc., for 180 days. SUPPORTING SHIPPER(S): Charles Lang, Corporate Secretary, Mid America Fiber Co., Inc., 4193 Beck St., St. Louis, MO 63116. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 143651 (Sub-6TA), filed November 22, 1978. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 705, Lake View, IA 51450. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. *Potting soil and organic compost,* from LaPorte, IN to points in Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia and Wisconsin for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Leon Rydberg, National Traffic Manager, Green Thumb Company, Division of Ralston Purina, P.O. Box 760, Apopka, IL 32703. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 144247 (Sub-4TA), filed November 22, 1978. Applicant: DOWNEY ENTERPRISES, INC., 31706 Coast Highway, South Laguna, CA 92677. Representative: Gregory L. Parkin, 2500 W. Orangethorpe, Suite U, Fullerton, CA 92633. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses and also discount and drug stores, (except frozen commodities and commodities in bulk), from traffic originating at the facilities of Grocery Store Products located at Kennett Square and West Chester, PA, and from traffic originating at the facilities of The Clorox Company located at Atlanta, GA; Chicago, IL; Columbus, OH; Jersey City, NJ; Kennett Square, PA; and West Chester, PA, and destined to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (except Alaska and Hawaii), under a continuing contract or contracts, with The Clorox Company, for 180 days. SUPPORTING SHIPPER(S): The Clorox Company, 1221 Broadway, Oakland, CA 94612. SEND PROTESTS TO: Irene Carlos, Trans. Asst., ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144352 (Sub-2TA), filed November 28, 1978. Applicant: HARRIS BAKING COMPANY, 33 North Street, Waterville, ME 04901. Representative: Kenneth B. Williams, 84 State Street, Boston, MA 02109. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Bakery products,* from Springfield, MA, to Conway, NH and points in ME, under a continuing contract or contracts, with Springfields' Bakery, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Springfields' Bakery, Inc., 297 Plainfield Street, Springfield, MA 01101. SEND PROTESTS TO: ICC, 76 Pearl Street, Room 305, Portland, ME 04111.

MC 144509 (Sub-2TA), filed November 22, 1978. Applicant: HOLSTON MOTOR EXPRESS, INC., 2372 Woodridge Avenue, Kingsport, IN 37664. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *General commodities,* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), Between Rogersville, TN and Knoxville, TN (and its commercial zone) From Rogersville via TN Hwy 70 to its junction with I-81, and thence via I-81 to Knoxville, TN, and return over the same route, serving all points in Carter, Hawkins, Sullivan, Unicoi, and Washington, TN as off-route points. RESTRICTION: Restricted against the receipt of interline traffic from other motor carriers at Kingsport, TN and points in its commercial zone, for 180 days. SUPPORTING SHIPPER(S): There are approximately (8) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Joe J. Tate DS, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 145333TA, filed November 24, 1978. Applicant: SCHOEN-FOR, INC., d/b/a, M. A. C. TRUCKING, 3658 S. Nova Road & Herbert St., Port Orange, FL 32019. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. *Flakeboard,* from Port Manatee, FL, to Port Orange, FL, for 180 days. SUPPORTING SHIPPER(S): Pinewood Panels, Inc., P.O. Box 6161, Daytona Beach, FL 32202. SEND PROTESTS TO: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145435 (Sub-1TA), filed November 24, 1978. Applicant: WESTERN AG INDUSTRIES, INC., 2750 North Parkway, Fresno, CA 93771. Representative: Roland J. Mefford, 2750 North Parkway, Fresno, CA 93771. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel and aluminum wheels, without tires, automotive accessories and related parts,* between points in CA, OR, WA, CO, OK, MI, NY, GA, IN and MO, under a continuing contract or contracts, with Western Wheel Division Rockwell International, for 180 days. SUPPORTING SHIPPER(S): Western Wheel Division Rockwell, International, 1314 E. North Avenue, Fresno, CA 93725. SEND PROTESTS TO: Michael M. Butler DS, 211 Main, Suite 500, San Francisco, CA 94105.

MC 145569 (Sub-1TA), filed November 24, 1978. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Avenue, Aurora, CO 80011. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* from the facilities of United Packing Company at or near Denver, CO, to points in Massachusetts, Connecticut, New York, Pennsylvania, New Jersey and Maryland, under a continuing contract or contracts, with United Packing Co., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): United Packing Co., 5000 Clarkson, Denver, CO. SEND PROTESTS TO: Roger L. Buchanan DS, ICC, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145644 (Sub-1TA), filed November 28, 1978. Applicant: TOTER-TEE TRANSPORTE, INC., P.O. Box 107, Kingsbury, IN 46435. Representative: Philip A. Lee, 120 West Madison Street, Suite 618, Chicago, IL 60602. *Iron and steel products* transported on specialized Toter-Tee equipment, between Kingsbury, IN and Chicago IL, and the Chicago, IL Commercial Zone and points and places in the State of MI, for 180 days. An underlying ETA seeks up to 90 days authority. SUP-

PORTING SHIPPER(S): Roll Coater, Inc., P.O. Box 787, Greenfield, IN 46140. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145796TA, filed November 24, 1978. Applicant: VIC ADAMS, INC., 411 W. Sanderson, Yates Center, KS 66783. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L Topeka, KS 66612. *Soy bean meal*, from the facilities of Bunge Corp., at or near Emporia, KS, to points in Missouri, Arkansas, and Oklahoma, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Bunge Corporation, Box 518, Emporia, KS 66801. SEND PROTESTS TO: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 145821TA, filed November 28, 1978. Applicant: THURMOND BENNETT TRUCKING, INC., P.O. Box 628, Sparta, NC 28675. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite of Coleman Furniture Corporation, Pulaski, VA to points and places in Montana, Idaho, Utah, Nevada, California, Washington and OR.,, under a continuing contract or contracts, with Coleman Furniture Corporation, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Coleman Furniture Corporation, P.O. Drawer 908, Pulaski, VA 24361. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC 516, Mart Office Building, Charlotte, NC 28205.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-1254 Filed 1-12-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 12 Under Service Order No. 1344]

LOUISVILLE & NASHVILLE RAILROAD CO. AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting Traffic

JANUARY 10, 1979.

