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federal register

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Highlights

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Highlights

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Presidential Documents

Title 3—

The President

Proclamation 4708 of December 11, 1979

Import Limitations on Certain Cheese and Chocolate Crumb

By the President of the United States of America

A Proclamation

Import limitations have been imposed on certain dairy products, including certain cheese and chocolate crumb, pursuant to the provisions of Section 22 of the Agricultural Adjustment Act, as amended, 7 U.S.C. 624, (Section 22). Those limitations are set forth in Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS).

Sections 701 and 703 of the Trade Agreements Act of 1979, P.L. 96–39 (The Act), require that the President proclaim a) limitations on the quantity of types of cheese specified therein which may enter the Unted States in any calendar year after 1979 to an annual aggregate quantity of not more than 111,000 metric tons and b) increases in a specified manner, of the quantity of chocolate crumb now subject to certain import quotas which may be entered in any calendar year after 1979. Such limitations and increases are required to become effective on January 1, 1980.

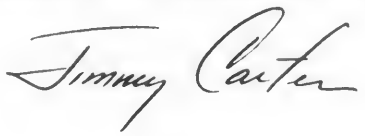
It is provided in Sections 701 and 703 of the Act that such proclamation shall be considered a proclamation issued under Section 22 and which meets the requirements of such section.

The Act also approved bilateral agreements entered into during the Multilateral Trade Negotiations (MTN) by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries. These agreements contained the provision that "the United States agrees to take all necessary measures to permit the maximum utilization of the quotas."

On the basis of the information submitted to me, I find and declare that the import limitations hereinafter proclaimed with respect to cheese and chocolate crumb are in accord with the requirements of Sections 701 and 703 of the Act and the bilateral agreements approved by such Act which were entered into by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of Section 22 of the Agricultural Adjustment Act of 1933, as amended, the Tariff Classification Act of 1962, the Trade Act of 1974, the Trade Agreements Act of 1979, and the bilateral agreements relating to cheese and chocolate crumb approved by the Trade Agreements Act of 1979, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended, effective January 1, 1980, as set forth in the Annex to this proclamation.

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



[FR Doc. 79-38444
Filed 12-12-79; 9:51 am]
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ANNEX

1. Headnote 3(a) to part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

"3. (a) Dairy products.--

(i) Imported articles subject to the import quotas provided for in items 950.01 through 950.11, except 950.06, may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture, and only in accordance with the terms of such license; except that no such license shall be required for up to 1,837,351 pounds per quota year of natural Cheddar cheese, the product of Canada, made from unpasteurized milk and aged not less than 9 months, which prior to exportation has been certified to meet such requirements by an official of the Canadian government. Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in the equitable distribution of the respective quotas for such articles among importers or users and facilitate the utilization of the quotas by the supplying countries, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned.

(ii) Under item 950.08A not more than 10,367,988 pounds of the annual quota quantity shall be products other than natural Cheddar cheese made from unpasteurized milk and aged not less than 9 months.

(iii) Notwithstanding any other provision of this part, if the Secretary of Agriculture determines that a quantity specified in the column entitled "Quota Quantity" opposite the name

of any country is not likely to be entered from such country within any calendar year, he may provide with respect to such article for the adjustment for that calendar year, within the aggregate quantity of such article permitted to be entered from all countries during such calendar year, of the quantities of such article which may be entered during such year from the countries specified as countries of origin for such article. The Secretary of Agriculture shall notify the Secretary of the Treasury of such adjustment and, with respect to country of origin adjustments for any article for which a license is not required, file notice thereof with the Federal Register. With respect to articles for which a license is not required, such adjustment shall become effective 3 days after the date of publication in the Federal Register.

(iv) For the purposes of this part, the term "soft ripened cow's milk cheese" means cheese which--

(1) has a prominent crust formed on the exterior surface as a result of curing or ripening by biological curing agents such as molds, yeasts, or other microorganisms,

(2) visibly cures or ripens from the surface toward the center,

(3) has a fat content by weight (on a moisture-free basis) of not less than 50 percent, and

(4) has a moisture content (calculated by weight of the non-fatty matter) of not less than 65 percent,

but does not include cheese with mold distributed throughout its interior."

2. Items 950.07 through 950.16 are amended to read as follows:

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in kilograms)
	[Whenever...:]		
	[Cheeses...:]		
"950.07	Blue-mold cheese (except Stilton produced in the United Kingdom) and cheese and substitutes for cheese containing, or processed from, blue-mold cheese (provided for in item 117.00, 117.05, 117.75, or 117.88):		
	European Economic Community...	5,465,203	2,479,000
	Argentina.....	4,409	2,000
	Other.....	2	1
950.08A	Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese (provided for in item 117.15, 117.20, 117.75, or 117.88):		
	European Economic Community...	579,809	263,000
	Australia.....	2,645,520	1,200,000
	New Zealand.....	6,834,260	3,100,000
	Canada.....	1,837,351	833,417
	Other.....	308,399	139,889
950.08B	American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese (provided for in item 117.75, 117.81, or 117.88):		
	European Economic Community...	559,968	254,000
	Australia.....	2,204,600	1,000,000
	New Zealand.....	4,409,200	2,000,000
	Other.....	371,598	168,556

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in kilograms)
	[Whenever...:]		
	[Cheeses...:]		
950.09A	Edam and Gouda cheeses (provided for in item 117.25):		
	European Economic Community...	8,842,650	4,011,000
	Sweden.....	90,388	41,000
	Argentina.....	275,575	125,000
	Other.....	2	1
950.09B	Cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheese (provided for in item 117.25, 117.75, or 117.88):		
	European Economic Community...	2,727,090	1,237,000
	Norway.....	368,168	167,000
	Other.....	55,999	25,401
950.10	Italian-type cheeses, made from cow's milk, in original loaves (Romano, made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz) (provided for in item 117.44 or 117.55):		
	European Economic Community...	3,886,709	1,763,000
	Argentina.....	8,487,710	3,850,000
	Other.....	2	1
950.10A	Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (provided for in item 117.42, 117.44, 117.55, 117.75, 117.86, or 117.88):		
	European Economic Community...	103,616	47,000
	Argentina.....	1,417,557	643,000
	Other.....	28,798	13,063

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in kilograms)
	[Whenever...:]		
	[Cheeses...:]		
950.10B	Swiss or Emmenthaler cheese with eye formation (provided for in item 117.60):		
	European Economic Community...	13,227,600	6,000,000
	Austria...	13,844,888	6,280,000
	Finland...	18,077,720	8,200,000
	Norway...	15,174,261	6,883,000
	Switzerland...	7,561,778	3,430,000
	Israel...	59,524	27,000
	Australia...	1,102,300	500,000
	Canada...	154,322	70,000
	Iceland...	661,380	300,000
	Argentina...	176,368	80,000
	Other...	187,999	85,276
950.10C	Swiss or Emmenthaler cheese other than with eye formation, Gruyere-process cheese, and cheese and substitutes for cheese containing, or processed from, such cheeses (provided for in item 117.60, 117.75, or 117.88):		
	European Economic Community...	7,716,100	3,500,000
	Austria...	2,028,232	920,000
	Finland...	2,204,600	1,000,000
	Switzerland...	3,196,670	1,450,000
	Portugal...	275,575	125,000
	Other...	175,999	79,833
950.10D	Cheeses and substitutes for cheese provided for in item 117.75 or 117.88 (except cheese not containing cow's milk and soft ripened cow's milk cheese, cheese (except cottage cheese) containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provide for in this part):		
	European Economic Community...	44,092,000	20,000,000
	Finland...	2,865,980	1,300,000
	Iceland...	712,085	323,000
	Norway...	330,690	150,000
	Poland...	2,063,999	936,224
	Sweden...	2,334,671	1,059,000
	Switzerland...	3,571,452	1,620,000
	New Zealand...	24,960,481	11,322,000
	Canada...	2,515,448	1,141,000

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in kilograms)
	[Whenever...:]		
	[Cheeses...:]		
	[Cheeses...:]		
	Portugal	1,005,297	456,000
	Austria	1,432,990	650,000
	Israel	1,483,695, (no more than 352,736 of which shall contain more than 3 percent by weight of butterfat)	673,000, (no more than 160,000 of which shall contain more than 3 percent by weight of butterfat)
	Argentina	220,460	100,000
	Australia	2,314,830	1,050,000
	Other	287,997	130,635
950.10E	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, provided for in item 117.75 or 117.88 (except articles within the scope of other import quotas provided for in this part):		
	European Economic Community	8,818,400	4,000,000
	Poland	385,599	174,907
	Australia	551,150	250,000
	New Zealand	2,204,600	1,000,000
	Sweden	551,150	250,000
	Israel	110,230	50,000
	Other	2	1

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in kilograms)
	[Whenever...:]		
950.11	Malted milk, and articles of milk or cream (provided for in item 118.30)....	6,000	2,721
950.15	Chocolate provided for in item 156.30 containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection):		
	Ireland.....	9,450,000	4,286,491
	United Kingdom.....	7,450,000	3,379,297
	Netherlands.....	100,000	45,359
	Australia.....	4,409,200	2,000,000
	New Zealand.....	2	1
	Other.....	None	None
950.16	Chocolate provided for in item 156.30 and articles containing chocolate provided for in item 182.99, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection):		
	United Kingdom.....	930,000	421,845
	Ireland.....	3,750,000	1,700,988
	New Zealand.....	2	1
	Other.....	None	None".

Presidential Documents

Executive Order 12180 of December 11, 1979

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*), as amended by Section 1111 of the Trade Agreements Act of 1979 (93 Stat. 315), and Section 604 of the Trade Act of 1974 (88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to adapt the preferential treatment under the Generalized System of Preferences (GSP) for articles from countries designated as beneficiary developing countries which are currently eligible for such treatment, to the numerous changes of the law and of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) which have resulted from the enactment of the Trade Agreements Act of 1979 (93 Stat. 144 *et seq.*) and Proclamation 4707 to Carry Out the Geneva (1979) Protocol to the General Agreement on Tariffs and Trade and for Other Purposes; and to make conforming modifications to the TSUS, it is hereby ordered as follows:

Section 1. General Headnote 3(c)(ii) of the TSUS, is modified by substituting therefor the new General Headnote 3(c)(ii) as provided in Annex I, attached hereto and made a part hereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is further amended as provided in Annex II, attached hereto and made a part hereof.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is further amended as provided in Annex III, attached hereto and made a part hereof.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite these articles, is modified as provided in Annex IV, attached hereto and made a part hereof.

Sec. 5. General headnote 3(c)(i) of the TSUS is modified by deleting from the list of independent designated beneficiary countries "Central African Empire" and "Yemen Arab Republic", and by substituting therefor, in alphabetical order, "Central African Republic," and "Yemen (Sana)", respectively.

Sec. 6. The amendments and modifications made by this Order shall be effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on and after January 1, 1980.

Jimmy Carter

THE WHITE HOUSE,
December 11, 1979.

[FR Doc. 79-38445
Filed 12-12-79; 9:52 am]
Billing code 3195-01-M

Annex I

General Headnote 3(c)(ii) is modified to read as follows:

"Articles for which the designations "A" or "A*" appear in the column entitled "GSP" of the schedules are those designated by the President to be eligible articles for purposes of the GSP pursuant to Section 503 of the Trade Act of 1974. The designation "A" signifies that all beneficiary developing countries are eligible for preferential treatment with respect to all articles provided for in the designated TSUS item, while the designation "A*" indicates that certain beneficiary developing countries, specifically enumerated in subdivision (c)(iii) of this headnote, are not eligible for such preferential treatment with regard to any article provided for in the designated TSUS item. Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (c)(i) of this headnote, it shall receive duty-free treatment, unless excluded from such treatment by subdivision (c)(iii) of this headnote, provided that, in accordance with regulations promulgated by the Secretary of the Treasury the sum of (A) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3) of the Trade Act of 1974, plus (B) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States."

Annex II

Annex II to Executive Order No. 11888, as amended, is further amended--

(a) by deleting the following TSUS item numbers:

100.73	533.14	661.10
100.95	533.16	664.05
106.40	533.23	668.20
106.60	533.25	672.15
106.85	533.41	680.15
107.75	546.40	680.20
111.92	546.42	680.22
125.30	546.43	680.40
125.80	546.44	680.43
126.71	546.46	680.44
136.98	546.48	680.47
136.99	546.49	680.48
137.01	546.50	680.53
140.09	601.27	680.54
140.55	602.30	680.55
141.79	607.12	680.56
145.08	607.18	680.57
146.73	607.35	680.60
146.80	607.36	680.70
156.35	607.37	682.40
161.15	607.45	684.30
161.19	607.51	686.22
161.79	607.57	694.15
161.94	607.65	694.20
168.17	608.04	694.30
168.18	608.05	694.40
168.23	608.06	694.50
168.24	608.08	694.60
168.26	608.10	708.53
168.33	608.25	708.55
168.35	608.27	708.59
168.48	608.30	711.34
168.52	608.32	711.36
168.55	609.12	711.37
175.51	609.13	711.82
191.15	652.12	711.83
252.67	653.94	711.84
254.75	653.97	725.06
304.20	654.00	727.32
428.46	654.10	727.33
429.20	660.46	727.48
435.70	660.52	732.40
445.40	660.54	734.96
445.45	660.65	734.99
445.50	660.70	735.05
493.16	660.75	771.42
516.11	661.09	772.70
517.27		791.26
518.44		

(b) by adding, in numerical sequence, the following TSUS item numbers:

107.76	445.44	654.11	686.18
107.78	445.46	654.12	694.31
125.32	445.48	654.13	694.50
125.34	445.52	654.14	694.61
125.82	445.54	660.59	694.63
125.84	445.56	660.62	694.64
136.95	493.14	660.67	694.65
136.97	493.17	660.71	694.66
137.02	533.15	660.74	694.67
137.04	533.54	660.76	708.56
140.54	546.39	660.77	708.58
140.56	546.47	661.05	708.61
141.85	606.11	661.06	708.65
146.69	606.15	664.06	711.31
146.82	606.26	664.07	711.32
146.87	606.28	664.08	711.38
168.14	606.30	668.21	711.75
168.16	606.33	668.23	711.77
168.36	606.36	672.14	711.78
168.37	606.37	672.16	725.05
168.39	606.44	680.13	725.07
168.41	606.48	680.14	725.08
168.56	606.57	680.17	727.25
168.58	606.59	680.19	727.27
168.62	606.60	680.42	727.29
168.63	606.62	680.46	727.50
168.79	606.64	680.49	732.43
168.81	606.71	680.59	735.01
168.83	606.73	680.62	735.02
168.85	606.75	680.69	735.04
168.87	606.77	680.72	735.06
168.89	609.14	680.73	735.07
168.91	652.13	680.76	771.41
168.93	652.14	680.81	771.43
184.58	653.96	680.86	772.69
191.18	653.99	680.88	772.71
428.41	654.01	682.35	791.27
428.47	654.02	682.41	791.28
429.19	654.03	682.45	
429.29	654.07	684.25	
445.42	654.09	684.28	

Annex III

Annex III to Executive Order No. 11888, as amended, is further amended--

(a) by deleting the following TSUS item numbers:

130.35	493.21
140.25	514.11
141.55	533.26
145.60	653.02
148.25	660.44
154.55	692.27
168.15	708.57
176.33	727.31
202.40	774.60
256.85	

(b) by adding in numberical sequence, the following TSUS item numbers:

130.32	256.87
130.37	660.48
145.65	660.56
145.70	692.29
148.19	692.32
148.27	708.63
154.43	727.23
154.53	774.45
168.12	774.50
168.13	774.55
256.84	

Annex IV

General Headnote 3(c)(iii) of the TSUS, is modified--

(a) by deleting the following TSUS item numbers and countries set opposite thereto:

130.35....Argentina	493.21....Taiwan
140.25....Mexico	514.11....Dominican Republic
141.55....Dominican Republic	533.26....Romania
145.60....Taiwan	653.02....Mexico
148.25....Mexico	660.44....Mexico
154.55....Taiwan	692.27....Mexico
168.15....Trinidad	708.57....Republic of Korea
176.33....Malaysia	727.31....Republic of Korea
202.40....Philippine Republic	774.60....(Hong Kong
256.85....Mexico	(Taiwan

(b) by adding in numerical sequence the following TSUS item numbers and countries set opposite thereto:

130.32....Argentina	660.48....Mexico
130.37....Argentina	660.56....Mexico
145.65....Taiwan	692.29....Mexico
145.70....Taiwan	692.32....Mexico
148.19....Mexico	708.63....Republic of Korea
148.27....Mexico	727.23....Republic of Korea
154.43....Taiwan	774.45....(Hong Kong
154.53....Taiwan	(Taiwan
168.12....Trinidad	774.50....(Hong Kong
168.13....Trinidad	(Taiwan
256.84....Mexico	774.55....(Hong Kong
256.87....Mexico	(Taiwan

Presidential Documents

Executive Order 12181 of December 11, 1979

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 et seq.; 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, and to adjust the original designation of eligible articles taking into account information and advice received in fulfillment of Sections 503(a) and 131–134 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463(a); 88 Stat. 1994, 19 U.S.C. 2151–2154), it is hereby ordered as follows:

Section 1. The Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified by striking out items 791.24 and 791.26, including the superior heading thereto, and inserting in lieu thereof the following: "791.26 Other. . . . 5% ad val. 15% ad val."

Section 2. Annex II of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary country is further amended by deleting item 652.99 and by adding items 145.08, 653.00, and 653.01 thereto.

Section 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is further amended by deleting item 145.08 therefrom.

Section 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is amended by deleting therefrom the following: "145.08. . . . . Philippine Republic 724.35. . . . . Republic of Korea"; and by adding thereto, in numerical sequence, the following: "724.35. . . . . Mexico".

Section 5. The amendments made by Executive Order 12124 of February 28, 1979, with respect to TSUS items 680.55 and 680.56 shall be effective as to articles that are both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after October 21, 1978, and as to which the liquidations of the entries or withdrawals have not become final and conclusive under Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Section 6. The amendments made with respect to items 145.08 and 724.35 by Sections 2, 3, and 4 of this Order shall be effective as to articles that are both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after March 1, 1979, and as to which the liquidations of the entries or withdrawals have not become final and conclusive under Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Section 7. The amendments made with respect to items 652.99, 653.00, and 653.01 by Section 2 of this Order shall be effective as to articles that are both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after July 26, 1979, and as to which the liquidations of the entries or withdrawals have not become final and conclusive under Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Section 8. The amendments made by Section 1 of this Order shall be effective with respect to articles that are both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after the third day following the date of publication of this Order in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
December 11, 1979.

[FR Doc. 79-38446
Filed 12-12-79; 9:53 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 241
Thursday, December 13, 1979

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Parts 705, 706, and 707

Noninflationary Pay and Price Behavior; Adoption of Form CO–1 (PAY)

AGENCY: Council on Wage and Price Stability.

ACTION: Adoption of reporting form and request for submission of data.

SUMMARY: The Council is adopting a reporting form designated as Form CO–1 (PAY) and requesting the submission of data by January 4, 1980.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: David S. Hough, Office of Pay Monitoring, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506, 202/456–7100

SUPPLEMENTARY INFORMATION: The Council has published final procedural rules for the voluntary anti-inflationary standards applicable during the second program year. (6 CFR Part 706, 44 FR 64284 (November 6, 1979)). To assist in monitoring compliance with the pay standard, the Council is hereby adopting Form CO–1(PAY). This form is to be used for reporting to the Council on Wage and Price Stability the structure of companies for purposes of complying with the pay standard during the second program year. Companies may reorganize their compliance units separately for purposes of compliance with the price and pay standards at the beginning of the second program year, but not thereafter. The Council previously adopted Form CO–1(PRICE) by publication in the **Federal Register** (44 FR 67949, November 28, 1979).

The Council designed Form CO–1(PAY) in order to minimize companies' reporting burden by specifying the information about company organization that will be necessary for assessing compliance with the pay standard. Because companies are able to specify only one organizational structure for each program year, it will only be necessary to complete this form once.

The data requests made in the text of Form CO–1(PAY) are pursuant to 6 CFR 706.21(c) and 707.1(b), and are directed to any company that had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other company designated by the Council. The Council has already sent or will shortly send copies of Form CO–1(PAY) to about 1,000 companies which meet the reporting threshold. However, all companies that meet the reporting threshold are requested to submit Form CO–1(PAY) to the Council. Although the Council asked originally that the completed form be filed by December 1, 1979, we have revised the filing date to January 4, 1980.

While the submission of date is voluntary, the Council views the access to timely, uniformly defined data as essential to the effective monitoring of compliance with the standards. The data will be treated as confidential in accordance with section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904 note, and 6 CFR Part 702, 44 FR 70086 (December 5, 1979).

In accordance with 6 CFR 706.20, if a company has furnished the Council with any of the data requested by Form CO–1(PAY), it need not furnish them again, although it should identify for the Council the document (including page references) containing such data and the date on which the data was submitted.

This form was submitted to the Office of Management and Budget in accordance with the Federal Reports Act, and was approved under No. 116S79026.

(Council on Wage and Price Stability Act, Pub. L. 93–387, as amended (12 U.S.C. 1904 note); E.O. 12092).

Issued in Washington, D.C., December 10, 1979.

R. Robert Russell,
Director, Council on Wage and Price Stability.

Form CO–1 (Instructions)

OMB No. 116–579026

Instructions For Preparation of Report of Company Organization

A. Purpose of Form CO–1 (Pay). The Council on Wage and Price Stability has developed a form for reporting on company organization, Form CO–1 (Pay), to help the Council monitor compliance with the voluntary pay standard. Companies with 5,000 or more employees are requested to report their organization for compliance with the pay standard for the second program year. The Council wishes to obtain that information needed to monitor compliance with the voluntary standards while placing a minimum burden on companies. It is expected that Form CO–1 (Pay) will help achieve these objectives.

B. Authority for Form CO–1 (Pay). The Council on Wage and Price Stability Act, 12 U.S.C. Section 1904, note authorized the Council to collect data on wages, costs, productivity, prices, sales, profits, imports, and exports by product line or by such other categories as the Council may prescribe.

C. Publication of the Pay Standard. The first-year pay standard, published in the **Federal Register** at 44 FR 60772 (December 28, 1978); 44 FR 9582 (February 13, 1979); and 44 FR 17910 (March 23, 1979) remains in effect during the second program year until the Council acts on the recommendations of the Pay Advisory Committee. All of the terms used on Form CO–1 (Pay) as well as the referenced sections are as defined or set forth in the standard.

D. Confidentiality of Information. All information furnished to the Council on Form CO–1 (Pay) will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act 12 U.S.C. Section 1904, note, and 6 CFR Part 702, 44 FR 70086 (December 5, 1979.)

E. Who Should File.

(1) Any company or compliance unit specifically requested by the Council to do so.

(2) Any other company, as defined in § 705.63, with 5,000 or more employees during any calender quarter of its last complete fiscal year before October 2, 1979.

F. Choice of Organization for Compliance. A company may be divided into two or more compliance units if the conditions in § 705.64 are satisfied. Companies need not adopt the same organizational structure as in the first program year. Also, the organizational structure adopted for compliance with the pay standard need not be the same as that adopted for compliance with the price standard.

BILLING CODE 3175-01-M

FORM CO-1 (Pay)

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON WAGE AND PRICE STABILITY

REPORT OF COMPANY ORGANIZATION FOR THE SECOND PROGRAM YEAR

OMB No: 116-S79026

NOTICE – All information furnished to the Council on Form CO-1 will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904, note, and 6 CFR Part 702 44 FR 70086 (December 5, 1979).

PLEASE READ THE ENCLOSED INSTRUCTIONS BEFORE COMPLETING THIS REPORT

Send this form with relevant attachments to:

Office of Pay Monitoring
Council on Wage and Price Stability
Winder Building
600 17th Street, NW.
Washington, D.C. 20506

NOTE: Please indicate "Submission of Form CO-1 (Pay)" in the lower left hand corner of the envelope.

Certification

a. Name of Chief Executive Officer or authorized designee	Title
b. Name of Company	Telephone (Area code, No., Ext.)
c. Name of person to contact regarding this report	Telephone (Area code, No., Ext.)
d. Address (*If different from mailing label*)	

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete, and prepared in accordance with instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of Section 4(f) of the Council on Wage and Stability Act, 12 U.S.C. 1904, Note, and 6 CFR Part 702 44 FR 70086 (December 5, 1979).

e. Signature	Date

LIST OF COMPLIANCE UNITS

(a) Name of Compliance Unit	(b) Principal Line of Business	(c) SIC No.1/	(d) Beginning Date of Second Program Year	(e) Employees2/	(f) CWPS Use Only
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

1/ Four-digit 1972 Standard Industrial Classification Code
2/ Show the number of employees at the beginning date of the second program year

NOTE: Companies are asked to identify individual compliance units (companies, divisions, etc.), not to identify separate employee groups within those compliance units

[FR Doc. 38261 Filed 12-11-79; 8:45 am]
BILLING CODE 3175-01-C

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 416

[Amendment No. 1]

Pea Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pea Crop Insurance Regulations for the 1979 and Succeeding Crop Years by (1) changing the designation of "section" to "part" in the last sentence of § 416.1 of the regulations, and (2) adding an appendix to the regulations, which lists the counties where pea crop insurance is available, as required by the provisions of § 416.1. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 13, 1979.

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

SUPPLEMENTARY INFORMATION: On Tuesday, May 1, 1979, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (44 FR 25397), prescribing procedures for insuring pea crops effective with the 1979 crop year.

These regulations are found in 7 CFR 416 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 416.1 of the Pea Crop Insurance Regulations for the 1979 and Succeeding Crop Years provides that "Before insurance is offered in any county, there shall be published by appendix to this section the name of the county and the crops on which insurance will be offered."

The word "section", as found in the last sentence of § 416.1 of the regulations cited above, is incorrect and is changed to read "part".

Prior to the publication of the Pea Crop Insurance Regulations as a new Part 416 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR 416) in the **Federal Register** on May 1, 1979 (44 FR 25397), such regulations were contained in 7 CFR 401.131, 146, and 147.

With the development of the Pea Crop Insurance Regulations as a new Part 416 in 7 CFR, it has become necessary to reissue the list of pea crop insurance counties as an "Appendix" to those regulations.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Pea Crop Insurance Regulations for the 1979 and Succeeding Crop Years (7 CFR Part 416), are amended as follows:

1. By amending the last sentence of 7 CFR 416.1 to read as follows:

§ 416.1 Availability of pea insurance.

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

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

Appendix

Counties Designated for Pea Crop Insurance—7 CFR 416

In accordance with the provisions of 7 CFR 416.1, the following counties are designated for pea crop insurance:

Idaho

Benewah	Latah
Franklin	Lewis
Kootenai	Nez Perce

Minnesota

Blue Earth	Nicollet
Brown	Olmsted
Dakota	Redwood
Dodge	Renville
Faribault	Rice
Freeborn	Scott
Goodhue	Sibley
Kandiyohi	Steele
Le Sueur	Wabasha
McLeod	Waseca
Martin	Watonwan
Meeker	Winona
Mower	

Oregon

Umatilla	Union

Utah

Box Elder	Salt Lake
Cache	Weber
Davis	

Washington

Adams	Spokane
Columbia	Walla Walla
Franklin	Whitman
Grant	

Wisconsin

Brown	Outagamie
Calumet	Rock
Columbia	Sauk
Dane	Sheboygan
Dodge	Trempealeau
Door	Walworth
Fond du Lac	Washington
Green Lake	Waushara
Kewaunee	Winnebago
Manitowoc	

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

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 12, 1979.

Approved by:

James D. Deal.

[FR Doc. 79–38166 Filed 12–12–79; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 417

[Amdt. No. 2]

Sugarcane Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Sugarcane Crop Insurance Regulations for the 1980 and Succeeding Crop Years by (1) changing the designation of "chapter" to "part" in the last sentence in § 417.1 of the regulations, and (2) adding an appendix to the regulations, to provide a listing of counties where sugarcane crop insurance is available, as required by the provisions of § 417.1. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 13, 1979.

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

SUPPLEMENTARY INFORMATION: On Thursday, June 21, 1979, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (44 FR 36161), prescribing procedures for insuring sugarcane crops effective with the 1980 crop year.

These regulations are found in 7 CFR 417 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 417.1 of the Sugarcane Crop Insurance Regulations for the 1980 and Succeeding Crop Years provides that "Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which sugarcane insurance will be offered."

The word "chapter", as found in the last sentence of § 417.1 of the regulations cited above, is incorrect and is changed to read "part".

Prior to the publication of the Sugarcane Crop Insurance Regulations as a revised Part 417 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR 417) in the **Federal Register** on June 21, 1979 (44 FR 36161), the listing of the sugarcane crop insurance counties was published as Amendment No. 1 to the Sugarcane Crop Insurance Regulations for the 1979 and Succeeding Crop Years—7 CFR 417 (**Federal Register** at 44 FR 1969, Tuesday, January 9, 1979) which contained a listing of counties where Federal Crop Insurance was available on various commodities.

With the development of the Sugarcane Crop Insurance Regulations as a revised Part 417 in 7 CFR, it has become necessary to reissue the list of sugarcane crop insurance counties as an "Appendix B" to those regulations.

Accordingly, Amendment No. 1 (44 FR 1969) as outlined above, is hereby superseded by "Appendix B" outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Sugarcane Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 417), are amended as follows:

1. By amending the last sentence of 7 CFR 417.1 to read as follows:

§ 417.1 Availability of sugarcane insurance.

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

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

Appendix B

Counties Designated for Sugarcane Crop Insurance—7 CFR 417

In accordance with the provisions of 7 CFR 417.1, the following counties are designated for sugarcane crop insurance:

Florida	
Glades	Palm Beach
Louisiana	
Ascension	St. James
Assumption	St. John the Baptist
Iberia	St. Martin
Iberville	St. Mary
Lafayette	Terrebonne
Lafourche	Vermilion
Pointe Coupee	West Baton Rouge
Texas	
Cameron	Willacy
Hidalgo	

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

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 12, 1979.

Approved by: James D. Deal.

[FR Doc. 79-38165 Filed 12-12-79; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 418

[Amendment No. 1]

Wheat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Wheat Crop Insurance Regulations for the 1980 and Succeeding Crop Years by (1) changing the designation of "chapter" to "part" in the last sentence of § 418.1 of the regulations, and (2) adding an appendix to the regulations, which lists the counties where wheat crop insurance is available, as required by the provisons of § 418.1. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 13, 1979.

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

SUPPLEMENTARY INFORMATION: On Friday, June 1, 1979, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (44 FR 31599–31610), prescribing procedures for insuring wheat crops effective with the 1980 crop year.

These regulations are found in 7 CFR 418 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 418.1 of the Wheat Crop Insurance Regulations for the 1980 and Succeeding Crop Years provides that "Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which wheat insurance will be offered."

The word "chapter", as found in the last sentence of § 418.1 of the regulations cited above, is incorrect and is changed to read "part".

Prior to the publication of the Wheat Crop Insurance Regulations as a new Part 418 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR 418) in the **Federal Register** on June 1, 1979

(44 FR 31599), such regulations were contained in 7 CFR 401.126 and 153, and the listing of the wheat crop insurance counties was published as part of Amendment No. 101 to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years—7 CFR 401 (**Federal Register** at 44 FR 749 through 761, Wednesday, January 3, 1979) which contained a listing of counties where Federal Crop Insurance was available on various commodities.

With the development of the Wheat Crop Insurance Regulations as a new Part 418 in 7 CFR, it has become necessary to reissue the list of wheat crop insurance counties as an "Appendix B" to those regulations.

Accordingly, Amendment No. 101 to 7 CFR 401 is hereby superseded as it relates to wheat by "Appendix B" outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Wheat Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 418), are amended as follows:

1. By amending the last sentence of 7 CFR 418.1 to read as follows:

§ 418.1 Availability of wheat insurance.

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

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

Appendix B

Counties Designated for Wheat Crop Insurance—7 CFR 418

In accordance with the provisions of 7 CFR 418.1, the following counties are designated for wheat crop insurance:

Alabama

Lawrence

Arkansas

Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Mississippi
Poinsett
St. Francis

California

Colusa
Fresno
Imperial
Kern
Kings
Madera
Merced
Modoc
Sacramento
San Joaquin
Solano
Stanislaus
Sutter
Tulare
Yolo

Colorado

Adams
Arapahoe
Baca
Cheyenne
Elbert
Kit Carson
Larimer
Lincoln
Logan
Morgan
Phillips
Prowers
Sedgwick
Washington
Weld
Yuma

Georgia

Houston

Idaho

Ada
Bannock
Benewah
Bingham
Bonneville
Camas
Canyon
Caribou
Cassia
Franklin
Fremont
Gooding
Idaho
Jefferson
Jerome
Kootenai
Latah
Lewis
Lincoln
Madison
Minidoka
Nez Perce
Oneida
Power
Teton
Twin Falls

Illinois

Adams
Bond
Brown
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
Dewitt
Douglas
Edgar
Effingham
Fayette
Fulton
Greene
Hamilton
Hancock
Iroquois
Jasper
Jefferson
Jersey
Kane
Kankakee
Lawrence
Livingston
Logan
McDonough
McLean
Macon
Macoupin
Madison
Marion
Mason
Menard
Monroe
Montgomery
Morgan
Moultrie
Perry
Piatt
Pike
Randolph
Richland
St. Clair
Sangamon
Schuyler
Scott
Shelby
Tazewell
Vermilion
Washington
Wayne
White
Will

Indiana

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
La Porte
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

Iowa

Davis
Des Moines
Fremont
Harrison
Lee
Mills
Monona
Pottawattamie

Kansas

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Chautauqua
Cherokee
Cheyenne
Clark
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Kiowa
Labette
Lane
Leavensworth
Lincoln
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Morton
Nemaha
Neosha
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice
Riley
Rooks
Rush
Russell
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

Kentucky

Christian

Maryland

Caroline
Kent
Queen Annes

Michigan

Bay
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gratiot
Hillsdale
Huron
Ingham
Ionia
Jackson
Kalamazoo
Lenawee
Livingston

Michigan—Continued
Monroe
Saginaw
St. Clair
St. Joseph

Minnesota

Becker
Big Stone
Blue Earth
Brown
Carver
Chippewa
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Freeborn
Goodhue
Grant
Kandiyohi
Kittson
Lac qui Parle
Le Sueur
Lincoln
Lyon
McCleod
Mahnomen
Marshall
Meeker
Mower
Nicollet
Norman
Olmsted
Otter Tail
Pennington
Polk
Pope
Red Lake
Redwood
Renville
Rice
Roseau
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Wilkin
Wright
Yellow Medicine

Mississippi

Bolivar
Calhoun
Coahoma
Humphreys
Leflore
Quitman
Sharkey
Sunflower
Tallahatchie
Tunica
Washington

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Dade
Daviess
De Kalb
Dunklin
Franklin
Gentry
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Perry
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon

Montana

Big Horn
Blaine
Carbon
Cascade
Chouteau
Custer
Daniels
Dawson
Fallon
Fergus
Gallatin
Garfield
Glacier
Golden Valley
Hill
Judith Basin
Liberty
McCone
Musselshell
Petroleum
Phillips
Pondera
Prairie
Richland
Roosevelt
Rosebud
Sheridan
Stillwater
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Yellowstone

Nebraska

Adams
Banner
Box Butte
Butler
Cass
Chase
Cheyenne
Clay
Dawes
Deuel
Dodge
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Garden
Gosper
Hall
Hamilton
Harlan
Hayes
Hitchcock
Jefferson
Johnson
Kearney
Keith
Kimball
Lancaster
Lincoln
Merrick
Morrill
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Polk
Red Willow
Richardson
Saline
Saunders
Scotts Bluff
Seward
Sheridan
Thayer
Washington
Webster
York

New Mexico

Curry

North Carolina

Northampton
Rowan
Scotland

North Dakota

Adams
Barnes
Benson
Billings
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

Ohio

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

Oklahoma

Alfalfa
Beaver
Beckham
Blaine
Caddo
Canadian
Cimarron
Comanche
Cotton
Craig
Custer
Delaware
Dewey
Ellis
Garfield
Grady
Grant
Greer
Harmon
Harper
Jackson
Kay
Kingfisher
Kiowa
Logan
Major
Mayes
Noble
Nowata
Osage
Ottawa
Pawnee
Payne
Texas
Tillman
Washington
Washita
Woods
Woodward

Oregon

Gilliam
Jefferson
Klamath
Linn
Malheur
Morrow
Sherman
Umatilla
Union
Wallowa
Wasco
Wheeler

Pennsylvania

Adams
Chester
Cumberland
Dauphin
Franklin
Lancaster
Lebanon
Perry
York

South Dakota

Aurora
Beadle
Bennett
Bon Homme
Brown
Brule
Buffalo
Campbell
Clark
Codington
Corson
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Haakon
Hamlin
Hand
Harding
Hughes
Hutchinson
Hyde
Jerauld
Jones
Kingsbury
Lake
Lyman
McPherson
Marshall
Mellette
Miner
Perkins
Potter
Roberts
Spink
Stanley
Sully
Tripp
Walworth
Ziebach

Tennessee

Crockett
Dyer
Lake
Lauderdale
Obion
Robertson

Texas

Baylor	Hartley
Carson	Hutchinson
Castro	Jones
Collin	Knox
Collingsworth	Lipscomb
Cooke	Moore
Dallam	Ochiltree
Deaf Smith	Oldham
Denton	Parmer
Fannin	Randall
Floyd	Sherman
Foard	Stonewall
Gray	Swisher
Grayson	Wilbarger
Hale	Williamson
Hansford	

Utah

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

Washington

Adams	Klickitat
Asotin	Lincoln
Benton	Okanogan
Columbia	Spokane
Douglas	Walla Walla
Franklin	Whitman
Garfield	Yakima
Grant	

Wyoming

Goshen	Platte
Laramie	

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

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

James D. Deal.

Dated: October 12, 1979.

[FR Doc. 79-38162 Filed 12-12-79; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 419

[Amendment No. 1]

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Barley Crop Insurance Regulations for the 1980 and Succeeding Crop Years by (1) changing the designation of "chapter" to "part" in the last sentence of § 419.1 of the regulations, and (2) adding an appendix, which lists the counties where barley crop insurance is available, as required by the provisions of § 419.1. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 13, 1979.

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

SUPPLEMENTARY INFORMATION: On Tuesday, June 19, 1979, the Federal Crop Insurance Corporation published a notice of Final Rule in the **Federal Register** (44 FR 35195), prescribing procedures for insuring barley crops effective with the 1980 crop year.

These regulations are found in 7 CFR 419 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 419.1 of the Barley Crop Insurance Regulations for the 1980 and Succeeding Crop Years provides that "Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the the counties in which barley insurance will be offered."

The word "chapter," as found in the last sentence of § 419.1 of the regulations cited above, is incorrect and is changed to read "part".

Prior to the publication of the Barley Crop Insurance Regulations as a new Part 419 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR 419) in the **Federal Register** on June 19, 1979 (44 FR 35195), such regulations were contained in 7 CFR 401.125, and the listing of the barley crop insurance counties was published as part of Amendment No. 101 to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years—7 CFR 401 (**Federal Register** at 44 FR 749 through 761, Wednesday, January 3, 1979) which contained a listing of counties where Federal Crop Insurance was available on various commodities.

With the development of the Barley Crop Insurance Regulations as a new Part 419 in 7 CFR, is has become necessary to reissue the list of barley crop insurance counties as an "Appendix B" to those regulations.

Accordingly, Amendment No. 101 to 7 CFR 401 is hereby superseded as it relates to barley by "Appendix B" oulined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Barley Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 419), are amended as follows:

1. By amending the last sentence of 7 CFR 419.1 to read as follows:

§ 419.1 Availability of barley insurance.