In the opinion of Robert S. Turkington, Agent, the Louisville and Nashville Railroad Company and the Birmingham Southern Railroad Company are unable to transport certain carload traffic, loaded to excessive dimensions, over their lines in the vicinity of Bessemer, Alabama, due to restricted clearances at their normal interchange points.

It is ordered,

(a) *Rerouting traffic.* The Louisville and Nashville Railroad Company and the Birmingham Southern Railroad Company being unable to transport certain carload traffic, loaded to excessive dimensions, over their lines in the vicinity of Bessemer, Alabama, due to restricted clearances at their normal interchange points, are authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving roads to be obtained.* The Louisville and Nashville Railroad Company shall receive the concurrence of the Birmingham Southern Railroad Company before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 1, 1979.

(e) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., December 28, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-1354 Filed 1-12-79; 8:45 am]

[7035-01-M]

[Notice No. 146]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 15, 1979.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC-77959. By application filed December 13, 1978, FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306, seeks temporary authority to transfer the operating rights of RUBBER CITY EXPRESS, INC., 1805 East Market St., Akron, OH 44305, under section 210a(b). The transfer to FALCON MOTOR TRANSPORT, INC., of the operating rights of RUBBER CITY EXPRESS, INC., is presently pending.

MC-FC-77964. By application filed December 15, 1978, TAURUS TRANSPORT, INC., 302 N. Main Street, Monticello, IN 47960, seeks temporary authority to transfer the operating rights of JENKINS AND NAGEL, INC., Wolcott, IN 47995, under section 210a(b). The transfer to TAURUS TRANSPORT, INC., of the operating rights of JENKINS AND NAGEL, INC., is presently pending.

MC-FC-77965. By application filed December 19, 1978, MARK PRODUCTS & SERVICES, INC., Box 354, Chatham, MA 02633, seeks temporary authority to transfer a portion of the operating rights of GRINGERI BROS. TRANSPORTATION CO., INC., (M. G. SHERMAN, TRUSTEE IN BANKRUPTCY), 18 Tremont St., Boston, MA 02108, under section 210a(b). The transfer to MARK PRODUCTS & SERVICES, INC., of a portion of the operating rights of GRINGERI BROS. TRANSPORTATION CO., INC. (M. G. SHERMAN, TRUSTEE IN BANKRUPTCY), is presently pending.

MC-FC-77966. By application filed December 19, 1978, LONGMONT, TRANSPORTATION COMPANY, INC., 149 Kimbark Street, Longmont, CO 80501, seeks temporary authority to transfer the operating rights of LONGMONT TURKEY PROCESSORS, INC., 149 Kimbark Street, Longmont, CO 80501, under section 210a(b). The transfer to LONGMONT, TRANSPORTATION COMPANY, INC., of the operating rights of LONGMONT TURKEY PROCESSORS, INC., is presently pending.

MC-FC-77967. By application filed December 19, 1978, BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107, seeks temporary authority to transfer a portion of the operating rights of MERLE

NICOLA, TRUSTEE, and FIRST WESTROADS BANK, INC., A Secured Creditor of REDFEATHER FAST FREIGHT, INC., d/b/a FIRST WESTROADS BANK, INC., 270 Italia Mall, Westroads Shopping Center, Omaha, NE 68114, under section 210a(b). The transfer to BEST REFRIGERATED EXPRESS, INC., of a portion of the operating rights of MERLE NICOLA, TRUSTEE, and FIRST WESTROADS BANK, INC., A Secured Creditor of REDFEATHER FAST FREIGHT, INC., d/b/a FIRST WESTROADS BANK, INC., is presently pending.

MC-FC-77972. By application filed December 21, 1978, GRAHAM BELL, AN INDIVIDUAL, d/b/a B & W TRUCKING, P.O. Box 281, 1 Porter Street, Gloucester, MA 01930, seeks temporary authority to transfer a portion of the operating rights of GRINGEERI BROS, TRANSPORTATION CO., INC., (M. G. SHERMAN, TRUSTEE IN BANKRUPTCY), c/o M. G. Sherman, 18 Tremont Street, Boston, MA 02108, under section 210a(b). The transfer to GRAHAM BELL, AN INDIVIDUAL, d/b/a B & W TRUCKING, of a portion of the operating rights of GRINGEERI BROS, TRANSPORTATION CO., INC., (M. G. SHERMAN, TRUSTEE IN BANKRUPTCY), c/o M. G. Sherman, is presently pending.

MC-FC-77973. By application filed December 21, 1978, JON W. McCARTER, AN INDIVIDUAL, d/b/a McCARTER TRANSIT, 2569 Darlington Road, Beaver Falls, PA 15010, seeks temporary authority to transfer the operating rights of BEAVER VALLEY MOTOR COACH COMPANY, Box 238, New Brighton, PA 15066, under section 210a(b). The transfer to JON W. McCARTER, AN INDIVIDUAL, d/b/a McCARTER TRANSIT, of the operating rights of BEAVER VALLEY MOTOR COACH COMPANY, is presently pending.

MC-FC-77974. By application filed December 21, 1978, JAMES F. LETTMAN, AN INDIVIDUAL, d.b.a. LETTMAN TRANSPORT, 13647 103d N.E., Kirkland, WA 98033, seeks temporary authority to transfer the operating rights of GERALD R. HACKETT, AN INDIVIDUAL, d.b.a. G. R. HACKETT TRANSPORT, 10529 N.E. 141st, Kirkland, WA 98033, under section 210a(b). The transfer to JAMES F. LETTMAN, AN INDIVIDUAL, d.b.a. LETTMAN TRANSPORT, of the operating rights of GERALD R. HACKETT, AN INDIVIDUAL, d.b.a. G. R. HACKETT TRANSPORT, is presently pending.