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

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

Appendix B

Counties Designated for Barley Crop Insurance—7 CFR 419

In accordance with the provisions of 7 CFR 419.1, the following counties are designated for barley crop insurance:

Arizona

Maricopa	Yuma
Pinal	

California

Colusa	Sacramento
Fresno	San Benito
Kern	San Joaquin
Kings	Solano
Madera	Stanislaus
Merced	Sutter
Modoc	Tulare
Monterey	Yolo

Colorado

Boulder	Morgan
Larimer	Weld

Idaho

Ada	Benewah
Bannock	Bingham

Idaho—Continued

Bonneville	Kootenai
Camas	Latah
Canyon	Lewis
Caribou	Lincoln
Cassia	Madison
Elmore	Minidoka
Franklin	Nez Perce
Fremont	Oneida
Gooding	Owyhee
Idaho	Power
Jefferson	Teton
Jerome	Twin Falls

Maryland

Carolina	Queen Annes
Kent	

Minnesota

Becker	Otter Tail
Big Stone	Pennington
Chippewa	Polk
Clay	Pope
Douglas	Red Lake
Grant	Roseau
Kittson	Stevens
Mahnomen	Swift
Marshall	Traverse
Norman	Wilkin

Montana

Big Horn	McCone
Blaine	Musselshell
Carbon	Petroleum
Cascade	Phillips
Chouteau	Pondera
Custer	Prairie
Daniels	Richland
Dawson	Roosevelt
Fallon	Rosebud
Fergus	Sheridan
Gallatin	Stillwater
Garfield	Teton
Glacier	Toole
Golden Valley	Treasure
Hill	Valley
Judith Basin	Wheatland
Liberty	Wibaux
Yellowstone	

North Dakota

Adams	McLean
Barnes	Mercer
Benson	Morton
Billings	Mountrail
Bottineau	Nelson
Bowman	Oliver
Burke	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Divide	Richland
Dunn	Rolette
Eddy	Sargent
Emmons	Sheridan
Foster	Sioux
Golden Valley	Slope
Grand Forks	Stark
Grant	Steele
Griggs	Stutsman
Hettinger	Towner
Kidder	Traill
La Moure	Walsh
Logan	Ward
McHenry	Wells
McIntosh	Williams
McKenzie	

Oregon

Gilliam	Sherman
Jefferson	Umatilla
Klamath	Union
Linn	Wallowa
Malheur	Wasco
Morrow	Wheeler

Pennsylvania

Adams	Franklin
Chester	Lebanon
Cumberland	York
Dauphin	

South Dakota

Beadle	Grant
Brookings	Gregory
Brown	Hamlin
Brule	Hand
Buffalo	Harding
Campbell	Jerauld
Charles	Mix
Clark	Kingsbury
Codington	Lake
Day	McPherson
Deuel	Marshall
Edmunds	Miner
Faulk	Roberts
Spink	Ziebach
Sully	

Utah

Cache	Utah
Davis	Weber
Salt Lake	

Washington

Adams	Klickitat
Asotin	Lincoln
Columbia	Spokane
Franklin	Walla Walla
Garfied	Whitman
Grant	

Wyoming

Big Horn	Park
Goshen	Washakie

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

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 12, 1979.

Approved by:

James D. Deal.

[FR Doc. 79-38164 Filed 12-12-79; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 430

[Amendment No. 1]

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Sugar Beet Crop Insurance Regulations for the 1980 and Succeeding Crop Years by (1) changing the designation of "chapter" to "part" in the last sentence in § 430.1 of the regulations, and (2) adding an appendix to the regulations, which lists the counties where sugar beet crop insurance is available, as required by the provisions of § 430.1. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 13, 1979.

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

SUPPLEMENTARY INFORMATION: On Tuesday, June 19, 1979, the Federal Crop Insurance Corporation published a notice of Final Rule in the Federal Register (44 FR 35201), prescribing procedures for insuring sugar beet crops effective with the 1980 crop year.

These regulations are found in 7 CFR 430 and were promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

The last sentence in § 430.1 of the Sugar Beet Crop Insurance Regulations for the 1980 and Succeeding Crop Years provides that "Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which sugar beet insurance will be offered."

The word "chapter", as found in the last sentence of § 430.1 of the regulations cited above, is incorrect and is changed to read "part".

Prior to the publication of the Sugar Beet Crop Insurance Regulations as a new Part 430 in Chapter IV of Title 7 of

the Code of Federal Regulations (7 CFR 430) in the **Federal Register** on June 19, 1979 (44 FR 35201), such regulations were contained in 7 CFR 401.140 and 149, and the listing of the sugar beet crop insurance counties was published as part of Amendment No. 101 to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years 7 CFR 401 (**Federal Register** at 44 FR 749 through 761, Wednesday, January 3, 1979) which contained a listing of counties where Federal Crop Insurance was available on various commodities.

With the development of the Sugar Beet Crop Insurance Regulations as a new Part 430 in 7 CFR, it has become necessary to reissue the list of sugar beet crop insurance counties as an "Appendix B" to those regulations.

Accordingly, Amendment No. 101 to 7 CFR 401 is hereby superseded as it relates to sugar beets by "Appendix B" outlined below.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Sugar Beet Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 430), are amended as follows:

1. By amending the last sentence of 7 CFR 430.1 to read as follows:

§ 430.1 Availability of sugar beet insurance.

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

2. By amending the Sugar Beet Crop Insurance Regulations by adding at the end thereof, an Appendix "B" to read as follows:

Appendix "B"

Counties Designated for Sugar Beet Crop Insurance—7 CFR 430

In accordance with the provisions of 7 CFR 430.1, the following counties are designated for sugar beet crop insurance:

California

Colusa	Sacramento
Fresno	San Benito
Imperial	San Joaquin
Kern	Solano
Kings	Stanislaus
Madera	Sutter
Merced	Tulare
Monterey	Yolo

Colorado

Adams	Morgan
Boulder	Phillips
Kit Carson	Sedgwick
Larimer	Weld
Logan	Yuma

Idaho

Ada	Franklin
Bannock	Jerome
Bingham	Minidoka
Bonneville	Owyhee
Canyon	Power
Cassia	Twin Falls
Elmore	

Kansas

Finney	Sherman
Grant	Stanton
Kearny	Wallace

Michigan

Bay	Saginaw
Huron	Tuscola
Midland	

Minnesota

Chippewa	Norman
Clay	Polk
Faribault	Redwood
Grant	Renville
Kandiyohi	Swift
Kittson	Traverse
Lac qui Parle	Wilkin
Marshall	Yellow Medicine

Montana

Big Horn	Richland
Carbon	Rosebud
Custer	Stillwater
Dawson	Treasure
Prairie	Yellowstone

Nebraska

Box Butte	Scotts Bluff
Morrill	

North Dakota

Cass	Richland
Grand Forks	Traill
McKenzie	Walsh
Pembina	Williams

Ohio

Hancock	Putnam
Henry	Sandusky
Lucas	Wood
Ottawa	

Oregon

Malheur

Utah

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

Washington

Adams	Grant
Benton	Yakima
Franklin	

Wyoming

Big Horn	Park
Goshen	Washakie

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

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

James D. Deal.

Dated: October 12, 1979.

[FR Doc. 79-38163 Filed 12-12-79; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 3, Amdt. 4]

Tangerines Grown in Florida; Amendment of Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of size 210 (2$^{9}/_{16}$ inches in diameter) Dancy variety tangerines which each handler may handle during the week December 3 through December 9, 1979, from 50 percent to 100 percent of shipments during a specified prior period. The amendment lowers the minimum size requirement applicable to fresh shipments of such tangerines from 2$^{9}/_{16}$ inches to 2$^{4}/_{16}$ inches in diameter during the period December 10, 1979, through October 12, 1980. This action will allow additional supplies of Dancy tangerines during the specified periods in recognition of market needs and the size composition of the available crop in the interest of producers and consumers.

EFFECTIVE DATE: December 3, 1979 through October 12, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* (1) This document is issued under marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. This marketing order is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations of the committee established under the marketing agreement and order, and upon other information. It is found that the regulation of shipments of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirements, herein specified, for domestic shipments reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of additional smaller size fresh Florida tangerines of the designated variety, during the specified periods based on market needs for greater supplies of such variety. Because of the growing conditions in the production area, the amount of large fruit is presently less than was anticipated and there is a need to augment supplies by permitting shipment of the smaller size fruit as specified.

The Citrus Administrative Committee, at an open meeting on December 4, 1979, reported that the amendment would allow shipment of approximately 48 additional carlots of Dancy variety tangerines during the week ending December 9, 1979. The committee indicated there is a current market demand for larger quantities of smaller size Dancy tangerines, and markets presently can absorb a larger portion of the supply of the smaller fruit.

The Department's Crop Reporting Board estimates the 1979–80 season's crop of Florida tangerines at 4.1 million boxes (approximately 8.2 million cartons), slightly larger than the 1978–79 volume.

The committee projected the market demand for all varieties of fresh tangerines this season, as follows: Dancy (2,700 carlots); Robinson (1,500 carlots); Honey (1,900 carlots). Each carlot is equivalent to one-thousand cartons. The regulation, as amended, for Dancy tangerines relieves restrictions from those currently in effect, and amendment of such regulation, as hereinafter provided, will tend to avoid disruption of the orderly marketing of tangerines in the public interest.

It is concluded that the amendment of the size requirements, hereinafter set forth, is necessary to establish and maintain orderly marketing conditions in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (7 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447–5975.

Accordingly, it is found that the provisions of § 905.303 (Orange, Grapefruit, Tangerine and Tangelo Regulation 3; (59195, 65962; 66779; 69917), should be and are amended by revising Table I, paragraph (a) and paragraph (d) to read as follows:

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

(a) * * *

Table I

Variety	Regulation period	Min. grade	Min. dia. (in.)
(1)	(2)	(3)	(4)
Tangerines:			
Dancy	12/3/79 to 12/9/79	U.S. No. 1	2 6/16
	12/10/79 to 10/12/80	U.S. No. 1	2 4/16

* * * * *

(d) *Percentage of size regulation applicable to Dancy variety tangerines.* Notwithstanding the provisions of Table I in paragraph (a) of this section, any handler may, during the period December 3, through December 9, 1979, ship Dancy variety tangerines smaller than 2 6/16 inches in diameter: *Provided,* That such smaller tangerines are not smaller than 2 4/16 inches in diameter and *Provided further,* That during the period December 3 through December 9, the quantity of such smaller tangerines does not exceed 100 percent of the quantity shipped in the applicable prior period, as determined by the procedure specified in § 905.152 of this part.

* * * * *

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

Dated: December 7, 1979.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 79-38206 Filed 12-12-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 205

Administrative Procedures and Sanctions; 1979 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached are the interpretations issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period October 1, 1979, through November 30, 1979.

Appendix B identifies those requests for interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Washington, D.C. 20585, (202) 252–2948.

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.

Issued in Washington, D.C., December 7, 1979.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings, Office of General Counsel.

Appendix A.—*Interpretations*

No.	To	Date	Category	File No.
1979–23	Wilson A. Chase	November 30	Allocation	A–407
1979–24	National Soft Drink Association	November 30	Allocation	A–416
1979–25	The Lido Company of New England, Inc.	November 30	Allocation	A–430

Interpretation 1979–23

To: Wilson A. Chase.

Regulation and Order Interpreted: 10 CFR 211.106(e); Activation Order No. 1.

Code: GCW—AI—Part 211, Subpart F; Supplier/Purchaser Relationship; Retail Sales Outlets, Motor Gasoline Transfer of Allocation Entitlement.

Facts

Wilson A. Chase is the operator of a drugstore known as Chase Altura Drug located on the extreme northeast corner of a block in Aurora, Colorado. Jefferson C. Webb leased premises from Chase adjacent to the drugstore where he installed pumps and tanks for the purpose of selling motor gasoline at retail. Chase acted as a consignee-agent, selling Webb's gasoline to the public and receiving a cents-per-gallon fee for this service.[1] Webb assigned his interest in this business relationship to Jetway Petroleum, a corporation apparently wholly owned by Webb. Jetway is a wholesale purchaser-reseller of motor gasoline that sells the product to a number of retail sales outlets. The relationship lasted until July 20, 1978, when Jetway went out of business at the Chase Altura Drug and subsequently removed its gasoline tanks and pumps.

After Jetway's departure, Chase located the gasoline retail sales facilities at an already existing car wash in order to continue to serve what he believed to be the same customers that had been served for the past 10 years by the retail sales outlet at Chase Altura Drug. The car wash, owned and operated by Chase since July 1977, is located in the southwest portion of the same city block on which Chase Altura Drug is located. The car wash had always been equipped to operate as a retail sales outlet for motor gasoline but was not used as such until July 28, 1978.

Jetway's supplier of motor gasoline was Spruce Oil Corporation (Spruce), also a wholesale purchaser-reseller of gasoline. Chase, however, purchased motor gasoline from Riddell Petroleum (Riddell) on the spot market for the retail sales outlet at the car wash. Chase alleges that he was uncertain as to whether or not Jetway, having ceased selling motor gasoline at the Chase Altura Drug location, would reestablish a retail sales outlet for motor gasoline at another location nearby. To date, Jetway has not reestablished such an outlet serving substantially the same customers or market as the former outlet at Chase Altura Drug.

On March 3, 1979, Chase was informed by Riddell that he could no longer obtain gasoline from it on the spot market, due to Standby Regulation Activation Order No. 1 issued by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE). Believing that Jetway had not reestablished a retail sales outlet for motor gasoline serving substantially the same customers as the outlet at Chase Altura Drug, Chase then informed Spruce that as a "successor on the site" pursuant to 10 CFR 211.106(e), he was entitled to Jetway's allocation entitlement to purchase motor gasoline from Spruce. Chase now seeks an interpretation confirming his position, which is contested by Spruce.

On April 20, 1979, Chase obtained from DOE Region VIII an assignment of XXXXXX gallons of motor gasoline per month from Riddell (Case No. 08–011461). The volume obtained through the assignment, however, is less than the allocation of approximately XXXXXX gallons per month to which Chase argues he would be entitled as the "successor on the site" to Jetway's former retail sales outlet at Chase Altura Drug.

Issues

1. Is Chase a "successor on the site" to Jetway Petroleum pursuant to 10 CFR 211.106(e) so that he is entitled to the allocation of motor gasoline attributable to Jetway's former retail sales outlet at Chase Altura Drug?

2. Does Chase continue to be entitled to the volumes of motor gasoline assigned under Standby Regulation Activation Order No. 1?

Interpretation

For the reasons discussed below, we have determined that although Chase is not the "successor on the site" to Jetway's allocation of motor gasoline attributable to the former retail sales outlet at Chase Altura Drug, Chase continues to be entitled to the volumes assigned under Standby Activation Order No. 1.

A firm's qualification, *vel non,* to an allocation as a "successor on the site" is governed by 10 CFR 211.106(e). That section provides:

Transfer of entitlement. Whenever a wholesale purchaser-reseller is deemed to have gone out of business in accordance with paragraph (c) of this section, the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor on the site, provided such successor established the same ongoing business on the site within a reasonable period of time, as determined by FEO, after its predecessor vacates the premises.

Section 211. 106(c) provides that a wholesale purchaser-reseller that operates a retail sales outlet is deemed to have gone out of business with respect to that outlet if it vacates the site of the retail sales outlet. Chase argues that he qualifies for a transfer of the motor gasoline allocation entitlement attributable to the former Chase Altura Drug retail sales outlet because (1) Jetway has gone out of business at the drugstore site, and (2) within 8 days after Jetway closed the drugstore outlet, Chase established the same ongoing business for the sale of motor gasoline at his car wash as was conducted at the drugstore site.

Our examination, however, indicates that section 211.106(e) requires the new business to be on the same site as the previous retail sales outlet in order to effect a transfer of the allocation entitlement. *See, e.g.,* Ruling 1976–5, 41 FR 36647 (August 31, 1976); *Vickers Dividend Oil Co.* 2 DOE ¶80,160 (December 13, 1978); *Cities Service Oil Co.,* 1 FEA ¶20,134 (July 29, 1974). We are unable to conclude that Chase qualifies as a "successor on the site" according to the facts presented for our consideration.[2]

With respect to the volumes of motor gasoline that were assigned pursuant to the provisions of the Standby Regulation Activation Order No. 1, that assignment remains valid even though the Activation Order is no longer effective. Activation Order No. 1 of the Standby Petroleum Allocation Regulations, pursuant to which Mr. Chase received his April 20, 1979 assignment order, updated the base period for motor gasoline. 44 FR 11202 (February 25, 1979). The

[1] Chase has not argued that as a consignee-agent he is a wholesale purchaser-reseller pursuant to the definition in 10 CFR 211.51, as interpreted by Ruling 1975–8, 40 FR 30037 (July 17, 1975). Consequently, his status as such is not considered in this interpretation.

[2] The retail sales outlet at Chase Altura Drug was located on the northeast corner of a city block and Chase's car wash is located on the southwest portion of the block. The Chase Altura Drug site faced a heavily travelled major thoroughfare whereas the Chase site faces a side street that is less well travelled. Without the volume of passing cars at the northeast corner, it is doubtful that Chase's car wash ordinarily serves substantially the same customers as the retail sales outlet at Chase Altura Drug. Furthermore, Chase does not use the storage tanks, gasoline pumps or any other facilities on the site formerly used at Chase Altura Drug.

Activation Order, which was initially intended to be effective for the months of March, April, and May 1979, established monthly allocation entitlements based upon purchases of motor gasoline in the corresponding month of the period July 1, 1977, through June 30, 1978.[3] Chase began to purchase gasoline from Riddell Petroleum after the base period established in the Activation Order. Firms such as Chase that made no purchases from any supplier during the corresponding month of the base period were directed to apply to the appropriate regional office for the assignment of a base period supplier. Section II(2)(a), Guidelines for Determination of Base-Period Volumes and Suppliers for Motor Gasoline under Activation Order No. 1, 44 FR 16480 (March 19, 1979). Accordingly, on April 20, 1979, Mr. Chase obtained an assignment of XXXXXX gallons from DOE Region VIII with Riddell Petroleum as its base period supplier. (Case No. 08–011461).

The Activation Order was not in effect for the entire period originally intended. On May 1, 1979, the ERA issued an emergency interim final rule that codified many of the provisions of the Activation Order and Guidelines. Inasmuch as the Activation Order was to expire on May 31, 1979 and because both the Activation Order and the interim final rule were intended to avoid similar market dislocations during gasoline shortages, the interim rule was made effective on May 1, 1979, and the Activation Order was revoked for the remainder of the month. 44 FR 26712 (May 4, 1979). Chase's assignment order was issued while the Activation Order was still in effect. In spite of the Activation Order's subsequent revocation, the assignment remains valid under § 211.105(b)(3), which provides that "assignments made under Activation Order No. 1 and the guidelines thereto will remain valid . . ." [4]

For the reasons set forth above, we have determined that the proper application of the Mandatory Petroleum Allocation Regulations to the factual situation presented by the request is as follows:

(1) Wilson Chase's car wash and retail sales outlet is not a "successor on the site" under 10 CFR 211.106(e) to Jetway Petroleum's retail sales outlet at Chase Altura Drug; and

(2) The assignment of motor gasoline issued to Chase on April 20, 1979, with Riddell Petroleum as base period supplier, remains valid.

Issued in Washington, D.C. on November 30, 1979.

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Interpretation 1979–24

To: National Soft Drink Association.

Regulations Interpreted: 10 CFR 211.51; 211.103.

Code: GCW–AI—Allocation Levels; Agricultural Production, def.

Facts

The National Soft Drink Association (NSDA) is an organization composed of firms engaged in the business of bottling and distributing soft drinks within the United States. In conducting these activities, NSDA's members use significant volumes of motor gasoline, a petroleum product subject to the Mandatory Petroleum Allocation Regulations in 10 CFR Part 211.

NSDA has filed a request for interpretation seeking a determination under the allocation regulations that its members are entitled to a first priority allocation level for motor gasoline of 100 percent of all their base period use under 10 CFR 211.103. They argue that both the bottling and the distribution of soft drinks meet the definition of "agricultural production" as defined in 10 CFR 211.51 and are thereby entitled to a first priority allocation level for motor gasoline. For purposes of this interpretation, we assume that all NSDA members to which this interpretation applies meet the requirements for a "bulk purchaser" as defined in 10 CFR 211.102 and/or "wholesale purchaser-consumer" as defined in 10 CFR 211.51 and thus are generally eligible for the priority allocation levels for motor gasoline as specified in 10 CFR 211.103(a).

Issue

Is the use of motor gasoline in the distribution of soft drinks by a firm primarily engaged in the manufacture of soft drinks a use properly characterized as agricultural production (as defined in § 211.51) under the Mandatory Petroleum Allocation Regulations?

Interpretation

For the reasons set forth below, the Department of Energy (DOE) has determined that a firm's use of motor gasoline in the manufacture [1] of soft drinks fits within the agricultural production use as that term is defined in 10 CFR 211.51, and the firm is thereby entitled to a first priority allocation level for this gasoline of 100 percent of its base period use as provided in 10 CFR 211.103(b)(2). However, the distribution of soft drinks by a firm which is primarily engaged in the manufacture of soft drinks is not an agricultural production use; for gasoline used in such distribution the firm would be entitled to a first priority allocation level for the use of cargo, freight, and mail hauling by truck or to a second priority allocation level for a commercial use. 10 CFR 211.103 (b) and (c).

The Mandatory Petroleum Allocation Regulations were adopted to implement the congressional objectives expressed in the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), Pub. L. No. 93–159 (November 27, 1973).[2] Section 4(b)(1) of the EPAA directs the President to promulgate a regulation that provides, *inter alia*, for the "maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto." EPAA, § 4(b)(1)(c). Thus, the Congress clearly expressed an intent that the maintenance of agricultural activities be reflected in the mandatory allocation program.

In compliance with the objectives stated in the EPAA, predecessors of the DOE [3] adopted regulations containing lists of uses entitled to priority allocation levels for each allocated product. For motor gasoline,[4] § 211.103 requires suppliers of that product to provide certain wholesale purchaser-consumers (as defined in § 211.51) and bulk purchasers (as defined in § 211.102) with priority allocation levels. Pursuant to § 211.103(b)(2), suppliers of motor gasoline are required to provide such firms engaged in agricultural production use with 100 percent of their base period use,[5] provided that the use of these volumes is restricted to those activities which fit within the expressly defined agricultural production use. Thus, these regulations entitle certain firms engaged in agricultural production to obtain allocation levels of allocated products for this use without regard to any shortages of product which might affect other purchasers, *i.e.*, their allocation levels are not subject to an allocation fraction.[6]

Although the EPAA did not include a definition of "agricultural operations," the FEO adopted a definition of "agricultural production," which appeared at 10 CFR 211.51. 39 FR 1924 (January 15, 1974). That definition was applicable throughout Part 211 and provided:

"Agricultural production" means commercial farming, dairy, poultry, livestock, horticulture, forestry and fishing activities' and services directly related to the planting, cultivation, harvesting, processing and *distribution* of fiber, timber, tobacco and food intended for human consumption and animal feed.

Id. at 1936 (emphasis added.) As the emphasized language indicates, the definition

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[3] The original base period was the corresponding month of 1972. The base period has since been updated to the corresponding month of the period November 1977 through October 1978. 44 FR 26712 (May 4, 1979).

[4] It should be noted that even if Chase had been Jetway's successor on the site, any volumes to which Jetway was entitled based upon the earlier 1972 base period may have been affected by the recent updating of the base period.

[1] Since NSDA has not submitted a complete factual statement concerning the activities of its members, this interpretation does not address the issue of whether the bottling activities mentioned in NSDA's request constitute the manufacturing of soft drinks and thereby qualify as agricultural production.

[2] 15 U.S.C. § 751 *et seq.* (1976).

[3] The Department of Energy was created by the Department of Energy Organization Act of 1977, 42 U.S.C. § 7101 *et seq.* Prior to the passage of that Act, the Mandatory Petroleum Allocation Regulations were administered by the Federal Energy Administration (FEA), pursuant to the Federal Energy Administration Act of 1974, 15 U.S.C. § 761 *et seq.*, and prior to that by the Federal Energy Office (FEO), pursuant to Executive Order No. 11748, 38 FR 33575 (December 6, 1973).

[4] With respect to the allocation levels accorded other products currently or previously subject to the Mandatory Petroleum Allocation Regulations, see Subparts D through K of Part 211.

[5] Section 211.103(b)(2) became effective on August 1, 1979. 44 FR 42545 (July 19, 1979). That provision was preceded by § 211.103(b)(1) which permitted wholesale purchaser-consumers and bulk purchasers of motor gasoline engaged in agricultural production to obtain 100 percent of their current requirements for that use. 39 FR 35472 (October 1, 1974).

[6] Section 211.10(b) sets forth the appropriate method for calculating a supplier's allocation fraction.

of agricultural production initially adopted by the FEO included the distribution of various agricultural products. That definition also demonstrated that the agricultural production use only incorporated specified activities and not all activities of entire firms. Thus, the priority allocation level assigned to the agricultural production use was to apply only to the firm's activities as expressly set forth in the definition.

Effective June 1, 1974, the FEO amended the definition of agricultural production appearing in § 211.51. 39 FR 15960 (May 6, 1974). In the preamble to the Notice (issued March 27, 1974) proposing the amended definition, the FEO stated:

[I]t should be noted that the definition of agricultural production in proposed Subpart B has been revised to identify clearly those activities and services included within agricultural production. Agricultural production would be defined by reference to Standard Industrial Classification code numbers.

This revision is intended to identify more precisely those *activities* falling within the scope of agricultural production. The current definition is susceptible of varying interpretation. Special treatment for agricultural production, which would be enhanced in the proposed program, is designed to insure adequate availability of fuel *for the production of foodstuffs and the principal processing octivities reloted thereto. Use of the SIC code system for identifying the octivities* falling within this definition should assure greater uniformity and consistency in application.

39 FR 11768, 11768 (March 29, 1974) (emphasis added). Thus, the FEO clearly intended to abandon the previous definition of agricultural production adopted two months earlier and replace it with a definition that referenced the Standard Industrial Classification Manual (SIC Manual). The definition, however, continued to be based on the *activities* conducted by a particular firm and not on particular types of firms. This point is significant inasmuch as the SIC Manual is a classification of establishments according to their primary activities and should not be confused with the focus of the definition of agricultural production. Thus, the proposed definition employed the SIC Manual as a reference for purposes of "identifying the activities," not categories of firms, which qualify as agricultural production. Part 211 entitles firms that are bulk purchasers or wholesale purchaser-consumers to the priority allocation level of the agricultural production use only for motor gasoline consumed in activities fitting within that use.

The March 27, 1974 Notice also indicated that the proposed definition was intended to include activities directly associated with "the production of foodstuffs and the principle [sic] processing activities related thereto." There was no intent to include the distribution of agricultural products as an activity included within the agricultural production use. With respect to activities associated with the actual production and processing of foodstuffs, such as distribution or marketing, the FEO stated:

Activities which are related to the food industry but are not agricultural production fall into the category of "business activities" which are assigned allocation levels in the regulations. They are thereby treated in the same fashion as other industries in the manufacturing and service sectors.

Id. at 11768–69. This language emphasizes that certain activities, although closely related to the food industry, are more appropriately included within another use accorded a priority allocation level (such as commercial or industrial) and are therefore excluded from the agricultural production use.

The issuance on May 1, 1974, of the final rulemaking adopting the proposed definitional changes reaffirmed the intent of the FEO to exclude the activity of distribution from the agricultural production use. In that regard, the preamble to the final rulemaking stated:

Although the definition of agricultural production has been modified somewhat in light of these comments, in general *the definition is still limited to the actual production of agricultural commodities and processing of these commodities into food items.*

39 FR 15960, 15961 (May 6, 1974) (emphasis added). The clear intent of this language was to exclude from the agricultural production use those activities not directly involved in the actual production and processing of food items.

Reflecting these expressed objectives, the FEO adopted on May 1, 1974, the amended definition of agricultural production, which provided in relevant part:

"Agricultural production" means *all the activities classified under the industry code numbers specified in porograph (o) below os set forth in the Standard Industriol Classificotion Monual.* 1972 edition * * * .

* * * * *

[(a)] (2) *All industry code numbers included in Mojor Group 20,* Food and Kindred Products, of Division D, Manufacturing * * * .

10 CFR 211.51 (emphasis added). The definition of agricultural production therefore includes all activities set forth in Major Group 20 of the SIC Manual. This aspect of the definition has remained unaltered since it became effective on July 1, 1974.

In its request for interpretation, NSDA contends that both the manufacture and the distribution of soft drinks by its member firms qualify as an agricultural production use, as defined in § 211.51. Consequently, NSDA argues that these firms are entitled to the first priority allocation level accorded this use under § 211.103.

In support of these contentions, NSDA relies upon the various industry classifications appearing in the SIC Manual and argues that the definition of agricultural production makes reference to and specifically includes the firms classified in Major Group 20 of the SIC Manual. Major Group 20 is entitled "Food and Kindred Products" and according to the SIC Manual, that code number includes "establishments manufacturing or processing foods and beverages for human consumption." [7] Within this major category, there is under Industry Number 2086 a section entitled "Bottled and Canned Soft Drinks and Carbonated Waters," which directly applies to the activities of soft drink manufacturers.

This category within Major Group 20 includes "*[e]stoblishments primorily engoged* in manufacturing soft drinks (non-alcoholic beverages) and carbonated waters." (Emphasis added.)[8] NSDA maintains that so long as the primary activity of a particular firm is the manufacture of soft drinks, the firm is entitled to the first priority allocation level accorded to the agricultural production use for all of the motor gasoline the firm consumes.

NSDA's position is inconsistent with both the language of the definition of agricultural production and the expressed intent of the FEO in promulgating the definition. Moreover, it undermines and frustrates certain policies expressed in the EPAA and reflected in the Mandatory Petroleum Allocation Regulations.

As stated above, the language appearing in the definition of agricultural production, set forth in § 211.51 (effective June 1, 1974), clearly states that it applies only to activities of a firm. Accordingly, any benefits to be derived from being designated agricultural production are to be attributed only to activities. The definition makes no expressed reference to the terms "firm" or "establishment." Thus, the definition of agricultural production is directed towards those activities listed in Major Group 20 of the SIC Manual, not to all activities of the firm or establishments which have been classified in that code number. FEO could have easily achieved the result advocated by NSDA by indicating that agricultural production includes the firms classified in Major Group 20 of the SIC Manual. On other occasions, this agency has expressly included all of a firm's activities within a priority use so long as the firm is primarily engaged in that use.[9] However, the definition of agricultural production in § 211.51 makes no such reference to the primary activity of a firm.

Furthermore, the preamble to the Notice of Proposed Rulemaking issued on March 27, 1974, *supro,* clearly states that the SIC Manual is used merely as a reference for identifying activities that qualify for treatment as agricultural production. There is, therefore, no support in the proposed rulemaking or in the final rule adopting the section 211.51 definition of agricultural production for a conclusion that the priority use includes all motor gasoline consumed by a firm primarily engaged in a specified activity in contrast to only that motor gasoline consumed in specified activities of that firm.

In addition, the position proffered by NSDA is inconsistent with the objectives of the EPAA and the Mandatory Petroleum Allocation Regulations. Although Section 4(b)(1) of the EPAA directs the President to

[7] *Standard Industrial Classificatian Manual* 59 (1972 edition).

[8] *Id.* at 68.

[9] *See* 10 CFR 211.51 for the definitions of "Social service agency use," "industrial use," and "Commercial use," all second priority allocation levels under § 211.103(c).

promulgate a regulation that provides for the maintenance of agricultural operations, there is no specific directive as to the content of any particular regulation adopted to comply with this provision. The DOE and its predecessors were not bound by the EPAA to provide any particular benefits to agricultural operations. The FEO, however, adopted regulations that provided the highest allocation priority for agricultural production. The distribution of agricultural products was excluded from the definition (effective July 1, 1974) inasmuch as such activities could be conducted by other firms and were not considered directly related to producing and processing foodstuffs. It is the maintenance of the latter activities that is consonant with the EPAA directive.

NSDA's position would have resulted in additional anomalies in the allocation regulations applicable to motor gasoline prior to their recent amendment.[10] Prior to August 1, 1979, § 211.103(b)(1) assigned agricultural production a motor gasoline allocation level of 100 percent of current requirements. However, all other categories of uses which might be applicable to independent distributors, *e.g.*, "cargo, freight and mail hauling by truck," are assigned lower allocation levels. Thus, under NSDA's reasoning firms engaged in agricultural production would have received the highest priority allocation level for their transportation of soft drinks while independent commercial distributors performing the same services would have been subject to a lower priority allocation level. The result of such an action would have been to place independent distribution at a severe disadvantage during periods in which motor gasoline was in short supply inasmuch as the firm engaged in agricultural production would not have been subject to an allocation fraction. This result would not only be inequitable, contravening the applicable objectives of the EPAA discussed above, but was never directed by the EPAA or intended by the FEO.

The issue raised by NSDA in its request has been briefly examined by a predecessor agency in a different factual context. In *Interstate Brands Carparation,* 1 FEA ¶ 20,744 (December 20, 1974), the FEA recognized the distinction between the production and the distribution of certain goods with respect to the gasoline allocation levels accorded the agricultural production use. Although the exception decision involved the production of bakery goods, the agency clearly stated that the distribution of bakery goods would qualify as either "cargo, freight and mail hauling by truck" or "commercial use," but would not be eligible for treatment as agricultural production.

In light of the foregoing analysis, it is clear that those members of NSDA that are bulk purchasers and/or wholesale purchaser-consumers engaged in agricultural production as defined in § 211.51 are entitled to a first priority allocation level of 100 percent of their base period use of motor gasoline consumed in activities within that use. However, the distribution of agricultural or other products by these firms is excluded from the agricultural production use and hence the first priority allocation level available for motor gasoline consumed in that use. Depending upon the nature of these firms' distribution operations, they would be eligible for a first or second priority allocation level for gasoline consumed in the distribution of soft drinks. Section 211.103(b)(8) states that "cargo, freight and mail hauling by truck" is entitled to the same allocation level as agricultural production, *i.e.,* 100 percent of base period use. A "truck" for purposes of this regulation is defined in § 211.102 as follows:

"Truck" means a motor vehicle with motive power designed primarily for the transportation of property or special purpose equipment and with a gross vehicle weight rating for a single vehicle (the value specified by the manufacturer as the loaded weight of the vehicle) or the equivalent thereof in excess of 20,000 pounds, or in the case of trucks designed primarily for drawing other vehicles and not so constructed as to carry a load other than part of the weight of the vehicle and the load so drawn, with a gross combination weight rating (the value specified by the manufacturer as the loaded weight of the combination vehicle) or the equivalent thereof in excess of 20,000 pounds.

Section 211.103(c)(2) establishes a second priority allocation level for motor gasoline consumed in a "commercial use," which is defined in 10 CFR 211.51 as follows:

"Commercial use" means usage by those purchasers engaged primarily in the sale of goods or services and for uses other than those involving industrial activities and electrical generation.

Accordingly, in those instances in which NSDA's members use "trucks" (as defined in § 211.102) for transporting their soft drinks, they will be eligible for the gasoline allocation attributable to "cargo, freight and mail hauling by truck." However, where the soft drinks are transported by vehicles that fail to meet the size requirements specified in the definition for "truck," such activities will fall within "commerical use."

Issued in Washington, D.C., on November 30, 1979.

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Interpretation 1979–25

To: The Lido Company of New England, Inc.

Regulations Interpreted: 10 CFR 211.105(d), 211.12(e)(3).

Code: GCW—AI—Supplier/purchaser relationships, Branded resellers.

Facts

The Lido Company of New England, Inc. (Lido) is a "wholesale purchaser-reseller" of motor gasoline and a "branded independent marketer" as those terms are defined in 10 CFR 211.51. Lido, which does business in Massachussetts, New Hampshire, and Maine, has filed a request for interpretation of the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, regarding the obligation of Standard Oil Company (Indiana) (Amoco) to supply Lido with motor gasoline pursuant to § 211.105(d). During the base period for motor gasoline (November 1977–October 1978) and on February 28, 1979, Lido was supplied primarily by Amoco. In addition, Lido purchased motor gasoline from Belcher of New England (Belcher), George E. Warren Corporation (Warren), and Tripp Oil Company (Tripp). At all times relevant to this interpretation Lido remained a branded Amoco marketer.

Lido and Amoco agree that there is no material issue of fact between them that requires resolution. The only issue in this case is the proper legal construction of § 211.105(d) of the Mandatory Petroleum Allocation Regulations which permits, under certain circumstances, a wholesale purchaser-reseller of motor gasoline to terminate a base period supplier or suppliers and designate one supplier as responsible for the purchaser's entire base period supply volume.

In reliance upon its reading of § 211.105(d), Lido concluded that it was eligible to redesignate its base period suppliers of motor gasoline: it was a wholesale purchaser-reseller and a branded independent marketer; it had more than one base period supplier (Belcher, Warren, Tripp, and Amoco); and it had base period suppliers (Belcher, Warren, or Tripp) different from the firm that was its primary supplier on February 28, 1979, under whose brand it was selling on that date (Amoco). Lido notified Amoco in a timely manner that Lido was designating Amoco as Lido's sole base period supplier of motor gasoline, pursuant to § 211.105(d). In addition, Lido informed Amoco of the amount of the base period volumes supplied by Belcher, Warren, and Tripp and of Lido's expectation that such an amount would be supplied by Amoco in the future. In further compliance with its understanding of § 211.105(d), Lido gave written notice of the designation and the corresponding terminations to base period suppliers Belcher, Warren, and Tripp.

Amoco has refused to supply Lido with its total base period volume. Amoco reads § 211.105(d) narrowly and has asserted that Lido's designation of Amoco as Lido's sole supplier of motor gasoline is invalid. Amoco contends that Lido is not a firm which may exercise the option to name its supplier on February 28, 1979 as its sole base period supplier under § 211.105(d), because that provision applies only to branded independent marketers which have changed brands between the base period and February 28, 1979 and does not apply to branded independent marketers (such as Lido) that had multiple suppliers during the base period and on February 28, 1979 but that had not changed brands.

Issue

May Lido, a branded wholesale purchaser-reseller of motor gasoline having multiple suppliers during the base period and on February 28, 1979, terminate certain of those supplier-purchaser relationships and pursuant to 10 CFR § 211.105(d) designate Amoco, the firm whose brand it was selling during the base period and on February 28, 1979, as its sole base period supplier?

Discussion

For the reasons discussed below, the Department of Energy (DOE) concludes that

[10] *See* discussion in footnote 4.

Lido may designate Amoco as its sole base period supplier of motor gasoline pursuant to 10 CFR § 211.105(d), because Lido had base period suppliers different from the firm that was its primary supplier on February 28, 1979, under whose brand it was selling on February 28, 1979. Amoco's contention that § 211.105(d) is available only to wholesale purchaser-resellers that changed brands between the base period and February 28, 1979 is not supported by the language of that provision.

Subpart F of the Mandatory Petroleum Allocation Regulations applies to motor gasoline allocation. Section 211.105 of Subpart F limits supplier/purchaser relationships. Subsection (d) of § 211.105 reads as follows:

(d) *Branded resellers.* (1) Any wholesale purchaser-reseller of motor gasoline which is a branded independent marketer and which has a base period supplier different from the firm that was its supplier on February 28, 1979 under whose brand it was selling on that date may, at its option, designate as its base supplier that supplier which was its supplier on February 28, 1979 and terminate its supplier/purchaser relationship with all its other base period suppliers. If a designation is so made, the firm that supplied the purchaser on February 28, 1979 will become the purchaser's sole base-period supplier and will supply the purchaser's base period volumes as part of its supply obligations. It may certify upward such volumes to its supplier, which in turn will include volumes certified as part of its supply obligations.

(2) A wholesale purchaser-reseller which designates a firm as its sole base period supplier pursuant to this section shall provide, by June 15, 1979, written notice of the designation and the corresponding terminations to any suppliers which supplied the wholesale-purchaser reseller during the base period. Such wholesale purchaser-reseller shall also provide written notice by the same date to the designated supplier of the amount of the wholesale purchaser-reseller's base period use which had been supplied by other suppliers during the base period and which is to be supplied by the designated supplier. The notice to the designated supplier shall include the names and addresses of the actual suppliers during the base period and of the wholesale purchaser-reseller and the location of any facility, including any retail sales outlet concerned.

(3) The relinquishing base period suppliers, i.e., the suppliers that no longer have the obligation to supply the branded independent marketer, will downward adjust their base period use to the same degree that their supply obligations decrease and will make the required certifications under section 211.107(d).[1]

Section 211.105(d) appeared as an interim final rule in 44 FR 26712 (May 4, 1979) as part of a series of regulatory actions by the Economic Regulatory Administration (ERA) that effective March 1, 1979, updated the motor gasoline allocation base period. On July 6, 1979, the ERA issued a Notice of Intent to Issue a Final Rule, 44 FR 40621 (July 11, 1979) and announced its intention to make the interim final rule a final rule. Section 211.105(d) was issued as a final rule without change in 44 FR 42549 (July 19, 1979).[2]

In the preamble to the interim final rule, ERA stated: "Section 211.105(d) adopts the branding section of Paragraph No. 8 of the Guidelines, and also replaces the previous similar provisions of paragraphs (b), (c) and (d) of § 211.105." The Guidelines referred to in the preamble are "Guidelines for Determination of Base-Period Volumes and Suppliers for Motor Gasoline Under Activation Order No. 1." The Guidelines originated in 44 FR 16480 (March 19, 1979) and had the effect of supplementing the Mandatory Petroleum Allocation Regulations. The Guidelines were superseded by the interim final rule effective May 1, 1979. Paragraph No. 8 of the Guidelines provided in pertinent part:

Any wholesale purchaser-reseller of motor gasoline which is a branded independent marketer and which during the base period had a base period supplier different from the firm that was the supplier on February 28, 1979 under whose brand it was selling on that date and which had not received an ERA assignment designating its February 28, 1979 supplier as its base supplier, may apply to ERA to have designated as its base period supplier that supplier which was its supplier on February 28, 1979. If the firm that supplied the purchaser on February 28, 1979 is willing to become the purchaser's base-period supplier and the purchaser or its supplier has applied to ERA for such a reassignment, pending ERA action the supplier may be temporarily so designated and may supply those volumes on an interim basis and certify upward such volumes to its supplier. The supplier's supplier will include volumes certified as part of its supply obligations on an interim basis pending action on the application for assigment.