MC-FC-77978. By application filed December 28, 1978, ROBERT J. RATHWAY and WILLIAM C. PAULL, JR., A PARTNERSHIP, d.b.a. WOLFE & WOLFE, R. D. No. 2, Box 169A, Perryopolis, PA 15473, seeks temporary authority to transfer the operating rights of LAVERN E. WOLFE, AN INDIVIDUAL, d.b.a. WOLFE & WOLFE, 305 Crossland Avenue, Uniontown, PA 15401, under section 210a(b). The transfer to ROBERT J. RATHWAY and WILLIAM C. PAULL, JR., A PARTNERSHIP, d.b.a. WOLFE & WOLFE, of the operating rights of LAVERN E. WOLFE, AN INDIVIDUAL, d.b.a. WOLFE & WOLFE, is presently pending.

MC-FC-77979. By application filed December 28, 1978, MARTIN C. HOFFMAN and KENNETH K. HOFFMAN, A PARTNERSHIP, d.b.a. HOFFMAN TRUCKING, Route No. 2, Spencer, NE 68777, seeks temporary authority to transfer the operating rights of TOMMIE BOSKA, AN INDIVIDUAL, d.b.a. BOSKA TRUCKING, Spencer, NE 68777, under section 210a(b). The transfer to MARTIN C. HOFFMAN and KENNETH K. HOFFMAN, A PARTNERSHIP, d.b.a. HOFFMAN TRUCKING, of the operating rights of TOMMIE BOSKA, AN INDIVIDUAL, d.b.a. BOSKA TRUCKING, is presently pending.

MC-FC-77986. By application filed January 2, 1979, RANDY ERICKSON, AN INDIVIDUAL, R. R. No. 1, Luck, WI 54853, seeks temporary authority to transfer the operating rights of DONALD M. DAVIDSON, AN INDIVIDUAL, d.b.a. DON DAVIDSON, R. R. No. 1, Luck, WI 54853, under section 210a(b). The transfer to RANDY ERICKSON, AN INDIVIDUAL, of the operating rights of DONALD M. DAVIDSON, AN INDIVIDUAL, d.b.a. DON DAVIDSON, is presently pending.

MC-FC-77987. By application filed January 2, 1978, GOODMAN COMPANY, INC., 109 Wayne Street, P.O. Box 195, Glasgow, KY 42141, seeks temporary authority to transfer the operating rights of MOTLEY TRANSFER, INC., Route 7, Box 206, Glasgow, KY 42141, under section 210a(b). The transfer to GOODMAN COMPANY, INC., of the operating rights of MOTLEY TRANSFER, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-1355 Filed 1-12-79; 8:45 am]

[7035-01-M]

[Notice No. 147]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be seved upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77613, filed November 27, 1978. Transferee: JAMES D. HANSON, doing business as Earl Hanson Trucking Co. 2517 Riverbend Rd. Mount Vernon, WA 98273. Transferor: Earl L. Hanson, doing business as Earl Hanson Trucking Co., 2517 Riverbend Rd. Mount Vernon, WA 98273. Representative: James T. Johnson, Attorney, 1610 IBM Building, 1200 5th Ave., Seattle, WA 98101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-117444, issued November 20, 1958, as follows: Olivine sand, in bulk and in bags, from Hamilton, WA and points within 10 miles thereof, to ports of entry on the United States-Canada Boundary line at or near Blaine and Sumas, WA.

MC-FC-77866, filed October 12, 1978. Transferee: MEYER FARMS TRANSPORT, INC. Box 65, Oregon, MO 64473. Transferor: FARRIS TRUCK LINE, P.O. Box 224, Faucett, MO 64448. Representative: TOM B. KRETSINGER, ESQ., KRETSINGER & KRETSINGER, 20 East Franklin, Liberty, MO 64068. Authority sought for purchase by transferee of a por-

tion of the operating rights of the transferor, as set forth in Permit No. MC-138557 (SUB No. 2), issued to Walt Keith Trucking, Inc., and acquired by transferor herein pursuant to MC-F-12977, approved October 18, 1977 and consummated December 14, 1977, as follows: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the plant site of MBPXL Corporation, Inc., at Phelps City, MO to points in KS, MO, IL, and OK, under a continuing contract or contracts with Missouri Beef Packers, Inc. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