Like the rule that superseded it, Paragraph No. 8 was intended to provide an exception available to certain independent marketers. *See* Paragraph No. 1 of the Guidelines.

The breadth of the exception set forth in § 211.105(d) must be determined by an examination of the language of the present rule and the regulatory history of its implementation. The updating of the base period effective March 1, 1979 was a general rule applicable to all those subject to the motor gasoline allocation regulations. Section 211.105(d) provides an exception to this general rule. The language of that provision applies to all branded wholesale purchaser-resellers having multiple suppliers during the base period and on February 28, 1979. Therefore any branded marketer such as Lido may simplify its purchase arrangements by terminating certain base period suppliers and naming a February 28, 1979 supplier under whose brand it was selling on that date as responsible for the entire base period volume, provided that this designation of supplier is made on or before June 15, 1979 and otherwise complies with § 211.105(d).

Amoco acknowledges that the exception from the base period supplier/purchaser relationship contained in § 211.105(d) is valid for branded independent marketers which changed brands between the base period and February 28, 1979, but contends that this exception is not available to an independent marketer such as Lido which did not change brands during the operative time period.

Amoco's argument ignores the language of § 211.105(d), which does not require that a purchaser must have changed brands between the base period and February 28, 1979, in order to designate the supplier on the date under whose brand the purchaser was selling motor gasoline as its sole supplier. In addition, Amoco is unable to cite any support in the regulatiory history for its contention that § 211.105(d) must be read as narrowly as it suggests.

Lido therefore properly designated Amoco, pursuant to § 211.105(d), as its sole supplier responsible for its entire base period supply volume. Amoco is obligated to include the volumes supplied by Belcher, Warren, and Tripp during the base period as part of Amoco's supply obligation to Lido.

Issued in Washington, D.C., on November 30, 1979.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

Appendix B.—*Cases Dismissed*

File No.	Requester	Category	Date dismissed
A-367	Sabre Refining, Inc	Price and Allocation	November 11.
A-433	Walters Oil	Allocation	October 10.
A-468	Air Products and Chemical, Inc	Conservation	November 27.

[FR Doc. 79-38262 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This regulation constitutes an exception to § 211.9(a) of the general allocation provisions found in Subpart A of the Mandatory Petroleum Allocation Regulations. Section 211.9(a) reads in pertinent part:

(a) *Supplier/wholesale purchaser relationship.* (1) Each supplier of an allocated product shall supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which purchased or obtained that allocated product from that supplier during the base period as specified in Subparts D through K of this part.

(2)(i) Unless otherwise provided in this part or directed by (DOE), the supplier/wholesale purchaser-reseller relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Petroleum Allocation Program and may not be waived or otherwise terminated without the express written approval of (DOE).

[2] Section 211.105(b), the predecessor of § 211.105(d) applicable to the original 1972 base period year, was adopted in 40 FR 47477 (October 9, 1975).

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 108, 118 and 122

[Revision 4, Amdt. 9; Amdt. 3; Revision 3, Amdt. 13]

Removal of Administrative Ceiling Guidelines

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This change provides for the deletion from the regulations of guidelines or objectives for the waiver of administratively imposed limits on the dollar amounts of Local Development Company Loans, Handicapped Assistance Loans, and Business Loans. Agency guidelines for exceptional situations will be abolished that previously limited many Local Development Company and Business Loans to $350,000, thus permitting loans to be made up to the statutory limit of $500,000 in all appropriate cases. The previously established administrative limits of $100,000 for direct Handicapped Assistance Loans, and $150,000 for SBA's share of an immediate participation loan under this program, will remain unchanged. Also, in the case of Business Loans, the administrative ceiling on direct loans and on SBA's share of immediate participation loans remains at $150,000. The administrative limits under the Handicapped Assistance and Business Loan Programs may be exceeded only by written approval of the Regional Administrators, subject to available funding.

EFFECTIVE DATE: October 18, 1979.

FOR FURTHER INFORMATION CONTACT: Glenn A. John, Financial Analyst, Special Projects Division, Office of Financing, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653–6570.

SUPPLEMENTARY INFORMATION: The Amendment is not issued for proposed rulemaking because it constitutes a liberalization of existing regulations by deletion of an administrative requirement. This action will not adversely affect any loan applicant or borrower, or any participating lending institution. Interested persons are invited to submit written comments or suggestions. Material thus submitted will be given consideration and evaluation for possible SBA actions.

Pursuant to the authority contained in section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, the following amendments to Parts 108, 118 and 122 are adopted as follows:

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

§ 108.502–1 [Amended]

1. In Part 108, paragraphs (d) (3) and (4) of § 108.502–1 are deleted.

PART 118—HANDICAPPED ASSISTANCE LOANS

2. In Part 118, paragraphs (a) (2) and (3) of § 118.31 are deleted, and the following new sentence is added at the end of paragraph (a)(1):

§ 118.31 Terms and conditions.

(a) * * *

(1) * * * The respective administrative ceilings may be extended up to the statutory maximum of $350,000 where such action is authorized in writing by the Regional Administrator.

* * * * *

PART 122—BUSINESS LOANS

3. In Part 122, § 122.5(c) is deleted, and § 122.5(b) is revised to read as follows:

§ 122.5 Introduction.

* * * * *

(b) *Ceiling on loans to a single borrower.* The administrative ceiling on loans to a single borrower made directly or on an immediate participation basis is $150,000, but the administrative ceiling may be extended up to the statutory maximum amount of $350,000 where such action is authorized in writing by the Regional Administrator.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012 Small Business Loans, No. 59.013 State and Local Development Company Loans, and No. 59.021 Handicapped Assistance Loans.)

Dated: December 3, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79–38135 Filed 12–12–79; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–NE–17; Amdt. 39–3635]

Airworthiness Directives; Sikorsky S–76A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On November 16, 1979, an emergency airworthiness directive was issued requiring hydraulic system checks at each rotor startup, and removal from service of defective hydraulic pumps. This is required to prevent failure in flight of improper type design hydraulic pumps installed on the aircraft; these pumps provide power for operation of the helicopter flight control system. The AD is now being published in the Federal Register as an amendment to the Federal Aviation Regulations.

DATES: Effective date—December 13, 1979. Compliance schedule—as prescribed in text of AD.

ADDRESSES: To obtain copies of the Customer Service Notice, referenced in the AD, contact S–76A Product Manager, Commercial Customer Service Department, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. A copy of the Customer Service Notice is contained in the Rules Docket, Office of the Regional Council, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bernard Schaffer, Systems and Equipment Staff (ANE–213), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7332.

SUPPLEMENTARY INFORMATION: The emergency airworthiness directive adopted and made effective to all known United States operators of Sikorsky S–76A helicopters on November 16, 1979, was required as the result of several failures in flight of improper type design hydraulic pumps installed on the aircraft; these pumps provide power for operation of the helicopter flight control system. The published AD differs from the telegraphic AD by the addition of minor editorial changes in the applicability section and the correction of a typographical error in the part number. The published AD limits applicability to helicopters equipped with specific model number hydraulic pumps. After replacement of these pumps the AD is no longer applicable. The correct part number of the pumps involved should begin with "76650–" instead of "76550–."

This condition still exists, and this AD is now being published in the Federal Register as an amendment to § 39.13 of

Part 39 of the Federal Aviation Regulations.

Since a situation exists that requires immediate adoption of the regulation, 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, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Sikorsky Aircraft Division. Applies to all Model S–76A helicopters equipped with Sikorsky Models 76650–09802–101 and 76650–09802–102 hydraulic pumps.

Compliance required as indicated, unless previously accomplished.

To check the operation of existing installed pumps and to replace all defective pumps, accomplish the following:

1. If a hydraulic pump is known to have operated after fluid had been lost from the system, it is likely that the pump has run dry and it must be replaced prior to further flight.

2. If hydraulic fluid has been lost from a hydraulic reservoir, but the system has not run dry, perform servicing and bleeding procedures in accordance with the S–76A maintenance manual prior to further flight.

3. During each rotor startup, check for hydraulic pressure indication in the green arc range at 60% N_R. The check required by the aforementioned sentence may be performed by the pilot. If hydraulic pressure is not in this range, conduct trouble shooting procedures and replace any malfunctioning component prior to further flight.

4(A). Replace all hydraulic pumps, Sikorsky P/Ns 76650–09802–101 and 76650–09802–102, with Sikorsky P/N 76650–09802–103, in accordance with Paragraphs 4(B) and 4(C) below. These approved replacement pumps may also be identified by the suffix "C" after the serial number.

(B). For pumps with 250 or more hours time in service on the effective date of this AD, compliance with Paragraph 4(A) is required within the next 100 hours time in service.

(C). For pumps with less than 250 hours time in service on the effective date of this AD, compliance with Paragraph 4(A) is required before the accumulation of 350 hours time in service.

Note.—Sikorsky Commercial Customer Service Notice 76–16, dated November 14, 1979, applies to this AD.

The manufacturer's Customer Service Notice and Maintenance Manual identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to S–76A Product Manager, Commercial Customer Service Department, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803 and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591.

This amendment becomes effective on December 13, 1979, except for recipients of the Emergency AD, dated November 16, 1979, for whom it became effective upon receipt.

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

Note.—The Federal Aviation Administration has determined that this action is an emergency non-significant regulation under Executive Order 12044 as implemented by Department of Transportation policies and procedures 44 FR 11034, February 26, 1979. The action is therefore excepted from the requirements for an evaluation.

Note.—The incorporation by reference provisions of this document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Burlington, Massachusetts, on December 4, 1979.

Robert E. Whittington,

Director.

[FR Doc. 79–38030 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 79–NE–14; Amdt. 39–3610]

Airworthiness Directives; General Electric CT58 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a more representative method of counting cycles for General Electric CT58 engines used for repetitive heavy-lift operation. This AD is needed to remove rotating components from use prior to the accumulation of an excessive number of cycles which could cause component failure.

DATES: Effective date—December 13, 1979. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable Service Bulletin may be obtained from General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910.

Copies of the Service Bulletin are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Ralph S. Hawkins, Propulsion Section (ANE–214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7348.

SUPPLEMENTARY INFORMATION: There have been seven reports of cracks, with two of these cracks progressing to failure, on CT58 compressor spools, compressor rear seals, stage one turbine wheels, and stage two turbine wheels which have been used in repetitive heavy-lift operation. Repetitive heavy-lift operations are considered to be those operations during which a lift-carry-drop cycle is repeated more than 10 times per hour without landing. This activity is typical of logging operations and may also include some construction or utility operations. Repetitive heavy-lift operation typically includes a large number of partial power excursions or partial cycles between engine start/takeoff and landing/engine shutdown. These partial cycles, which are not presently accounted for, are life consuming and, therefore, have a bearing on the serviceability and reliability of the rotating components. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires the use of a more representative method of counting cycles for CT58 engines which are presently in use or have been used in repetitive heavy-lift operations.

Since a situation exists that requires the immediate adoption of this regulation, 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, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

General Electric Company. Applies to all General Electric CT58 turboshaft engines which are presently in use or have been used in repetitive heavy-lift operation.

Compliance required as indicated, unless already accomplished.

To prevent low cycle fatigue initiated failure, revise the total recorded operating cycles of all life-limited rotating components, on the effective date of this AD, and remove these components from service in accordance with the multiplying factors and retirement lives contained in General Electric Alert Service Bulletin CT58 (A72–162) CEB–258, dated July 9, 1979. Later FAA approved revisions or equivalent means may be approved by the Chief, Engineering and Manufacturing Branch, New England Region. Hourly limits are not affected by this AD.

Components with revised total recorded operating cycles in excess of the limits or within 600 cycles or 100 hours of the limits in Tables I, II, or III of General Electric Alert Service Bulletin CT58 (A72–162), CEB–258, on the effective date of this AD, must be removed from service prior to the accumulation of 600 additional cycles or 100 hours, whichever comes first.

Note.—Repetitive heavy-lift operations are considered to be those operations during which a lift-carry-drop cycle is repeated more than 10 times per hour without landing. This activity is typical of logging operations and may also include some construction or utility operations.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to General Electric Company, 1000 Western Avenue, Lynn, Massachusetts, 01910. These documents may also be examined at the Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C., and at FAA, New England Region Headquarters, Burlington, Massachusetts. This amendment becomes effective upon publication in the Federal Register.

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

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

Issued in Burlington, Massachusetts, on October 31, 1979.

Note.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 19, 1967.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 79–37871 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–EA–45]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Pittsburgh, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Pittsburgh, Pa., Transition Area over Greater Pittsburgh International Airport, Pittsburgh, Pa. This alteration will provide protection to aircraft executing the proposed amended ILS Runway (10L) instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter a transition area. The rule resulted from the development of a new instrument approach for the airport. On page 50855 of the Federal Register for August 30, 1979, the FAA published a proposed amendment to alter the subject transition area. Interested parties were given time in which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT January 24, 1980, as published.

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

Issued in Jamaica, New York on November 28, 1979.

Murray E. Smith,

Director, Eastern Region.

§ 71.181 [Amended]

1. Amend § 71.181 of the Federal Aviation Regulations so as to amend the description of the Pittsburgh, Pennsylvania 700-foot floor transition area as follows:

In the text delete, "of Greater Pittsburgh International Airport, Pittsburgh, Pa.; within an 8.5-mile radius of the Center," and substitute therefor, "of Greater Pittsburgh International Airport, Pittsburgh, Pa; and within 3.5-miles each side of the Greater Pittsburgh ILS Runway 10L Localizer Course extending from the 12-mile radius area to 6.5 miles west of the OM; within an 8.5-mile radius of the center,".

[FR Doc. 79–37873 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–SO–58]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Control Zone, Gadsden, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will designate the Gadsden, Alabama, Control Zone and will lower the base of controlled airspace in the vicinity of the Gadsden Municipal Airport from 700′ AGL to the surface.

EFFECTIVE DATE: 0901 GMT, March 20, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures

Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, October 4, 1979 (44 FR 57106), outlining the details of the proposal to designate a control zone at the Gadsden Municipal Airport. Aviation weather observations are being taken by Republic Airlines, and two-way radio communications exist down to the airport surface with Birmingham Approach Control. These items meet the requirements for establishment of a part-time control zone with irregular hours of operation. No objections to the proposal were received in response to this publication. The final rule has been clarified to show the minimum advance notice required for a change in the hours of control zone effectiveness. Designation of a control zone provides the maximum level of safety by establishing controlled airspace to the surface to contain flight operations near the airport.

Adoption of the Amendment

Accordingly, Subpart F, § 71.171 (44 FR 353) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, January 24, 1980, by adding the following:

Gadsden, Alabama

* * * within a 5-mile radius of the Gadsden Municipal Airport (latitude 33°58'26"N., longitude 86°05'28"W.). This control zone is effective during the specific dates and times established at least 24 hours in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

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

Issued in East Point, Georgia, on December 3, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79–37870 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 79–NW–19]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment alters the 700 foot and 1200 foot transition areas for Port Angeles, Washington. This action is necessary to provide controlled airspace for aircraft executing the new ILS/NDB Runway 08 Standard Instrument Approach Procedure developed for the William R. Fairchild International Airport, Port Angeles, Washington.

EFFECTIVE DATE: December 18, 1979.

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

SUPPLEMENTARY INFORMATION:

History

The requirement to expand controlled airspace at Port Angeles, Washington, is necessitated, in part, by the loss of the Hood Canal Floating Bridge. This bridge was a vital transportation link between the North Olympic Peninsula and the Seattle Metropolitan area. The westerly half of the bridge was collapsed and sank in a wind storm on February 13, 1979. This incident resulted in a sharp increase in air service and created a tremendous impact on William R. Fairchild Airport. The air passenger traffic this year more than doubled that of 1978.

Furthermore, a need for another standard instrument approach procedure became necessary to the airport because signals from the very-high-frequency omnidirectional range station (VOR) on Ediz Hook Peninsula, have recently been deflected by large tankers anchored nearby, rendering the Port Angeles VOR–A Standard Instrument Approach Procedure inoperable.

Since this amendment is critical to the transportation needs of the communities of the North Olympic Peninsula and, therefore, a situation exists that requires immediate adoption of this regulation, 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. Furthermore, the amendment poses only a minimal additional burden on only persons using the airspace herein affected.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the 700 foot and 1200 foot Transition Area at Port Angeles, Washington, to provide controlled airspace for aircraft executing the ILS/NDB Runway 08 Standard Instrument Approach Procedure developed for the William R. Fairchild International Airport, Port Angeles, Washington.

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 as follows:

Section 71.181 Port Angeles, Washington, is amended as follows:

Replace all after "extending from the VOR to 12 miles east of the VOR" on line four with the following:

"; including the airspace within two miles either side of the William R. Fairchild International Airport Localizer west course, extending from the localizer location (Latitude 48°07'00"N, Longitude 123°29'02"W.), to 8 miles west and that airspace extending upward from 1200 feet above the surface bounded on the east by the west edge of V440, on the south within 4.5 miles of the William R. Fairchild International Airport localizer location (Latitude 48°07'00"N., Longitude 123°29'02"W.), to 28 miles west, and on the north by the United States/Canadian border."

(Sec. 107(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1249(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The Federal Aviation Administration 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on December 4, 1979.

C. B. Walk, Jr.,

Director.

[FR Doc. 79–38230 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 73

[Airspace Docket No. 78-SO-80]

Alteration of Restricted Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the Federal Register of November 29, 1979, (44 FR 68452), geographic coordinates in the definition of restricted areas R-5314, Subarea G, H and J were published incorrectly. This correction reflects the correct coordinates in these restricted areas.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION: FR Doc. 79-36421 was published on November 29, 1979, (44 FR 68452), with an effective date of January 24, 1980, and altered restricted areas R-5314, Subarea G, Subarea H, and Subarea J. Recomputation of the subareas determined that corrections are required.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 79-36421 as published on November 29, 1979, on page 68452 is amended in the definition of the restricted areas in the amendatory paragraph to Part 73 on page 68453, as follows:

In the definition of R-5314 Subarea G, the last coordinate, "Lat. 35°51'59"N., Long. 76°02'08"W.;" is deleted and "Lat. 35°51'52"N., Long. 76°02'09"W.;" is substituted therefor.

In the definition of R-5314 Subarea H, the first coordinate "Lat. 35°51'59"N., Long. 76°02'08"W.;" is deleted and "Lat. 35°51'52"N., Long. 76°02'09"W.;" is substituted therefor. Also the last coordinate "Lat. 35°52'42"N., Long. 76°09'49"W.;" is deleted and "Lat. 35°52'22"N., Long. 76°09'53"W.;" is substituted therefor.

In the definition of R-5314 Subarea J, the first coordinate "Lat. 35°52'42"N., Long. 76°09'49"W.;" is deleted and "Lat. 35°52'22"N., Long. 76°09'53"W.;" is substituted therefor.

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

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

Issued in Washington, D.C., on December 7, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-38229 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 79-SW-53]

Special Use Airspace; Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters Restricted Area R-5103 by subdividing the area as R-5103A, R-5103B, and R-5103C. There will be no change to the current lateral and vertical limits of this restricted area. The redesignation of R-5103 will permit better utilization of the airspace in the Alamogordo, N. Mex. area.

EFFECTIVE DATE: January 24, 1980.

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to subdivide Restricted Area R-5103 as R-5103A, R-5103B and R-5103C. This alteration does not change the current lateral and vertical limits of R-5103, however, the new subdivisions will better accommodate military operational and training objectives. Subpart B of Part 73 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1979, (44 FR 702). Since this amendment is a minor matter on which the public would have no particular desire to comment and the FAA has determined there are immediate benefits to the Department of Defense for maintaining our national security, I find therefore, notice and public procedure are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 702) is amended, effective 0901 GMT, January 24, 1980, as follows:

Under § 73.51 N. Mex., R-5103 is rewritten as follows:

R-5103A McGregor, N. Mex.
Boundaries. Beginning at Lat. 32°15'00"N., Long. 106°10'00"W.; to Lat. 32°15'00"N., Long. 105°42'00"W.; to Lat. 32°00'15"N., Long. 105°56'40"W.; to Lat. 32°00'30"N., Long. 106°10'25"W.; to Lat. 32°05'20"N., Long. 106°09'20"W.; to Lat. 32°06'00"N., Long. 106°15'30"W.; thence along the Southern Pacific Railroad to point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commanding General, Fort Bliss, Tex.

R-5103B McGregor, N. Mex.
Boundaries. Beginning at Lat. 32°45'00"N., Long. 105°59'00"W.; to Lat. 32°45'00"N., Long. 105°52'20"W.; to Lat. 32°33'20"N., Long. 105°30'00"W.; to Lat. 32°26'20"N., Long. 105°30'00"W.; to Lat. 32°15'00"N., Long. 105°42'00"W.; to Lat. 32°15'00"N., Long. 106°00'00"W.; thence along the Southern Pacific Railroad to Lat. 32°28'00"N., Long. 106°02'00"W.; to Lat. 32°27'40"N., Long. 106°00'00"W.; to Lat. 32°36'40"N., Long. 106°00'00"W.; from the surface to 12,500 feet MSL; to point of beginning excluding that airspace within a 2-NM radius of Lat. 32°39'02"N., Long. 105°40'34"W.; from the surface to 1,500 feet above the surface and also excluding that airspace beginning at Lat. 32°42'49"N., Long. 105°48'10"W.; to Lat. 32°40'47"N., Long. 105°49'38"W.; to Lat. 32°39'42"N., Long. 105°47'42"W.; to Lat. 32°41'58"N., Long. 105°46'12"W.; to point of beginning from the surface to 1,500 feet above the surface.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commanding General, Fort Bliss, Tex.

R-5103C McGregor, N. Mex.
Boundaries. Beginning at Lat. 32°45'00"N., Long. 105°59'00"W.; to Lat. 32°45'00"N.. Long. 105°52'20"W.; to Lat. 32°33'20"N., Long. 105°30'00"W.; to Lat. 32°26'20"N., Long. 105°30'00"W.; to Lat. 32°15'00"N., Long. 105°42'00"W.; to Lat. 32°15'00"N., Long. 106°10'00"W.; thence along the Southern Pacific Railroad to Lat. 32°28'00"N., Long. 106°02'00"W.; to Lat.

32°27'40"N., Long. 106°00'00"W.; to Lat. 32°36'00"N., Long. 106°00'00"W.; to point of beginning from 12,500 feet MSL to unlimited.

Designated altitude: Surface to unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commanding General, Fort Bliss, Tex.

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

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

Issued in Washington, D.C. on December 4, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-37872 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Organization, Functions and Procedures of the Commission; Delegation of Authority to Release Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Director of the Division of Enforcement upon request of other departments or agencies within the Executive Branch of the Government—including, for this purpose, independent regulatory agencies—is authorized to release information to them in connection with the investigation or prosecution of violations of federal law. This delegation will eliminate the necessity of the Commission itself authorizing the release of information for these purposes in each separate instance in which such information is requested.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: John A. Field, III, Director, Division of Enforcement, Commodity Futures Trading Commission, 2033 K Street, N.W. Washington, D.C. 20581, telephone (202) 254-9501.

SUPPLEMENTARY INFORMATION: The Commission has determined to delegate to the Director of the Division of Enforcement and, in his absence, each Deputy Director of the Division, the authority, in accordance with section 8(e) of the Commodity Exchange Act, to release information upon request to departments or agencies of the Executive Branch of the Government, including independent regulatory agencies for law enforcement purposes.[1]

Information protected from public disclosure by section 8(a) of the Act—information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers—may be revealed pursuant to this authority. The subsequent disclosure of that information by the requesting agency or department is forbidden by Section 8(e), however, except in the context of an action or preceeding under the laws of the United States to which the requesting agency or department, the Commission, or the United States is a party.

The scope of the delegation is consistent with the Commission's policies governing the release of confidential information to other government bodies.[2] Thus, the Director of the Division of Enforcement may release information, including data which would reveal the identity of individuals, to other government bodies only in the course of their investigation, prosecution or other enforcement of violations of federal law.

Although the Commission will not routinely review requests for information from departments or agencies, the Director of the Division may refer a particular request to the Commission for its determination of whether the information should be released. Moreover, in any particular case in which it believes it appropriate, the Commission may, in the first instance, review an agency request for information.

This delegation to the Commission's chief law enforcement officer, the Director of the Division of Enforcement, will enable the Commission to act expeditiously in cooperating with other government agencies where criminal or other violations of federal laws are involved. This delegation shall remain in effect until the Commission orders otherwise.

The Commission finds that the adoption of this rule relates solely to agency practice and procedure and that the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking and other opportunity for public participation are not applicable.

In consideration of the foregoing, 17 CFR Part 140 is amended by adding a new § 140.73 as follows:

§ 140.73 Delegation of authority to the Director of the Division of Enforcement to disclose information to other government agencies.

(a) Pursuant to sections 2(a)(11) and 8(e) of the Act, the Commission hereby delegates, until such time as the Commission orders otherwise, to the Director of the Division of Enforcement, and in his absence, to each Deputy Director of the Division, the authority, upon the request of any department or agency of the Executive Branch of the Government, including for this purpose an independent regulatory agency, acting within the scope of its jurisdiction in the investigation or prosecution of any violation of federal law, to furnish to the department or agency, information in the possession of the Commission obtained in connection with the administration of the Act.

(b) In furnishing information under this delegation the Director of the Division of Enforcement shall remind the department or agency involved that section 8(e) of the Act prohibits the disclosure of information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers except in an action or proceeding under the laws of the United States to which the department or agency, or the Commission or the United States is a party.

(c) This delegation shall not affect any other delegation which the Commission has made or may make, which authorizes any other officer or employee of the Commission to furnish information to other government bodies on the Commission's behalf.

(d) Notwithstanding the provisions of paragraph (a) of this section in any case in which the Director of the Division of Enforcement believes it appropriate he may submit the matter to the Commission for its consideration. In addition, the Commission reserves to itself the authority to determine whether

[1] Section 8(e) provides in relevant part: ". . . Upon the request of any department or agency of the Executive Branch of the Government of the United States, acting within the scope of its jurisdiction, the Commission may furnish to such department or agency any information in the possession of the Commission obtained in connection with the administration of this Act. Pub. L. No. 95-405, Section 16, 92 Stat. 865, 873-874 (September 30, 1978).

[2] See "Confidentiality of Information", 40 FR 41551 (September 8, 1975).

to grant a request for information in any particular case.

(Secs. 2(a)(11) and 8(e) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j) (1976); 92 Stat. 873–74 (September 30, 1978).

Issued in Washington, D.C., on December 7, 1979, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 79-38167 Filed 12-12-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF STATE

22 CFR Part 42

[Departmental Regulation 108.784]

Documentation of Immigrants Under the Immigration and Nationality Act, As Amended; Miscellaneous Amendments

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Panama Canal Act of 1979 amended section 101(a)(27) of the Immigration and Nationality Act by granting special immigrant status to three new categories of aliens. This rule amends the regulations in Part 42 to implement the provisions of that statute.

DATES: These amendments are effective on October 1, 1979. Comments must be received on or before January 15, 1980.

ADDRESS: Submit written comments and recommendations to: Visa Services, Bureau of Consular Affairs, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Acting Chief, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs, Department of State, Washington, D.C. 20520. (202) 632–1900.

SUPPLEMENTARY INFORMATION: Section 3201 of Pub. L. 96–70, amends section 101(a)(27) of the Immigration and Nationality Act by adding three new subparagraphs (E), (F) and (G) to grant special immigrant status to three categories of aliens, and the accompanying spouse and children of any such alien, subject to an overall numerical limitation of 15,000 individuals of which not more than 5,000 may be admitted to the United States in any fiscal year. Included within the definition of special immigrants by the addition of these three new subparagraphs to section 101(a)(27) are: "(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3(a)(1) of the Panama Canal Act of 1979) enters into force, who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty, and who has performed faithful service as such an employee for one year or more; "(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or, (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment; or "(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment."

Pub. L. 96–70 was effective upon enactment on September 27, 1979. In view of the need to implement immediately the new subparagraphs (E), (F) and (G), compliance with section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is impractical in this instance. However, in keeping with the spirit of that section the public is invited to submit written comments and recommendations regarding these amendments to Visa Services, Bureau of Consular Affairs, Department of State, Washington, D.C. 20520. All such written comments and recommendations received prior to January 15, 1980 will be duly considered with regard to any further amendments of the regulations. These amendments are issued under the authority contained in section 104 of the Immigration and Nationality Act (8 U.S.C. 1104).

1. The table in paragraph (b) of § 42.12 is revised to read:

§ 42.12 Classification symbols.

* * * * *

(b) The following symbols shall be used in cases of aliens who are special immigrants:

Class	Section of the law	Symbol to be inserted in visa
Returning resident	101(a)(27)(A)	SB–1
Person who lost U.S. citizenship by marriage.	101(a)(27)(B) and 324(a).	SC–1
Person who lost U.S. citizenship by service in foreign armed forces.	101(a)(27)(B) and 327.	SC–2
Minister of Religion	101(a)(27)(C)	SD–1
Spouse of alien classified SD–1.	101(a)(27)(C)	SD–2
Child of alien classified SD–1.	101(a)(27)(C)	SD–3
Certain employees or former employees of U.S. Government abroad.	101(a)(27)(D)	SE–1
Accompanying spouse of alien classified SE–1.	101(a)(27)(D)	SE–2
Accompanying child of alien classified SE–1.	101(a)(27)(D)	SE–3
Certain former employees of the Panama Canal Company or Canal Zone Government.	101(a)(27)(E)	SF–1
Accompanying spouse or child of alien classified SF–1.	101(a)(27)(E)	SF–2
Certain former employees of the U.S. Government in the Panama Canal Zone.	101(a)(27)(F)	SG–1
Accompanying spouse or child of alien classified SG–1.	101(a)(27)(F)	SG–2
Certain former employees of the Panama Canal Company or Canal Zone Government on April 1, 1979.	101(a)(27)(G)	SH–1
Accompanying spouse or child of alien classified SH–1.	101(a)(27)(G)	SH–2

* * * * *

2. A new § 42.37 is added to read:

§ 42.37 Special immigrants—Panama.

(a) An alien who is subject to the numerical limitations specified in section 3201(c) of the Panama Canal Act of 1979, Pub. L. 96–70, shall be classified as a special immigrant under paragraph (E), (F) or (G) of section 101(a)(27) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under any of those three paragraphs. The evidence presented must satisfy the consular officer that the alien—

(1) Was an employee of the Panama Canal Company or Canal Zone Government on October 1, 1979 and a resident in the Canal Zone on April 1, 1979 and performed faithful service as such an employee for at least one year, or

(2) Is a Panamanian national (i) who was honorably retired from United States Government employment in the Canal Zone before October 1, 1979 following a total of 15 years or more of faithful service, or (ii) who was

employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service on October 1, 1979 and is honorably retired from such service, or

(3) Was an employee of the Panama Canal Company or Canal Zone Government on April 1, 1979 who has performed faithful service for five years or more as such an employee and whose personal safety, or the personal safety of whose spouse or children, as a direct result of the Panama Canal Treaty of 1977, is reasonably placed in danger because of the special nature of any of that employment, or

(4) Is the spouse or child of any alien who establishes to the satisfaction of the consular officer that he qualifies as a special immigrant under paragraphs (a) (1), (2), or (3) of this section and is accompanying that alien to the United States.

(b) An alien who qualifies as a special immigrant under paragraph (a) of this section shall not be ineligible to receive a visa (1) under the provisions of section 212(a)(7) of the Act, or (2) under the provisions of section 212(a)(15) of the Act if he applies for a visa and for admission to the United States prior to April 1, 1982.

3. In § 42.60 in paragraph (a) the word "Authorized" at the beginning of that paragraph is changed to read "Centralized". In addition, paragraph (d) is added to read:

§ 42.60 Control of numerical limitations by the Department.

* * * * *

(d) *Special Immigrants—Panama.* Centralized control of the numerical limitations on immigration specified in section 3201(c) of the Panama Canal Act of 1979 is established in the Department. In order to effectuate this control, the Department shall limit the number of special immigrant visas that may be issued and the number of adjustments of status that may be granted to aliens qualifying for visas under subsections (E), (F), and (G) of section 101(a)(27) of the Act to a number not to exceed a total of 5,000 in any fiscal year starting with the fiscal year beginning on October 1, 1979. If an immigrant having an immigrant visa issued pursuant to sections 101(a)(27) (E), (F) or (G) of the Act is excluded from the United States and deported, or does not apply for admission to the United States before the expiration of the validity of his visa, or if such a visa is revoked pursuant to § 42.134, the number shall be returned to the Department for reallocation.

4. Section 42.62(b)(2) is amended by deleting the word "or" at the end of subparagraph (i) and changing the period to a comma and adding the word "or" at the end of subparagraph (ii). In addition subparagraph (iii) is added to read:

§ 42.62 Priority date of individual applicants.

* * * * *

(b) * * *

(2) * * *

(iii) The applicant is entitled to classification as a special immigrant under paragraph (E), (F) or (G) of section 101(a)(27) of the Act.

* * * * *

5. Section 42.63 is amended, by deleting the word "and" at the end of paragraph (a), changing the period to a comma and inserting the word "and" at the end of paragraph (b) and adding a paragraph (c) to read:

§ 42.63 Order of consideration.

* * * * *

(c) In the chronological order of the priority dates of all applicants within the special immigrant classifications specified in paragraph (E), (F) or (G) of section 101(a)(27) of the Act.

* * * * *

Section 42.64(a) is revised to read:

§ 42.64 Reports of numbers and priority dates of applications on record.

(a) Consular officers shall report periodically, as the Department may direct, the number and priority dates of all applicants subject to the numerical limitations prescribed in sections 201, 202 and 203 of the Act and in section 3201(c) of the Panama Canal Act of 1979 and whose immigrant visa applications have been recorded in accordance with § 42.61(b).

Dated: November 28, 1979.

Barbara M. Watson,

Assistant Secretary for Consular Affairs.

[FR Doc. 79-38152 Filed 12-12-79; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 650

Highway Bridge Replacement and Rehabilitation Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: The Federal Highway Administration is issuing this document in order to provide further guidance and clarification of procedures for administerting the highway bridge replacement and rehabilitation program.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Gordon, Bridge Division, 202-472-7697; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978 (the Act), Pub. L. 95-599, 92 Stat. 2689. Section 124 of the Act amended 23 U.S.C. 144 which necessitated a revision to existing regulations implementing the bridge replacement program. The revisions provide a bridge replacement and rehabilitation program both on and off the Federal-aid systems. Inventories and priorities for replacement and rehabilitation of both on and off-system bridges shall be made by the Secretary of Transportation in consultation with the States. The Secretary shall determine the eligibility of a bridge for funds under this program.

The Federal share payable for any project under this program is now 80 percent; formerly, it was 75 percent.

In consideration of the foregoing, the Federal Highway Administration (FHWA) published the revised regulations as a final rule in the Federal Register on March 15, 1979, (44 FR 15665), and invited public comments for a 90-day period.

Numerous comments were received from States, counties, local government groups and Federal agencies. These comments were reviewed and categorized.

Summary of Major Changes

In response to comments received, the regulations published on March 15, 1979, remain largely unchanged. The following changes have been made to clarify the existing regulations:

1. Section 650.407(a) has been revised to indicate Federal and local government agencies are to submit bridge inventory and inspection data through the State agency.

2. Section 650.411(c) has been revised to clearly indicate maintenance responsibilities for both on and off-system bridge projects funded under the Highway Bridge Replacement and Rehabilitation Program (HBRRP).

3. Section 650.411(c)(2) has been revised to provide for existing bridges to remain in place under certain situations.

Comments and FHWA'S Response

FHWA received 72 comments from 29 organizations prior to the close of the comment period on June 13, 1979. Comments were received from 18 counties, four county organizations, four State highway administrations, one Federal agency, one railroad agency and one highway group. These comments were grouped for similarity and are discussed by HBRRP regulations section.

Section 650.403—Definition of terms

1. Under the current bridge length definition and under HBRRP procedures, most hydraulically hazardous low-water crossings are not currently eligible.

Discussion: Low-water crossings which are greater than 20 feet long and are in good condition represent an unusual situation and are not currently eligible for the program. However, to place proper emphasis on the hazardous condition which could exist during flooding for some of these crossings, the Federal Highway Administration will review individual crossings greater than 20 feet in length to determine the acceptability of the project for HBRRP funds. As is the case with all structures 20 feet or less long, low water crossings 20 feet or less in length will continue to be ineligible under the program.

2. Section 650.403 should include a separate definition of historic bridges such that all historic bridges even those under 20 feet in length are eligible.

Discussion: The prime purpose of the HBRRP is to replace or rehabilitate deficient bridges, not to revitalize those bridges considered historic. Should an otherwise eligible bridge also have historic significance, it would qualify under the HBRRP and be eligible for rehabilitation or replacement. Under the current bridge definition, there are approximately 105,500 deficient highway bridges nationwide. As the off-system bridge inventory progresses, bridges are being added to the National Bridge Inventory and the number of deficient bridges is increasing. Bridges over 20 feet as now defined are of primary concern under the HBRRP. It is felt that the cost of replacing or rehabilitating minor structures less than 20 feet long, including those which are historic, would be prohibitive in relation to available funds. It has, therefore, been determined that the current 20-feet criteria of the definition will be retained for all bridges.

Section 650.405—Eligible projects

3. The regulations should indicate that replacement bridge design costs and the initial bridge inventory inspection are eligible for HBRRP funding.

The term "eligible project" encompasses all aspects of the undertaking to replace or rehabilitate a bridge except for those items specifically noted as ineligible under § 650.405(c). Thus, the replacement bridge design and initial inventory inspection are considered part of the project and need not be specifically mentioned in the regulations.

4. The regulations should provide more autonomy to FHWA division offices in granting exceptions and waivers in the administration of the HBRRP.

Discussion: FHWA Field Divisions administer the program within HBRRP regulations and policies. HBRRP regulations include only those requirements contained or envisioned in the Act, thus providing FHWA offices autonomy for administering the program within confines dictated by law and other policies necessary to administer such a large program. Also, FHWA Division Administrators have the authority to grant HBRRP design exceptions under certain conditions. Thus, additional flexibility to administer the HBRRP at the FHWA Division level is not warranted.

5. The requirement that the replacement or rehabilitation of a structure must meet current standards is too restrictive and flexibility and waiver to the standards should be permitted particularly in the case of historic bridges.

Discussion: The FHWA is of the opinion that the design standards for replacement or rehabilitation projects as contained in 23 CFR Part 625 are appropriate in the majority of cases. However, FHWA guidelines and 23 CFR Part 625 do provide for replacement or rehabilitation to less than minimum criteria under certain conditions on a project-by-project basis for both on and off-system bridges including those which are historic. Thus, the mechanism for granting exceptions to the minimum standards presently exists for all bridges and further elaboration within the HBRRP regulations is not warranted.

6. In a situation where a bridge is no longer needed, the regulations should indicate the bridge may be replaced with a road fill if its cost is less than the bridge replacement cost.

Discussion: This is a unique situation which occurs infrequently. As with any unusual situation, the FHWA will consider eligibility on a project-by-project basis. The FHWA does not feel elaboration of this unique situation in the HBRRP regulations is warranted.

7. The regulations should clearly define what is meant by "a nominal amount of approach work".

Discussion: Each bridge project and its associated roadway work is different and thus an exact definition of approach roadway work as to eligibility is not feasible. The regulations state eligible approach work is that "sufficient to connect the new facility to the existing roadway or to return the gradeline to an attainable touchdown point in accordance with good design practice." The FHWA feels these guidelines are sufficient and provide necessary flexibility in judging each project at the field level.

8. The HBRRP regulations should specifically promote the rehabilitation rather than replacement of historic bridges and ensure that such rehabilitation does not adversely afect historic bridges.

Discussion: Should an HBRRP eligible bridge also be historic it would qualify as a rehabilitation or replacement project. Under FHWA's extensive environmental and historic assessment procedures, that effect on the final design disposition of the project will be evaluated and determined. It is felt these existing environmental and historic procedures are adequate and further emphasis in the HBRRP regulations is not warranted.

9. The terms "structurally deficient" and "functionally obsolete" should be defined in the regulations and the definition should include bridge load capacity.

Discussion: The actual criteria for a bridge's eligibility is outlined in § 650.409 and is based on the AASHTO's sufficiency rating formula and FHWA evaluation criteria. As part of its evaluation the FHWA defines a structurally deficient or functionally obsolete bridge as a matter of policy and as the definitions may change with changes in program emphasis, it is not recommended that they be contained in the regulations.

The definition of these terms cannot be based on load rating alone but must also consider the significance of the highway system of which the bridge is a part. As the overall structural condition appraisal, which considers bridge load carrying capacity and type of highway system, is part of the definitions, adoption of this modification is not recommended.

10. In the case of bridges eligible for rehabilitation only, it is sometimes very difficult to determine the practicality of rehabilitation. The economic feasibility of rehabilitation should be weighed and replacement should be permitted where justified.

Discussion: May factors, including some which cannot be evaluated by the sufficiency rating formula, must be considered in the decision of whether to rehabilitate or replace structures. To provide for those unusual conditions where it is virtually impossible to correct deficiencies by rehabilitation, FHWA should review submittals, including thorough engineering and economic studies, for approval on a project-by-project basis.

Section 650.407—Application for Bridge Replacement or Rehabilitation

11. Section 650.407(a) should indicate that local governments should submit the bridge data through the State agency.

Discussion: The FHWA concurs with this recommendation and the appropriate words have been added to § 650.407(a) to indicate that all government agencies including local and Federal Government should supply the bridge data to the State agency.

12. The HBRRP regulations should indicate that bridge program funds may be utilized on selected eligible bridges prior to a locality's completing and submitting all its bridge inspections.

Discussion: Section 650.407(b) indicates bridge inventory data may be submitted as available and once submitted an eligible bridge will automatically appear on the State selection list. In addition, the "New Federal Funds for Off-System Bridges"[1] brochure which was sent to 4200 local jurisdictions, clearly indicates that a locality need not complete all bridge inspections prior to submitting candidates. The FHWA does not feel this modification in necessary.

13. Additional emphasis should be added to § 650.407 of the regulations to ensure that all public highway bridges over railroads are inspected and inventoried.

Discussion: The Act and the National Bridge Inspection Standards published on May 1, 1979 at 44 FR 25434 clearly required the inspection and inventory by December 31, 1980 of all public highway bridges, including those over railroads. The FHWA does not feel that further emphasis on this point is necessary in the HBRRP regulations.

14. Section 650.407(d) of the regulations should encourage State application for an historic bridge inventory and require coordination of such inventory with the State Historic Preservation Officer (SHPO).

Discussion: It is not within the realm of the bridge program to require such an historic inventory and it is felt the addition of § 650.407(d) to the regulations encourages States to pursue such an inventory. The Advisory Council on Historic Preservation's Protection of Historic and Cultural Properties regulations require coordination with the SHPO in the conduct of such historic bridge inventory. The State may, of course, inventory its historic bridges as part of the HBRRP if it so desires.

Section 650.409—Evaluation of Bridge inventory

15. Specific comments recommending minor modifications of the AASHTO sufficiency rating formula and *AASHTO Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges (Coding Guide)* were received.

Discussion: The sufficiency rating formula and *Coding Guide* were prepared by the AASHTO and FHWA and adopted by FHWA after much study. The formula is a composite rating based on *Coding Guide* reported data and as such gives a reliable and uniform indication on a State and national basis of relative structural condition and serviceability. The FHWA does not propose amending the formula or *Coding Guide* at this time.

16. Other factors besides the bridge sufficiency rating formula should be utilized to compare structures.

Discussion: The FHWA evaluates bridges prioritized by sufficiency rating for placement on each State's eligible bridge list. In the final selection process, the States select projects from the eligible bridge list based on priorities established at the State and local levels. Thus, factors other than bridge sufficiency ratings are used in the evaluation and selection process.

17. The final project selection and distribution of HBRRP on- and off-system bridge funds should be based on need and equitable fund distribution and should be made in cooperation and consultation with local officials.

Discussion: The FHWA selection list for bridges on and off the Federal-aid system consists of structurally deficient and functionally obsolete bridges prioritized by sufficiency rating. Thus, eligible HBRRP projects are based on need. In keeping with the FHWA minimization of red tape policy, the regulation requires that the distribution of project funds be made on a "fair and equitable basis" as stated in the Act. Having overall State transportation planning responsibility, State highway agencies must be responsible for selection of highway bridge projects from various Federal funding categories. The FHWA encourages cooperation between the State and its localities. However, it is the responsibility of the State and local jurisidictions to work within channels of authority and communication at the State level of government to select projects and determine fund distribution.

18. In determining eligibility for the FHWA candidate selection list only a structure's sufficiency rating should be considered.

Discussion: In reviewing the past history, accomplishments and legislative intent of the program prior to implementing the new legislation, FHWA concluded that the best approach to the management of the program would be to relate accomplishments and procedures to the categories of deficient bridges. This determination was based primarily on two items:

1. Deficient bridges provide a direct measurement of progress and of needs in the program, without which the program would be virtually unending. The sufficiency rating formula is merely used to establish priorities in any category. For example, it is possible for a deficient bridge to be rehabilitated to provide a tolerable level of service for some reasonable period of time but yet the sufficiency rating reflecting the work performed would still be less than 80 and continually remain on the eligible selection list.

2. The deficient categories are related to specific definitions in the *AASHTO Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges (Coding Guide).* These definitions provide a distinct and recognizable division for the coding of deficient bridges.

We continue to believe that the selection criteria deemed most appropriate are the State's determination and coding of a bridge as either structurally deficient or functionally obsolete. The sufficiency rating will be used to establish priorities in any category.

19. In the HBRRP bridge selection process, FHWA policy permits replacement of bridges with a sufficiency rating of less than 50 and rehabilitation of bridges with a sufficiency rating of 80 or less. These criteria should be part of the regulations.

Discussion: The HBRRP regulations discuss sufficiency ratings in § 650.409(a). All State highway agencies have been notified of the current FHWA sufficiency rating eligibility criteria developed pursuant to that section. In addition, the criteria will be incorporated in a forthcoming revision of the Federal-Aid Highway Program

[1] This brochure is available for inspection and copying as prescribed in 49 CFR Part 7 Appendix D.

Manual (FHPM 6–7–4–1). Copies of this manual are provided directly to all State highway agencies and are available for inspection and copying pursuant to 49 CFR Part 7, Appendix D.

20. In the selection process, preference should be given to historic bridges and bridges which cross AMTRAK's right-of-way over other competing structures.

Discussion: As intended by Congress, the Act considers all eligible bridges equally. As priority selection consideration of historic bridges or bridges crossing AMTRAK's right-of-way would be at the expense of other eligible deficient bridges, FHWA has determined that modification of the regulations is not warranted.

Section 650.411—Procedures for Bridge Replacement and Rehabilitation projects

21. The regulations should be revised to specifically indicate maintenance requirements for off-system bridges replaced under the HBRRP.

Discussion: The FHWA agrees that HBRRP regulations do not clearly define maintenance requirements and responsibilities for off-system bridges. Consequently, § 650.411(c) has been changed to clarify this point.

22. Regulations should indicate that when a deficient bridge is replaced, the existing bridge may be left in place to service recreation vehicles such as bicycles, mopeds and snowmobiles.

Discussion: The FHWA feels that whenever a deficient bridge is replaced or its deficiency alleviated, the existing bridge under certain conditions should be allowed to remain in place if safe and practical for any purpose. Section 650.411(c)(2) has been revised to so indicate.

Section 650.413—Funding

23. The amount of funds designated for off-system bridges should be determined by a State's off-system bridge needs.

Discussion: The 15 to 35 percent range as contained in the Act was intended by Congress to provide flexibility for funding off-system bridges considering each State's different requirements. The off-system National Bridge Inventory is scheduled for completion by December 31, 1980, and thus the exact off-system bridge needs cannot be determined at this time. When bridge data is available these needs could be considered in HBRRP fund distribution.

24. The FHWA should review and verify that not less than 15 percent of the funds are utilized on off-system bridges within a State and that local jurisdiction verification be required prior to waiving the minimum 15 percent limit for off-system deficient bridges.

Discussion: The FHWA is constantly aware of the status of bridge program funds, through project recordkeeping procedures, which do not permit a State to utilize less than 15 percent of the funds on off-system deficient bridges. Should a State request a waiver of the 15 percent limit, no such waiver will be permitted without documentation after consultation with State and local officials as indicated in § 650.413(c).

25. The regulations should be more explicit in providing off-system designated funds for bridges under both State and local jurisdiction responsibility.

Discussion: As all Federal-aid programs are administered by the States with overall highway planning responsibility, HBRRP funds are designated within a State for off-system bridges in general. It is the responsibility of local jurisdictions and a State to work within channels of communications and authority to determine disbursement of off-system bridge funds.

26. Should a local jurisdiction receive HBRRP funds for an eligible deficient bridge, the regulations should permit replacement or rehabilitation of a substitute deficient bridge with a similar sufficiency rating if the local jurisdiction wished.

Discussion: Project approval and fund distribution is based on the need for a specific bridge. Thus, should a local jurisdiction be unable to utilize HBRRP funds for the designated bridge, the funds must be returned so they may be applied to the bridge in most need.

General:

27. Bridge program projects should be administered under the State's Secondary Road Plan and/or Certification Acceptance procedures.

Discussion: Under Federal-aid procedures, the State is responsible for administration of bridge projects funded under the HBRRP. Such projects are administered in accordance with procedures of the road system of which they are a part or under a Certification Acceptance program if applicable.

28. The regulations should have been issued as a proposed rulemaking, not as a final rule.

Discussion: As the regulations represent modifications of the existing regulations, consistent with changes in the Act, the regulations were issued as a final rule and comments were solicited.

29. To expedite the bridge program, particularly in the case of rehabilitation projects, environmental assessment, historic preservation, right-of-way, and 404 permit requirements should be relaxed or apply only to replacement projects.

Discussion: By law, such requirements apply to all projects utilizing Federal-aid funds and cannot be relaxed or waived at the discretion of the FHWA.

30. Regulations should indicate that on and off-system bridges should be inspected every 2 years.

Discussion: This requirement is contained in the National Bridge Inspection Standards and the FHWA does not feel it is necessary to repeat this requirement in the HBRRP regulations.

Conclusions:

The FHWA made a concerted effort to incorporate all valid comments in these final amendments. As noted, revisions have been made to the regulations clarifying certain sections. The FHWA believes that the regulations provide a clear standard for agencies to follow in carrying out the HBRRP while being sufficiently flexible to serve deficient bridge needs at all levels of government.

In consideration of the foregoing, Subpart D of Part 650 of Title 23, Code of Federal Regulations, is amended as follows:

1. Paragraph (a) of § 650.407 is revised to read:

§ 650.407 Application for bridge replacement or rehabilitation.

(a) Agencies participate in the bridge program by conducting bridge inspections and submitting Structure Inventory and Appraisal (SI&A) sheet inspection data. Federal and local governments supply SI&A sheet data to the State agency for review and processing. The State is responsible for submitting the six computer card format or tapes containing all public road SI&A sheet bridge information through the Division Administrator of the Federal Highway Administration (FHWA) for processing. These requirements are prescribed in 23 CFR 650.309 and 650.311, the National Bridge Inspection Standards.

* * * * *

2. Paragraph (c) of § 650.411 is revised to read:

§ 650.411 Procedures for bridge replacement and rehabilitation projects. [Amended]

* * * * *

(c)(1) Each approved project will be designed, constructed, and inspected for acceptance in the same manner as other projects on the system on which the project is located. It shall be the responsibility of the State agency to properly maintain, or cause to be properly maintained, any project

constructed under this bridge program. The State highway agency shall enter into a formal agreement for maintenance with appropriate local government officials in cases where an eligible project is located within and is under the legal authority of such a local government.

(2) Whenever a deficient bridge is replaced or its deficiency alleviated by a new bridge under the bridge program, the deficient bridge shall either be dismantled or demolished or its use limited to the type and volume of traffic the structure can safely service over its remaining life. For example, if the only deficiency of the existing structure is inadequate roadway width and the combination of the new and existing structure can be made to meet current standards for the volume of traffic the facility will carry over its design life, the existing bridge may remain in place and be incorporporated into the system.

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to E.O. 12044. The amendments contained herein simply clarify existing policy and procedures. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Stanley Gordon of the program office at the address specified above. In light of the opportunity provided for public comment on the final rule, and because these amendments were addressed in the comments received, it has been determined that publication of these amendments for notice and comment could not reasonably be anticipated to result in the recept of useful information. The FHWA has also determined that it is in the public interest to issue these amendments without a 30-day delay in effective date in order to provide immediate clarification of current policy and procedures.

(23 U.S.C. 144, 315; 49 CFR 1.48(b))

Issued on: December 4, 1979.

John S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 79-37940 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 601

Statement of Procedural Rules; Tax Counseling for the Elderly

AGENCY: Internal Revenue Service, Treasury Department.

ACTION: Final rules.

SUMMARY: This document provides rules under which the Internal Revenue Service will enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to the elderly (individuals age 60 or over) under the Revenue Act of 1978.

DATE: These rules take effect December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Judy M. Smith of the Taxpayer Service Division (TX:T:I), Internal Revenue Service, Room 7213, 1111 Constitution Avenue, N.W., Washington, D.C. (202-566-4904).

SUPPLEMENTARY INFORMATION:

Background

Section 163 of the Revenue Act of 1978, Public Law 95-600, November 6, 1978, (92 Stat. 2810) provides that the Internal Revenue Service may enter into agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Cooperative Agreements

Programs will be administered by non-profit agencies and organizations under cooperative agreements with the Internal Revenue Service in compliance with the Federal Grant and Cooperative Agreement Act of 1977, Public Law 95-224, February 3, 1978 (92 Stat. 3, 41 U.S.C. 501-509). Cooperative agreements will provide: (1) for the implementation of the program(s) by geographical area, (2) the functions to be performed by the Service and program sponsor, (3) the maximum amount of money available for reimbursement of expenses, and (4) other information.

Competition

Normally cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Competition will not be used where time makes competition impracticable. Agencies and organizations will be eligible to enter into a cooperative agreement if they are non-profit and have experience in coordinating volunteer programs. Eligible applicants will be selected to enter into cooperative agreements on the basis of information provided in their application and in accordance with criteria set forth in the application instructions supplied by the Service.

Program Administration

Under a cooperative agreement, the agency or organization sponsoring a Tax Counseling for the Elderly program will normally be responsible for administration of the program, including the recruitment of volunteers.

The Service will normally provide training and technical support. Program operations will be primarily carried on by the volunteers. Sponsoring agencies and organizations will normally receive reimbursements for administrative expenses of the program and volunteers will normally receive reimbursements for expenses incurred in training and in providing tax return assistance. Volunteers will be provided training and will be required to pass tests designed to measure their understanding of Federal tax subjects on which they will provide assistance.

DRAFTING INFORMATION: The principal authors of these final rules are Judy M. Smith of the Taxpayer Service Division, Internal Revenue Service, James W. Corbitt, Jr. of the General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, and Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, other personnel in the Taxpayer Service Division, other divisions in the Internal Revenue Service and the Office of Chief Counsel participated in developing these final rules, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS: The following additions are made to the Statement of Procedural Rules (26 C.F.R. Part 601):

Paragraph 1. The following new provision is added at the end of the table of contents at the head of Part 601:

Subpart H—Tax Counseling for the Elderly

Par. 2. New subpart H is added to read as follows:

Subpart H—Tax Counseling for the Elderly

§ 601.801 Purpose and statutory authority.

(a) This Subpart H contains the rules for implementation of the Tax Counseling for the Elderly assistance program under section 163 of the Revenue Act of 1978, Pub. L. 95–600, November 6, 1978 (92 Stat. 2810). Section 163 authorizes the Secretary of the Treasury, through the Internal Revenue Service, to enter into agreements with private or public non-profit agencies or organizations for the purpose of providing training and technical assistance to prepare volunteers to provide tax counseling assistance for elderly individuals, age 60 and over, in the preparation of their Federal income tax returns.

(b) Section 163 provides that the Secretary may provide:

(1) Preferential access to Internal Revenue Service taxpayer service representatives for the purpose of making available technical information needed during the course of the volunteers' work;

(2) Publicity for making elderly persons aware of the availability of volunteer taxpayer return preparation assistance programs under this section; and

(3) Technical materials and publications to be used by such volunteers.

(c) In carrying out responsibilities under section 163, the Secretary, through the Internal Revenue Service is also authorized:

(1) To provide assistance to organizations which demonstrate, to the satisfaction of the Secretary, that their volunteers are adequately trained and competent to render effective tax counseling to the elderly in the preparation of Federal income tax returns;

(2) To provide for the training of such volunteers, and to assist in such training, to ensure that such volunteers are qualified to provide tax counseling assistance to elderly individuals in the preparation of Federal income tax returns;

(3) To provide reimbursement to volunteers through such organizations for transportation, meals, and other expenses incurred by them in training or providing tax counseling assistance in the preparation of Federal income tax returns under this section, and such other support and assistance determined to be appropriate in carrying out the provisions of the section;

(4) To provide for the use of services, personnel, and facilities of Federal executive agencies and State and local public agencies with their consent, with or without reimbursement; and

(5) To prescribe rules and regulations necessary to carry out the provisions of the section.

(d) With regard to the employment status of volunteers, section 163 also provides that service as a volunteer in any program carried out under this section shall not be considered service as an employee of the United States. Volunteers under such a program shall not be subject to the provisions of law relating to Federal employment, except that the provisions relating to the illegal disclosure of income or other information punishable under section 1905 of Title 18, United States Code, shall apply to volunteers as if they were employees of the United States.

§ 601.802 Cooperative agreements.

(a) *General.* Tax Counseling for the Elderly programs will be administered by sponsor organizations under cooperative agreements with the Internal Revenue Service. Use of cooperative agreements is in accordance with the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224, February 3, 1978 (92 Stat. 3, 41 U.S.C. 501–509). Cooperative agreements will be legally binding agreements in document form.

(b) *Nature and contents of cooperative agreements.* Each cooperative agreement will provide for implementation of the program in specified geographic areas. Cooperative agreements will set forth:

(1) The functions and duties to be performed by the Internal Revenue Service and the functions and duties to be performed by the program sponsor,

(2) The maximum amount of the award available to the program sponsor,

(3) The services to be provided for each geographical area, and

(4) Other requirements specified in the application.

(c) *Entry into cooperative agreements.* The Commissioner of Internal Revenue, the Director, Taxpayer Service Division, or any other individual designated by the Commissioner may enter into a cooperative agreement for the Internal Revenue Service.

(d) *Competitive award of cooperative agreements.* Cooperative agreements will generally be entered into based upon competition among eligible applicants.

(1) To be eligible to enter into a cooperative agreement, an organization must be a private or public non-profit agency or organization with experience in coordinating volunteer programs. Federal, state, and local governmental agencies and organizations will not be eligible to become program sponsors.

(2) Eligible applicants will be selected to enter into cooperative agreements based on an evaluation by the Internal Revenue Service of material provided in their applications. The Service will set forth the evaluative criteria in the application instructions.

(3) Determinations as to the eligibility and selection of agencies and organizations to enter into cooperative agreements will be made solely by the Internal Revenue Service and will not be subject to appeal.

(e) *Noncompetitive award of cooperative agreements.* If appropriations to implement the Tax Counseling for the Elderly program are received at a time close to when tax return preparation assistance must be provided or when other factors exist which make the use of competition to select agencies and organizations to enter into cooperative agreements impracticable, cooperative agreements will be entered into without competition with eligible agencies and organizations selected by the Internal Revenue Service. Determination of when the use of competition is impracticable will be made solely by the Internal Revenue Service and will not be subject to appeal.

(f) *Renegotiation, suspension, termination and modification.* (1) Cooperative agreements will be subject to renegotiation (including the maximum amount of the award available to a sponsor), suspension, or termination if performance reports required by the cooperative agreement and/or other evaluations by or audits by the Internal Revenue Service or others indicate that planned performance goals or other provisions of the cooperative agreement, the regulations, or Section 163 of the Revenue Act of 1978 are not being satisfactorily met. The necessity for renegotiation, suspension, or termination, will be determined solely by the Internal Revenue Service and will not be subject to appeal.

(2) Cooperative agreements may be modified in writing by mutual agreement between the Internal Revenue Service and the program sponsor at any time. Modifications will be based upon factors such as an inability to utilize all funds available under a cooperative agreement, the availability of additional funds and an ability to effectively utilize additional funds, and interference of some provisions with the efficient operation of the program.

(g) *Negotiation.* If the proposed program of an eligible applicant does not warrant award of an agreement, the Internal Revenue Service may negotiate

with the applicant to bring the application up to a standard that will be adequate for award. If more than one inadequate application has been received for the geographic area involved, negotiation to bring all such applications up to a standard will be conducted with all such applicants unless time does not permit negotiations with all.

§ 601.803 Program operations and requirements.

(a) *Objective.* The objective of the Tax Counseling for the Elderly program is to provide free assistance in the preparation of Federal income tax returns to elderly taxpayers age 60 and over, by providing training, technical and administrative support to volunteers under the direction of non-profit agencies and organizations that have cooperative agreements with the Internal Revenue Service.

(b) *Period of program operations.* Most tax return preparation assistance will be provided to elderly taxpayers during the period for filing Federal income tax returns, from January 1 to April 15 each year. However, the program activities required to ensure elderly taxpayers efficient and quality tax assistance will normally be conducted year round. Program operations will generally be divided into the following segments each year: October—recruit volunteers; November and December—set training and testing schedules for volunteers, identify assistance sites, complete publicity plans for sites; December and January—train and test volunteers, set volunteer assistance schedules; January through May—provide tax assistance, conduct publicity for sites; May and June—prepare final reports and evaluate program; July and August—prepare for next year's program.

(c) *Assistance requirements.* All tax return preparation assistance provided under Tax Counseling for the Elderly programs must be provided free of charge to taxpayers and must be provided only to elderly individuals. An elderly individual is an individual age 60 or over at the close of the individual's taxable year with respect to which tax return preparation assistance is to be provided. Where a joint return is involved, assistance may be provided where only one spouse satisfies the 60 year age requirement.

(d) *Training and testing of volunteers.* Volunteers will normally be provided training and will normally be required to pass tests designed to measure their understanding of Federal tax subjects on which they will provide tax return assistance. Volunteers who do not receive a satisfactory score will not be eligible to participate in the program.

(e) *Confidentiality of tax information.* Program sponsors must obtain written assurance from all volunteers and all other individuals involved in the program, to respect the confidentiality of income and financial information known as a result of preparation of a return or of providing tax counseling assistance in the preparation of Federal income tax returns.

§ 601.804 Reimbursements.

(a) *General.* When provided for in cooperative agreements, the Internal Revenue Service will provide amounts to program sponsors for reimbursement to volunteers for transportation, meals, and other expenses incurred in training or providing tax return assistance and to program sponsors for reimbursement of overhead expenses. Cooperative agreements will establish the items for which reimbursements will be allowed and the method of reimbursement, e.g., stipend versus actual expenses for meals, as well as developing necessary procedures, forms, and accounting and financial control systems.

(b) *Direct, reasonable, and prudent expenses.* Reimbursements will be allowed only for direct reasonable, and prudent expenses incurred as a part of a volunteer's service or as a part of the program sponsor's overhead.

(c) *Limitation.* Total reimbursements provided to a program sponsor shall not exceed the total amount specified in the cooperative agreement. The Internal Revenue Service shall not be liable for additional amounts to program sponsors, volunteers, or anyone else.

(d) *Availability of appropriated funds.* Expense reimbursements and other assistance to be provided by the Internal Revenue Service under cooperative agreements are contingent upon the availability of appropriated funds for the Tax Counseling for the Elderly program.

§ 601.805 Miscellaneous administrative provisions.

(a) *Responsibilities and relationship of Internal Revenue and program sponsor.* Substantial involvement is anticipated between the Internal Revenue Service and the program sponsors in conducting this program. Specific responsibilities and obligations of the Internal Revenue Service and the program sponsors will be set forth in each cooperative agreement.

(b) *Administrative requirements set forth in OMB and Treasury Circulars.* (1) The basic administrative requirements applicable to individual cooperative agreements are contained in Office of Management and Budget Circular No. A–110, Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations (41 FR 32016). Requirements for advances to program sponsor(s) for financing operations under cooperative agreements are contained in Treasury Department Circular No. 1075, as revised, Regulations Governing Withdrawal of Cash from Treasury for Advances under Federal Grant and Other Programs. All applicable provisions of these two circulars and any existing and further supplements and revisions are incorporated into these regulations and into all cooperative agreements entered into between the Internal Revenue Service and program sponsors.

(2) Additional operating procedures and instructions may be developed by the Internal Revenue Service to direct recipient organizations in carrying out the provisions of this subpart, such as instructions for using letters of credit. Any such operating procedures or instructions will be incorporated into each cooperative agreement.

(c) *Joint funding.* Tax Counseling for the Elderly programs will not be eligible for joint funding. Accordingly, the Joint Funding Simplification Act of 1974, Pub. L. 93–510, December 5, 1974 (88 Stat. 1604, 42 U.S.C. 4251–4261) and Office of Management and Budget Circular No. A–111, Jointly Funded Assistance to State and Local Governments and Nonprofit Organizations (41 FR 32039), will not apply.

(d) *Discrimination.* No program sponsor shall discriminate against any person providing tax return assistance on the basis of age, sex, race, religion or national origin in conducting program operations. No program sponsor shall discriminate against any person in providing such assistance on the basis of sex, race, religion or national origin.

§ 601.806. Solicitation of applications.

(a) *Solicitation.* The Commissioner of Internal Revenue or the Commissioner's delegate may, at any time, solicit eligible agencies and organizations to submit applications. Generally, applications will be solicited and accepted in June and July of each year. Deadlines for submitting applications and the schedule for selecting program sponsors will be provided with application documents.

(1) Before preparing and submitting an unsolicited application, organizations are strongly encouraged to contact the Internal Revenue Service at the address provided in paragraph (b) (2) of this section.

(2) A solicitation of an application is not an assurance or commitment that the Internal Revenue Service will enter into a cooperative agreement. The Internal Revenue Service will not pay any expenses or other costs incurred by the applicant in considering, preparing or submitting an application.

(b) *Application.* (1) In the application documents, the Commissioner or the Commissioner's delegate will specify program requirements which the applicant must meet.

(2) Eligible organizations interested in participating in the Internal Revenue Service Tax Counseling for the Elderly program should request an application from the:

Program Manager, Tax Counseling for the Elderly, Taxpayer Service Division TX:T:I, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, (202) 566–4904.

These regulations involve matters relating to benefits. Accordingly, under section 553(a)(2) of Title 5 of the United States Code, the notice and public procedure prescribed by section 553(b) of the title need not be followed and the effective date limitation of section 553(d) of that title is not applicable.

(Sec. 163(b)(5) of the Revenue Act of 1978, Pub. L. 95–600, November 6, 1978 (92 Stat. 2811) and Pub. L. 89–554, September 6, 1966 (80 Stat. 379, 5 U.S.C. 301).)

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 38238 Filed 12–12–79; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1365–3]

Missouri: Approval of State-Issued Variances Submitted as Revisions to the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On September 18, 1979, there was published in the Federal Register (44 FR 54070) a notice of proposed rulemaking setting forth two variance orders issued by the Missouri Air Conservation Commission to Pilot Knob Pelleting Company (date correction notice published on October 4, 1979, at 44 FR 57118) and Associated Electric Cooperative Thomas Hill Station Unit 2. Interested persons were given thirty days in which to submit comments on the proposed rulemaking.

No written comments have been received and the proposed variance orders are approved without change and are set forth below.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Henry F. Rompage, Enforcement Division, EPA, Region VII, (816) 374–2576.

Signed at Washington, D.C. on November 29, 1979.

Douglas M. Costle,

Administrator.

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

In § 52.1335 the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

(a) * * *

Source	Location	Regulation involved [1]	Date adopted	Effective date	Final compliance date
Pilot Knob Pelleting Co	Pilot Knob, Mo	V (10 CSR 10–3.050)	Oct. 19, 1977	Immediately	Dec. 31, 1979.
Associated Electric Co., Thomas Hill Station, Unit No. 2.	Moberly, Mo	VI (10 CSR 10–3.060), VII (10 CSR10–3.080),	Apr. 19, 1978	Immediately	Dec. 31, 1982.

[1] Effective July 1, 1976, the State of Missouri revised the numbering system for all air pollution control regulations throughout the State. The State air regulations are now contained, title 10, division 10 of the code of State regulations, designated 10 CSR 10. Since the new regulatory numbering system has not been formally submitted by the State to EPA as a revision to the Missouri implementation plan, the old regulation number has been cited with a reference to the corresponding new number indicated in parentheses.

[FR Doc. 79–38141 Filed 12–12–79; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 52

[FRL 1375–2]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval of a revision to the Minnesota State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act (Act). This revision is the transportation control plan for the St. Cloud urbanized area consisting of Stearns, Sherburne, and Benton Counties. The purpose of this revision is to implement measures designed to attain and maintain the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), as expeditiously as practicable but not later than December 31, 1982.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Maxine Borcherding, SIP Coordinator, USEPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6052.

SUPPLEMENTARY INFORMATION: On March 3, 1979 (44 FR 8962), pursuant to the requirements of section 107 of the Clean Air Act as amended in 1977, USEPA designated the City of St. Cloud as a nonattainment area with respect to meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), and Sherburne County as a nonattainment area with respect to meeting the NAAQS for photochemical oxidants (ozone).

Part D of the Act added by the 1977 Amendments requires that each state revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but no later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987.

In response to these requirements, the State of Minnesota submitted on May 17, 1979, a revision to the Minnesota SIP containing the transportation plan for the St. Cloud Metropolitan Area. The transportation plan contains measures designed to attain and maintain the NAAQS for carbon monoxide. The plan demonstrates attainment of the carbon monoxide standard by December 31, 1982. Therefore, no extension of the

statutory deadline is requested. The St. Cloud transportation plan does not address the ozone problem in Sherburne County because this area has a population of less than 200,000 and is considered rural for the purpose of ozone standard attainment. Transportation controls are not required in rural nonattainment counties pursuant to United States Environmental Protection Agency guidance which indicates that controls on major stationary sources and the development of transportation plant in urban areas should result in reasonable further progress toward attainment in rural areas.

The United States Environmental Protection Agency (USEPA) reviewed the proposed revision for conformance with the requirements of the Clean Air Act for transportation portions of a State Implementation Plan. With the exception of a technical procedural error whereby the State provided only 27 days notice of the public hearing on this proposed revision rather than the 30 day notice required under 40 CFR 51.4, USEPA found that the proposed revision satisfied these requirements. Therefore, on July 2, 1979, a document was published in the **Federal Register** (44 FR 38581) describing the submittal and USEPA's analysis of the submittal and proposing to approve the transportation plan for the St. Cloud Metropolitan Area as a revision to the Minnesota SIP. Interested parties were given until August 31, 1979 to submit written comments on the proposed revision and on USEPA's proposed action. Only the United States Department of Transportation, Federal Highway Administration (FHWA) submitted comments on the proposed SIP revision. FHWA supported the proposed USEPA finding that despite the technical procedural deficiency reasonable public notice was given and agreed with USEPA's assessment that the proposed revision satisfied the requirements of the Clean Air Act for the transportation plans. One commenter submitted extensive national comments which it requested be considered as part of the record for each state plan. Although many of these comments are not relevant to the Minnesota plan, USEPA has placed its response to those comments in the regional office docket and in the Public Information Reference Unit in Washington, D.C.

Having determined that the St. Cloud Metropolitan Area Transportation Plan satisfies the requirements of the Clean Air Act for the transportation portions of the State Implementation Plans, the Administrator approves this revision to the Minnesota State Implementation Plan. The St. Cloud Metropolitan Area must attain and maintain the carbon monoxide NAAQS by December 31, 1982.

The 1978 edition of 40 CFR Part 52 lists in the subpart for each state the applicable deadlines for attaining ambient standards (attainment dates) required by section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadline required by section 172(a) of the Act, the new deadlines will be substituted on the attainment date charts. The earlier attainment dates under section 110(a)(2)(A) will be referenced in a footnote to the charts. Sources subject to plan requirements and deadline established under section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new section 172 plan requirements.

Congress established new deadlines under section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. If these new deadlines were permitted to supersede the deadlines established prior to the 1977 Amendments, sources that failed to comply with pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply only to new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

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

To implement fully Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, EPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations, the pre-existing requirements and deadlines may be revised if a state makes a case-by-case demonstration that a relaxation or revocation is necessary. Any such exemption granted by a state will be reviewed and acted upon by USEPA as a SIP revision. In addition, as discussed in the April 4, 1979 **Federal Register** (44 FR 20373), an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

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

(Secs. 110(a), 172, Clean Air Act, as amended (42 U.S.C. 7410(a), 7502))

Dated: December 10, 1979.

Douglas Costle,

Administrator.

Incorporation by reference provisions approved by the Director of the Federal **Register** (May 18, 1972). A copy of the incorporated material is on file in the **Federal Register** Library.

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

1. Section 52.1220(c) is amended by adding new paragraph (14) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(14) A transportation control plan for the St. Cloud Metropolitan Area was

submitted on May 17, 1979 by the Minnesota Pollution Control Agency.

2. Section 52.1223 is revised to read as follows:

§ 52.1223 Approved status.

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

3. Section 52.1226 is revised to read as follows:

§ 52.1226 Attainment dates for national standards.

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

Air quality control region and nonattainment area	TSP		Pollutant SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Central Minnesota Interstate:							
a. St. Cloud Metropolitan Nonattainment Area	c	*a*	d	d	d	f	d
b. Remainder of AQCR	c	*a*	d	d	d	d	d
Southeast Minnesota-La Crosse (Wisconsin) Interstate:							
a. Red Wing Region	c	h	a	a	d	d	d
Duluth (Minnesota)-Superior (Wisconsin) Interstate:							
a. Cloquet Nonattainment Area	a	h	c	a	d	d	d
b. Masabi Iron Range Nonattainment area	*a*	h	c	a	d	d	d
c. Silver Bay Nonattainment Area	*a*	h	c	a	d	d	d
d. Remainder of AQCR	*a*	*a*	c	a	d	d	d
Metropolitan Fargo-Moorhead Interstate	c	a	d	d	d	d	d
Minneapolis-St. Paul Intrastate	a	a	a	a	d	May 31, 1975.e	d
Northwest Minnesota Intrastate:							
a. East Grand Forks Nonattainment Area	c	h	d	d	d	d	d
b. Remainder of AQCR	c	a	d	d	d	d	d
Southwest Minnesota Intrastate	d	d	d	d	d	d	d

a. July 1975.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below primary standards.
d. Air quality levels presently below secondary standards.
e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.
f. December 31, 1982.
g. December 31, 1987.
h. 18-month Extension granted.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1226 (1978).

[FR Doc. 79-38234 Filed 12-12-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1361-5]

Approval and Promulgation of Implementation Plans; Final Revision to Idaho State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On July 10, 1979 EPA published in the **Federal Register** an Advanced Notice of Proposed Rulemaking (44 FR 40360–61) describing the settlement reached between the Bunker Hill Company and EPA on June 11, 1979 and announcing its availability for inspection. Thereafter, on September 7, 1979, EPA proposed to promulgate the Settlement Agreement reached between the Bunker Hill Company and EPA as a revision to the Idaho State Implementation Plan (SIP) (44 FR 52271 *et seq.).* EPA is today taking final action to promulgate, without change, the proposed rule as a revision to the Idaho SIP.

DATE: This rule will become effective January 14, 1980.

ADDRESSES: The Settlement Agreement, Interim Regulation and materials relevant to this final action are available for inspection at the following EPA offices:

Air Programs Branch, M/S 629, Docket No. 10A–79–4, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Central Docket Section, Room WSM–2903B, Environmental Protection Agency, 401 M. Street, SW., Washington, DC 20460.

COMMENTS SHOULD BE ADDRESSED TO: Laurie M. Kral, Environmental Protection Agency, Air Programs Branch, M/S 625, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442–1226, (FTS) 399–1226.

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Chief, Technical Support and Special Projects Section, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442–1125, (FTS) 399–1125.

SUPPLEMENTARY INFORMATION:

Background

On January 1972, the State of Idaho submitted a State Implementation Plan (SIP) to EPA in accordance with Section 110 of the Clean Air Act. On May 31, 1972, EPA approved the SIP except for the sulfur dioxide (SO_2) control strategy and compliance schedule sections (37 FR 10842). On October 7, 1974, EPA proposed regulations for the control of SO_2 from the Bunker Hill complex requiring 96 percent permanent control of SO_2 (39 FR 36018). Thereafter, on January 10, 1975, the State of Idaho submitted to EPA, as a proposed revision to the SIP, a regulation (Regulation S) for the control of SO_2 at the Bunker Hill complex. On April 10, 1975, EPA proposed to disapprove the Idaho submission on the grounds that it did not meet the requirements of Section 110 of the Clean Air Act and 40 CFR Section 51.13. On November 19, 1975, EPA approved portions of the State of Idaho's Regulation S including the ultimate emission limitation, disapproved other portions of Regulations S including the interim emission limitation, and promulgated federal regulations to replace the disapproved portions (40 FR 53584). Thereafter, the Bunker Hill Company challenged EPA's final rulemaking action in this matter.

The United States Court of Appeals for the Ninth Circuit issued its opinion on July 5, 1977 and remanded the matter back to EPA for further administrative proceedings.[1] The Court stated that a more extensive administrative record was needed to show that the requirements promulgated by EPA dealing with the interim emission limitation were technologically feasible.

In response to a request by Bunker Hill, EPA promulgated regulations on

[1] *Bunker Hill Company v. EPA*, 572 F.2d 1286 (9th Cir. 1977), hearing denied, No. 75–3670 (December 28, 1977).

November 8, 1977 defining requirements pertaining to excess emission caused by startup, shutdown or malfunction of equipment (42 FR 58171). On November 23, 1977, Bunker Hill challenged EPA's rulemaking on excess emissions and EPA consented to consolidate the November 8, 1977 regulations with the remand of the November 19, 1975 regulations.

During the period of time from December 28, 1977 through June 11, 1979, EPA and the Bunker Hill Company engaged in extensive document discovery, document production, and the development of written testimony for the remand proceedings. Concurrently, EPA and the Bunker Hill Company entered into a preliminary understanding which set forth, in principle, the areas of agreement between EPA and the Bunker Hill Company. On June 11, 1979, representatives of the Bunker Hill Company and EPA executed a Settlement Agreement and Interim Regulation which is the basis for this rulemaking.

The regulations promulgated by EPA in November 1975 called for an interim overall plant SO_2 emission limit of 680 tons per week (approximately 82 percent control), acid plant tailgas limits of 2600 parts per million (ppm) (6–hour average) and a prohibition of bypassing strong gas streams around the acid plant and to the atmosphere. In the technical support document for that rulemaking EPA suggested that supplemental SO_2 injection techniques using a sulfur combustion furnace could be utilized to remedy certain acid plant design deficiencies to enable Bunker Hill to meet the SO_2 control requirements. The sulfur combustion furnace was not a regulatory requirement but rather was suggested as one possible remedy to the SO_2 control problems at Bunker Hill.

As a result of the remand proceedings, EPA initiated a complete re-evaluation of the remanded SO_2 control regulation. The purpose of the review was to demonstrate that either the existing regulation or a more stringent regulation was technically feasible and also to present numerous alternative methods for meeting SO_2 control requirements.

The review included two major segments—an analysis of the Bunker Hill operation and an evaluation of other non-ferrous smelters and acid plants where a high degree of SO_2 capture had been achieved. In addition, the cost and feasibility of SO_2 control alternatives were examined. The technical material supporting this proposed rulemaking is summarized in a report entitled "Summary of Technical Material Supporting EPA Rules Governing Sulfur Dioxide Capture at Bunker Hill", August 1979.

In brief, if EPA were to carry out the remand, it would be the Agency's contention that the technical information gathered during the remand proceedings affirms the technological feasibility of the original November 19, 1975 and November 8, 1977 EPA rulemaking and perhaps a more restrictive degree of control. However, as a result of the 1977 Clean Air Act Amendments, these questions are to be decided under Section 119 of the Act. It is the Administrator's judgment on the basis of information submitted by Bunker Hill during the remand proceedings that Bunker Hill will probably be eligible for a primary Nonferrous Smelter Order (NSO) under Section 119 when final national NSO rules are promulgated.

Implementation of The Settlement Agreement

In accordance with the Settlement Agreement, EPA is today taking final Agency Action to promulgate the regulatory portion of the Settlement Agreement (Section II) as a revision to the Idaho State Implementation Plan (42 CFR Part 52, Subpart N). Information gathered and testimony prepared by EPA as well as other related materials which have been previously prepared for the remand proceedings and settlement negotiations are contained in the docket and form the basis for the provisions of the Interim Regulation.

The Settlement Agreement provides, in brief, that EPA will ultimately issue a first NSO under Section 119 of the Act to Bunker Hill. The Agreement specifies the contents of the NSO, and provides procedures for its issuance. Because EPA has not yet promulgated final national rules governing the NSO program, the Agreement calls for the terms of the NSO to be implemented in the interim through a revision of the Idaho SIP, through appropriate rulemaking procedures.