MC-FC-77870, filed September 28, 1978. Transferee: GOPHER TRUCK LINES, INC., 1931 East 27th Street, Vernon, CA 90058. Transferor: Service Truck Co., 2163 East 14th Street, Los Angeles, CA 90021. Representative: David P. Christianson, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC-120784 Sub-1 issued March 9, 1974, as follows: General commodities with exceptions, between all points in the Los Angeles Basin Territory. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77881, filed September 15, 1978. Transferee: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS. Transferor: Berry Transportation, Inc., P.O. Box 2147, Longview, TX 75601. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC-129282 Sub 31 issued February 14, 1977, as follows: Sugar, in containers, from the plantsites of Colonial Sugar Company at Gramercy, LA and Godchaux-Henderson Sugar Company at Reserve, LA to points in Alabama, Mississippi and Tennessee. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77884, filed October 20, 1978. Transferee: ETI CORP., P.O. Box 549, Linden, NJ 07036. Transferor: Eastern Transport, Inc., P.O. Box 549, Linden, NJ 07036. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Permit No. MC-135379 Sub 7 issued June 4, 1977, as follows: Such merchandise as is dealt in by wholesale, retail, chain, grocery, department stores, and food business houses (except glass containers and commodities in bulk), and in connection therewith, equipment, materials and supplies used in the conduct of such business (except glass containers and commodities in bulk), between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, North Carolina, South Carolina, West Virginia, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennesee and the District of Columbia. Restricted to transportation service to be performed under a continuing contract, or contracts with J. M. Fields, Inc. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77923, filed November 6, 1978. Transferee: TRANSPORT G. COURCHESNE, INC., 2015 Route 122, St-Curille-de-Wnedover, Comte de Drummond, P.O. Joc 1HO. Transferor: John N. Brocklesby Transport, Ltd., 10525 Cote de Liesse, Montreal, Quebec, Canada H9P 1A7. Representative: L. C. Major, Jr., Suite 400 Overlook Office Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC-126672 and MC-126672 Sub 4 issued October 8, 1976 and April 11, 1978, respectively, as follows: Cement, from ports of entry on the US-Canada Boundary line located at or near Derby Line and Highgate Springs, VT and Champlain and Trout River, NY to points in Maine, those parts of Vermont and New Hampshire south of U.S. Highway 2, and that part of New York south of a line beginning at Sackets Harbor, NY and extending eastward along New York Highway 3 to Saranac Lake, NY, thence along New York Highway 86 to junction New York Highway 73, near Lake Placid, NY thence along New York Highway 73 to Keene, NY and thence along New York Highway 9N to Westport, NY. From ports of entry on the US-Canada Boundary line located at or near Rooseveltown, Ogdensbury, Alexandria Bay, and Niagara Falls, NY and Jackman, ME to points in Maine, New Hampshire, New York, and Vermont. RESTRICTION: The authority above is restricted to the transportation of shipments in foreign commerce originating at the facilities of the St. Lawrence Cement Co., in the Province of Quebec, Canada. Cement, in bulk, in tank vehicles, from ports of entry on the US-Canada Boundary line at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plain, Derby Line, High Gate Springs and Norton, VT, Beecher Falls and Scott Bog, NH, and Fort Covington, Trout River, Mooers Forks, Champlain, and Rouses Point, NY to points in those parts of New Hampshire and Vermont on and north of U.S. Highway 2, and points in the part of New York on and north of a line beginning at Sackets Harbor, NY and extending eastward along New York Highway 3 to Saranac Lake, NY, thence along New York Highway 86 to junction New York Highway 73 near Lake Placid, NY thence along New York Highway 73 to Keene, NY and thence along New York Highway 9N to Westport, NY. RESTRICTION: The operations authorized above are limited to transportation in foreign commerce only. Cement, in bags, from the ports of entry on the US-Canada Boundary line, at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plain, Derby Line, High Gate Springs, and Norton, VT, Beecher Falls and Scott Bog, NH and Fort Covington, Trout River, Mooers Forks, Champlain, and Rouses Point, NY to points in those parts of New Hampshire and Vermont on and north of U.S. Highway 2, and that part of New York on and north of a line beginning at Sackets Harbor, NY and extending eastward along New York Highway 3 to Saranac Lake, NY thence along New York Highway 86 to junction New York Highway 73 near Lake Placid, NY, thence along U.S. Highway 73 to Keene, NY and thence along New York Highway 9N to Westport, NY. Cement, in bulk, in tank vehicles, and in bags, from ports of entry on the US-Canada Boundary line located in Maine, New Hampshire, New York, and Vermont to points in Connecticut, Rhode Island and Massachusetts. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Independent Cement, Inc., and St. Lawrence Cement Co., in the Province of Quebec, Canada. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77954 filed December 12, 1978. Transferee: O.K. MOVING & STORAGE CO. OF MARYLAND, INC., 8955 D'Arcy Road, Upper Marlboro, MD, 20780. Transferor: Kennedy Van & Storage Company, Inc., Dulles International Airport, P.O. Box 17191, Washington, DC 20041. Representative: Joseph T. Bell, Address: same as transferee. Authority sought for purchase by transferee of the operating

rights of transferor as set forth in Certificate No. MC-20337, issued October 23, 1970, as follows: Household goods, as defined by the Commission (except pianos, pianos benches, laundry machines, refrigerators, gas and electric ranges, radios, musical instruments, ice-making or refrigerating machinery and incidental equipment, when transported as a separate and distinct movement), between Washington, DC, on the one hand, and, on the other, points in MD and VA; between Washington, DC, on the one hand, and on the other, points in VA, NC, SC, MD, PA, DE, NJ, and NY. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-1356 Filed 1-12-79; 8:45 am]

[7035-01-M]

[Docket No. 37013]

MOTOR CARRIERS, WATER CARRIERS, AND FREIGHT FORWARDERS

Certification of Rates or Fares to Cover New Operating Authority

JANUARY 10, 1979.

The Commission is planning to implement, effective March 1, 1979, a new procedure which will assure the earlier issuance of new operating rights. This procedure will reduce regulatory lag and allow operations to commence on an earlier date. It will also reduce government costs by reducing the Commission's workload.

The Interstate Commerce Act requires every carrier or freight forwarder to file its rates or fares to cover its operations. Under the present procedure, rate or fare compliance is verified before the rights are issued. Under the new procedure, the carrier or forwarder must certify that it has rates or fares on file to cover the new authority. The certification should identify the tariffs which contain the rates or fares. Operating rights will be issued on the basis of this certification without prior verification unless a protest or complaint is received. The procedure for emergency temporary authority will not be changed.

We expect the cost of each certification to vary greatly from carrier to carrier. We estimate the cost of a certification will range from $1 to $5. In return for this small cost, the carriers or forwarders will receive their operating rights much sooner. In addition, the new procedure will save the Commission about $38,000 the first year.

The notice which the Commission issues to inform a carrier that it is being granted operating authority will be changed to include a requirement that the certification be filed before the operating rights are issued. The notice will remind the carriers of the penalties for fraud.