It should be noted that EPA would ordinarily be legally prohibited by Sections 110, 123, and 302 of the Act from allowing the use of unauthorized dispersion techniques in a SIP. However, the Administrator believes that this situation presents unique circumstances under which the provisions of the savings clause (Section 406) of the Clean Air Act Amendments of 1977 (Pub. L. 95–95) permit the interim amendment of the existing Idaho SIP. The Administrator also believes that after promulgation of the final national NSO rules, provisions allowing the use of dispersion techniques must be removed from the SIP and those provisions then be converted into an NSO if Bunker Hill is eligible.

The Agreement also provides that Bunker Hill will not challenge the first NSO if it contains the same terms as specified by the Agreement. EPA has agreed to treat the detailed technical and economic information submitted by Bunker Hill during the remand proceeding as Bunker Hill's NSO application. That material contains substantially the same information EPA has proposed to require of all NSO applicants. The provisions of the Interim Regulation and the first NSO issued to them will govern the obligation of Bunker Hill with respect to interim (SO_2) controls until the January 1, 1983 expiration date of the first NSO.

The Regulation

Emission Limits. The proposed regulation establishes SO_2 emission limits which Bunker Hill must meet by June 11, 1980. These limits include an overall plant SO_2 emission limit from the two tall stacks of 625 tons per running 7-days. One exceedence of the 7-day limit is allowed per calendar quarter. The overall limit includes acid plant bypass emissions and excess emissions caused by start-up, shutdown, maintenance and malfunction. Acid plant tailgas SO_2 emissions are limited to 2600 ppm averaged over a running 6-hour period. All emissions are to be measured by approved continuous monitoring equipment which meet specified criteria.

Excess Emissions. Bypass of process exhaust strong gas streams around an acid plant is excused but only under five narrowly defined situations. The regulation specifies the amount of time bypass can occur following process or acid plant breakdown. It also specifies the amount of time (in terms of operating parameters) that process exhaust gas can bypass the acid plant during acid plant restart. After June 11, 1980 and except as described below, Bunker Hill is prohibited from continuing to operate its processes while the applicable acid plant is shutdown for the annual maintenance period.

Annual Acid Plant Maintenance Offset. Continued process operation while an acid plant is shutdown for annual maintenance is allowed to occur for up to 14 days per year provided an offset of emissions is achieved. An interim method is provided to establish the offset until the new SO_2 control system is on line. Effective June 11, 1982 for every ton of SO_2 that is bypassed during the annual maintenance period Bunker Hill must, during the course of the year, capture an additional ton of SO_2. Such additional SO_2 must be removed from either the sinter machine

weak stream or the blast furnace SO_2 stream—neither of which are currently controlled.

Fugitive SO_2 Emission Program. The Bunker Hill Company is required to install a system to eliminate over 90 percent of the blast furnace upset conditions. This system should result in the capture of approximately 21 tons per week of fugitive SO_2 emissions. Those emissions will be released to the atmosphere via the main stack. If the blast furnace fugitive emission program captured less than 21 tons per week, the overall plant SO_2 emission limit will then be reduced by that portion of the 21 ton per week which is not captured.

Research and Development Program. The regulation requires the Company to immediately commence a continuous research and development program. Bunker Hill is, however, provided with the option of either employing a full scale or a reduced scale program. Successful implementation of the full scale program would satisfy the acid plant maintenance offset provision. If the Company choses to implement the reduced scale program, the smelting processes must be shutdown while the applicable acid plant is shutdown during the annual acid plant maintenance period.

The reduced scale program requires that by February 11, 1982 an FGD system must be placed into service to treat a portion of either the sinter machine weak SO_2 stream or the blast furnace exhaust gas. Under the terms of the regulation, the reduced scale program must have a minimum volume operating capacity of 5000 scfm, 95 percent SO_2 capture efficiency, 95 percent on-line availability, continuous measurement instrumentation and must be automatically controlled.

Supplementary Control System. The Company is allowed to employ SCS to meet NAAQS using an SCS implementation plan and operating manual approved by EPA. SCS program deficiencies defined by an EPA study entitled "Review of the SCS Used by the Bunker Hill Company-Kellogg, Idaho" (EPA 330/2–79–001) must be corrected.

A study must also be performed by Bunker Hill to demonstrate that ambient SO_2 monitors are located in all areas of maximum expected ambient SO_2 concentrations. Alternative techniques are allowed where air quality in a monitored location is used in conjunction with modelling techniques to predict SO_2 concentrations elsewhere. The modelling techniques, however, must be calibrated using temporary SO_2 monitors. A compliance schedule specifies when the study is to be complete, when a revised SCS plan and operational manual are to be submitted and when the new SO_2 monitors are to be placed into service. Until such time that the Administrator approves the new SCS program, the existing SCS and SO_2 monitors will be used on an interim basis to assure attainment of NAAQS.

Comments

The Agency on September 7, 1979 as an element of the proposed rulemaking for this final action, solicited comments on all aspects of the proposed regulation. No comments were received by EPA during the comment period.

Judicial Review

Today's action constitutes final Agency action for the purpose of judicial review under Section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)).

(Secs. 110, 119, 301, Clean Air Act as amended (42 U.S.C. 7410, 7419, and 7601); and sec. 406 of Pub. L. No. 95–95 (August 7, 1977)).

Dated: December 10, 1979.

Douglas M. Costle,

Administrator.

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

Subpart N—Idaho

Section 52.676, paragraphs (a)(2) and (b) are revised as set forth below and paragraph (b) is also amended by adding an Appendix A as set forth below:

§ 52.676 Control strategy: Sulfur oxides—Eastern Washington-Northern Idaho Interstate Region.

(a) * * *

(2) Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho" is approved with the exception of Section IV. Section IV of Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho" is disapproved and is replaced by paragraph (b) of this section as shown below.

(b) *Interim Regulation for control of sulfur dioxide (SO_2) emissions from the Bunker Hill Company lead and zinc smelter located in Shoshone County in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region.*—(1) *SO_2 Emission Limitations.* Effective on June 11, 1980, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of paragraph (b)(1) in regard to the capture of SO_2. The requirements governing SO_2 gas stream bypass during the annual acid plant maintenance period as provided by paragraphs (b)(5) and (b)(6) shall become effective on June 11, 1979.

(i) The owner(s) or operator(s) of the smelter subject to paragraph (b)(1) of this section shall not cause or allow the discharge of gases in excess of:

(A) 2600 parts per million (by volume) SO_2 averaged over any hourly running 6-hour averaging period, from any sulfuric acid plant as determined by continuous monitoring equipment specified in paragraph (b)(1)(iv) of this section and in accordance with the compliance procedures specified in paragraph (b)(4)(iii) of this section. In determining violations of the 6-hour averaging period, no two violations shall contain any common hourly data points; and

(B) 567,000 kg (625 tons) SO_2 over a daily (midnight to midnight) running 7-day period as determined by continuous monitoring equipment [2] specified in paragraph (b)(1)(iv) of this section and in accordance with the compliance procedures specified in paragraph (b)(4)(iii) of this section. Such limitation is plant wide and shall apply to the sum total of SO_2 emissions from the lead smelter main stack and the zinc plant main stack and shall include all excess emissions as defined in paragraph (b)(2)(i) of this section. Except as provided in paragraph (b)(6)(ii) of this section the emission limitation shall not be exceeded more than once per three (3) month calendar quarter; e.g., January, February and March. Such single excused emission shall be the first exceedence of the 7-day limit in the three (3) month quarterly period. In determining violations of the 7-day limit, no two (2) violations shall contain any common daily (midnight-to-midnight) data points. As provided in Appendix A to this regualtion and upon notification by the Enforcement Division Director of the EPA-Region X the plant wide emission limit shall be decreased to not less than 548,000 kg (604 tons) SO_2.

(ii) *Bypass Prohibition.* Except as provided in paragraph (b)(2)(ii) of this section all SO_2 gas streams discharged from any zinc plant roaster and from the strong gas exit point on the input end of the lead smelter sinter machine shall at all times be processed in an SO_2 removal facility. The owner(s) or operator(s) shall not cause or allow these SO_2 gas streams to be discharged to the atmosphere.

(iii) *Circumvention.* Other than for temporary process control or to temporarily prevent significant equipment damage, dilution air or other extraneous gases shall not be allowed to enter or combine with any process gas normally treated by an SO_2 removal

[2] The owner(s) or operator(s) shall have the right in any enforcement proceeding to raise the issue of the accuracy of continuous monitoring instruments.

facility or with any acid plant tailgas prior to SO_2 concentration or flow measurement where the purpose of such combination would be to:

(A) In other than the lead smelter or zinc plant main stacks decrease the concentration of SO_2 in such streams;

(B) Otherwise adversely effect the operation of any SO_2 removal system, SO_2 concentration measurement device or gas flow measurement device; and

(C) Decrease the concentration of SO_2 in gases exhausted from the sinter machine and zinc roasters which will have the effect of circumventing the requirements of paragraph (b)(2)(ii) of this section. The owner(s) or operator(s) must promptly inform the Administrator of any substantial changes in process gas flow which may affect the performance of any SO_2 removal facility or measurement device, regardless of the purpose for any such change.

(iv) *Continuous Monitoring.* The owner(s) or operator(s) shall install and calibrate, and shall thereafter maintain, operate and periodically test measurement systems for continuously monitoring and recording SO_2 emission concentrations, gas volumetric flow rates and gas flow indication in accordance with paragraph (b)(4)(ii) of this section for the monitoring equipment listed and at the following locations:

(A) Continuously operated SO_2 emission concentration and gas volumetric flow rate monitors and recorders located immediately downstream of each acid plant such that the measurement system measures only the tailgas from one acid plant;

(B) Continuously operated SO_2 concentration and gas volumetric flow rate monitors and recorders located in the zinc plant main stack;

(C) Continuously operated SO_2 concentration and gas volumetric flow rate monitors and recorders located in the lead smelter main stack and the lead smelter acid plant (upstream of the acid plant converter);

(D) Continuously operated gas flow indicating devices which will indicate and record the presence of gas flow in any duct or outlet from the sinter machine where SO_2 gas streams normally treated in an SO_2 removal facility may be bypassed around such facility and be routed to the atmosphere;

(E) Continuously operated gas flow indicating devices which will indicate and record the presence of gas flow in each of the individual five ducts receiving the bypass exhaust gas from zinc roasters #1 through #5. Each device must be located to monitor the bypass from only one roaster;

(F) Continuously operated gas flow indicating devices which will indicate and record the presence of gas flow in any duct or outlet where a single zinc roaster or combination of zinc roasters exhaust gas streams may be bypassed around an acid plant and routed to the atmosphere; and

(G) Based on a finding that the monitoring equipment specified herein is reasonably deemed to be inadequate to provide for effective regulatory compliance the Administrator may require the owner(s) or operator(s) to install and continuously operate gas volumetric flow rate monitor(s) and recorder(s) in any duct or outlet where exhaust gas may be bypassed around the acid plant(s) and routed to the atmosphere. In the event that such a finding is made by the Administrator, the owner(s) or operator(s) agree to install and operate such continuous monitors on or before sixty (60) days after the owner(s) or operator(s) receive such written notification by the Enforcement Division Director of Region X–EPA.

(v) *Continuous Process Monitoring.* The owner(s) or operator(s) shall install and calibrate, and shall thereafter maintain, operate and periodically test measurement systems for continuously monitoring and recording process parameters for the monitoring equipment listed and at the following locations:

(A) Continuous temperature monitors located to measure and record the inlet gas temperature at the first and third catalyst beds of each sulfuric acid plant;

(B) Continuously operated monitors which will detect and record the commencement and cessation of concentrate feed entering each zinc roaster. The recorded data from such monitors shall be printed on the same chart as used to record bypass gas flow in paragraph (b)(1)(iv) (E) and (F) of this section from each individual zinc roaster; and

(C) Continuously operated monitor which will detect and record the commencement and cessation of concentrate feed entering the sinter machine. The recorded data from such monitor shall be printed on the same chart as used to record bypass gas flow in paragraph (b)(1)(iv)(D) of this section from the sinter machine; and

(vi) *Fugitive SO_2 Emissions.* The owner(s) or operator(s) shall utilize best engineering techniques to capture and vent such fugitive SO_2 gases through stacks serving the facility. Such techniques shall include but not be limited to:

(A) Maintaining and operating all ducts, flues and stacks in a leak-free condition;

(B) Maintaining and operating all process equipment and gas collection systems in such a fashion that out-leakage of SO_2 gases will be prevented to the maximum extent possible;

(C) Instituting a program to reduce the fugitive emissions from the zinc roasters by reducing the frequency of positive pressure surges in the zinc roasters. This will be accompanied by component replacement, new fans, better operating practices, or other improvements to the integrity of the gas collection system as necessary to attain the Occupational Safety and Health Administration (OSHA) lead standard. This project will be completed on the dates required by the OSHA regulation to meet the lead workplace concentration standard. The estimated reduction in SO_2 fugitive emissions is approximately 8 tons per week and after treatment in an acid plant is expected to increase the total SO_2 emissions in the zinc smelter main stack by no more than 1 ton per week;

(D) Instituting a program to improve the draft maintained in the sinter machine hooding. This program will include increased maintenance on the strong and weak gas ducts, complete replacement of any mild steel hood material with stainless steel, excluding the last two hood sections which are not subject to high corrosion, and improvements in other system components to achieve 90 percent collection of the existing fugitive emissions estimated to be 4 tons of SO_2 per week. Part of these emissions will be treated in an acid plant so the increase in emissions through the lead smelter tall stack is estimated to be 3 tons of SO_2 per week. Such a program is expected to increase the total SO_2 emissions from the lead smelter main stack by no more than 3 tons per week; and

(E) Installing and operating a manual and if necessary automatically controlled tuyere air flow control system on both blast furnaces on or before June 11, 1980. The system is to be designed to eliminate over 90 percent of the current furnace upset conditions that result in fugitive SO_2 emissions. Such a program is expected to increase the total SO_2 emissions from the lead smelter main stack by no more than 21 tons per week. The program will be designed to reduce the frequency of blast furnace upset conditions to an aggregate total of less than 3.4 hours per week.

(F) Compliance with the fugitive SO_2 emission control program will be judged by Appendix A to this regulation.

(2) *Excess Emissions.* Effective on June 11, 1980, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of paragraph (b)(2) of this section in regard to acid plant bypass, excess emissions and equipment malfunction. The requirements governing excess emissions during the annual acid plant maintenance period as set forth in paragraphs (b)(5) and (b)(6) of this section shall become effective on June 11, 1979.

(i) *Definition of Excess Emissions.* Any SO_2 emissions exceeding the limitations specified in paragraph (b)(1)(i) of this section above shall constitute an excess emission. SO_2 gas streams discharged to the atmosphere from any zinc plant roaster and from the strong gas exit point on the input end of the lead smelter sinter machine without being processed in an SO_2 removal facility shall also constitute an excess emission.

(ii) *Presumptively Excused Excess Emissions.* Where the owner(s) or operator(s) fully comply with the reporting requirements of paragraph (b)(2)(iv) of this section and further demonstrate that the conditions specified in paragraphs (b)(2)(ii) (A) through (E) of this section have been met, the bypass of SO_2 gas streams around an SO_2 removal facility shall be excused. Any excess emissions, whether or not claimed by the owner(s) or operator(s) to be excused excess emissions, may be deemed by the Administrator to violate this regulation where the owner(s) or operator(s) fail to comply with any requirement of paragraph (b)(2)(ii) of this section or upon a finding by the Administrator that the excess emissions claimed to be excusable by the owner(s) or operator(s) were caused by one or more of the conditions set forth in paragraph (b)(2)(v) (A) through (C) of this section. Excess emissions resulting from the following conditions are presumptively excused:

(A) *Process Shutdown Following Acid Plant Breakdown.* In the event of a breakdown or malfunction of an acid plant, the owner(s) or operator(s) may bypass the gas stream normally controlled by such acid plant, only for the time period necessary to shut down the process equipment (zinc roaster(s) or sintering machine) whose SO_2 streams would normally be controlled by such acid plant. Shutdown of the process equipment shall be initiated immediately and the time period to accomplish the shutdown and during which bypass is excused shall not exceed the following:

(*1*) 15 minutes for the sinter machine except where complete emptying of the sinter belt is required the time period shall not exceed 60 minutes; and

(*2*) 30 minutes for shutdown of any single zinc roaster or combination of zinc roasters;

(B) *Process Shutdown Following Zinc Roaster Breakdown.* In the event of a breakdown or malfunction of a zinc roaster, the owner(s) or operator(s) may bypass the gas exhausted from that individual roaster around an acid plant and to the atmosphere commencing 5 minutes after concentrate feed ceases to enter such roaster;

(C) *Process Startup Following Zinc Roaster Shutdown.* During the period when a zinc roaster is restarted following its shutdown the owner(s) or operator(s) may bypass the gas exhausted from that individual roaster around the acid plant and to the atmosphere *only* as follows:

(*1*) If either of the zinc plant acid plants is being restarted the owner(s) or operator(s) may bypass, around an acid plant and to the atmosphere, the roaster exhaust gas *only* for the time period necessary for a well designed, operated and maintained acid plant [3] to establish autothermal [4] operation; and

(*2*) If no acid plant is being restarted and if one or more zinc roasters is operating the owner(s) or operator(s) may bypass, around an acid plant and to the atmosphere, the exhaust gas from the individual roaster which is starting-up but *only* for the time period which ends 15 minutes after concentrate feed commences to enter such roaster;

(D) *Process Start-up Following Sinter Machine Shutdown.* In the event that the sinter machine has been shutdown, and upon its restart, the owner(s) or operator(s) may bypass the exhaust gas, around the acid plant and to the atmosphere, *only* as follows:

(*1*) If the sintering machine has been shutdown for greater than 3 hours bypass may occur but may not exceed the time period necessary for a well designed, operated and maintained acid plan to re-establish autothermal operation; and

(*2*) If the sintering machine has been shutdown due to an acid plant component failure and the repair of the acid plant component takes longer than 3 hours bypass during restart of the sinter machine may occur. Such bypass may not exceed the time period necessary for a well designed, operated and maintained acid plant to re-establish autothermal operation;

(E) *Continued Process Operation During Annual Acid Plant Maintenance.* The owner(s) or operator(s) may bypass the process emissions around the acid plant and to the atmosphere during the annual acid plant maintenance period *only* to the extent allowed by paragraphs (b)(5) and (b)(6) of this section;

(iii) *Other Excess Emissions.* The owner(s) or operator(s) may in the required excess emission report of paragraph (b)(2)(iv) of this section claim that excess emissions should be deemed by the Administrator to be excusable. Any excess emission claimed to be excusable under this paragraph (b)(2)(iii) of this section shall be a violation of this regulation unless and until the owner(s) or operator(s) demonstrate to the satisfaction of the Administrator that such excess emission should be excused. For the purpose of illustration, cited below are categories of other excess emissions which may be excused:

(A) Bypass of gas around SO_2 removal facilities where necessary to prevent loss of life, personal injury or severe property damage. (Severe property damage does not include economic losses caused by production losses such as those caused by shut down of the blast furnace or electrolytic zinc processes due to lack of feed material.); and

(B) Sudden and unavoidable excess acid plant tailgas SO_2 emissions which are beyond the control of the owner(S) or operator(s). However, excess emissions shall not be deemed beyond the control of the owner(s) or operator(s) if caused by one or more of the following:

(*1*) Improperly designed acid plant components;

(*2*) Improperly operated process(es) or acid plant equipment;

(*3*) Inadequate maintenance of acid plant and/or gas cleaning systems; and

(*4*) In general, any fluctuations in volume or SO_2 concentrations of the acid plant feed gas.

(iv) *Excess Emission Report.* For any excess emissions, including those covered in paragraphs (b)(2)(ii) and (b)(2)(iii) of this section the owner(s) or operator(s) shall submit an initial report to the Enforcement Division Director of

[3] As used in this regulation, in a well designed, operated and maintained acid plant the first catalyst bed must be at or be heated to a minimum temperature of 750°F before the zinc roaster (or sinter machine) the acid plant serves re-starts.

[4] As used in this regualtion the term "autothermal operation" is defined as the point in time when the temperature of gases entering the first catalyst bed in the acid plant converter is at 825°F or when the temperature of gases entering the third catalyst bed is at 750°F whichever comes first. The owner(s) or operator(s) shall insure that at any time an acid plant is started up sufficient gas will be routed to the acid plant as soon as possible to achieve autothermal operation. Further, the fan supplying gas to the lead smelter acid plant (Fan No. 6) shall upon start-up of the sinter machine immediately be brought up to full R.P.M. and operating Logs maintained to document full RPM flow rate.

the EPA—Region X. The report shall be submitted monthly within fifteen (15) days from the last day of the prior month. The owner(s) or operator(s) shall also record and maintain other supplemental information as set forth in paragraph (b)(2)(iv)(B) of this section.

(A) The initial report shall contain the following information:

(*1*) Identify of the gas stream, stack or other point where the excess emissions occurred;

(*2*) General magnitude of the excess emissions;

(*3*) Time and duration of the excess emissions;

(*4*) Nature and cause of such excess emissions; and

(*5*) Identity of the equipment causing the excess emissions;

(B) The supplemental information shall include the following and if requested be provided to the Enforcement Division Director of EPA—Region X within thirty (30) days of request:

(*1*) Specific steps taken by the operator(s) to limit the excess emissions and when those steps were commenced;

(*2*) If the excess emissions were the result of equipment malfunction, the steps taken to remedy the malfunction and to prevent the recurrence of such malfunction;

(*3*) Specific magnitude of the excess emissions including monitoring data and calculations which describe or may be used in determining the magnitude of the excess emissions;

(*4*) Maintenance schedules applicable to the equipment causing the excess emissions;

(*5*) Copies of properly signed contemporaneous operating log sheets; and

(*6*) Other related documentation as may be reasonably required by the Director to assist him in the evaluation of the excess emissions including any information necessary to make the determinations set forth in paragraph (b)(2)(v) of this section.

(C) Failure of the owner(s) or operator(s) to provide the EPA with a full and complete excess emissions report within a timely fashion, shall constitute a violation of this regulation.

(v) *Evaluation of Excess Emission Report.* In evaluating the excess emissions, the Enforcement Division Director shall take into consideration, the following:

(A) Whether the air pollution control systems and process equipment were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with best practice for minimizing emissions;

(B) Whether the amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions, and process equipment was shut down within the shortest reasonable time after the SO_2 removal facility shut down occurs; and

(C) Whether the excess emissions were part of a recurring pattern indicative of serious deficiencies in, the design, operation or maintenance of, the process(es), the gas cleaning equipment or the SO_2 removal facility, including whether prescribed maintenance schedules were followed.

(vi) Nothing in this subsection shall be construed to limit the authority of the Administrator to take any action under Section 303 of the Clean Air Act.

(3) *Supplementary Control System.* Effective on June 11, 1979, the owner(s) or operator(s) of the subject smelter, in addition to meeting the SO_2 capture requirements of paragraph (b)(1) of this section shall employ a supplementary control system (SCS) to the extent necessary to meet National Ambient Air Quality Standards (NAAQS) for SO_2 and such other additional control measures as may be necessary, to assure the attainment and maintenance of NAAQS for SO_2. The requirements applicable to the SCS program and meeting ambient air quality standards are as follows:

(i) *SCS Analysis.* On January 18, 1979, the Administrator provided the owner(s) or operator(s) with a copy of an EPA technical anlysis of the existing SCS program detailing deficiencies in such program;

(ii) *Final SCS Program.* Except during the interim period as provided in paragraph (b)(3)(vii) of this section, the final SCS program shall be conducted in accordance with the provisions of an SCS implementation plan and an SCS operational manual, both of which must be approved by the Administrator. The SCS implementation plan shall describe the administrative requirements, personnel staffing, components and equipment of the SCS system. The SCS manual shall describe the circumstances under which, the extent to which, and the procedures through which emissions shall be curtailed to prevent violations of the NAAQS for SO_2. Process SO_2 emission shall be curtailed in accordance with the SCS operating manual whenever the potential for violating any NAAQS for SO_2 is indicated at any point in a designated liability area (as defined in paragraph (b)(3)(v) of this section) by air quality measurements and air quality predictions;

(iii) *The SCS Implementation Plan.* An approvable SCS implementation plan shall contain (but not be limited to) the following:

(A) A detailed description of the emission monitoring system and the continuous SO_2 monitoring network that will be used in the SCS to detect maximum ground-level SO_2 concentrations in the designated liability area (DLA). Such description must specify the number, type and exact location of each SO_4 monitor and in-stack monitor to be used. An approvable monitoring system/network must include the following:

(*1*) Except as provided in paragraph (b)(3)(viii)(C) of this section, the continuous SO_2 monitoring equipment shall be located at all ambient air [5] points of expected maximum ground-level SO_2 concentrations in the DLA provided that if deemed necessary to guarantee attainment and maintenance of standards, monitors may be located in other locations with the approval of the Administrator. The determination of the locations where maximum concentrations may occur shall take into account all reasonably probable meteorological and process operating conditions, as well as the presence of other sources of SO_2 significantly affecting SO_2 concentrations in the DLA;

(*2*) The number and location of sites shall be based on dispersion modeling, measured ambient air quality data, meteorological data and other meteorological information;

(*3*) The system shall include the use of fixed SO_2 ambient monitors and one mobile monitor to be sited as, from time to time, the EPA—Region X may reasonably direct unless the Administrator determines, on the basis of a demonstration by the owner(s) or operator(s), that the use of fewer monitors would not limit coverage of points of maximum concentration or otherwise reduce the capability of the owner(s) or operator(s) to prevent any violations of the NAAQS in the DLA; and

(*4*) All monitors shall be continuously operated and maintained and shall meet the performance specifications contained in 40 CFR Part 53. The monitors shall be capable of routine real time measurement of maximum expected SO_2 concentrations for the averaging times of SO_2 NAAQS.

(B) A detailed description of the meteorological sensing network. Such description must specify the number,

[5] As used in this regulation the term "ambient air" shall be defined in the same manner as that term is defined in the Clean Air Act and regulations promulgated thereunder.

type and exact location of each meteorological instrument to be used. An approvable network must have an assessment capability adequate to identify conditions requiring emission curtailment to prevent possible violations of the NAAQS. The meteorological assessment capability shall provide all forecast and current information necessary for successful use of the system's operational manual;

(C) A program whereby the owner(s) or operator(s) systematically evaluates and improves the ability of the SCS to protect against violations of the NAAQS. Such program must be based upon the information contained in the EPA Guideline Document—OAQPS 1.2–036; and

(D) A clear delineation of authority delegated to an appropriate named company official to require all other smelter personnel to comply with the SCS operator's curtailment decisions. The identity of responsible and knowledgeable on-site company personnel who are the qualified SCS operators and are authorized to initiate and supervise the actions that will be taken to curtail emissions shall be listed; such personnel must, upon request, be able and be authorized by the Company to inform the Administrator as to the status of the SCS, meteorological and air quality conditions at any time and whether and to what extent the recommendations or determinations of the SCS operator(s) were followed or overridden by any Company official in making any curtailment or operating decision;

(iv) *The SCS Operating Manual.* An approvable operational manual shall require operation of the SCS to include (but not be limited to) the following:

(A) Prescribed emission curtailment decisions based on the use of real time information from the air quality monitoring network, dispersion model estimates of the effect of SO_2 emissions on air quality, and meteorological observations and predictions;[6]

(B) The maintenance and calibration procedures and schedules for all SCS equipment;

(C) The procedures to be followed for the regular acquisition of all meteorological information necessary to operate the system;

(D) The ambient concentrations and meteorological conditions that shall be used as criteria for initiating various degrees of non-discretionary emission curtailment;

(E) The meteorological variables including the thresholds, ranges and combinations of values as to which judgments may be made to anticipate the onset of, and apply, the criteria stated in paragraph (b)(3)(iv)(D) of this section. Specifically, the maximum emission rates which may prevail under each of these meteorological and air quality situations must be specified. Such emission rates shall be determined by in-stack monitors and shall be the basis for determining whether provisions of the operational manual are adhered to;

(F) The procedures through which and the maximum time period within which a curtailment decision will be made and implemented by the SCS operator;

(G) The method for immediately evaluating the adequacy of a particular curtailment decision, including the factors to be considered in that evaluation;

(H) The procedures through which and the time within which additional necessary curtailment will immediately be effected; and

(I) The procedures to be followed to protect the NAAQS for SO_2 in the event of a mechanical failure in any element of the SCS.

(v) *Designated Liability Area.* The DLA shall be the area within two circles, each with a radius of 10 statute miles (16 kilometers) with the center point of such circles coinciding, respectively, with the main stack serving the lead smelter and the main stack serving the zinc plant. If new information becomes available which demonstrates that the DLA should be redefined, the Administrator shall consider such information and if appropriate, redefine the DLA.

(vi) *Consent to Liability.* On or before July 11, 1979, the owner(s) or operator(s) shall submit to the Administrator an affidavit signed by a responsible company official, empowered to do so, stating that in any judicial or administrative proceeding to enforce this regulation the owner(s) will accept responsibility for violations of the NAAQS for SO_2 in areas of ambient air in the DLA as defined by paragraph (b)(3)(v) of this section

(vii) *Interim Conduct of SCS Program.* Until the Administrator approves under paragraph (b)(3)(x) of this section a revised SCS implementation plan and a revised SCS operational manual required under paragraph (b)(3)(ix)(C) of this section, the owner(s) or operator(s) shall conduct the SCS program in accordance with the existing SCS operational manual and the existing SCS implementation plan which has been approved by the Director of the State of Idaho Department of Health and Welfare (IDHW): *Provided,* That, upon execution of the consent to liability as required by paragraph (b)(3)(vi) of this section, the existing manual and plan shall be deemed modified by such consent.

(viii) *Study Regarding NAAQS.* Within the times specified by paragraph (b)(3)(ix) of this section, the owner(s) or operator(s) shall submit a study to EPA—Region X which accomplishes the following:

(A) Demonstrates that the NAAQS for SO_2 are being met in all areas of ambient air within the DLA surrounding the smelting complex;

(B) Corrects the deficiencies in the existing SCS operational manual and SCS implementation plan described in the EPA technical study of the present SCS program as described in paragraph (b)(3)(i) of this section or documents that the EPA study erroneously described such deficiencies;

(C) Demonstrates that ambient SO_2 monitors are located (or will be located) in all areas of maximum expected ambient SO_2 concentrations that take into account all probable meteorological and operating conditions. For specific locations of maximum expected ambient SO_2 concentrations, if the owner(s) or operator(s) can demonstrate in the study that maximum ground-level SO_2 concentrations can be predicted through use of alternate techniques then SO_2 ambient monitors may not have to be placed at each such respective location: *Provided,* That such respective localities are inaccessible. "Alternative techniques" as used here shall be deemed to be a demonstration through SO_2 monitoring and calibrated modelling techniques that the compliance status of each unmonitored location of maximum expected SO_2 concentration will be accurately determined from data collected at an alternative monitoring site; and

(D) Failure to timely submit an approvable study shall constitute a violation of this regulation.

(ix) *Required Submissions.* The following items must be submitted to the Administrator within the time limitations shown:

(A) Within two (2) months following the date of promulgation of the final NSO regulations under Section 119 of the Act, the owner(s) or operator(s) shall submit a study plan for the study required by paragraph (b)(3)(viii) of this section; within one (1) month following receipt of such plan the Administrator will provide comments to the owner(s) or operator(s) on such study plan;

(B) Within five (5) months following the date of promulgation of the final

[6] The intent behind this subparagraph is set forth in Subpart D of the recently proposed NSO regulations (44 FR 6283; 6290–6291 (January 31, 1979) and 44 FR 11096; 11097 (February 27, 1979).

NSO regulations under Section 119 of the Act, the owner(s) or operator(s) shall submit a final study plan for the study required by paragraph (b)(3)(viii) of this section which incorporates the EPA comments described in paragraph (b)(3)(ix)(A) of this section;

(C) Within one (1) year following the date of promulgation of the final NSO regulations under Section 119 of the Act or the final tall stack regulations under Section 123[7] of the Act (whichever is later), the owner(s) or operator(s) shall submit to the Administrator the NAAQS attainment and SO_2 ambient monitor placement study required by subparagraph (b)(3)(viii);

(D) Within eighteen (18) months following the date of promulgation of the final NSO regulations under Section 119 of the Act or the final tall stack regulations under Section 123 of the Act (whichever is later), the owner(s) or operator(s) shall submit to the Administrator an approvable SCS implementation plan and an approvable SCS operational manual which accomplishes the following:

(*1*) takes into account the placement of SO_2 ambient monitors in the areas of maximum expected ambient SO_2 concentrations, as specified by paragraph (b)(3)(viii)(B) of this section; and

(*2*) Incorporates the requirements of paragraphs (b)(3)(iii) and (b)(3)(iv) of this section and which remedies the problems identified in the EPA technical study of the present SCS program as described in paragraph (b)(3)(i); and

(E) Within twenty-four (24) months following the date of promulgation of the final NSO regulations under Section 119 of the Act or the final tall stack regulations under Section 123 of the Act (whichever is later), the owner(s) or operator(s) shall submit to the Administrator a certification that placement of SO_2 ambient monitors is in accordance with paragraph (b)(3)(viii)(C) of this section.

(x) *Final Conduct of SCS Program.* Upon the Administrator's review and approval of the information submitted under paragraph (b)(3)(ix)(D) of this section, the owner(s) or operator(s) will be required to conduct the SCS program in accordance with a revised SCS operational manual and the revised SCS implementation plan approved herein. Failure of the owner(s) or operator(s) to timely submit an approvable study plan, study, SCS implementation plan or SCS operational manual will constitute a violation of this regulation.

[7] These Section 123 tall stack regulations were proposed in the **Federal Register** on Jaunary 12, 1979 (44 FR 2,608).

(xi) *SCS Violations.* During the interim conduct of the SCS program as discussed in paragraph (b)(3)(vii), failure to curtail SO_2 emissions when and as much as indicated by the applicable SCS operational manual or to follow the provisions of the applicable SCS manual and SCS implementation plan shall constitute a violation of this regulation if the NAAQS for SO_2 are exceeded as a result of such failure. Upon commencement of the final SCS program as discussed in paragraph (b)(3)(x) of this section, failure to curtail SO_2 emissions when and as much as indicated by the revised SCS operational manual or to follow the provisions of the revised manual and SCS implementation plan shall constitute a violation of this regulation. Any violation of the NAAQS for SO_2 in the DLA shall be a violation of this regulation unless EPA determines on the basis of a showing by the owner(s) or operator(s) that:

(A) The smelter owner(s) or operator(s) had taken all emission curtailment action indicated by the SCS operational manual; and

(B) The violation was caused in significant part by emissions of another source(s) which were in excess of the maximum permissible emissions applicable to such source(s).

(xii) *Continuing Review of the SCS Program.* The owner(s) or operator(s) shall continuously review the design and operation of the SCS program to determine what measures may be available for improving the performance of the system. An annual report shall be submitted to the Administrator by March 1 of each calendar year detailing the results of this review and specifying measures implemented to prevent the recurrence of any ambient SO_2 violations.

(4) *Monitoring, Compliance Reporting and Compliance Determination.* Effective on June 11, 1979, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of paragraph (b)(4) of this section in regard to monitoring, compliance reporting and compliance determination except where such requirement is to be met in accordance with a separate compliance schedule provided for by this regulation:

(i) *SCS Program.* For the SCS program, the owner(s) or operator(s) shall:

(A) Maintain, in a useable manner, records of all air quality measurements made, meteorological information acquired, and emission curtailments ordered (including the identity of the persons making such decisions) during the operation of the SCS. Such records shall be retained for at least two years; and

(B) Submit to the Administrator, on a monthly basis, within fifteen (15) days after the end of each month, all measurements made of air quality and all other information regarding the SCS program that the Administrator may request. Such submission shall include a monthly summary indicating all dates and times when a NAAQS for SO_2 was exceeded or equaled in the DLA.

(ii) *Compliance Monitoring.* For compliance monitoring, the owner(s) or operator(s) shall:

(A) *SO_2 Concentration Monitors.* Install, operate and maintain SO_2 concentration measurement system(s) in accordance with the performance specifications and other requirements contained in Appendix D to 40 CFR Part 52, and the conditions outlined as follows:

(*1*) All SO_2 monitors shall be operated continuously and each monitor shall take and record at least one measurement [8] of SO_2 concentration in each 15 minute period;

(*2*) The sampling point shall be located at least 8 stack diameters (diameter measured at sampling point) downstream and 2 diameters upstream from any flow disturbance such as a bend, expansion, constriction, or flame, unless another location is approved by the Administrator;

(*3*) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.645m^2 (50 ft^2) or at a point no closer to the wall than 0.914m (3 ft.) if the cross sectional area is 4.645m^2 (50 ft^2) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct; and

(*4*) The SO_2 concentration measurement system(s) shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(B) *Gas Volumetric Flow Rate Monitors.* Install, operate and maintain gas volumetric flow rate system(s) in

[8] In the event SO_2 measurements cannot be recorded because monitoring equipment was out-of-service for periodic zero adjustment and calibration or maintenance an arithmetic mean shall be used to determine SO_2 concentration for a given time interval. 75% of the required data will be considered sufficient to calculate a valid arithmetic average.

accordance with the performance specifications and other requirements contained in Appendix E to 40 CFR Part 52 and the conditions outlined as follows:

(*1*) The monitors are to be operated on a continuous basis and must be located at least 8 stack diameters (diameter measured at sampling point) downstream and 2 diameters upstream from any flow disturbance such as a bend, expansion, constriction, or flange, unless another location is approved by the Administrator.

(*2*) The sampling point within the duct shall be representative of the average flow in the duct or at the point specified by the instrument manufacturer.

(*3*) The instrument used to monitor SO_2 gas streams which bypass the lead smelter acid plant shall be adequate to disclose the time of the bypass and its duration.

(*4*) The measurement system(s) shall be subjected to the manufacturer's calibration procedures at intervals recommended by the manufacturer. Records of these procedures shall be made which clearly show instrument readings before and after any adjustments. If manufacturers calibration procedures do not exist procedures will be specified by the EPA.

(C) *Gas Flow Indicating Devices.* Install, operate, and maintain a system to detect the occurrence of situations when any gas is bypassed around an acid plant as specified in paragraph (b)(1)(iv) of this section in accordance with the following conditions:

(*1*) The system design for detecting gas flow shall be approved by the Enforcement Division Director of the EPA Region X;

(*2*) The device shall be located in each flue or duct where gas may bypass an acid plant;

(*3*) The system shall be capable of detecting gas flows as low as 5 percent of the maximum expected flow through each duct; and

(*4*) The system shall be continuously operated and capable of disclosing and recording the time of the bypass and its duration.

(D) *Field Test.* All continuously operated instrumentation required herein shall be field tested after installation. If field test requirements are not specified by the manufacturer EPA will provide test requirements. The Administrator shall be notified at least twenty (20) days prior to that start of the field test period, to afford the Administrator the opportunity to have an observer present.

(E) *Certification of Monitors.* With the exception of the 168 hour break-in period for the SO_2 concentration measurement system(s), all SO_2 concentration and gas volumetric flow rate and gas flow indicating system(s) shall be recertified by the owner(s) or operator(s) at reasonable intervals as requested by the Administrator but in no case less frequently than once per year. The Administrator shall be notified in writing at least twenty (20) days prior to any tests associated with this requirement so that he may have an observer present. A report of the results of each test shall be forwarded to the Administrator within sixty (60) days of the completion of each test;

(F) *Continuous Data Recorder.* The equipment utilized to record the data and parameters measured by continuous monitoring instrumentation shall meet the following requirements or alternate equivalent requirements as the Administrator may require:

(*1*) Where various parameters are recorded on one strip chart the data must, to the Administrator's satisfaction, be continuously traced and each trace be individually and continuously identifiable when the chart is reproduced. In the event a color coded system of data recording is utilized copies of strip chart recordings submitted to the EPA must also be color coded or include a mathematically reduced tabulation of the data on at least 15 minute intervals;

(*2*) The scale for all SO_2 concentration readings must be set so that the maximum expected readings will be at least 40 percent of full scale;

(*3*) The scale for all gas volumetric flow readings must be set so that the maximum expected readings will be at least 80 percent of full scale; and

(*4*) Other requirements regarding data reduction and recording may be specified by the Administrator as required to enforce this regulation.

(G) All SO_2 concentration, gas volumetric flow rate and gas flow indicating measurement and recording instruments shall be maintained on operational mode and one line at *all* times except that provision will be made excusing the owner(s) or operator(s) from monitoring during periods when monitors break down due to causes beyond the control of the owner(s) of operator(s). In such an event, the owner(s) or operator(s) shall notify the Administrator within three (3) days of such a break down and provide information as to actions taken during the instrument malfunction period. All strip chart recordings of the instrumentation of paragraphs (b)(1)(iv) and (b)(1)(v) of this section must be marked once per shift as to the actual time a selected recorded measurement is being recorded. Quality assurance checks shall be performed on all continuous monitoring instrumentation at the frequency specified by the manufacturer or as otherwise reasonably required by the Administrator;

(H) Maintain, in a useable manner, process strip chart recordings, records of all measurements accumulated by the continuous monitoring systems of paragraph (b)(1)(iv) and (b)(1)(v) of this section and compliance determination calculations (measurements) of paragraph (b)(4)(iii) of this section below. Such information shall be retained for at least two (2) years. The Administrator or his authorized representative shall have reasonable access to these records; and

(I) Maintain, in a useable manner, process strip chart recordings, records and operators log sheets of plant operations for a period of at least two (2) years. The Administrator or his authorized representative shall have reasonable access to these records.