The Commission does not believe this change requires a rulemaking proceeding under section 553 of the Administrative Procedure Act (5 U.S.C. § 553) or a formal regulation because the change is procedural in nature and will benefit those affected by it. However, in keeping with our belief that any procedural change can benefit from public scrutiny, we are requesting that the public study the new procedure and inform us not later than February 15, 1979, of any change that should be considered.

Comments should be addressed to: William P. Geisenkotter, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423.

Mr. Geisenkotter may be contacted on 202-275-7739 for further information.

This procedural change will not significantly affect the quality of the human environment.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-1357 Filed 1-12-79; 8:45 am]

sunshine act meetings

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

[6320-01-M]

1

[M-189, Amdt. 2]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the January 11, 1979, meeting agenda.

TIME AND DATE: 10 a.m., January 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW, Washington, D.C. 20428.

SUBJECT: 3. Amendment of Board's *Ex Parte* rules, 14 CFR 300.2, 300.3 (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 3 is being deleted because the staff will be unable to complete their coordination of this item in time to give the Board an adequate opportunity to review the proposed amendment to the *ex parte* rules. Accordingly, the following Members have voted that item 3 be deleted from the January 11, 1979, agenda and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-74-79 Filed 1-11-79; 3:51 pm]

[6320-01-M]

2

[M-189, Amdt. 3; Jan. 9, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the January 11, 1979, agenda.

TIME AND DATE: 10 a.m., January 11, 1979.

PLACE: Room 1027.

SUBJECT:

9. Docket 33171, Dismissal of an application for approval of interlocking directors. Hawaiian Airlines, Inc., *et al.* (BPDA).

10. Dockets 33580, 33629, 33672, 33821, 33863, 33878, and 33997—Applications for certificate amendments nonstop Denver-Detroit authority in the following: Frontier, Braniff, Northwest, Allegheny, Continental, American and Ozark (BPDA).

15. Dockets 31128, 31213, 31244, 31529, and 32791—Service to Fort Myers (BPDA, OCCR, BALJ, (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Items 9, 10, and 15 are being deleted because the staff will be unable to complete their coordination of these items in time to give the Board adequate time to review them. Accordingly, the following Members have voted that agency business requires the deletion of items 9, 10, and 15 from the January 11, 1979, agenda and that no earlier announcement of these deletions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-75-79 Filed 1-11-79; 3:51 pm]

[6320-01-M]

3

[M-189, Amdt. 4; Jan. 9, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the January 11, 1979, agenda.

TIME AND DATE: 10 a.m., January 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 23a. Dockets 32686, 33587, 33640, 33637, 34036, and 34038—Applications of TIA, Braniff, World, Capitol, and Seaboard for *pendente lite* exemption authority to provide scheduled passenger service between points in the United States and points in the Federal Republic of Germany. (BIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: At the January 4, 1979, Board meeting BIA staff was directed to prepare a draft order addressing the merits of the six applications set forth above for action at the January 11, 1979, Board meeting. The draft order is being coordinated and attention to this matter now is required in order to address these important international markets as soon as possible. Accordingly, the following Board Members have voted that agency business requires the addition of this item to the January 11, 1979, agenda and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-76-79 Filed 1-11-79; 3:51 pm]

[6320-01-M]

4

[M-189, Amdt. 5; Jan. 9, 1979]

CIVIL AERONAUTICS BOARD.

Notice of closure and addition of item to the January 11, agenda.

TIME AND DATE: 10 a.m., January 11, 1979 (after open meeting).

PLACE: Room 1011, 1825 Connecticut Avenue N.W, Washington, D.C. 20428.

SUBJECT: 26a. Dockets 33887, 33984 and 34314, the applications of Saudi Arbian Airlines Corporation for a 402 permit and for an exemption pending issuance of a permit and the joint application of Saudi and Pan American for prior approval of a blocked-space agreement and a letter to the Department of State requesting that it obtain assurances from the Saudi Arabian Government on multiple designation. (BIA).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068

SUPPLEMENTARY INFORMATION: On January 5 the staff was advised by the Department of State and the Saudi Arabian Chargé D' Affaires that the Saudi Arabian Government urgently requests the earliest possible resolution by the Board on these matters since the Saudi carrier hopes to begin service February 1. Accordingly, the following Members have voted that agency business requires the addition of item 26a to the January 11, 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

This memo concerns strategy and positions that have taken and may be taken by the United States in negotiations with Saudi Arabia. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member Gloria Schaffer.
Assistants to Board Members.—Mr. Sanford Rederer, Mr. David M. Kirstein, Mr. Stephen H. Lachter, and Mr. Elias Rodriguez.
Office of the Managing Director.—Mr. John R. Hancock.
Bureau of International Affairs.—Mr Donald A. Farmer, Jr., Mr. David A. Levitt, Mr. Richard Loughlin, Ms. Mary I. Pett, and Ms. Agnes M. Trainor.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.
Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. Herbert Aswall, Mr. Douglas V. Leister, and Mr. James L. Deegan.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Richard H. Klem.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson.
Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that this meeting may be closed to public observation.

PHILIP BAKES, Jr.,
General Counsel.

[S-77-79 Filed 1-11-79; 3:51 pm]

[6320-01-M]

5

[M-189, Amdt. 6; Jan. 10, 1979]

CIVIL AERONAUTICS BOARD.

Notice of change of time and deletion of item from the January 11, 1979, agenda.

TIME AND DATE: 9 a.m., January 11, 1979.

PLACE: Room 1027 and 1011 for closed items, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 27. Negotiating Strategy for Northern and Southern Europe (BIA).

STATUS: Items 1-25, open. Items 26 and 26a, closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Chairman's schedule on January 11, 1979 (Thursday) will not permit discussion of all three items. Accordingly, the following Members have voted that agency business requires the deletion of item 27 from the January 11, 1979, agenda and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

NOTE.—Items 26 and 26a will be taken up at 9 a.m.