(iii) *Compliance Determination.* For compliance determination, the following shall apply:

(A) *Acid Plant Tailgas—Continuous Monitors.* Compliance with the requirements of paragraph (b)(1)(i)(A) of this section shall be determined using the continuous measurement system(s) of paragraph (b)(1)(iv) of this section installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b)(4)(ii) of this section. An hourly running 6-hour averaging period shall commence at each clock hour and continue for a consecutive 6 clock hour period. A new hourly running 6-hour averaging period will commence at every clock hour. For example, in a given day the following typical hourly running 6-hour averaging periods will occur: 2 a.m. to 8 a.m.; 3 a.m. to 9 a.m.; 4 a.m. to 10 a.m.; and 5 a.m. to 11 a.m. *et seq.* Six-hour average SO_2 concentration shall be calculated as of the end of each clock hour for the preceding 6 hours, in the following manner:

(1) Divide each 6-hour period into not less than twenty-four (24) equally spaced time intervals;

(2) Determine on a compatible basis an SO_2 concentration for each individual time interval.[9] These measurements may be obtained either by continuous integration of all measurements recorded during the time interval or from the arithmetic average of any number of SO_2 concentration readings equally spaced over the time interval. in the latter case, the same number of concentration readings shall be taken in

[9] *Supra* note 7.

each interval and the readings shall be similarly spaced within each interval; and

(3) Calculate the arithmetic average of all interval concentration measurements in each 6-hour period.

(B) *Acid Plant Tailgas—Manual Test.* Notwithstanding the requirements of paragraph (b)(4)(iii)(A) of this section, compliance with the requirements of paragraph (b)(1)(i)(A) of this section shall also be determined by using the methods described below at such times as may be reasonably specified by the Administrator. For any acid plant, a 6-hour average SO_2 concentration shall be determined as follows:

(*1*) The test of each acid plant tailgas SO_2 concentration shall be conducted while the acid plant is operating at or above the maximum rate at which it will be operated and under such other conditions as the Administrator may specify;

(*2*) Concentrations of SO_2 in emissions shall be determined by using Method 8 as described in 40 CFR Part 60. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling, may be omitted from the over-all test procedure;

(*3*) Three independent sets of measurements of SO_2 concentrations shall be conducted during three 6-hour periods for each acid plant. Each 6-hour period will consist of three consecutive 2-hour periods. All tests must be completed within a 72-hour period;

(*4*) In using Method 8, traversing shall be conducted according to Method 1 as described in 40 CFR Part 60. The minimum sampling volume for each 2-hour test shall be 1.132 M^3 (40 ft^3) corrected to standard conditions, dry basis;

(*5*) The velocity of the total effluent from each acid plant evaluated shall be determined by using Method 2 as described in 40 CFR Part 60 of this chapter and transversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in 40 CFR Part 60. Moisture content shall be determined by using Method 4 except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content;

(*6*) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point;

(*7*) The SO_2 concentration in parts per million-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 6-hour test period each consisting of three 2-hour tests; and

(*8*) When necessitated by process variables or other factors, changes to the above test procedures may be approved by the Administrator.

(C) *7-Day Emissions—Continuous Monitoring.* Compliance with the requirements of paragraph (b)(1)(i)(B) of this section shall be determined using the continuous measurement system(s) of paragraph (b)(1)(iv) of this section installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b)(4)(ii) of this section. A daily running 7-day period shall commence at midnight of each day and continue for a consecutive 7-day period. A new daily running 7-day period will commence at midnight of every day. For example, in a given week the following typical daily running 7-day periods will occur: Tuesday (0000 hours) to Monday (2400 hours); Wednesday (0000 hours) to Tuesday (2400 hours) and Thursday (0000 hours) to Wednesday (2400 hours), *et seq.* The SO_2 emission rate for a 7-day period shall be calculated on a daily basis (midnight to midnight) in the following manner:

(*1*) Divide each 6-hour period into not less than twenty-hour (24) equally spaced time intervals;

(*2*) Determine on a compatible basis an SO_2 concentration and a stack gas flow rate measurement for each individual time interval for each affected stack.[10] These measurements may be obtained either by continuous integration of SO_2 concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the time interval or from the arithmetic average of any number of SO_2 concentration and stack gas flow rate readings equally spaced over the time interval. In the latter case, the number of concentration readings shall be taken in each time interval and the readings shall be similarly spaced within each time interval;

(*3*) Calculate the arithmetic average (pounds SO_2 per hour) of all interval emission rate measurements in each 6-hour period for the zinc plant main stack and the lead smelter main stack and multiply that arithmetic average by the number of time intervals in the 6-hour period; and

(*4*) Calculate the SO_2 emission rate for each consecutive 7-day period (midnight to midnight) by summing the twenty-eight (28) 6-hour average SO_2 emission rates for each stack measured over a 7-day period.

(D) *Miscellaneous Source SO_2 Emissions.* The owner(s) or operator(s) shall perform a manual source test of the SO_2 emissions from the zinc fuming furnace and any other SO_2 emitting process equipment whose SO_2 emissions are not routed through the zinc plant main stack or lead smelter main stack. These emissions will not be used in calculating the 7-day SO_2 emissions as described in paragraph (b)(4)(iii)(c) above but must be submitted to the Administrator on an annual basis. The following shall apply to the performance of the manual source test:

(*1*) Manual source test methods shall be in accordance with the procedures contained in Appendix A to 40 CFR Part 60 and as follows:

(*i*) SO_2 emissions shall be measured by Method 8 sampling train; 3 runs of at least 60 minutes sampling time per run will constitute one manual source test. The minimum sampling volume for each 1-hour test shall be 1.15 m^3 (40.6 ft^3) corrected to standard conditions, dry basis. The analytical and computational portions of Method 8 as they related to determination of sulfuric acid mist, as well as the isokinetic sampling, may be omitted from the overall test procedure.

(*ii*) Sampling will be conducted at a rate proportional to gas velocity determined according to Methods 1 and 2.

(*iii*) Two gas samples will be collected during each sampling run, according to Method 3.

(*iv*) Moisture content of the gas stream will be determined from the weight gain of the Method 8 train impingers.

(*v*) When necessitated by process variables or other factors, changes to the above test procedures may be approved by the Administrator.

(*2*) Source tests shall be conducted on or before (twelve months following execution of this Agreement) and at intervals specified by the Administrator but in any event not less than once per year;

(*3*) The process(es) tested shall be operated at or above the maximum rate at which it will be operated during the year and under such other conditions as the Administrator may specify; and

(*4*) The Administrator shall be notified in writing at least twenty (20) days prior to any such test so that he may have an observer present.

(5) *Research and Development Program.* Commencing on June 11, 1979, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of paragraph (b)(5) of this section in regard to research and development. The provisions of this paragraph are intended to be read together with those set forth in paragraph (b)(6) of this section regarding bypass of SO_2 streams during the annual acid plant maintenance period:

[10] *Supra* note 7.

(i) *Full Scale Research and Development Program.* Except as provided in paragraph (b)(5)(iii) of this section, the owner(s) or operator(s) shall implement a full scale program to capture and control an SO_2 gas stream which was not controlled as of September 28, 1978. A qualifying program shall meet the requirements of paragraphs (b)(5)(ii), (iv), (v), (vi), (vii) and (viii) of this section, and shall consist of one of two options:

(A) An SO_2 removal facility (flue gas desulfurization system) to capture the weak stream exhausted from the sinter machine; or

(B) Substantially complete recirculation of the sinter machine weak stream" and treatment of the resultant gas stream in an SO_2 removal facility.

(ii) *Fuel Scale System Design Criteria.* The following shall constitute the design criteria for the full scale research and development system:

(A) Sinter machine weak stream flue gas desulfurization system:

(*1*) 95 percent SO_2 capture efficiency as determined by monitoring equipment continuously measuring feed gas SO_2 concentration and tail gas SO_2 concentration; and

(*2*) 95 percent on-line availability;

(B) Substantially complete sinter machine weak stream recirculation:

(*1*) Not less than 97 percent partitioning of SO_2 generated in the machine shall be routed to an SO_2 removal facility;

(*2*) Not more than 3 percent partitioning of the SO_2 gas generated in the machine shall be routed to the atmosphere via the tip end gas stream; and

(*3*) The SO_2 capture efficiency of the SO_2 removal facility shall not be impaired because of the additional gas captured through utilization of weak stream recirculation.

(iii) *Reduced Scale Research and Development Program.* The owner(s) or operator(s) may elect not to perform the full scale research and development program as set forth in paragraph (b)(5)(i) of this section: *Provided,* That:

(A) The owner(s) or operator(s) notify the EPA—Region X, in writing, of such decision no later than June 11, 1980, and provide a detailed account of the reasons for rejection of the full scale research and development program, including all cost and design information considered in the decision;

(B) The owner(s) or operator(s) immediately submit for the Administrator's approval a substitute research and development program, consisting of construction and operation of a flue gas desulfurization system with a minimum volume operating capacity of 5000 SCFM to treat a portion of the weak gas exhausted from the sinter machine or blast furnace;

(C) Such flue gas desulfurization system is constructed and operated in accordance with the requirements of paragraphs (b)(5)(iv), (v), (vi), and (viii) of this section within the time periods specified in paragraph (b)(5)(vii) of this section. The following shall constitute the design criteria for the reduced scale research and development system:

(*1*) 95 percent SO_2 capture efficiency as determined by monitoring equipment continuously measuring feed gas SO_2 concentration and tailgas SO_2 concentration;

(*2*) 95 percent on-line availability;

(*3*) Continuous measurement instrumentation to monitor and record the following:

(i) System temperatures, pressures and gas and liquid flow rates;

(ii) Feed gas and tailgas SO_2 concentration;

(iii) Pressure drop within the system, and

(iv) pH and all other critical flue gas desulfurization operating parameters such as liquid make-up and recirculation flow rates;

(*4*) To the extent technically feasible sufficient automatic control instrumentation shall be provided such that the system automatically compensates for feed gas excursions in particulate loading, flow rate and SO_2 concentration while insuring minimum design criteria are maintained; and

(*5*) To the extent technically feasible system design and control should be such that correct chemical balance is maintained to avoid scaling, corrosion and equipment malfunction.

(D) The flue gas desulfurization system shall be operated continuously, except during periods of reasonably unavoidable equipment failure in accordance with good engineering practice and in a manner such that the project will result in the collection of information adequate to determine the economic and technological feasibility of a full scale application of such flue gas desulfurization system.

(iv) *Evaluation of the Research and Development Program.* Effective on June 11, 1979, the owner(s) or operator(s) shall evaluate the research and development program and prepare and submit an annual report to the Administrator by March 1 of each calendar year on the progress of the research and development project and detailing the following:

(A) Capital, operating and other costs of the system;

(B) Disposal of by-products (or waste material) and associated environmental impact;

(C) Energy utilization and related potential effects on energy conservation;

(D) The effectiveness of the system to improve capture of other pollutants of both occupational and environmental significance;

(E) Problems in system design and suggested methods or actual methods undertaken to improve the design including any anticipated scale-up problems;

(F) Maintenance requirements and frequency of system shutdown;

(G) Personnel staffing requirements;

(H) SO_2 capture efficiency as impacted by process exhaust gas fluctuations and sinter machine (or blast furnace) shutdowns; and

(I) Such other related technical information as may be reasonably required by the Administrator to assist him in the evaluation of the research and development program.

(v) *System Operation.* The owner(s) or operator(s) shall install and operate the full scale or reduced scale removal facility, whichever it elects, in accordance with good engineering practice and shall make a good faith effort to operate the project continuously, except for periods of reasonably unavoidable malfunction until the expiration date of the first primary non-ferrous smelter order or until discontinuance is authorized under paragraph (b)(6)(iii) of this section or by written authorization of the Administrator, and in such manner as will result in the collection of information necessary to determine the economic and technological feasibility of the facility. If technically feasible, system performance must be at the design criteria as specified in paragraphs (b)(5)(ii) or (b)(5)(iii) of this section subsequent to its initial break-in period.

(vi) *Sanctions.* Except where the owner(s) or operator(s) have first demonstrated to the satisfaction of the Administrator that due to technical infeasibility design criteria cannot be achieved, departure from the design criteria of paragraphs (b)(5)(ii) and (iii) (as applicable) above in the final construction or operation of the research and development program, or failure to meet the compliance schedule and reporting requirements, shall constitute a violation of this regulation.

(vii) *Research and Development Compliance Schedule.* The owner(s) or

"Nothing in this regulation shall be construed to relieve the owner(s) or operator(s) from meeting the requirements of the Clean Air Act or regulations promulgated thereunder regarding construction or modification requirements concerning new sources.

operator(s) shall comply with the following research and development program compliance schedule:

(A) Complete an engineering evaluation of the full scale and reduced scale research and development systems listed in paragraphs (b)(5)(i) and (b)(5)(iii) of this section and submit a complete report and data to the Administrator on or before June 11, 1980;

(B) Notify the Administrator of the research and development system and the gas stream to be treated on or before June 11, 1980;

(C) Complete all engineering and design work on the research and development system on or before ten months following the notification of paragraph (b)(5)(vii)(B) of this section but in any event not later than April 11, 1981. The Administrator shall be provided with a copy of the engineering design for the technique selected;

(D) Award construction contracts for the SO_2 capture system on or before fourteen months following the notification of paragraph (b)(5)(vii)(B) of this section but in any event not later than August 11, 1981. Such award shall be contingent upon a primary non-ferrous smelter order first being issued to the owner(s) or operator(s);

(E) If the full scale research and development system is selected, complete construction of the SO_2 capture system and begin acceptance testing on or before March 11, 1982; and complete all start-up and acceptance testing of the SO_2 capture system and place such system in service by June 11, 1982; and

(F) If the reduced scale research and development system is selected, complete construction of the flue gas desulfurization system by December 11, 1981, and place such system in service by February 11, 1982.

(viii) *Consent to Access.* The owner(s) or operator(s) shall submit a binding written agreement, signed by a responsible corporate official empowered to do so consenting to:

(A) Grant the representatives and contractors of the EPA access to any information or data employed or generated in the research and development program, including any process, emissions, or financial records which the EPA determines are needed to evaluate the technical or economic merits of the program;

(B) Grant physical access to the representatives and contractors of the EPA to each facility at which such research is conducted; and

(C) Grant the representatives and contractors of the EPA reasonable access to the persons in charge of conducting the program on behalf of the smelter owner for discussions of progress, interpretation of data and results, and any other similar purposes as deemed necessary by the EPA.

(6) *Annual Acid Plant Maintenance Offset.* Commencing on June 11, 1979, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of paragraph (b)(6) of this section in regard to continued process operation during the period when an acid plant is shutdown for annual maintenance.

(i) *Bypass Prohibition.* Except as provided in paragraph (b)(6)(ii) of this section, the owner(s) or operator(s) shall not operate the lead smelter sinter machine or any zinc plant roaster when any acid plant(s) serving that process is shut down for maintenance.

(ii) *Criteria for Continuing Process Operation.* Excess emissions occurring during the period when the acid plant is shutdown for the annual maintenance period[12] shall not constitute a violation of paragraph (b)(1)(ii) of this section or be included in the computation of the plant wide SO_2 emissions of paragraph (b)(1)(i)(B) of this section, provided that:

(A) The owner(s) or operator(s) commits to install additional SO_2 removal facilities and/or performs process changes to capture a gas stream in accordance with the full scale research and development program requirements of paragraphs (b)(5)(i) and (b)(5)(vii) of this section. If at any time the owner(s) or operator(s) elect not to undertake a full scale qualifying project, excess emissions occurring during the period when the acid plant is shut down for any annual maintenance period shall constitute a violation of this regulation;

(B) the owner(s) or operator(s) provide written notification to the EPA—Region X on or before June 11, 1980, that it will perform the full scale research and development program. During the period prior to such notification, excess emissions occurring when the acid plant is shut down for the annual maintenance period shall not consititute a violation of this regulation. Such continued operation while an acid plant is shutdown for annual maintenance shall not in any event exceed fourteen (14) calendar days per year for each acid plant through and until June 11, 1980.

(C) Commencing with the first twelve (12) month period after the election of a full scale qualifying research and development system under paragraph (b)(5)(i) of this section, and until the system is required to be placed in service under paragraph (b)(5)(vii) of this section, the combined amount of SO_2 which is released by reason of continued process operation during the annual acid plant maintenance period for all 3 acid plants does not exceed the lesser of fourteen (14) days for each acid plant per year or the annual incremental SO_2 capture for which the full scale research and development system is designed.

(D) During the period of time commencing when the full scale research and development system is required to first be placed in service under paragraph (b)(5)(vii) of this section and ending on the expiration date of the first primary non-ferrous smelter order, the following shall apply:

(*1*) No process operation is allowed to continue while the respective acid plant is shut down for its annual maintenance period until and unless the full scale system or process change has operated for the time period specified in paragraph (b)(6)(iii) of this section;

(*2*) During such time period, the full scale system or process change must perform substantially in accord with the system design criteria set forth in paragraph (b)(5)(ii) of this section;

(*3*) The owner(s) or operator(s) must continue to operate the full scale research and development system beyond the time period described in paragraph (b)(6)(iii) of this section and until the expiration date of the first primary non-ferrous smelter order; further the system must perform substantially in accord with the system design criteria set forth in paragraph (b)(5)(ii) of this section; and

(*4*) The combined annual amount of SO_2 which is released by reason of continued process operation during the annual acid plant maintenance period shall not exceed for all 3 acid plants the annual incremental SO_2 capture for which the full scale research and development system is designed and operated;

(E) Annual maintenance shall not be performed simultaneously on the lead smelter acid plant and any zinc acid plant or simultaneously on both zinc plant and acid plants. If, under paragraph (b)(5)(i) of this section, a sinter machine flue gas desulfurization system is installed, annual maintenance shall not be performed simultaneously on the lead smelter acid plant and the flue gas desulfurization system; further, the sinter machine flue gas desulfurization system shall receive the maximum quantity of SO_2 practicable from the sinter machine when the lead smelter acid plant is shutdown. During

[12] The term "annual maintenance period" as used herein is defined as the period occurring once (or twice if the catalyst needs to be replaced two times a year) per year for each acid plant when various maintenance functions such as catalyst replacement and heat exchanger cleaning occur. This period normally lasts less than two weeks.

annual acid plant maintenance at the zinc plant, the zinc plant acid plant which remains in service shall receive the maximum quantity of SO_2 practicable from the operating zinc roasters; and

(F) Continued process operation while an acid plant is shutdown for annual maintenance shall not in any event exceed fourteen (14) calendar days for each acid plant per year.

(iii) *Discontinuance of Full Scale Research and Development Program.* In the event that severe and unavoidable production losses are incurred as a direct result of the operation of the full scale research and development system or process change during a full nine (9) month period for the flue gas desulfurization system or three (3) month period for the sinter machine weak stream recirculation, or upon terms otherwise agreed, in writing, by the Administrator, the owner(s) or operator(s) may discontinue operation of the full scale research and development project provided that:

(A) Notification to the Administrator of discontinuance of such operation shall be given within one month following the expiration of the requisite period. Such notification shall be accompanied by a full written justification of and analysis for the discontinuance; and I11(B) Until the expiration date of the first primary non-ferrous smelter order, the lead smelter sinter machine and any zinc plant roaster shall be shut down during any subsequent annual acid plant maintenance period.

(iv) *Pre-determined SO_2 Emissions.* For the purposes of determining compliance with the design and operating criteria set forth in paragraphs (b)(6)(ii)(C) and (D) of this section, the quantity of incremental SO_2 deemed captured by the full scale qualifying project shall be calculated using a predetermined quantity of SO_2 which is emitted in the relevant gas stream prior to installation of such full scale project. The determination of pre-existing SO_2 emissions shall be as follows:

(A) For the sinter machine weak stream, a value of 15.7 tons of SO_2 per 24 hours of operation shall be used;

(B) For the blast furnace, a value of 18.3 tons of SO_2 per 24 hours of operation shall be used; and

(C) On or before June 11, 1980, if the owner(s) or operator(s) demonstrate to the satisfaction of the Administrator, using manual source test techniques, continuous SO_2 measurement techniques, or equivalent alternatives, that a different pre-existing SO_2 emission value is correct, that value may be substituted for the value(s) listed in paragraphs (b)(6)(iv)(A) and (B) of this section upon agreement of the Administrator.

(7) *Violations*—(i) *Violations of Provisions.* Failure to comply with any provisions of this regulation or with the NSO issued to replace this regulation may subject the owner(s) or operator(s) to enforcement and sanctions as set forth in the Clean Air Act and regulations promulgated thereunder.

(ii) *Violations of NAAQS.* Nothing in this subparagraph shall be construed to relieve the owner(s) or operator(s) from liability for violations of the NAAQS.

Appendix A—Fugitive Sulfur Dioxide Emission Control Program and its Impact to Total Plant Emissions

The total plant emission limitation of paragraph (b)(1)(i)(B) was developed based on historical emission data and included the increase in SO_2 emissions from the main stacks that would likely occur as a result of implementation of the fugitive control program described in paragraphs (b)(1)(vi)(C) (zinc roaster), (b)(1)(vi)(D) (sinter machine), and (b)(1)(vi)(E) (blast furnace). Accordingly, failure of the owner(s) or operator(s) to comply with any of the provisions of the fugitive SO_2 control program will be deemed a violation of this regulation. Compliance will be determined as follows:

a. The zinc roaster program of paragraph (b)(1)(vi)(C) is based on compliance with applicable OSHA lead workplace standards in accordance with the OSHA schedules of compliance;

b. The sinter machine program of paragraph (b)(1)(vi)(D) must ensure complete installation of new stainless steel hooding with the exception of the last two (2) sections of the hood which are not subject to high corrosion on or before June 11, 1980; and

c. The blast furnace program of paragraph (b)(1)(vi)(E) must eliminate 90 percent of the blast furnace upset conditions (currently occurring approximately 20 percent of the time).

EPA inspection of the blast furnace operation will be made to ensure that upset conditions occur no more than an aggregate total of 3.36 hours per any 7-day period. The owner(s) or operator(s) explicitly agree that failure to meet the requirements stated herein at any time subsequent to June 11, 1980, will immediately result in the decrease in the plant wide emission limit in proportion to the amount the objective was not attained. The proportional formula is shown below:

$$\text{Amount of plant wide emission reduction from the 625 tons per 7-day limit} = 21 \times \left[1 - \frac{33.6 - 2(H_u - 3.36)}{33.6}\right]$$

Where H_u = hours in any 7-day period when the blast furnace is in an upset condition. For the purpose of use in this formula H_u cannot exceed 20.16 hours.

For example, if blast furnace upset conditions occur for 8.36 hours in any 7-day period the plant wide emission limit would be reduced 6 tons per running 7-day period, i.e. the new plant wide emission limit would be 619 tons SO_2 per running 7-days.

[FR Doc. 79-38235 Filed 12-12-79; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 187

[CGD 79-063]

Re-Examination and Refusal of Licenses

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This action amends Coast Guard regulations governing the re-examination of applicants for licenses to operate vessels of less than 100 gross tons engaged in carrying more than six passengers. As previously written, these regulations required applicants who failed their first examination to wait a period of one month before being re-examined. This amendment reduces the waiting period to ten days, thereby lessening the economic consequences to persons who are dependent upon the operation of small passenger vessels for their livelihood. It will give permanent effect to a procedure that did not

adversely affect safety interests when implemented on a trial basis during the past year.

EFFECTIVE DATE: This amendment is effective on January 14, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Leo G. Vaske, Merchant Vessel Personnel Division, Office of Merchant Marine Safety, Room 1400, Coast Guard Headquarters, Washington, D.C. 20593 (202) 426–2251.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking concerning this amendment was published in the Federal Register on July 19, 1979 (44 FR 42274). Interested persons were invited to submit comments on the proposal by September 19, 1979. Only one comment was received, and this favored the proposal's adoption.

This amendment has been reviewed and determined to be non-significant under the Department of Transportation's "Regulatory Policies and Procedures" published on February 26, 1979 (44 FR 11034). A final evaluation has been prepared and included in the public docket. This may be obtained from the Marine Safety Council (G–CMC/TP24), Coast Guard Headquarters, Washington, D.C. 20593 (202) 755–4901.

The principal persons involved in drafting this rule are: Lieutenant Commander Leo G. Vaske, Project Manager, Office of Merchant Marine Safety, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 187 of Title 46, Code of Federal Regulations is amended by revising paragraph (a) of § 187.05–15 to read as follows

§ 187.05–15 Re-examination and refusal of licenses.

(a) Any applicant for license or endorsement who has been duly examined or re-examined and refused may come before the same Officer in Charge, Marine Inspection, for re-examination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than ten days from the date of the applicant's last failure.

* * * *

(46 U.S.C. 390b, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: December 6, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79–38282 Filed 12–12–79; 8:45 am]

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Research and Special Programs Administration

49 CFR Parts 172 and 174

[Docket No. HM–161; Amdt. Nos. 171–51, 172–56, 173–134, 174–36, 175–10, 176–10, 177–47, 178–60]

Detonators and Detonating Primers

Correction

In FR Doc. 79–37612, appearing in the issue of Monday, December 10, 1979, at page 70721, correct the tables beginning on page 70723 to 70729 and inclusive by noting that the underscored material should be italicized and on page 70732, in the first column, the correction designated as No. 12 under § 174.101 Loading explosives, paragraph (h), the first line, add an "s" to the word "package".

BILLING CODE 1505–01–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–9; Notice 6]

Child Restraint Systems Seat Belt Assemblies and Anchorages

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule establishes a new Standard No. 213, *Child Restraint Systems*, which applies to all types of child restraints used in motor vehicles. It also upgrades existing child restraint performance requirements by setting new performance criteria and by replacing the current static tests with dynamic sled tests that simulate vehicle crashes and use anthropomorphic child test dummies. The new standard would reduce the number of children under 5 years of age killed or injured in motor vehicle accidents.

DATES: On June 1, 1980, compliance with the requirements of this standard will become mandatory. The current Standard No. 213 is amended to permit, at the manufacturer's option, compliance during the interim period either with the requirements of existing Standard No. 213, Child Seating Systems, or the new Standard No. 213, Child Restraint Systems.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: This notice establishes a new Standard No. 213, *Child Restraint Systems.* A notice of proposed rulemaking was published on May 18, 1978 (43 FR 21470) proposing to upgrade and extend the applicability of the existing Standard No. 213, *Child Seating Systems.* The existing standard does not regulate car beds and infant carriers and uses static testing to assess the effectiveness of child restraint systems. The new standard covers all types of child restraint systems and evaluates their performance in dynamic sled tests with anthropomorphic test dummies. On May 18, 1978 NHTSA also published a companion notice of proposed rulemaking proposing to amend Part 572, *Anthropomorphic Test Dummies,* by specifying requirements for two anthropomorphic test dummies representing 3 year and 6 month old children (43 FR 21490) for use in compliance testing under proposed Standard No. 213. The comment closing date for both notices was December 1, 1978.

At the request of the Juvenile Product Manufacturers Association, NHTSA extended the comment closing date until January 5, 1979, for the portions of both proposals dealing with testing with the child test dummies. This extension was granted because manufacturers were reportedly having problems obtaining the proposed test dummies to conduct their own evaluations.

Consumers, public health organizations, child restraint manufacturers and others submitted comments on the proposed standard. The final rule is based on a thorough evaluation of all data obtained in NHTSA testing, data submitted in the comments, and data obtained from other pertinent documents and test reports. Significant comments submitted to the docket are addressed below. The agency will soon issue a final rule on the anthropomorphic test dummy proposal.

Summary of the Final Rule Provisions

The significant portions of the new standard are as follows:

1. The performance of the child restraint system is evaluated in dynamic tests under conditions simulating a frontal crash of an average automobile at 30 mph. The restraint system is anchored with a lap belt and, if

provided with the restraint, a supplementary anchorage belt (tether strap). An additional frontal impact test at 20 mph is conducted for restraints equipped with tether straps or arm rests. In that additional test, child restraints with tether straps will be tested with the tether straps detached and child restraints with arm rests will be tested with the arm rest in place but with the child restraint system belts unbuckled. The additional 20 mph tests are intended to ensure a minimum level of safety performance when the restraints are improperly used.

2. To protect the child, limitations are set on the amount of force exerted on the head and chest of the child test dummy during the dynamic testing of restraints specified for children over 20 pounds. Limitations are also set on the amount of frontal head and knee excursions experienced by the test dummy in forward-facing child restraints and harnesses. To prevent a child from being ejected from a rearward-facing restraint, limitations are set on the amount the seat can tip forward and on the amount of excursion experienced by the test dummy during the simulated crash.

3. During the dynamic testing, no load-bearing or other structural part of any child restraint system shall separate so as to create jagged edges that could injure a child. If the restraint has adjustable positions, it must remain in its pre-test adjusted position during the testing so that the restraint does not shift positions in a crash and possibly injure a child's limbs caught between the shifting parts or allow a child to submarine during the crash (i.e., allow the child's body to slide too far forward and downward, legs first).

4. To prevent injuries to children during crashes from contact with the surface of the restraint, requirements for the size and shape are specified for those surfaces. In addition, protective padding requirements are set for restraints used by children weighing 20 pounds or less.

5. Requirements in Standards No. 209, *Seat Belt Assemblies* (49 CFR 571.209), are applied to the belt restraints used in child restraint systems.

6. The amount of force necessary to open belt buckles and release a child from a restraint system is specified so that children cannot unbuckle themselves, but adults can easily open the buckle.

7. To promote the easy and correct use of all child restraint systems, they are required to attach to the vehicle by means of vehicle seat belts.

8. Warnings for proper use of the restraints must be permanently posted on the restraint so that the warnings are visible when the restraint is installed. Other information, such as the height and weight limits for children using the child restraint, must also be permanently displayed on the restraint but it does not have to be visible when the restraint is installed. The restraint must also have a location for storing an accompanying information booklet or sheet on how to correctly install and use the restraint.

9. A standard seat assembly is used in the dynamic testing to represent the typical vehicle bench seat and thereby avoid the cost of testing child restraints on numerous vehicle seats.

Applicability of Standard No. 213

The provisions of new Standard No. 213 apply to all types of child restraints used in motor vehicles for protection of children weighing up to 50 pounds, such as child seats, infant carriers, child harnesses and car beds. Beginning on June 1, 1980, compliance with the requirements of this standard will become mandatory. The current Standard No. 213 is amended to permit, at the manufacturer's option, compliance during the interim period either with the requirements of existing Standard No. 213, Child Seating Systems, or of the new Standard No. 213, Child Restraint Systems.

Dynamic Testing

The requirements to be met in the dynamic testing of child restraints include: maintaining the structural integrity of the system, retaining the head and knees of the dummy within specified excursion limits (i.e., limits on how far those portions of the body may move forward) and limiting the forces exerted on the dummy by the restraint system. These requirements will reduce the likelihood that the child using a child restraint system will be injured by the collapse or disintegration of the system, or by contact with interior of the vehicle, or by imposition of intolerable forces by the restraint system. As explained below, omission of any of these three requirements would render incomplete the criteria for the quantitative assessment of the safety of a child restraint system and could very well lead to the design and use of unsafe restraints.

It was suggested in comments by the child restraint manufacturers and their trade association, the Juvenile Products Manufacturers Association (JPMA), that available restraints are performing satisfactorily. According to them, the new standard imposes expensive testing requirements with instrumented dummies which will increase the price of child restraints and discourage the purchasing of child restraints because of their increased costs. Many manufacturers suggested that the agency limit the standard to tests for occupant excursion and restraint system structural integrity in dynamic tests and not require the use of instrumented test dummies to measure crash forces imposed upon a child.

NHTSA recognizes that some child restraints perform relatively well, but the agency's testing has shown that others perform unsatisfactorily. Measuring only the structural integrity of the system and the amount of occupant excursion allowed during the testing does not provide a measurement of the severity of forces imposed on a child during a crash and thus does not provide an accurate assessment of the actual safety of the system. For example, a manufacturer could design a restraint with a surface mounted in front of the child that would allow a small amount of occupant excursion. However, that surface could impose potentially injurious forces on a child. NHTSA believes that the force measurement performance requirements are a crucial and necessary test to adequately judge a restraint system's effectiveness in preventing or reducing injuries. The use of instrumented test dummies and force measurement requirements are crucial elements of Standard No. 208, *Occupant Crash Protection,* which establish performance requirements for automatic restraint systems. NHTSA believes that systems designed specifically for children should have to provide the same high degree of occupant protection.

Several manufacturers (GM, Ford, Questor, and others) and JPMA objected to the proposed head and chest acceleration limits that must not be exceeded in the dynamic testing. They argued that the acceleration limits are based on biomechanical data for adults and there is no data showing their applicability to children. Because of the lack of biomechanical data on children's tolerance to impact forces, NHTSA has conducted tests of child restraints with live primates to serve as surrogates for three-year-old children. Primates are similar in certain respects to children and, have been used by GM, Ford and others as surrogates in child restraint testing to assess potential injuries to children in crashes. In simulated 30 mph crashes conducted for NHTSA, similar to the test prescribed in the proposed standard, the primates either were not injured or sustained only minor injuries. NHTSA has also conducted child restraint tests using instrumented test

dummies representing three-year-old children instead of primates. In the tests, the forces measured on the test dummies, which had not been injurious to the primates, did not exceed the head and chest acceleration criteria proposed in the standard. NHTSA is thus confident that the child restraints which do not exceed these performance criteria in the prescribed tests should prevent or reduce injuries to children in crashes.

Use of instrumented test dummies should not unduly raise the price of child restraints. Since many child restraint systems are already close to compliance, the cost per restraint of any needed design and testing costs should be minimal.

The May 1978 notice would have required restraint systems with adjustable positions to meet the performance requirements of the standards in any of its adjusted positions recommended for use in a motor vehicle. The restraint would have had to remain in its adjusted position during testing. International Manufacturing Co. requested the agency to test adjustable restraints in only their extreme up and down positions. If a manufacturer chooses to offer a seat with a number of adjustable positions which it recommends for use in a motor vehicle, it is important that the seat meet the performance requirements of the standard at any of those positions. Therefore, International's request is denied. NHTSA urges manufacturers not to include any adjustment positions for their restraints which are not to be used in a motor vehicle.

Strollee, Questor and Volvo asked NHTSA to allow adjustable position restraints to change positions during the testing, arguing that controlled change of position can be an effective energy-absorbing method. Allowing changes from one adjustment position to another during a crash can cause injuries to children's hands or fingers caught between the structural elements of the restraint as it changes position. Other effective energy-absorbing methods are available which will not pose a risk of injury to children. Thus, NHTSA is not adopting this suggestion.

Child restraint manufacturers and other interested parties, such as Action for Child Transportation Safety (ACTS), American Academy of Pediatrics, Physicians for Automotive Safety and Michigan's Office of Highway Safety, urged NHTSA to lengthen the 30 inch head and knee excursion requirements for forward-facing restraints. They argued that some child restraint systems which have been effective in real world crashes will exceed the proposed head excursion limit. NHTSA has reviewed its child restraint tests and determined that during the last few inches of excursion the remaining velocity of the head in impacts with padded surfaces is relatively low. Because slightly increasing the head excursion should not increase the forces imposed upon the child's head, the head excursion limit is changed from 30 to 32 inches.

The May 1978 notice proposed limiting the amount of knee excursion in forward-facing child restraints to 30 inches. The purpose of the knee excursion limit is to prevent manufacturers from controlling the amount of head excursion by designing their restraints so that their occupants submarine excessively during a crash (i.e., so that their bodies slide too far downward and forward, legs first). Many child restraint manufacturers and JPMA asked the agency to lengthen the knee excursion limits. They argued that many restraints, particularly reclining child restraints where the occupant's knees will be further forward than a non-reclining child restraint, cannot pass the knee excursion limit, but do not allow the occupants to submarine. They claimed that the reclining feature is a comfort and convenience device which promotes seat usage since it allows a child to sleep in the restraint. They recommended that the agency establish a separate requirement which would prevent the occupant's torso from straightening out and submarining under the belts. NHTSA has tested several child restraints in the reclining position and determined that the knee excursion can be lengthened to 36 inches without allowing submarining if the dummy's torso has rotated at least 15 degrees forward from its initial starting position when the knees have reached their maximum excursion. Thus, the new standard incorporates a 36 inch knee excursion limit and requires the test dummy's torso to have rotated at least 15 degrees forward when the knees have reached their maximum excursion.

For rear-facing child restraints (i.e., infant carriers) the May 1978 notice proposed retaining the dummy's head within the confines of the seat and preventing the back support surface of the restraint from tipping forward far enough to allow the angle between it and the vertical to exceed 60 degrees. If the support surface were allowed to tip more, the infant in the restraint could slide head first out of the shoulder straps. GM and Heinrich Von Wimmersperg pointed out that there is a conflict between the description of the confines of rear-facing restraints contained in the text of the standard and the manner in which the confines are defined in one of the figures incorporated in the standard. The text has been modified to correctly identify the confines of the restraint systems. GM also commented that the text of the standard defined the head confinement requirements in reference to the head target points of the infant dummy, although the infant dummy, unlike the 3 year child test dummy, does not have target points. The revised specifications for the infant test dummy do include head target points and therefore the confinement requirement is retained as originally proposed.

Several child restraint manufacturers objected to limiting the forward tipping of rear-facing restraints to 60 degrees. They argued that rear-facing child restraints can tip as much as 70 degrees forward and still retain the child within the restraint. They also argued that a rear-facing restraint will hit the instrument panel in the front seat, or the back of the front seat if the restraint is used in the rear seat, before the restraint tips 60 degrees. NHTSA is retaining a limit on forward tipping since a child restraint can be used in a vehicle with the vehicle's front seat moved to its extreme forward or rearward position. If the child restraint is used in the front seat and the vehicle seat is in the extreme rearward position, the child restraint can tip forward without striking the instrument panel. Likewise, a child restraint used in the rear seat, where the vehicle's front seat is in its extreme forward position, can tip forward without striking the back of the front seat. However, tests done by NHTSA have shown that a restraint can tip forward as much as 70 degrees while still retaining the child within the confines of the restraint. Therefore, the limitation on forward tipping is being changed to 70 rather than 60 degrees.

One child restraint manufacturer, the American Association for Automotive Medicine and Heinrich Von Wimmerspeg commented that manufacturers of rear-facing restraints may attempt to comply with the limitation on forward rotation by designing the normal resting angle of the seat in a very vertical alignment or by adding attachments to prop the seat into a vertical position. Either of those approaches can create an uncomfortable seating position for the child. They recommended that the agency establish a minimum resting angle for rearfacing restraints. The agency is not adopting this suggestion at this time. By increasing the amount of forward rotation allowed, the agency should have removed the temptation for

manufacturers to design restraint resting angles which would make it easier to comply with the requirement, but would create uncomfortable seating positions for the child.

The May 1978 notice proposed an additional dynamic test at 20 mph for child restraint systems equipped with tether straps with those straps left unattached. A number of commenters (such as Insurance Institute for Highway Safety, ACTS, University of Tennessee, Questor, Bobby Mac, and Michigan's Office of Highway Safety) commented that many people fail to connect the tether. They recommended that this type of restraint be tested at 30 mph with unattached tethers.

The agency is aware of the benefits and disadvantages of child restraints equipped with tethers, which presently account for over 70 percent of the child restraint sales. The agency's testing has shown that in 30 mph frontal tests child restraints with the tethers attached have less occupant excursion and lower head and chest accelerations than shield-type restraints that do not use tethers. Tethered restraints also allow far less occupant excursion in lateral crashes than shield-type restraints. The available accident data on child restraints, which includes consumer letters and accident investigation reports, is limited since the usage of child restraints is low. It does show, however, that tethered restraints, both properly tethered and untethered, have prevented injuries to children in crashes where other vehicle occupants were severely injured.

Because of the performance of properly tethered child restraints under testing and accident conditions, the agency does not want to eliminate those restraints from the market. At the same time, the agency wants to reduce or eliminate the possibility of people not using the tethers that accompany those restraints. Therefore, the agency is requiring all seats equipped with a tether to have a visible label warning people to correctly fasten the tether. In addition, the agency is considering issuing a proposal to require vehicle manufacturers to provide attachments for tether anchorages in all their vehicles. Having such attachments will enable parents to easily and properly attach tethers. The agency is also striving to promote the increased and proper use of child restraints through educational programs. As a part of this effort, NHTSA has conducted a series of regional seminars aimed at helping grass roots organizations educate parents about the importance of child restraints. An NHTSA-sponsored national conference on child restraint safety is scheduled for December 10–12 in Washington, D.C. to further these educational programs.