[S-78-79; Filed 1-11-79; 3:51 pm]

[6320-01-M]

6

[M-189, Amdt. 7; Jan. 11, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the January 11, 1979, agenda.

TIME AND DATE: 10 a.m., January 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 28. Dockets 33112, 33283—Texas International—National Acquisition Case and Pan American—National Acquisition Case. National application to take testimony of Dr. Robert H. Frank.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: National filed an application on Friday, January 5, 1979, to take the testimony of Dr. Robert H. Frank, the Board's Director of the Office of Economic Analysis. The application was granted by the Administrative Law Judge on Monday, January 8, 1979. The Law Judge directed Dr. Frank to appear on Thursday, January 11, although we understand that he has since postponed Dr. Frank's appearance to January 12. Dr. Frank's attorney filed an answer on January 10, 1979.

Although the Board's rules indicate that Dr. Frank cannot testify without prior Board approval, the Board needs to consider adopting an order staying the order requiring Dr. Frank's appearance until the Board can consider whether to permit Dr. Frank to testify.

Accordingly, the following Board Members have voted that agency business requires the addition of this item to the January 11, 1979, agenda and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-79-79 Filed 1-11-79; 3:51 pm]

[6570-06-M]

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 16, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

1. Freedom of Information Act Appeal No. 78-11-FOLA-253, concerning a request for certain EEO-1 Employment Survey Reports.

2. Freedom of Information Act Appeal No. 78-7-FOIA-171, concerning a request for information included in a national charge investigative file.

3. Office of Personnel Management Merit System Standards.
4. Amendments to Procedural Regulations and the Compliance Manual to Reflect EEOC's Reorganization.
5. Report on Commission Operations by the Executive Director.

CLOSED TO THE PUBLIC

1. Proposed Decisions in two Charges.
2. Termination of Conciliation Efforts in Connection with Commission Decision No. 77-21.
3. Litigation Authorization: General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued January 9, 1979.

[S-68-79 Filed 1-11-79; 11:09 am]

[6570-06-M]

8

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Friday, January 12, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Revisions of Affirmative Action Guidelines:

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required that this meeting be held and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Armando M. Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued January 10, 1979.

[S-66-79 Filed 1-11-79; 11:09 am]

[6570-06-M]

9

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-12-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 9, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the closed portion of the meeting:

Status of Compliance with an Outstanding Consent Decree.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Armando M. Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioner.
Opposed: None

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6750.

This notice issued January 9, 1979.

[S-70-79 Filed 1-11-79; 3:08 pm]

[6712-01-M]

10

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, January 17, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the 9:30 a.m. open meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Fiscal Year 1979 Policy Research Funding.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: January 11, 1979.

[S-71-79; Filed 1-11-79, 2:23 pm]

[6712-01-M]

11

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, January 17, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Restrictions on the publication of articles written by Commission personnel.
General—2—Petition for waiver of duty cycle requirement for an invalid security alert system.
General—3—Rules and policies governing interconnection of private land mobile radio systems, (Docket No. 20846).
General—4—Rule adjustments in light of the Sunshine Act.
General—5—International Maritime Satellite Telecommunications.
General—6—Motion Picture Association of America petition for declaratory judgment filed in Network Inquiry.
General—7—Fiscal year 1979 Policy Research Funding.
Common Carrier—1—Application by AT&T and various record carriers to construct a 300 circuit cable between Florida and St. Thomas, Virgin Islands.
Common Carrier—2—Joint application by AT&T and GTE Satellite Corporation for authority to provide a video conferencing service via their domestic satellite system.
Common Carrier—3—GTE acquisition of Telenet.
Cable Television—1—Request for Declaratory Ruling and Petition for Waiver filed by Capitol Cablevision Corp., Charleston, S.C. and Dunbar, West Virginia; and Request for Special Relief filed by Gateway Communications, Inc., Huntington, West Virginia.
Assignment and Transfer—1—Assignment of license of Television Station WANC-TV, Asheville, North Carolina, from WISE-TV, Incorporated to Carolina Christian Broadcasting, Inc. (BALCT-643).
Renewal—1—Petition to deny renewal of WPXY (FM), Rochester, New York, filed by Metro-Act of Rochester, Inc.
Renewal—2—Reconsideration of the renewals of KEYS, Corpus Christi, Texas, WNOR and WNOR-FM, Norfolk, Virginia and of the assignment of WDJX, Zenia, Ohio, all by Roger H. Stoner.
Renewal—3—Reconsideration of compliant against renewal of KETV (TV), Omaha, Nebraska filed by the Black Coalition of KETV.
Aural—1—Applications filed by International Radio, Inc. (KGST, Fresno, Calif.) and by La Fiesta Broadcasting Co., (KLFB, Lubbock, Texas) for nighttime operations.
Aural—2—Application for a new noncommercial educational FM station filed by State University of New York, Buffalo, New York.
Complaints and Compliance—1—Application for Review of a letter by the Broadcast Bureau stating that a proposed 2½ hour auction program would violate the Commission's policy as to program-length commercials.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: January 11, 1979.

[S-72-79 Filed 1-11-79; 2:23 pm]

[6715-01-M]

12

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, January 18, 1979, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinion 1978-99.
Policy on release of information in computer tape format.
Personnel policy on time-in-grade for employees not in bargaining unit.
Appropriations and budget.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Routine administrative matters and quality of reports received.

PORTIONS CLOSED TO THE PUBLIC (FOLLOWING OPEN SESSION)

Audits and Audit Policy, Compliance, Personnel.

PERSONS TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-73-79 Filed 1-11-79; 3:31 pm]

[6740-02-M]

13

JANUARY 10, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., January 17, 1979.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information.

POWER AGENDA—241ST MEETING, JANUARY 17, 1979, REGULAR MEETING

CAP-1. Docket No. ER79-95, New Bedford Gas & Edison Light Co.
CAP-2. Docket No. ER78-592, Dayton Power & Light Co.
CAP-3. Docket No. ER77-584, New England Power Co.
CAP-4. Docket No. ES79-19, Detroit Edison Co.
CAP-5. Docket No. ES79-18, Iowa Power & Light Co.