To ensure that restraints equipped with tethers provide at least a minimum level of protection if they are misused, the agency will require an additional dynamic test at 20 mph for those restraints. When tested with tethers unattached, the restraints must pass all the dynamic test performance requirements of the standard.

Energy Absorption and Distribution

Several manufacturers (Questor, Strollee, Cosco) and JPMA objected to the proposed height requirements for head restraints used to control the rearward movement of a child's head in a crash. The proposal would have slightly increased the requirements currently set in Standard No. 213. They argued that there was no basis for the change, which would require them to redesign their child restraints. The new requirements are based on anthropometric data on children gathered since the standard was originally adopted. NHTSA proposed the new head restraint height requirements in its earlier March 1974 notice of proposed rulemaking on child restraints and many manufacturers have already redesigned their seats to comply with the requirements. Since the new heights more accurately reflect the seating heights of children than the old requirements, the agency is adopting them as proposed. The notice proposed that the top of the head restraint be 22 inches above the seating surface for restraints used by children weighing more than 40 pounds. Questor requested the upper weight be changed to 43 pounds Since 40 pounds represents the weight of a 50th percentile 5 year old and 23 inches represents its seating height, the requirement is not changed.

Several manufacturers (Cosco, Strollee, Questor) and JPMA raised objections to the proposed requirement that head restraints of child restraint systems have a width of not less than 8 inches. They pointed out that the minimum head restraint width requirement is intended to prevent a child's head from going beyond the width of a head restraint in a lateral or rear impact. They argued that restraints with side supports or "wings" should not have to meet the 8 inch width requirement since the side supports will prevent an occupant's head from moving laterally outside the restraint system. NHTSA agrees that the side supports should help laterally retain the child's head within the restraint during a side or rear impact and therefore is exempting those restraints from the 8 inch minimum width requirement. However, to ensure that child restraints with side supports have sufficient width to accommodate the heads of the largest child using the restraint, the agency has set a 6 inch minimum width for those restraints. In addition, to ensure that side supports are large enough to retain an occupant's head within the restraint, the agency has set a minimum depth requirement of four inches for those supports. Anthropomorphic data shows that the head of a 50th percentile 5 year old child measures 7 inches front to rear and is 6 inches in breadth. Therefore, a four inch support should contact a sufficient area of the child's head to restrain it.

Manufacturers also questioned if the 8 inch width requirement is to be measured in restraints with side support from the surface of the padded side support or from the surface of the underlying structure before the padding is added. The wording of the standard is changed to make clear that the distance is measured from the surface of the padding, since the padded surface must be wide enough to accommodate the child's head.

The notice proposed that the minimum head restraint height requirement would not apply to restraints that use the vehicle's seat back to restrain the head, if the target point on the side of the head of the test dummy representing a 3 year old child is raised above the top of the seat back. Ford said that because of permitted differences in the dimensions of different test dummys and test seats, its child restraint will not consistently meet the requirements. Ford asked that the height requirement be changed or the manufacturers be permitted to restrict their restraints to seats with head restraints or to rear seats which have a flat surface immediately behind the seat. The standard allows a manufacturer to specify in its instruction manual accompanying the restraints which seating locations cannot be used with the child restraint. Therefore, no change is necessary, since Ford is allowed to restrict use of its restraint.

Several manufacturers (Cosco, Strollee, Questor) and JPMA objected to the proposed force distribution requirement set for the sides of child restraint systems. The specifications do not require manufacturers to incorporate side supports in their restraints, they only regulate the surfaces that the manufacturer decides to provide so that they distribute crash forces over the child's torso. The commenters requested that the agency define the term "torso" and explain the reason for setting

different side support requirements for systems used by infants weighing less than 20 pounds than for systems used by children weighing 20 pounds or more. In restraints for infants less than 20 pounds, the minimum side surface area requirements are based on anthropometric data for a 6-month-old 50 percentile infant to ensure maximum lateral body contact in a side impact. Since the skeletal structure of an infant is just beginning to develop, it is important to distribute impact forces over as large a surface area of the child as possible, rather than concentrating the potentially injurious forces over a small area. For restraints used by children weighing more than 20 pounds and, therefore, having a more developed skeletal structure the minimum surface area requirement is based on anthropometric data for a 50th percentile 3-year-old child to provide restraint for the shoulder and hip areas of the child.

To enable manufacturers to determine their compliance with the torso support requirement, the standard follows the dictionary definition of "torso" and defines the term as referring to the portion of the body of a seated anthropomorphic test dummy, excluding the thighs, that lies between the top of the seating surface and the top of the shoulders of the test dummy.

Several manufacturers (Cosco, Strollee, Questor) and JPMA questioned the basis for prohibiting surfaces with a radius of curvature of less than 3 inches. They and Hamill also asked if the measurement of the curvature is to be made before or after application of foam padding on the underlying surface. The radius of curvature limitation will prevent sharp surfaces that might concentrate potentially injurious forces on the child. It is based on the performance of systems with such a radius of curvature that have not produced injuries in real world crashes. The standard is changed to require the measurement of the radius of curvature to be made on the underlying structure of the restraint, before application of foam padding. Since foam compresses when impacted in a crash, it is important that the structure under the foam be sufficiently curved so it does not concentrate the crash forces on a limited area of the child's body.

For child restraints used by children weighing less than 20 pounds, the notice proposed that surfaces which can be contacted by the test dummy's head during dynamic testing must be padded with a material that meets certain thickness and static compression requirements. A number of manufacturers (Strollee, Cosco, GM and Questor) and JPMA questioned the specifications set for the padding, arguing that there is no need to change from the current materials and the specification of a minimum thickness is design restrictive. Other commenters (Bobby-Mac, Hamill and American Association for Automotive medicine) requested that the agency establish a test to measure the energy-absorbing capabilities of the underlying structure of the restraint, as well as of the padding.

NHTSA eventually wants to establish dynamic test requirements using instrumented test dummies for restraints used by children weighing 20 pounds or less. Such testing would measure the total energy absorption capability of the padding and underlying structure. At present, there are no instrumented infant test dummies, so the agency is instead specifying long-established static tests of the padding material.

In response to manufacturer comments, the NHTSA has reevaluated the materials currently used in child restraints and determined that those and other widely available materials can apparently provide sufficient energy absorption if used with a specified thickness. The agency has changed the proposed compression-deflection requirements to allow the use of a wider range of materials which should enable manufacturers to provide protective padding for children without having to increase the price of the restraint.

The proposed ban on components, such as arm rests, directly in front of a child which do not restrain the child was objected to by JPMA, and some manufacturers (Strollee, Century Products, International Manufacturing). They argued that arm restraints should not be banned since they promote usage of a child retraint by giving the child an area to rest against or place a book or other plaything. Other manufacturers (Hammil, Bobby-Mac), Michigan's Office of Highway Safety and the American Academy of Pediatrics supported the ban arguing that arm rests promote misuse by creating the impression that a child can be adequately restrained by merely placing the arm rest in front of the child. The agency is concerned that parents' mistaken beliefs about the protective capability of arm rests may mislead them into not using the harness systems in the restraints.

Therefore, such arm rests or other components only may be installed if they provide adequate protection to a child when the restraint is misused in a foreseeable way because of the presence of the arm rest (i.e., the child is not buckled into the harness that comes with the child restraint system). To measure the performance of child restraints with arm rests and other devices that flip down in front of the child, those restraints will be tested at 20 mph with the component placed in front of the child, but without the child strapped into the restraint system. The restraint must pass the occupant excursion and other dynamic performance requirements in that condition.

Child Restraint Belt Systems

The May 1978 notice proposed three alternatives for the buckle release force required for the harnesses that restrain a child within the restraint. Many manufacturers favored the alternative based on the current Standard No. 213 which establishes a maximum force of 20 pounds, but does not establish a minimum force. In order to promote international harmonization, Volvo endorsed another alternative proposed by the Economic Commission of Europe which would set a minimum force of 2.25 pounds and a maximum of 13.45 pounds. However, Volvo proposed deviating from the ECE proposal and allowing a maximum release force of 20 pounds. Michigan's Office of Highway Safety and the American Seat Belt Council (ASBC) supported the other alternative which, based on a study by the National Swedish Road and Traffic Institute, would have set a 12 pound minimum force and a 20 pound maximum force. ASBC stated that this alternative should prevent a small child from opening the buckle, but not be too strong to prevent a small adult female from opening the buckle. Other commenters, such as ACTS and Borgess Hospital, recommended that the force be set at a level which children could not manage. Borgess noted that their experience with 400 rental child restraints shows that keeping children from unbuckling their restraints is a common problem. Physicians for Automotive Safety recommended that all buckle types be standardized and the release force be set at a level which can be quickly opened in an emergency.

Based on its review of the comments, NHTSA had decided to require buckles with a minimum release force of 12 pounds and a maximum release force of 20 pounds. The effectiveness of a restraint depends on the child being properly buckled at the time of impact. If a child is capable of releasing the buckle, it can inadvertently or purposely defeat the protection of the harness system. Setting a minimum force of 12 pounds should prevent small children from opening the buckle. Setting a

maximum of 20 pounds as the release force will enable parents to easily open the buckle. NHTSA encourages manufacturers of child restraints to use push button buckles, similar to those used in automobile belts, so that people unfamiliar with child restraints can readily unbuckle them in emergencies. The agency will consider further rulemaking to standardize the buckle if manufacturers do not voluntarily adopt this approach.

Likewise, NHTSA has already advised child restraint manufacturers that physicians have informed the agency that some children are burned during the summer by over-heated metal buckles or other metal child restraint hardware. NHTSA will monitor manufacturer efforts to eliminate this problem and determine if additional rulemaking is necessary.

The proposal that the belt systems in child restraints meet many of the belt and buckle requirements of Standard No. 209, *Seat Belt Assemblies,* such as those relating to abrasion, resistance to light, resistance to microorganisms, color fastness and corrosion and temperature resistance was not opposed by any of the commenters and is therefore adopted. The buckle release test in Standard No. 209 for child restraint buckles is deleted, since Standard 213 now sets new performance requirements for buckles. Ford noted that the proposal inadvertently dropped a portion of Standard No. 209's abrasion requirements, which have been reincorporated in the final rule.

To prevent the belts from concentrating crash forces over a narrow area of a child's body, the proposal sets a minimum belt width of 1½ inch for any belt that contacts the test dummy during the testings. Hamill requested that pieces of webbing used to position the principal belts that maintain crash loads be exempt from the minimum width requirements. The agency believes that as long as the test dummy, and thus a child, can contact the belts during a crash the belts should be wide enough to spread the crash forces and therefore Hamill's request is denied.

Methods of Installation

Many commenters, including ACTS, America Academy for Pediatrics, Insurance Institute for Highway Safety, and American Seat Belt Council, said that child restraint systems cannot be used with some automatic belt systems, since they do not have a lap belt to secure the child restraint to the seat. They asked the agency to require all automatic belt systems to include lap belts.

The agency considers the compatibility of child restraints with automatic belt systems to be an important issue. One of the purposes of the agency's December 12, 1979, public meeting on child safety and motor vehicles is to obtain the public's views and information on that and other child passenger safety issues to assist the agency in determining whether to commence rulemaking. One rulemaking option currently being considered by the agency is to require vehicle manufacturers to provide anchorages for lap belts in automatic restraint equipped vehicles so that parents wishing to install lap belts can easily do so.

A number of manufacturers are voluntarily taking steps to make automatic belt systems compatible with child restraint systems. For example, GM provides an additional manual belt with its optional automatic lap-shoulder belt system for the front passenger's seat in the 1980 model Chevrolet Chevette to enable parents to secure child restraint systems.

Many of the commenters also asked the agency to require vehicle manufacturers to install anchorages or provide predrilled holes to attach tether anchorages in all their vehicles. They argued such anchorages or holes will make it easy for parents to attach tether straps correctly. As mentioned earlier in this notice, the agency is considering issuing a proposal to require manufacturers to provide attachments for tether anchorages in all their vehicles.

The May 1978 notice proposed that all child restraints be capable of being secured to the vehicle seat by a lap belt. Volvo and Mercedes once again asked the agency to allow the use of "vehicle specific" child restraints (systems uniquely designed for installation in a particular make and model which do not utilize vehicle seat belts for anchorages). As explained in the May 1978 notice, such systems can easily be misused by being placed in vehicles for which they were not specifically designed. Standardizing all restraints by requiring them to be capable of being attached by a lap belt is an important way to prevent misuse.

However, since vehicle specific child restraints can provide adequate levels of protection when installed correctly, NHTSA is not prohibiting the manufacture of such devices. The new standard requires them to meet the performance requirements of the standard when secured by a vehicle lap belt. As long as child restraints can pass the performance requirements of the standard secured only by a lap belt, a manufacturer is free to specify other "vehicle specific" installation conditions.

Labeling

The requirement for having a visible label permanently mounted to the restraint to encourage proper use of child restraints was supported by many of the commenters, including the Center for Auto Safety, ACTS, Insurance Institute for Highway Safety, and Michigan's Office of Highway Safety. Several manufacturers (Century, Cosco, Questor) objected to having a visible label on child restraints, claiming that there is not enough space on some restraints to place all the required information. Other commenters supported the visible labeling requirement but suggested that the visible label only have a single warning telling people to follow the manufacturer's instructions (American Association for Automotive Medicine, Strollee, Hammill). Others suggested placing warnings about the correct use of the restraint on a visible label and placing such information as the height and weight limits for children using the restraint and the manufacturer's certification that it meets all Federal motor vehicle safety standards on a nonvisible label (GM, PAS).

After reviewing the comments, NHTSA concludes that it is important to have certain warnings in a visible position to serve as a constant reminder on how to correctly use the restraint. Because of the limited space on some restraints, the agency has shortened the labeling requirements to require only those instructions most directly concerned with the safe use of the seat be visible. Thus, depending on its design, the restraint must warn parents to secure the restraint with the vehicle lap belt, snugly adjust all belts provided with the restraint, correctly attach the top tether strap and only use a restraint adjustment position which are intended for use in a motor vehicle.

In response to the agency's request for other instructions that a manufacturer should give parents, several commenters (ACTS, Michigan's Office of Highway Safety, Borgess Hospital) said that a warning on the label is necessary to prevent misuse of infant carriers. They said many people mistakenly place infant carriers in a forward-facing, rather than a rear-facing position. A forward-facing position defeats the purpose of those restraints which are designed to spread the forces of the crash over the infant's back. Because of the importance of preventing this type of misuse, the agency will require the visible label to also remind parents not

to use rear-facing infant restraints in any other position.

Information about the height and weight limits of the children for which the restraint is designed, the manufacturer and model of the child restraint, and the month, year and place of manufacture and the certification that the restraint complies with all applicable Federal motor vehicle safety standards would also have to be provided, but that information does not have to be on a label that is visible when the seat is installed.

Many commenters (GM, Insurance Institute for Highway Safety, Multnomah County Department of Human Services, Physicians for Automotive Safety, Center for Auto Safety and American Academy of Pediatrics) supported the proposed requirement that manufacturers inform consumers about the primary consequences of not following the manufacturer's warning about the correct use of the restraint. Therefore, the visible label must state the primary consequence of misusing the restraint. The same information would also have to be included in the instruction manual accompanying the restraint.

Ford objected to the requirement that the label have a diagram showing the child restraint installed in a vehicle as specified in the manufacturer's instructions. It said that because of the complexity of the instructions required for proper installation of a restraint with different types of belt systems, it is not practical to place all of the information on a single label. Hamill suggested that because of those same considerations, the agency should only require the diagram to show the proper installation of the restraint at one seating position. Other commenters, such as the American Academy for Pediatrics, supported the use of diagrams on the restraint noting that diagrams can more easily convey information than written instructions.

To promote the correct use of child restraints, NHTSA believes that it is important to have a diagram on the restraint to remind users of the proper method of installation. However, so that the label does not become too unwieldy, the agency will only require manufacturers to provide a diagram showing the restraint correctly installed in the right front seating position with a continuous loop lap/shoulder belt and in the center rear seating position installed with a lap belt. For restraints equipped with top tethers, the diagram must show the tethers correctly attached in both seating positions. It is important to show the correct use of a child restraint with a continuous loop lap/shoulder belt (a type of belt system used on many current cars) since such belts must have a locking clip installed on the belt to safely secure the child restraint.

GM objected to the requirement that the label be in block type, which it said makes the label difficult to read. GM requested that manufacturers be allowed to use 10 point type with either capitals or upper and lower case lettering. GM said that using such type will result in an easier to read label which, in turn, should promote more complete reading of the label by the consumer. Since the type sought by GM should promote the reading of the label, the agency is changing the requirement to allow the use of such type as an option.

Several organizations (ACTS, Center for Auto Safety and Insurance Institute for Highway Safety) asked the agency to establish performance test to accompany the requirement that the label be permanently affixed to the restraint. They pointed out that some current paper labels peel off after the restraint has been used awhile. NHTSA has not conducted the necessary testing to establish such a requirement. NHTSA urges manufacturer, whenever possible, to mold the label into the surface of the restraint rather than use a paper label.

Consumers Union and the Center for Auto Safety suggested that all restraints be graded based on their performance in frontal and lateral crash tests and the grades be posted on all the packaging, labels, and instruction manuals accompanying the child restraint. The grades would indicate the seating position within the vehicle with which the restraint can be safely used. Neither Consumers Union nor the Center suggested any performance requirements for establishing the different grades. Since the proposed grading system is outside of the scope of the proposed rule and the agency has not done the necessary testing to determine the specific tests and performance requirements necessary to establish such grading system, NHTSA will evaluate the suggestion for use in future rulemaking.

Installation Instructions

The May 1978 notice proposed that each restraint be accompanied by instructions for correctly installing the restraint in any passenger seat in motor vehicles. Many commenters (Center for Auto Safety, Borgess and Rainbow Hospitals, University of Tennessee and ACTS) suggested that the requirement for the instructions to accompany the restraint should be more explicit to require the restraint to have a storage location, such as a slot in the restraint or a plastic pouch affixed to the restraint, for permanently storing the instructions. They point out that storing the instructions with the restraint means they will be available for ready reference and will be passed on to subsequent owners of the restraint. NHTSA believes such a requirement would best carry out its intent to require the instructions to be easily available to all users and therefore the suggestion is adopted.

Several manufacturers (Strollee, Cosco) and JPMA objected to the agency's proposed requirement that the instructions state that the center rear seating position is the safest seating position in a vehicle. While not questioning the validity of the accident data showing the center rear seat to be the safest seating position in most vehicles, they argued that the agency should consider the psychological impact of not having the child near the adult. Accident data have consistently shown that the occupants in the rear seat are safer than occupants in the front seat. The same data show that the center rear seating position is the safest seating position in the rear seat. To enable parents to make an informed judgment about how best to protect their children, NHTSA believes that it is important to clearly inform them about the safest seating positions in the vehicle, and is therefore retaining the requirement.

In response to the agency's request for additional suggestions to be included in the instruction manual accompanying the restraint, ACTS suggested that car bed manufacturers inform consumers that the child should be placed with its head near the center of the vehicle. Because orienting a child's head in that way will ensure that it is the maximum distance away from the sides of the vehicle in a side impact, the agency has adopted ACTS suggestion. Tennessee's Office of Urban and Federal Affairs suggested that users should be told to secure child restraints with a vehicle belt when the child restraint is in the vehicle but not in use. Since an unsecured child restraint can become a flying missle in a crash and injure other vehicle occupants, the agency has adopted Tennessee's suggestion.

Test Conditions

The standard specifies requirements for a test assembly representing a vehicle bench seat to be used in the dynamic testing. Bobby-Mac commented that the test seat has a more level seating surface and less support at the forward edge of the seat than the seats in many current cars. These differences mean that a child restraint may

experience more excursion on the test seat than on more angled and firmer car seats, Bobby-Mac said. NHTSA agrees that in comparison to some vehicle seats, the test seat may present more demanding test conditions. However, the test seat is representative of many seats used in vehicles currently on the road. Meeting the performance requirement of the standard on the test seat will ensure that child restraints perform adequately on the variety of different seats found in cars on the road.

Several manufacturers (Cosco and Strollee) and JPMA raised questions about the requirement proposed for the crash pulse (i.e., the amount of test sled deceleration required to simulate the crash forces experienced by a car) for the 20 and 30 mph tests. The agency had proposed a range of sled test pulses to allow manufacturers the option of using pneumatic or impact sled testing machines. Since a variety of different sled test pulses would be permitted under the proposal, manufacturers asked the agency to explain what would happen if they and the agency tested a child restraint system using different sled test pulses and produced inconsistent results (i.e., a failure using one pulse and a pass at the other, when both pulses were within the permissible range). JPMA suggested that the agency should consider a restraint as in compliance if the restraint meets all the applicable performance requirements in a test in which the sled test pulse lies entirely within the proposed range.

To provide manufacturers with certainty they desire, the agency has redefined the sled test pulse requirement to establish a single 20 mph (Figure 3) and a single 30 mph (Figure 2) sled test pulse. Thus, in conducting its compliance testing, NHTSA may not exceed the sled test pulse set for the 20 and 30 mph tests. The sled test pulses chosen by NHTSA are the least severe pulses that meet the acceleration thresholds proposed in the notice of proposed rulemaking. Manufacturers are free to use other sled pulses, as long as the acceleration/time curve of the sled test pulse used is equal to or greater than the acceleration/time curve of the sled test pulse set in the standard.

In response to comments by Ford and others that the durability of the foam used in the standard seat assembly may influence the test results, the agency has changed the standard to specify that the foam in the test seat be changed after each test.

GM pointed out that the instructions for positioning the test dummy within the restraint did not specify when in the positioning sequences any of the restraint's belts should be placed on the test dummy. An appropriate change has been made to specify when the belts should be attached. Ford said that the dummy positioning requirements result in an "unnatural" positioning of the dummy within its Tot-Guard restraint so that the dummy's arms rest on the side of the restraint rather than with its arms on the padded portion of the shield. NHTSA notes that a child in a real-world accident will not necessarily have its arms resting on the shield. Allowing the test dummy's arm to be positioned on the shield may inhibit the dummy's forward movement and make it easier to comply with the limits on test dummy excursion and acceleration set in the standard. Thus, Ford's requested change in the positioning requirements is rejected.

Flammability

The notice proposed requiring child restraints to meet the burn resistance requirements of Standard No. 302, *Flammability of Interior Materials*. The requirement was supported by GM, the American Academy of Pediatrics and the American Seat Belt Council. No commenters opposed the requirement. In supporting the requirement, GM said that the flammability characteristics of child restraints, "which are in close proximity to an occupant," should be "compatible with the flammability characteristics of other parts of the vehicle occupant compartment interior," which already must meet the performance requirements of Standard No. 302. The agency agrees with GM about the desirability of providing all vehicle occupants with the protection of Standard No. 302 and is thus requiring all child restraints to meet the performance requirements of that standard.

Inertial Reels

Several commenters raised questions about the effectiveness of vehicle seat belts equipped with inertial reels in securing child restraints. The American Academy of Pediatrics requested the agency to restrict the use of inertial reels to the driver's seating position. Physician for Automotive Safety and ACTS pointed out that continuous loop lap/shoulder belts with inertial reels must be used with locking clips to secure a child restraint. They said that the difficulty of installing such clips deters their use.

Agency research has found that use of inertial reels increases the comfort and convenience of seat belts and thus promotes their use by older children and adults. Thus, the agency will continue to require the use of inertial reels in vehicle belt systems. However, to ensure that inertial reels are compatible with child restraints, the agency will soon begin rulemaking on the comfort and convenience of vehicle belt systems to require that the belts used in the front right outboard seating position have a manual locking device. This requirement will mean that continuous loop and other types of inertial reel belt systems can be easily and effectively used with child restraints. Such manual locking devices will also be permitted with belts used in the rear seats. As previously outlined in this notice, the agency has established several labeling and installation instruction requirements which deal specifically with the correct use of locking clips on continuous loop belts with inertial reels. Those requirements should reduce or eliminate problems associated with using child restraint in current vehicles equipped with inertial reels.

Costs and Benefits

The agency has considered the economic and other impacts of this final rule and determined that this rule is not significant within the meaning of Executive Order 12044 and the Department of Transportation's policies and procedures implementing that order. The agency's assessment of the benefits and economic consequences of this final rule are contained in a regulatory evaluation which has been placed in the docket. Copies of that regulatory evaluation can be obtained by writing NHTSA's docket section, at the address given in the beginning of this notice.

In the 0 to 5 age group, more than 800 children are killed and more than 100,000 children are injured annually as occupants of motor vehicles. Because of the large difference in effectiveness between restraints that can pass the dynamic test of the new standard and those which have passed only a static test, NHTSA projects that there should be 43 fewer deaths and 6,528 fewer injuries per year. Because many restraints have already been upgraded in response to the agency's prior rulemaking proposal, some of the death and injury prevention benefits of the standard have already been realized.

The projected benefits of this standard are limited by the existing low rate of child restraint use. However, the labeling and instruction requirements of this standard should increase the proper usage of child restraints.

Because of NHTSA's 1974 proposal to upgrade child restraints, many manufacturers have currently designed their restraints to meet dynamic test requirements. Therefore, those restraints are only projected to increase in price by approximately $1.00 in order to meet

the other requirements of this standard. Restraints that do not currently pass dynamic tests would have a price increase of $16.00 to meet the new requirements. The average sales weighted price increase is $4.25.

Numerous commenters (including National Safety Council, American Academy of Pediatricians, Tennessee Office of Child Development and North Dakota's Department of Public Health) urged the agency to make the standard effective before the proposed May 1, 1980, effective date. GM and the American Safety Belt Council requested that the effective date be delayed beyond the proposed May 1, 1980. Many manufacturers have already upgraded their restraints to the performance requirements set in this rule. The agency believes that providing six months leadtime, until June 1, 1980, will provide sufficient time for the remaining manufacturers to upgrade their restraints.

The principal authors of this notice are Vladislav Radovich, Office of Vehicle Safety Standards, and Stephen Oesch, Office of Chief Counsel.

In consideration of the foregoing, the following amendments are made in Part 571, Chapter V, Title 49, Code of Federal Regulations:

1. Standard No. 209, Seat Belt Assemblies (49 CFR 571.209), is amended to read as follows:

§ 571.209 Standard No. 209; Seat belt assemblies.

S1. *Purpose and Scope.* This standard specifies requirements for seat belt assemblies.

S2. *Application.* This standard applies to seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definitions.* "Seat belt assembly" means any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

"Pelvic restraint" means a seat belt assembly or portion thereof intended to restrain movement of the pelvis.

"Upper torso restraint" means a portion of a seat belt assembly intended to restrain movement of the chest and shoulder regions.

"Hardware" means any metal or rigid plastic part of a seat belt assembly.

"Buckle" means a quick release connector which fastens a person in a seat belt assembly.

"Attachment hardware" means any or all hardware designed for securing the webbing of a seat belt assembly to a motor vehicle.

"Adjustment hardware" means any or all hardware designed for adjusting the size of a seat belt assembly to fit the user, including such hardware that may be integral with a buckle, attachment hardware, or retractor.

"Retractor" means a device for storing part or all of the webbing in a seat belt assembly.

"Nonlocking retractor" means a retractor from which the webbing is extended to essentially its full length by a small external force, which provides no adjustment for assembly length, and which may or may not be capable of sustaining restraint forces at maximum webbing extension.

"Automatic-locking retractor" means a retractor incorporating adjustment hardware by means of a positive self-locking mechanism which is capable when locked of withstanding restraint forces.

"Emergency-locking retractor" means a retractor incorporating adjustment hardware by means of a locking mechanism that is activated by vehicle acceleration, webbing movement relative to the vehicle, or other automatic action during an emergency and is capable when locked of withstanding restraint forces.

"Seat back retainer" means the portion of some seat belt assemblies designed to restrict forward movement of a seat back.

"Webbing" means a narrow fabric woven with continuous filling yarns and finished selvages.

"Strap" means a narrow nonwoven material used in a seat belt assembly in place of webbing.

"Type 1 seat belt assembly" is a lap belt for pelvic restraint.

"Type 2 seat belt assembly" is a combination of pelvic and upper torso restraints.

"Type 2a shoulder belt" is an upper torso restraint for use only in conjunction with a lap belt as a Type 2 seat belt assembly.

S4 *Requirements.*

S4.1 (a) *Single occupancy.* A seat belt assembly shall be designed for use by one, and only one, person at any one time.

(b) *Pelvic restraint.* A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in S4.1 to S4.4.

(c) *Upper torso restraint.* A Type 2 seat belt assembly shall provide upper torso restraint without shifting the pelvic restraint into the abdominal region. An upper torso restraint shall be designed to minimize vertical forces on the shoulders and spine. Hardware for upper torso restraint shall be so designed and located in the seat belt assembly that the possibility of injury to the occupant is minimized.

A Type 2a shoulder belt shall comply with applicable requirements for a Type 2 seat belt assembly in S4.1 to S4.4, inclusive.

(d) *Hardware.* All hardware parts which contact under normal usage a person, clothing, or webbing shall be free from burrs and sharp edges.

(e) *Release.* A Type 1 or Type 2 seat belt assembly shall be provided with a buckle or buckles readily accessible to the occupant to permit his easy and rapid removal from the assembly. Buckle release mechanism shall be designed to minimize the possibility of accidental release. A buckle with release mechanism in the latched position shall have only one opening in which the tongue can be inserted on the end of the buckle designed to receive and latch the tongue.

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice J800B, Motor Vehicle Seat Belt Installations, September 1965. However, seat belt assemblies designed for installation in motor vehicles equipped with seat belt assembly anchorages that do not require anchorage nuts, plates, or washers, need not have such hardware, but shall have 7/16–20 UNF–2A or 1/2–13UNC–2A attachment bolts or equivalent hardware. The hardware shall be designed to prevent attachment bolts and other parts from becoming disengaged from the vehicle while in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, at least 0.06 inch in thickness and at least 4 square inches in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch. Any corner shall be rounded to a radius of not less than 0.25 inch or cut so that no corner angle is less than 135° and no side is less than 0.25 inch in length.

(g) *Adjustment.* (1) A Type 1 or Type 2 seat belt assembly shall be capable of adjustment to fit occupants whose

dimensions and weight range from those of a 5th-percentile adult female to those of a 95th-percentile adult male. The seat belt assembly shall have either an automatic-locking retractor, an emergency-locking retractor, or an adjusting device that is within the reach of the occupant.

(2) A Type 1 or Type 2 seat belt assembly for use in a vehicle having seats that are adjustable shall conform to the requirements of S4.1(g)(1) regardless of seat position. However, if a seat has a back that is separately adjustable, the requirements of S4.1(g)(1) need be met only with the seat back in the manufacturer's nominal design riding position.

(3) The adult occupants referred to in S4.1(g)(1) shall have the following measurements:

	5th-percentile adult female	95th-percentile adult male
Weight	102 lbs	215 lbs.
Erect sitting height	30.9 in	38 in.
Hip breadth (sitting)	12.8 in	16.4 in.
Hip circumference (sitting)	36.4 in	47.2 in.
Waist circumference (sitting)	23.6 in	42.5 in.
Chest depth	7.5 in	10.5 in.
Chest circumference:		
Nipple	30.5 in	44.5 in.
Upper	29.8 in	44.5 in.
Lower	36.6 in	44.5 in.

(h) *Webbing.* The ends of webbing in a seat belt assembly shall be protected or treated to prevent raveling. The end of webbing in a seat belt assembly having a metal-to-metal buckle that is used by the occupant to adjust the size of the assembly shall not pull out of the adjustment hardware at maximum size adjustment. Provision shall be made for essentially unimpeded movement of webbing routed between a seat back and seat cushion and attached to a retractor located behind the seat.

(i) *Strap.* A strap used in a seat belt assembly to sustain restraint forces shall comply with the requirements for webbing in S4.2, and if the strap is made from a rigid material, it shall comply with applicable requirements in S4.2, S4.3, and S4.4.

(j) *Marking.* Each seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States. A model shall consist of a single combination of webbing having a specific type of fiber weave and construction, and hardware having a specific design. Webbings of various colors may be included under the same model, but webbing of each color shall comply with the requirements for webbing in S4.2.

(k) *Installation instructions.* A seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items in SAE Recommended Practice. Motor Vehicle Seat Belt Installations—SAE J800b, published by the Society of Automotive Engineers.

(l) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

(m) *Workmanship.* Seat belt assemblies shall have good workmanship in accordance with good commercial practice.

S4.2 *Requirements for webbing.*

(a) *Width.* The width of the webbing in a seat belt assembly shall be not less than 1.8 inches, except for portions that do not touch a 95th percentile adult male with the seat in any adjustment position and the seat back in the manufacturer's nominal design riding position when measured under the conditions prescribed in S5.1(a).

(b) *Breaking strength.* The webbing in a seat belt assembly shall have not less than the following breaking strength when tested by the procedures specified in S5.1(b): Type 1 seat belt assembly—6,000 pounds or 2,720 kilograms; Type 2 seat belt assembly—5,000 pounds or 2,270 kilograms for webbing pelvic restraint and 4,000 pounds or 1,810 kilograms for webbing in upper torso restraint.

(c) *Elongation.* The webbing in a seat belt assembly shall not extend to more than the following elongation when subjected to the specified forces in accordance with the procedure specified in S5.1(c): Type 1 seat belt assembly—20 percent at 2,500 pounds or 1,130 kilograms; Type 2 seat belt assembly—30 percent at 2,500 pounds or 1,130 kilograms for webbing in pelvic restraint and 40 percent at 2,500 pounds or 1,130 kilograms for webbing in upper torso restraint.

(d) *Resistance to abrasion.* The webbing of a seat belt assembly, after being subjected to abrasion as specified in S5.1(d), shall have a breaking strength of not less than 75 percent of the breaking strength listed in S4.2(b) for that type of belt assembly.

(e) *Resistance to light.* The webbing in a seat belt assembly after exposure to the light of a carbon are and tested by the procedure specified in S5.1(e) shall have a breaking strength not less than 60 percent of the strength before exposure to the carbon arc and shall have a color retention not less than No. 2 on the Geometric Gray Scale published by the American Association of Textile Chemists and Colorists, Post Office Box 886, Durham, N.C.

(f) *Resistance to micro-organisms.* The webbing in a seat belt assembly after being subjected to micro-organisms and tested by the procedures specified in S5.1(f) shall have a breaking strength not less than 85 percent of the strength before subjection to micro-organisms.

(g) *Colorfastness to crocking.* The webbing in a seat belt assembly shall not transfer color to a crock cloth either wet or dry to a greater degree than Class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in S5.1(g).

(h) *Colorfastness to staining.* The webbing in a seat belt assembly shall not stain to a greater degree than Class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in S5.1(h).

S4.3 *Requirements for hardware.*

(a) *Corrosion resistance.* (1) Attachment hardware of a seat belt assembly after being subjected to the conditions specified in S5.2(a) shall be free of ferrous corrosion on significant surfaces except for permissible ferrous corrosion at peripheral edges or edges of holes on underfloor reinforcing plates and washers. Alternatively, such hardware at or near the floor shall be protected against corrosion by at least a Type KS electrodeposited coating of nickel, or copper and nickel, and other attachment hardware shall be protected

by a Type QS electrodeposited coating of nickel or copper and nickel, in accordance with Tentative Specifications for Electrodeposited Coatings of Nickel and Chromium on Steel, ASTM Designation: A166–61T, published by the American Society for Testing and Materials, 1916 Race Street, Philadephia, Pa. 19103, but such hardware shall not be racked for electroplating in locations subjected to maximum stresses.

(2) Surfaces of buckles, retractors and metallic parts, other than attachment hardware, of a seat belt assembly after subjection to the conditions specified in S5.2(a) shall be free of ferrous or nonferrous corrosion which may be transferred, either directly or by means of the webbing, to the occupant or his clothing when the assembly is worn. After test, buckles shall conform to applicable requirements in paragraphs (d) to (g) of this section.

(b) *Temperature resistance.* Plastic or other nonmetallic hardware parts of a seat belt assembly when subjected to the conditions specified in S5.2(b) shall not warp or otherwise deteriorate to cause the assembly to operate improperly or fail to comply with applicable requirements in this section and S4.4.

(c) *Attachment hardware.* (1) Eye bolts, shoulder bolts, or other bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall withstand a force of 9,000 pounds or 4,080 kilograms when tested by the procedure specified in S5.2(c)(1), except that attachment bolts of a seat belt assembly designed for installation in specific models of motor vehicles in which the ends of two or more seat belt assemblies cannot be attached to the vehicle by a single bolt shall have a breaking strength of not less than 5,000 pounds or 2,270 kilograms.

(2) Other attachment hardware designed to receive the ends of two seat belt assemblies shall withstand a tensile force of at least 6,000 pounds or 2,720 kilograms without fracture of any section when tested by the procedure specified in S5.2(c)(2).

(3) A seat belt assembly having single attachment hooks of the quick-disconnect type for connecting webbing to an eye bolt shall be provided with a retaining latch or keeper which shall not move more than 0.08 inch or 2 millimeters in either the vertical or horizontal direction when tested by the procedure specified in S5.2(c)(3).

(d) *Buckle release.* (1) The buckle of a Type 1 or Type 2 seat belt assembly shall release when a force of not more than 30 pounds or 14 kilograms is applied.

(2) A buckle designed for pushbutton application of buckle release force shall have a minimum area of 0.7 square inch or 4.5 square centimeters with a minimum linear dimension of 0.4 inch or 10 millimeters for applying the release force, or a buckle designed for lever application of buckle release force shall permit the insertion of a cylinder 0.4 inch or 10 millimeters in diameter and 1.5 inches or 38 millimeters in length to at least the midpoint of the cylinder along the cylinder's entire length in the actuation portion of the buckle release. A buckle having other design for release shall have adequate access for two or more fingers to actuate release.

(3) The buckle of a Type 1 or Type 2 seat belt assembly shall not release under a compressive force of 400 pounds applied as prescribed in paragraph S5.2(d)(3). The buckle shall be operable and shall meet the applicable requirement of paragraph S4.4 after the compressive force has been removed.

(e) *Adjustment force.* The force required to decrease the size of a seat belt assembly shall not exceed 11 pounds or 5 kilograms when measured by the procedure specified in S5.2(e).

(f) *Tilt-lock adjustment.* The buckle of a seat belt assembly having tilt-lock adjustment shall lock the webbing when tested by the procedure specified in S5.2(f) at an angle of not less than 30 degrees between the base of the buckle and the anchor webbing.

(g) *Buckle latch.* The buckle latch of a seat belt assembly when tested by the procedure specified in S5.2(g) shall not fail, nor gall or wear to an extent that normal latching and unlatching is impaired, and a metal-to-metal buckle shall separate when in any position of partial engagement by a force of not more than 5 pounds or 2.3 kilograms.

(h) *Nonlocking retractor.* The webbing of a seat belt assembly shall extend from a nonlocking retractor within 0.25 inch or 6 millimeters of maximum length when a tension is applied as prescribed in S5.2(h). A nonlocking retractor on upper torso restraint shall be attached to the nonadjustable end of the assembly, the reel of the retractor shall be easily visible to an occupant while wearing the assembly, and the maximum retraction force shall not exceed 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulder when measured by the procedure specified in S5.2(h), unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly.

(i) *Automatic-locking retractor.* The webbing of a seat belt assembly equipped with an automatic locking retractor, when tested by the procedure specified in S5.2(i), shall not move more than 1 inch or 25 millimeters between locking positions of the retractor, and shall be retracted with a force under zero acceleration of not less than 0.6 pound or 0.27 kilogram when attached to pelvic restraint, and not less than 0.45 pound or 0.2 kilogram nor more than 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulders of an occupant when the retractor is attached to upper torso restraint. An automatic locking retractor attached to upper torso restraint shall not increase the restraint on the occupant of the seat belt assembly during use in a vehicle traveling over rough roads as prescribed in S5.2(i).

(j) *Emergency-locking retractor.* An emergency-locking retractor of a Type 1 or Type 2 seat belt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)—

(1) Shall lock before the webbing extends 1 inch when the retractor is subjected to an acceleration of 0.7g;

(2) Shall not lock, if the retractor is sensitive to webbing withdrawal, before the webbing extends 2 inches when the retractor is subjected to an acceleration of 0.3g or less;

(3) Shall not lock, if the retractor is sensitive to vehicle acceleration, when the retractor is rotated in any direction to any angle of 15° or less from its orientation in the vehicle;

(4) Shall exert a retractive force of at least 0.6 pound under zero acceleration when attached only to the pelvic restraint.

(5) Shall exert a retractive force of not less than 0.2 pound and not more than 1.1 pounds under zero acceleration when attached only to an upper torso restraint;

(6) Shall exert a retractive force of not less than 0.2 pound and not more than 1.5 pounds under zero acceleration when attached to a strap or webbing that restrains both the upper torso and the pelvis.