GAS AGENDA—241ST MEETING, JANUARY 17, 1979, REGULAR MEETING

CAG-1. Docket No. RP79-19, Mountain Fuel Supply Co.
CAG-2. Docket No. RP72-142, RP76-135 and RP78-76, (PGA No. 79-1) (AP No. 79-1), Cities Service Gas Co.
CAG-3. Docket Nos. RP75-13, RP75-113, and RP76-137, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. Docket No. RP77-62, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.
CAG-4. Docket No. CS78-373, G & G Operating Co., Docket No. CS73-338, James P. Evans Jr., Docket No. CS74-149, Daniel Oil Co., Docket No. CS78-377, SPG Operating Co., Docket No. CS78-381, William S. Evans, Docket No. CS78-386, Michel T. Halbouty, Docket No. CI78-602, J. M. Huber Corp., Docket No. CI78-799, The Superior Oil Co., Docket No. CI75-729, Union Texas Petroleum, (a division of Allied Chemical Corp.)
CAG-5. Docket No. G-17062, Estate of L. D. French.
CAG-6. Docket No. CI65-781, et al, Mobil Oil Corp.
CAG-7. Docket No. CP78-453; Transcontinental Gas Pipe Line Corp.
CAG-8. Docket No. CP76-60, *Arkansas Louisiana Gas Company* v. *McCulloch Oil Company of Texas.*
CAG-9. Docket No. CP78-186, Natural Gas Pipeline Co. of America and Southwestern Gas Pipeline, Inc.
CAG-10. Docket No. CP77-108, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. and United Gas Pipe Line Co., Docket No. CP78-456 and CP78-466, Transcontinental Gas Pipe Line Corp., Docket No. CP78-530, Florida Gas Transmission Co.
CAG-11. Docket No. CP79-23, Columbia Gas Transmission Corp.
CAG-12. Docket No. CP75-376, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.
CAG-13. Docket No. CP78-489, Columbia Gulf Transmission Co. and Tennessee Gas Pipeline Co., a division of Tenneco, Inc.
CAG-14. Docket No. CP78-431, Transcontinental Gas Pipe Line Corp.
CAG-15. Docket No. CP76-356, Michigan Wisconsin Pipe Line Co.
CAG-16. Docket No. CP73-244, Midwestern Gas Transmission Co.
CAG-17. Docket No. CP78-399, Transwestern Pipeline Co.
CAG-18. Docket No. CP78-465, Michigan Wisconsin Pipe Line Co.
CAG-19. Docket No. CP77-383 (Phase I), Panhandle Eastern Pipe Line Co., Docket No. CP77-423 (Phase I), Colorado Interstate Gas Co.

MISCELLANEOUS AGENDA—241TH MEETING, JANUARY 17, 1979, REGULAR MEETING

CAM-1. Secretary of Energy's proposed rule to amend 10 CFR 211.67(e); in order to reduce the level of benefits received under the small refiner bias of the domestic crude oil allocation program ("entitlements program").

POWER AGENDA—241ST MEETING, JANUARY 17, 1979, REGULAR MEETING

I. LICENSED PROJECT MATTERS

P-1 Project No. 2131, Wisconsin Electric Power Co.
P-2 Project No. 283, Crown Zellerbach Corp.

II. ELECTRIC RATE MATTERS

ER-1. Docket No. ER78-506, Wisconsin Public Service Corp
ER-2. Docket No. ER78-522, Virginia Electric & Power Co.
ER-3. Docket No. ER77-533, Louisiana Power & Light Co.
ER-4. (A). Docket Nos. ER78-19 (Phase I) and ER78-81, Florida Power & Light Co. (B). Docket Nos. ER78-325, ER78-376, and ER78-19, et al. Florida Power & Light Co.
ER-5. Docket No. ER-76-285 (Phase II), Public Service Co. of New Hampshire.

GAS AGENDA—241ST MEETING, JANUARY 17, 1979, REGULAR MEETING

I. PIPELINE RATE MATTERS

RP-1. Docket Nos. RP74-61 (PGA78-2) and RP76-10 (PGA78-2), Arkansas-Louisiana Gas Co.
RP-2. Docket No. RP79-4, Cities Service Gas Co.
RP-3. Docket No. RP79-7, Southern Natural Gas Co.
RP-4. Docket No. RP79-157 (PGA79-2) (PGA79-2a), Consolidated Gas Supply Corp.
RP-5. Docket Nos. RP71-107 (Phase II) and RP72-127, Northern Natural Gas Co.

II. PRODUCER MATTERS

CI-1. Docket No. RI77-104, Kennedy & Mitchell, Inc.
CI-2. Docket No. RI76-123, J. M. Zachary, et al.
CI-3. Docket No. CI78-705, *Arapahoe Production Company* v. *Panhandle Producing Company, et al.*

II. PIPELINE CERTIFICATE MATTERS

CP-1. Docket No. CP76-285, Mountain Fuel Resources, Inc. Docket No. CP77-289, El Paso Natural Gas Co. Docket No. CP77-512, Clay Basin Storage Co. Docket No. CP77-511, Northwest Pipeline Corp.
CP-2. Docket No. CP78-292, Colorado Interstate Gas Co.
CP-3. Docket No. CP78-272, et al., The Brooklyn Union Co., et al.
CP-4. Docket No. CP75-140, et al., Pacific Alaska LNG Company, et al. Docket Nos. CP74-160, et al., Pacific Indonesia LNG Company, et al. Docket No. CI78-453, Pacific Lighting Gas Development Co. Docket No. CI78-452, Pacific Simpco Partnership.
CP-5. Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

MISCELLANEOUS AGENDA—241ST MEETING, JANUARY 17, 1979, REGULAR MEETING

M-1. Annual reports pursuant to part 276 of the interim regulations under NGPA and proposed changes to the filing requirements.
M-2. RM79-. . . ., Treatment of refunds under purchased adjustment clauses.

KENNETH F. PLUMB,
Secretary.

[S-67-79 Filed 1-11-79; 11:09 am]

[6720-01-M]

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FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: January 18, 1979, 9:30 a.m.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Consideration of Appointment of Directors and Designation of Chairman and Vice Chairman, Federal Home Loan Banks.
Consideration of Fidelity Bond Amendments (§ 563.19(b)) and Proposed New § 571.14.
Branch Office Application—Loyola Federal Savings & Loan Asociation, Baltimore, Md.
Service Corporation Activity Application—Clearwater Federal Savings & Loan Association, Clearwater, Fla.

No. 209, January 11, 1979.

[S-81-79 Filed 1-11-79; 4:00 pm]

[8010-01-M]

15

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 15, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Monday, January 15, 1979, at 10 a.m. and will be followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Monday, January 15, 1979, after the open meeting will be:

Access to investigative files by Federal, State or self-regulatory authorities.
Formal orders of investigation.
Freedom of Information Act appeals.
Settlement of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Report of Investigation.
Litigation matters.
Institution of injunctive action.
Opinion.

The subject matter of the open meeting scheduled for Tuesday, January 16, 1979, at 10 a.m., will be:

1. The Commission will consider what response to make to the Office of Management and Budget's request for its comments concerning S.2 (the "Sunset Act of 1978"), which is designed to improve Congressional oversight of federal programs by providing, among other things, that the budget authority for such programs will terminate unless a "sunset" review is completed once every ten years. For further information, please contact Alan Rosenblat at (202) 755-1198.

2. The Commission will consider whether to issue a notice of the filing of an application for exemption from several provisions of the Investment Company Act of 1940 ("Act") by MFS Variable Account ("MFS"), a unit investment trust registered under the Act, and Nationwide Life Insurance Company, its sponsor-depositor (collectively "Applicants"). Applicants have requested, pursuant to Section 6(c) of the Act, exemptions from the definition of "sales load" in Section 2(a)(35) of the Act and the related regulatory provisions of Sections 27(c)(2) and 26(a)(2)(C). Additionally, Applicants have requested exemptive relief from the definition of "redeemable security" in Section 2(a)(32) of the Act and the related regulatory provisions of Sections 22(c), 27(c)(1), and 27(d) of the Act and Rule 22c-1. Finally, Applicants request approval of certain offers of exchange pursuant to Section 11 of the Act. For further information please contact Laura A. Boughan at (202) 755-0237.

3. The Commission will consider an application filed by Fidelity Government Securities, Ltd. (a Nebraska Limited Partnership), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified, management investment company, and Fidelity Management and Research Company, the Fund's investment adviser, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund and its general partners from the provisions of Section 2(a)(19) of the Act to the extent necessary to permit the Fund to operate as a limited partnership. For further information, please contact Glen A. Payne at (202) 755-1739.

FOR FURTHER INFORMATION, PLEASE CONTACT:

George G. Yearsich at (202) 755-1100.

JANUARY 11, 1979.

[S-69-79 Filed 1-11-79; 12:45 pm]

[8120-01-M]

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[Meeting No. 1207]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9:30 a.m., c.s.t., Thursday, January 18, 1979.

PLACE: Jaycee Civic Center, 2701 Park Avenue, Paducah, Ky.

STATUS: Open.

MATTERS FOR DISCUSSION: Changes in arrangements for sale of interruptible power to large industrial customers.

MATTERS FOR ACTION:

B—CONSULTING AND PERSONAL SERVICE CONTRACTS

1. Renewal of consulting contract with Dr. John Otis Brew, Cambridge, Massachusetts, for advice and assistance in connection with archaeological assessments, requested by the Division of Water Management.

2. Renewal of consulting contract with Dr. Robert Lloyd Stephenson, Columbia, South Carolina, for advice and assistance in connection with archaeological assessments, requested by the Division of Water Management.

3. Renewal of consulting contract with Dr. Stuart Struever, Evanston, Illinois, for advice and assistance in connection with archaeological assessments, requested by the Division of Water Management.

4. Extension and amendment of personal service contract with Arthur Andersen & Co., Atlanta, Georgia, for advice and assistance in connection with TVA's Materials Management System, requested by the Office of Planning, Budget, and Systems.

C—PURCHASE AWARDS

1. Req. No. 824076—Air filtration units for Yellow Creek Nuclear Plant.

2. Req. No. 823481—Fire alarm system for the Hartsville and Phipps Bend Nuclear Plants.

F—POWER ITEMS

1. Application for renewal of Access Permit No. 2748 for restricted isotope separation data.

2. Lease and amendatory agreement with the city of Bristol, Tennessee—South Holston Hydro Plant-Bluff City 69-kV line and certain facilities at the Bluff City 161-kV Substation.

G—REAL PROPERTY TRANSACTIONS

1. Grant of permanent easement to the Tennessee Department of Transportation for public road right of way, affecting approximately 12.3 acres of TVA land in Oliver Springs, Tennessee—Tract XTOSFP-5H.

2. Modification of 40-year easement for a farmers/flea market previously granted to Mountain Valley Economic Opportunity Authority affecting a portion of Norris Reservoir land in Campbell County, Tennessee, to permit development of a mine safety training and education center—Tract XTNR-99FFM.

3. Filing of condemnation suits.

H—UNCLASSIFIED

1. Agreement with Electric Power Research Institute covering arrangements for development of a program to improve pipe designs in nuclear power plants.

Dated: January 11, 1979.

CONTACT PERSON FOR MORE INFORMATION:

Lee C. Sheppeard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-566-1401.

[S-80-79 Filed 1-11-79; 3:56 pm]