(k) *Performance of retractor.* A retractor used on a seat belt assembly after subjection to the tests specified in S5.2(k) shall comply with applicable requirements in paragraphs (h) to (j) of this section and S4.4, except that the retraction force shall be not less than 50 percent of its original retraction force.

S4.4 Requirements for assembly performance.

(a) *Type 1 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in C5.3(a):

(1) The assembly loop shall withstand a force of not less than 5,000 pounds or 2,270 kilograms; that is, each structural component of the assembly shall withstand a force of not less than 2,500 pounds or 1,130 kilograms.

(2) The assembly loop shall extend not more than 7 inches or 18 centimeters when subjected to a force of 5,000 pounds or 2,270 kilograms; that is, the length of the assembly between anchorages shall not increase more than 14 inches or 36 centimeters.

(3) Any webbing cut by the hardware during test shall have a breaking strength at the cut of not less than 4,200 pounds or 1,910 kilograms.

(4) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

(b) *Type 2 seat belt assembly.* The components of a Type 2 seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedure specified in S5.3(b):

(1) The structural components in the pelvic restraint shall withstand a force of not less than 2,500 pounds or 1,139 kilograms.

(2) The structural components in the upper torso restraint shall withstand a force of not less than 1,500 pounds or 680 kilograms.

(3) The structural components in the assembly that are common to pelvic and upper torso restraints shall withstand a force of not less than 3,000 pounds or 1,360 kilograms.

(4) The length of the pelvic restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 2,500 pounds or 1,130 kilograms.

(5) The length of the upper torso restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 1,500 pounds or 680 kilograms.

(6) Any webbing cut by the hardware during test shall have a breaking strength of not less than 3,500 pounds or 1,590 kilograms at a cut in webbing of the pelvic restraint, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of the upper torso restraint.

(7) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

S5. *Demonstration Procedures.*

S5.1 *Webbing.* (a) *Width.* The width of webbing from three seat belt assemblies shall be measured after conditioning for at least 24 hours in an atmosphere having relative humidity between 48 and 67 percent and a temperature of 23°±2° C. or 73.4±3.6° F. The tension during measurement of width shall be not more than 5 pounds or 2 kilograms on webbing from a Type 1 seat belt assembly, and 2,200±100 pounds or 1,000±50 kilograms on webbing from a Type 2 seat belt assembly. The width of webbing from a Type 2 seat belt assembly may be measured during the breaking strength test described in paragraph (b) of this section.

(b) *Breaking strength.* Webbing from three seat belt assemblies shall be conditioned in accordance with paragraph (a) of this section and tested for breaking strength in a testing machine of suitable capacity verified to have an error or not more than 1 percent in the range of the breaking strength of the webbing by the Tentative Methods of Verification of Testing Machines, ASTM Designation: E4–64, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

The machine shall be equipped with split drum grips illustrated in Figure 1, having a diameter between 2 and 4 inches or 5 and 10 centimeters. The rate of grip separation shall be between 2 and 4 inches per minute or 5 and 10 centimeters per minute. The distance between the centers of the grips at the start of the test shall be between 4 and 10 inches or 10 and 25 centimeters. After placing the specimen in the grips, the webbing shall be stretched continuously at a uniform rate to failure. Each value shall be not less than the applicable breaking strength requirement in S4.2(b), but the median value shall be used for determining the retention of breaking strength in paragraphs (d), (e), and (f) of this section.

(c) *Elongation.* Elongation shall be measured during the breaking strength test described in paragraph (b) of this section by the following procedure: A preload between 44 and 55 pounds or 20 and 25 kilograms shall be placed on the webbing mounted in the grips of the testing machine and the needle points of an extensometer, in which the points remain parallel during test, are inserted in the center of the specimen. Initially the points shall be set at a known distance apart between 4 and 8 inches or 10 and 20 centimeters. When the force on the webbing reaches the value specified in S4.2(c), the increase in separation of the points of the extensometer shall be measured and the percent elongation shall be calculated to the nearest 0.5 percent. Each value shall be not more than the appropriate elongation requirement in S4.2(c).

(d) *Resistance to abrasion.* The webbing from three seat belt assemblies shall be tested for resistance to abrasion by rubbing over the hexagon bar prescribed in Figure 2 in the following manner: The webbing shall be mounted in the apparatus shown schematically in Figure 2. One end of the webbing (A) shall be attached to a weight (B) which has a mass of 5.2±0.1 pounds or 2.35±0.05 kilograms, except that a mass of 3.3±.1 pounds (1.5±.05 kg) shall be used for webbing in pelvic and upper torso restraints of a belt assembly used in a child restraint system. The webbing shall be passed over the two new abrading edges of the hexagon bar (C) and the other end attached to an oscillating drum (D) which has a stroke of 13 inches or 33 centimeters. Suitable guides shall be used to prevent movement of the webbing along the axis of hexagonal bar C. Drum D shall be oscillated for 5,000 strokes or 2,500 cycles at a rate of 60± 2 strokes per minute or 30± 1 cycles per minutes. The abraded webbing shall be conditioned as prescribed in paragraph (a) of this section and tested for breaking strength by the procedure described in paragraph (b) of this section. The median values for the breaking strengths determined on abraded and unabraded specimens shall be used to calculate the percentage of breaking strength retained.

(e) *Resistance to light.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be suspended vertically on the inside of the specimen rack in a Type E carbon-arc light-exposure apparatus described in recommended Practice for Operation of Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Artificial Weathering Test, ASTM Designation: E42–64, published by the American Society for Testing and Materials. The apparatus shall be operated without water spray at an air temperature of 60°±2° C. or 140°±3.6° F. measured at a point 1±0.2 inch or 25±5 millimeters outside the specimen rack and midway in height. The temperature sensing element shall be shielded from radiation. The specimens shall be exposed to the light from the carbon arc for 100 hours and then conditioned as prescribed in paragraph (a) of this section. The color-fastness of the exposed and conditioned specimens shall be determined on the Geometric Gray Scale issued by the American Association of Textile Chemists and Colorists. The breaking strength of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

(f) *Resistance to micro-organisms.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be subjected

successively to the procedures prescribed in Section 1C1—Water Leaching, Section 1C2—Volatilization, and Section 1B3—Soil Burial Test of AATCC Tentative Test Method 30—1957T, Fungicides, Evaluation of Textiles; Mildew and Rot Resistance of Textiles, published by American Association of Textile Chemists and Colorists. After soil-burial for a period of 2 weeks, the specimen shall be washed in water, dried and conditioned as prescribed in paragraph (a) of this section. The breaking strengths of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

Note.—This test shall not be required on webbing made from material which is inherently resistant to micro-organisms.

(g) *Colorfastness to crocking.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 8—1961, Colorfastness to Crocking (Rubbing) published by the American Association of Textile Chemists and Colorists.

(h) *Colorfastness to staining.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 107—1962, Colorfastness to Water, published by the American Association of Textile Chemists and Colorists, with the following modifications: Distilled water shall be used, perspiration tester shall be used, the drying time in paragraph 4 of procedures shall be 4 hours, and section entitled "Evaluation Method for Staining (3)" shall be used to determine colorfastness to staining on the AATCC Chart for Measuring Transference of Colors.

S5.2 *Hardware*—(a) *Corrosion resistance.* Three seat belt assemblies shall be tested by Standard Method of Salt Spray (Fog) Testing, ASTM Designation: B 117–64, published by the American Society for Testing and Materials. The period of test shall be 50 hours for all attachment hardware at or near the floor, consisting of two periods of 24 hours exposure to salt spray followed by 1 hour drying and 25 hours for all other hardware, consisting of one period of 24 hours exposure to salt spray followed by 1 hour drying. In the salt spray test chamber, the parts from the three assemblies shall be oriented differently, selecting those orientations most likely to develop corrosion on the larger areas. At the end of test, the seat belt assembly shall be washed thoroughly with water to remove the salt. After drying for at least 24 hours under standard laboratory conditions specified in S5.1(a) attachment hardware shall be examined for ferrous corrosion on significant surfaces, that is, all surfaces that can be contacted by a sphere 0.75 inch or 2 centimeters in diameter, and other hardware shall be examined for ferrous and nonferrous corrosion which may be transferred, either directly or by means of the webbing, to a person or his clothing during use of a seat belt assembly incorporating the hardware.

Note.—When attachment and other hardware are permanently fastened, by sewing or other means, to the same piece of webbing, separate assemblies shall be used to test the two types of hardware. The test for corrosion resistance shall not be required for attachment hardware made from corrosion-resistant steel containing at least 11.5 percent chromium or for attachment hardware protected with an electrodeposited coating of nickel, or copper and nickel, as prescribed in S4.3(a). The assembly that has been used to test the corrosion resistance of the buckle shall be used to measure adjustment force, tilt-lock adjustment, and buckle latch in paragraphs (e), (f), and (g), respectively, of this section, assembly performance in S5.3 and buckle release force in paragraph (d) of this section.

(b) *Temperature resistance.* Three seat belt assemblies having plastic or nonmetallic hardware or having retractors shall be subjected to the conditions prescribed in Procedure IV of Standard Methods of Test for Resistance of Plastics to Accelerated Service Conditions published by the American Society for Testing and Materials, under designation D 756–56. The dimension and weight measurement shall be omitted. Buckles shall be unlatched and retractors shall be fully retracted during conditioning. The hardware parts after conditioning shall be used for all applicable tests in S4.3 and S4.4.

(c) *Attachment hardware.* (1) Attachment bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall be tested in a manner similar to that shown in Figure 3. The load shall be applied at an angle of 45° to the axis of the bolt through attachment hardware from the seat belt assembly, or through a special fixture which simulates the loading applied by the attachment hardware. The attachment hardware or simulated fixture shall be fastened by the bolt to the anchorage shown in Figure 3, which has a standard 7/16–20 UNF–2B or ½–13 UNC–2B threaded hole in a hardened steel plate at least 0.4 inch or 1 centimeter in thickness. The bolt shall be installed with two full threads exposed from the fully seated position. The appropriate force required by S4.3(c) shall be applied. A bolt from each of three seat belt assemblies shall be tested.

(2) Attachment hardware, other than bolts, designed to receive the ends of two seat belt assemblies shall be subjected to a tensile force of 6,000 pounds or 2,720 kilograms in a manner simulating use. The hardware shall be examined for fracture after the force is released. Attachment hardware from three seat belt assemblies shall be tested.

(3) Single attachment hook for connecting webbing to any eye bolt shall be tested in the following manner: The hook shall be held rigidly so that the retainer latch or keeper, with cotter pin or other locking device in place, is in a horizontal position as shown in Figure 4. A force of 150±2 pounds or 68±1 kilograms shall be applied vertically as near as possible to the free end of the retainer latch, and the movement of the latch by this force at the point of application shall be measured. The vertical force shall be released, and a force of 150±2 pounds or 68±1 kilograms shall be applied horizontally as near as possible to the free end of the retainer latch. The movement of the latch by this force at the point of load application shall be measured. Alternatively, the hook may be held in other positions, provided the forces are applied and the movements of the latch are measured at the points indicated in Figure 4. A single attachment hook from each of three seat belt assemblies shall be tested.

(d) *Buckle release.* (1) Three seatbelt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in S5.3. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150 pounds on the assembly loop of a Type 1 seatbelt assembly, 75 pounds on the components of a Type 2 seatbelt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of those which would be employed by a seatbelt occupant. For pushbutton-release buckles, the force shall be applied at least 0.125 inch from the edge of the pushbutton access opening of the buckle in a direction that produces maximum releasing effect. For lever-release buckles, the force shall be applied on the centerline of the buckle lever or finger tab in a direction that produces maximum releasing effect.

(2) The area for application of release force on pushbutton actuated buckle

shall be measured to the nearest 0.05 square inch or 0.3 square centimeter. The cylinder specified in S4.3(d) shall be inserted in the actuation portion of a lever released buckle for determination of compliance with the requirement. A buckle with other release actuation shall be examined for access of release by fingers.

(3) The buckle of a Type 1 or Type 2 seatbelt assembly shall be subjected to a compressive force of 400 pounds applied anywhere on a test line that is coincident with the centerline of the belt extended through the buckle or on any line that extends over the center of the release mechanism and intersects the extended centerline of the belt at an angle of 60°. The load shall be applied by using a curved cylindrical bar having a cross section diameter of 0.75 inch and a radius of curvature of 6 inches, placed with its longitudinal centerline along the test line and its center directly above the point on the buckle to which the load will be applied. The buckle shall be latched, and a tensile force of 75 pounds shall be applied to the connected webbing during the application of the compressive force. Buckles from three seatbelt assemblies shall be tested to determine compliance with paragraph S4.3(d)(3).

(e) *Adjustment force.* Three seat belt assemblies shall be tested for adjustment force on the webbing at the buckle, or other manual adjusting device normally used to adjust the size of the assembly. With no load on the anchor end, the webbing shall be drawn through the adjusting device at a rate of 20†2 inches per minute or 50±5 centimeters per minute and the maximum force shall be measured to the nearest 0.25 pound or 0.1 kilogram after the first 1 inch or 25 millimeters of webbing movement. The webbing shall be precycled 10 times prior to measurement.

(f) *Tilt-lock adjustment.* This test shall be made on buckles or other manual adjusting devices having tilt-lock adjustment normally used to adjust the size of the assembly. Three buckles or devices shall be tested. The base of the adjustment mechanism and the anchor end of the webbing shall be oriented in planes normal to each other. The webbing shall be drawn through the adjustment mechanism in a direction to increase belt length at a rate of 20±2 inches per minute or 50±5 centimeters per minute while the plane of the base is slowly rotated in a direction to lock the webbing. Rotation shall be stopped when the webbing locks, but the pull on the webbing shall be continued until there is a resistance of at least 20 pounds or 9 kilograms. The locking angle between the anchor end of the webbing and the base of the adjustment mechanism shall be measured to the nearest degree. The webbing shall be precycled 10 times prior to measurement.

(g) *Buckle latch.* The buckles from three seat belt assemblies shall be opened fully and closed at least 10 times. Then the buckles shall be clamped or firmly held against a flat surface so to permit normal movement of buckle part, but with the metal mating plate (metal-to-metal buckles) or webbing and (metal-to-webbing buckles) withdrawn from the buckle. The release mechanism shall be moved 200 times through the maximum possible travel against its stop with a force of 30±3 pounds or 14±1 kilograms at a rate not to exceed 30 cycles per minute. The buckle shall be examined to determine compliance with the performance requirements of S4.3(g). A metal-to-metal buckle shall be examined to determine whether partial engagement is possible by means of any technique representative of actual use. If partial engagement is possible, the maximum force of separation when in such partial engagement shall be determined.

(h) *Nonlocking retractor.* After the retractor is cycled 10 times by full extension and retraction of the webbing, the retractor and webbing shall be suspended vertically and a force of 4 pounds or 1.8 kilograms shall be applied to extend the webbing from the retractor. The force shall be reduced to 3 pounds or 1.4 kilograms when attached to a pelvic restraint, or to 1.1 pounds or 0.5 kilogram per strap or webbing that contacts the shoulder of an occupant when retractor is attached to an upper torso restraint. The residual extension of the webbing shall be measured by manual rotation of the retractor drum or by disengaging the retraction mechanism. Measurements shall be made on three retractors. The location of the retractor attached to upper torso restraint shall be examined for visibility of reel during use of seat belt assembly in a vehicle.

Note.—This test shall not be required on a nonlocking retractor attached to the free-end of webbing which is not subjected to any tension during restraint of an occupant by the assembly.

(i) *Automatic-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor. While the webbing is being retracted, the average force or retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined and the webbing movement between adjacent locking segments shall be measured in the same region of extension. A seat belt assembly with automatic locking retractor in upper torso restraint shall be tested in a vehicle in a manner prescribed by the installation and usage instructions. The retraction force on the occupant of the seat belt assembly shall be determined before and after traveling for 10 minutes at a speed of 15 miles per hour or 24 kilometers per hour or more over a rought road (e.g., Belgian block road) where the occupant is subjected to displacement with respect to the vehicle in both horizontal and vertical directions. Measurements shall be made with the vehicle stopped and the occupant in the normal seated position.

(j) *Emergency-locking retractor.* A retractor shall be tested in a manner that permits the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor, passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches of 75 percent extension shall be determined. A retractor that is sensitive to webbing withdrawal shall be subjected to an acceleration of 0.3g within a period of 50 ms. while the webbing is at 75 percent extension, to determine compliance with S4.3(j)(2). The retractor shall be subjected to an acceleration of 0.7g within a period of 50 milliseconds, while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing retraction while the retractor drum's central axis is oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be—

(1) Accelerated in the horizontal plane in two directions normal to each other, while the retractor drum's central axis is oriented at the angle at which it is installed in the vehicle; and,

(2) Accelerated in three directions normal to each other while the retractor drum's central axis is oriented at angles of 45°, 90°, 135°, and 180° from the angle

at which it is installed in the vehicle, unless the retractor locks by gravitational force when tilted in any direction to any angle greater than 45° from the angle at which it is installed in the vehicle.

(k) *Performance of retractor.* After completion of the corrosion-resistance test described in paragraph (a) of this section, the webbing shall be fully extended and allowed to dry for at least 24 hours under standard laboratory conditions specified in S5.1(a). The retractor shall be examined for ferrous and non-ferrous corrosion which may be transferred, either directly or by means of the wedding, to a person or his clothing during use of a seat belt assembly incorporating the retractor, and for ferrous corrosion on significant surfaces if the retractor is part of the attachment hardware. The webbing shall be withdrawn manually and allowed to retract for 25 cycles. The retractor shall be mounted in an apparatus capable of extending the webbing fully, applying a force of 20 pounds or 9 kilograms at full extension, and allowing the webbing to retract freely and completely. The webbing shall be withdrawn from the retractor and allowed to retract repeatedly in this apparatus until 2,500 cycles are completed. The retractor and webbing shall then be subjected to the temperature resistance test prescribed in paragraph (b) of this section. The retractor shall be subjected to 2,500 additional cycles of webbing withdrawal and retraction. Then, the retractor and webbing shall be subjected to dust in a chamber similar to one illustrated in Figure 8 containing about 2 pounds or 0.9 kilogram of coarse grade dust conforming to the specification given in SAE Recommended Practice, Air Cleaner Test Code—SAE J726a, published by the Society of Automotive Engineers. The dust shall be agitated every 20 minutes for 5 seconds by compressed air, free of oil and moisture, at a gage pressure of 80±8 pounds per square inch or 5.6±0.6 kilograms per square centimeter entering through an orifice 0.060±0.004 inch or 1.5±0.1 millimeters in diameter. The webbing shall be extended to the top of the chamber and kept extended at all times except that the webbing shall be subjected to 10 cycles of complete retraction and extension within 1 to 2 minutes after each agitation of the dust. At the end of 5 hours, the assembly shall be removed from the chamber. The webbing shall be fully withdrawn from the retractor manually and allowed to retract completely for 25 cycles. An automatic-locking retractor or a nonlocking retractor attached to pelvic restraint shall be subjected to 5,000 additional cycles of webbing withdrawal and retraction. An emergency-locking retractor or a nonlocking retractor attached to upper torso restraint shall be subjected to 45,000 additional cycles of webbing withdrawal and retraction between 50 and 100 percent extension. The locking mechanism of an emergency locking retractor shall be actuated at least 10,000 times within 50 to 100 percent extension of webbing during the 50,000 cycles. At the end of test, compliance of the retractors with applicable requirements in S4.3 (h), (i), and (j) shall be determined. Three retractors shall be tested for performance.

S5.3 *Assembly Performance*—(a) *Type 1 seat belt assembly.* Three complete seat belt assemblies, including webbing, straps, buckles, adjustment and attachment hardware, and retractors, arranged in the form of a loop as shown in Figure 5, shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in S5.1(b) A double-roller block shall be attached to one head of the testing machine. This block shall consist of two rollers 4 inches or 10 centimeters in diameter and sufficiently long so that no part of the seat belt assembly touches parts of the block other than the rollers during test. The rollers shall be mounted on antifriction bearings and spaced 12 inches or 30 centimeters between centers, and shall have sufficient capacity so that there is no brinelling, bending or other distortion of parts which may affect the results. An anchorage bar shall be fastened to the other head of the testing machine.

(2) The attachment hardware furnished with the seat belt assembly shall be attached to the anchorage bar. The anchor points shall be spaced so that the webbing is parallel in the two sides of the loop. The attaching bolts shall be parallel to, or at an angle of 45° or 90° to the webbing, whichever results in an angle nearest to 90° between webbing and attachment hardware except that eye bolts shall be vertical, and attaching bolts or nonthreaded anchorages of a seat belt assembly designed for use in specific models of motor vehicles shall be installed to produce the maximum angle in use indicated by the installation instructions, utilizing special fixtures if necessary to simulate installation in the motor vehicle. Rigid adapters between anchorage bar and attachment hardware shall be used if necessary to locate and orient the adjustment hardware. The adapters shall have a flat support face perpendicular to the threaded hole for the attaching bolt and adequate in area to provide full support for the base of the attachment hardware connected to the webbing. If necessary, a washer shall be used under a swivel plate or other attachment hardware to prevent the webbing from being damaged as the attaching bolt is tightened.

(3) The length of the assembly loop from attaching bolt to attaching bolt shall be adjusted to about 51 inches or 130 centimeters, or as near thereto as possible. A force of 55 pounds or 25 kilograms shall be applied to the loop to remove any slack in webbing at hardware. The force shall be removed and the heads of the testing machine shall be adjusted for an assembly loop between 48 and 50 inches or 122 and 127 centimeters in length. The length of the assembly loop shall then be adjusted by applying a force between 20 and 22 pounds or 9 and 10 kilograms to the free end of the webbing at the buckle, or by the retraction force of an automatic-locking or emergency-locking retractor. A seat belt assembly that cannot be adjusted to this length shall be adjusted as closely as possible. An automatic-locking or emergency-locking retractor when included in a seat belt assembly shall be locked at the start of the test with a tension on the webbing slightly in excess of the retractive force in order to keep the retractor locked. The buckle shall be in a location so that it does not touch the rollers during test, but to facilitate making the buckle release test in S5.2(d) the buckle should be between the rollers or near a roller in one leg.

(4) The heads of the testing machine shall be separated at a rate between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 5,000±50 pounds or 2,270±20 kilograms is applied to the assembly loop. The extension of the loop shall be determined from measurements of head separation before and after the force is applied. The force shall be decreased to 150±10 pounds or 68±4 kilograms and the buckle release force measured as prescribed in S5.2(d).

(5) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, another seat belt assembly

shall be used with the webbing repositioned in the hardware. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied to the components or a force of 5,000±50 pounds or 2,270±20 kilograms shall be applied to an assembly loop. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(6) If a Type 1 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor.

(7) If a seat belt assembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.

(b) *Type 2 seat belt assembly.* Components of three seat belt assemblies shall be tested in the following manner:

(1) The pelvic restraint between anchorages shall be adjusted to a length between 48 and 50 inches or 122 and 127 centimeters, or as near this length as possible if the design of the pelvic restraint does not permit its adjustment to this length. An automatic-locking or emergency-locking retractor when included in a seat belt assembly shall be locked at the start of the test with a tension on the webbing slightly in excess of the retractive force in order to keep the retractor locked. The attachment hardware shall be oriented to the webbing as specified in paragraph (a)(2) of this section and illustrated in Figure 5. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied on the components in any convenient manner and the extension between anchorages under this force shall be measured. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in S5.2(d).

(2) The components of the upper torso restraint shall be subjected to a tensile force of 1,500±15 pounds or 680±5 kilograms following the procedure prescribed above for testing pelvic restraint and the extension between anchorages under this force shall be measured. If the testing apparatus permits, the pelvic and upper torso restraints may be tested simultaneously. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in S5.2(d).

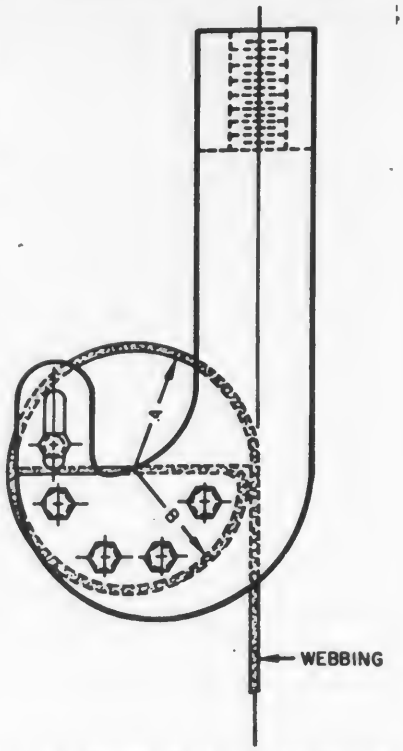
(3) Any component of the seat belt assembly common to both pelvic and upper torso restraint shall be subjected to a tensile force of 3,000±30 pounds or 1,360±15 kilograms.

(4) After the buckle is released in tests of pelvic and upper torso restraints, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, another seat belt assembly shall be used with the webbing repositioned in the hardware. The force applied shall be 2,500±25 pounds or 1,135±10 kilograms for components of pelvic restraint, and 1,500±15 pounds or 680±5 kilograms for components of upper torso restraint. After the force is removed the breaking strength of the cut webbing shall be determined as prescribed above.

(5) If a Type 2 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor, or to a tensile force of 1,500±15 pounds or 680±5 kilograms with the webbing fully extended from the retractor if the design of the assembly permits only upper torso restraint forces on the retractor.

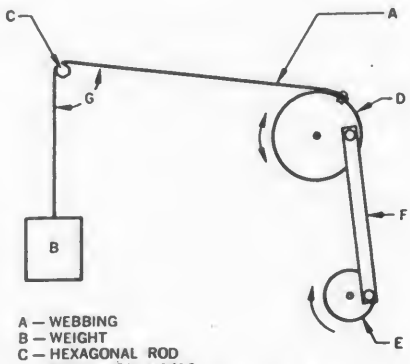
(6) If a seat belt assembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.

(c) *Resistance to buckle abrasion.* Seatbelt assemblies shall be tested for resistance to abrasion by each buckle or manual adjusting device normally used to adjust the size of the assembly. The webbing of the assembly to be used in this test shall be exposed for 4 hours to an atmosphere having relative humidity of 65 percent and temperature of 70° F. The webbing shall be pulled back and forth through the buckle or manual adjusting device as shown schematically in Figure 9. The anchor end of the webbing (A) shall be attached to a weight (B) of 3 pounds. The webbing shall pass through the buckle (C), and the other end (D) shall be attached to a reciprocating device so that the webbing forms an angle of 8° with the hinge stop (E). The reciprocating device shall be operated for 2,500 cycles at a rate of 18 cycles per minute with a stroke length of 8 inches. The abraded webbing shall be tested for breaking strength by the procedure described in paragraph S5.1(b).



A 1 TO 2 INCHES OR 2.5 TO 5 CENTIMETERS
B A MINUS 0.06 INCH 0.15 CENTIMETER

FIGURE 1



A — WEBBING
B — WEIGHT
C — HEXAGONAL ROD
STEEL — SAE 51416
ROCKWELL HARDNESS — B-97 TO B-101
SURFACE — COLD DRAWN FINISH
SIZE — 0.250 ± 0.001 INCH OR
6.35 ± 0.03 MILLIMETER
RADIUS ON EDGES — 0.020 ± 0.004 INCH OR
0.5 ± 0.1 MILLIMETER
D — DRUM DIAMETER — 16 INCHES OR
40 CENTIMETERS
E — CRANK
F — CRANK ARM
G — ANGLE BETWEEN WEBBING — 85 ± 2 DEGS.

FIGURE 2

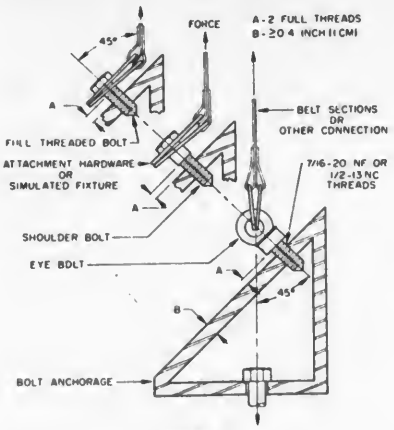


FIGURE 3

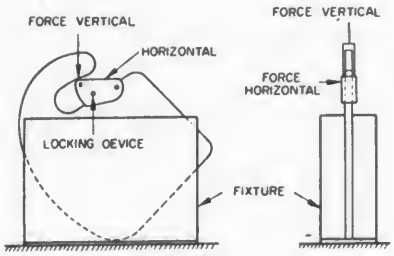
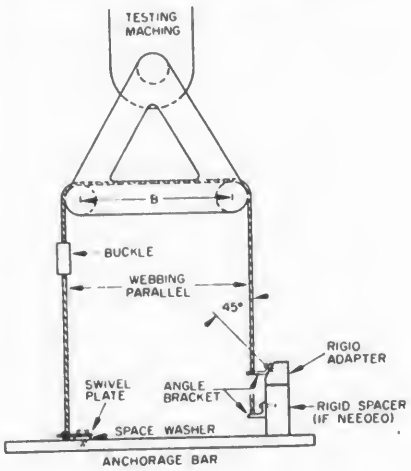


FIGURE 4
SINGLE ATTACHMENT HOOK



A-2 INCHES OR 5 CENTIMETERS
B-12 INCHES OR 30 CENTIMETERS

FIGURE 5

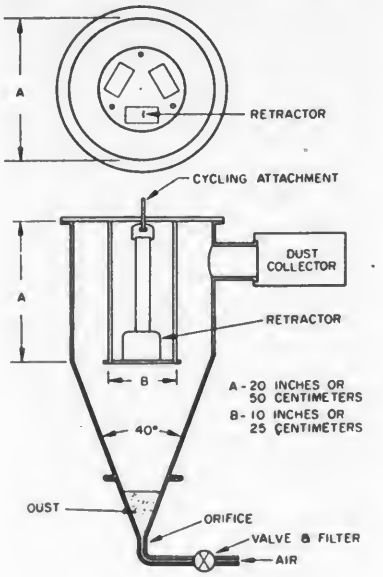


FIGURE 8

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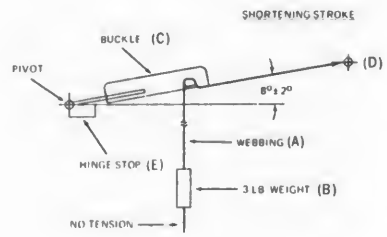
January 4, 1969]



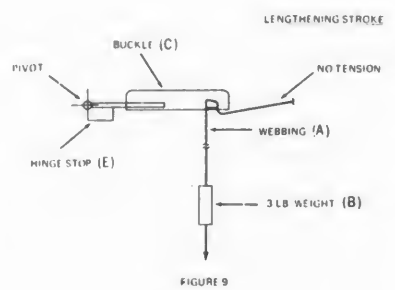


FIGURE 9

§ 571.213 [Amended]

2. Section S4 of Standard No. 213, Child Seating Systems (49 CFR 571.213), is amended to read as follows:

S4. *Requirements.* Each child seating system manufacturer before June 1, 1980, shall meet, at the option of the manufacturer, either the requirements of S4.1 through S4.11 of this standard, or the requirements of § 571.213 of this part (Standard No. 213, Child Restraint Systems).

3. A new Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems; would be added to read as set forth below.

§ 571.213080 Standard No. 213; child restraint systems.

S1. *Scope.* This standard specifies requirements for child restraint systems used in motor vehicles.

S2. *Purpose.* The purpose of this standard is to reduce the number of children killed or injured in motor vehicle crashes.

S3. *Application.* This standard applies to child restraint systems for use in motor vehicles.

S4. *Definitions.*

"Car bed" means a child restraint system designed to restrain or position a child in the supine or prone position on a continuous flat surface.

"Child restraint system" means any device, except Type I or Type II seat belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh not more than 50 pounds.

"Contactable surface" means any child restraint system surface (other than that of a belt, belt buckle, or belt adjustment hardware) that may contact any part of the head or torso of the appropriate test dummy, specified in S7, when a child restraint system is tested in accordance with S6.1.

"Seat orientation reference line" or "SORL" means the horizontal line through Point Z as illustrated in Figure 1A.

"Torso" means the portion of the body of a seated anthropomorphic test dummy, excluding the thighs, that lies between the top of the child restraint system seating surface and the top of the shoulders of the test dummy.

S5. *Requirements.* Each child restraint system shall meet the requirements in this section when, as specified, tested in accordance with S6.1.

S5.1 *Dynamic performance.*

S5.1.1 *Child restraint system integrity.* When tested in accordance with S6.1, each child restraint system shall:

(a) Exhibit no complete separation of any load bearing structural element and no partial separation exposing either surfaces with a radius of less than ¼ inch or surfaces with protrusions greater than ⅜ inch above the immediate adjacent surrounding contactable surface of any structural element of the system;

(b) If adjustable to different positions, remain in the same adjustment position during the testing as it was immediately before the testing; and

(c) If a front facing child restraint system, not allow the angle between the system's back support surfaces for the child and the system's seating surface to be less than 45 degrees at the completion of the test.

S5.1.2 *Injury criteria.* When tested in accordance with S6.1, each child restraint system that, in accordance with S5.5.2(f), is recommended for use by children weighing more than 20 pounds, shall—

(a) Limit the resultant acceleration at the location of the accelerometer mounted in the test dummy head as specified in Part 572 such that the expression:

$$\left[\frac{1}{t_2-t_1}\int_{t_1}^{t_2} a\,dt\right]^{2.5}(t_2-t_1)$$

shall not exceed 1,000, where a is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), and t_1 and t_2 are any two moments during the impacts.

(b) Limit the resultant acceleration at the location of the accelerometer mounted in the test dummy upper thorax as specified in Part 572 to not more than 60 g's, except for intervals whose cumulative duration is not more than 3 milliseconds.

S5.1.3 *Occupant excursion.* When tested in accordance with S6.1 and adjusted in any position which the manufacturer has not, in accordance with S5.5.2(i), specifically warned against using in motor vehicles, each child restraint system shall meet the applicable excursion limit requirements specified in S5.1.3.1–S5.1.3.3.

S5.1.3.1 *Child restraint systems other than rear-facing ones and car beds.* In the case of each child restraint system other than a rear-facing child restraint system or a car bed, the test dummy's torso shall be retained within the system and no portion of the test dummy's head shall pass through the vertical transverse plane that is 32 inches forward of point z on the standard seat assembly, measured along the center SORL (as illustrated in Figure 1B), and neither knee pivot point shall pass through the vertical transverse plane that is 36 inches forward of point z on the standard seat assembly, measured along the center SORL, and at the time of maximum knee forward excursion the forward rotation of the dummy's torso from the dummy's initial seating configuration shall be at least 15° measured in the saggital plane along the line connecting the shoulder and hip pivot points.

S5.1.3.2 *Rear-facing child restraint systems.* In the case of each rear-facing child restraint system, all portions of the test dummy's torso shall be retained within the system and no portion of the target point on either side of the dummy's head shall pass through the transverse orthogonal planes whose intersection contains, the forward-most and top-most points on the child restraint system surfaces (illustrated in Figure 1C).

S5.1.3.3 *Car beds.* In the case of car beds, all portions of the test dummy's head and torso shall be retained within the confines of the car bed.

S5.1.4 *Back support angle.* When a rear-facing child restraint system is tested in accordance with S6.1, the angle between the system's back support surface for the child and the vertical shall not exceed 70 degrees.

S5.2 *Force distribution.*

S5.2.1 *Minimum head support surface—child restraints other than car beds.*

S5.2.1.1 Except as provided in S5.2.1.2, each child restraint system other than a car bed shall provide restraint against rearward movement of the head of the child (rearward in relation to the child) by means of a continuous seat back which is an integral part of the system and which—

(a) Has a height, measured along the system seat back surface for the child in the vertical longitudinal plane passing through the longitudinal centerline of the child restraint systems from the lowest point on the system seating surface that is contacted by the buttocks of the seated dummy, as follows:

Weight [1] (in pounds)	Height [2] (in inches)
Less than 20 lb	18
20 lb or more, but not more than 40 lb	20
More than 40 lb	22

[1] When a child restraint system is recommended under S5.5(f) for use by children of the above weights.
[2] The height of the portion of the system seat back providing head restraint shall not be less than the above.

(b) Has a width of not less than 8 inches, measured in the horizontal plane at the height specified in paragraph (a) of this section. Except that a child restraint system with side supports extending at least 4 inches forward from the padded surface of the portion of the restraint system provided for support of the child's head may have a width of not less than 6 inches, measured in the horizontal plane at the height specified in paragraph (a) of this section.

(c) Limits the rearward rotation of the test dummy head so that the angle between the head and torso of the dummy specified in S7 when tested in accordance with S6.1 is not more than 45 degrees greater than the angle between the head and torso after the dummy has been placed in the system in accordance with S6.1.2.3 and before the system is tested in accordance with S6.1.

S5.2.1.2 A front-facing child restraint system is not required to comply with S5.2.1.1 if the target point on either side of the dummy's head is below a horizontal plane tangent to the top of the standard seat assembly when the dummy is positioned in the system and the system is installed on the assembly in accordance with S6.1.2.

S5.2.2 *Torso impact protection.* Each child restraint system other than a car bed shall comply with the applicable requirements of S5.2.2.1 and S5.2.2.2.

S5.2.2.1(a) The system surface provided for the support of the child's back shall be flat or concave and have a continuous surface area of not less than 85 square inches.

(b) Each system surface provided for support of the side of the child's torso shall be flat or concave and have a continuous surface of not less than 24 square inches for systems recommended for children weighing 20 pounds or more, or 48 square inches for systems

recommended for children weighing less than 20 pounds.

(c) Each horizontal cross section of each system surface designed to restrain forward movement of the child's torso shall be flat or concave and each vertical longitudinal cross section shall be flat or convex with a radius of curvature of the underlying structure of not less than 3 inches.

S5.2.2.2 Each forward facing child restraint system shall have no fixed or movable surface directly forward of the dummy and intersected by a horizontal line parallel to the SORL and passing through any portion of the dummy, except for surfaces which restrain the dummy when the system is tested in accordance with S6.1.2.1.2 so that the child restraint system shall conform to the requirements of S5.1.2 and S5.1.3.1.

S5.2.3 *Head impact protection.*

S5.2.3.1 Each child restraint system, other than a child harness, which is recommended under S5.5.2(f) for children weighing less than 20 pounds shall comply with S5.2.3.2.

S5.2.3.2 Each system surface which is contactable by the dummy head when the system is tested in accordance with S6.1 shall be covered with slow recovery, energy absorbing material with the following characteristics:

(a) A 25 percent compression-deflection resistance of not less than 0.5 and not more than 10 pounds per square inch when tested in accordance with S6.3.

(b) A thickness of not less than ½ inch if the material has a 25 percent compression-deflection resistance of not less than 3 and not more than 10 pounds per square inch when tested in accordance with S6.3. If the material has a 25 percent compression-deflection resistance of less than 3 pounds, it shall have a thickness of not less than ¾ inch.

S5.2.4 *Protrusion limitation.* Any portion of a rigid structural component within or underlying a contactable surface, or any portion of a child restraint system surface that is subject to the requirements of S5.2.3 shall, with any padding or other flexible overlay material removed, have a height above any immediately adjacent restraint system surface of not more than ⅜ inch and no exposed edge with a radius of less than ¼ inch.

S5.3 *Installation.*

S5.3.1 Each child restraint system shall have no means designed for attaching the system to a vehicle seat cushion or vehicle seat back and no component (except belts) that is designed to be inserted between the vehicle seat cushion and vehicle seat back.

S5.3.2 When installed on a vehicle seat, each child restraint system, other than child harnesses, shall be capable of being restrained against forward movement solely by means of a Type I seat belt assembly (defined in S571.209) that meets Standard No. 208 (S571.208), or by means of a Type I seat belt assembly plus one additional anchorage strap that is supplied with the system and conforms to S5.4.

S5.3.3 *Car beds.* Each car bed shall be designed to be installed on a vehicle seat so that the car bed's longitudinal axis is perpendicular to a vertical longitudinal plane through the longitudinal axis of the vehicle.

S5.4 *Belts, belt buckles, and belt webbing.*

S5.4.1 *Performance requirements.* The webbing of belts provided with a child restrain system and used to attach the system to the vehicle or to restrain the child within the system shall—

(a) After being subjected to abrasion as specified in S5.1(d) of FMVSS No. 209 (S571.209), have a breaking strength of not less than 75 percent of the strength of the unabraided webbing when tested in accordance with S5.1(b) of FMVSS No. 209.

(b) Meet the requirements of S4.2 (e) through (h) of FMVSS No. 209 (S571.209); and

(c) If contactable by the test dummy torso when the system is tested in accordance with S6.1, have a width of not less than 1½ inches when measured in accordance with S5.4.1.1.

S5.4.1.1 *Width test procedure.* Condition the webbing for 24 hours in an atmosphere of any relative humidity between 48 and 67 percent, and any ambient temperature between 70° and 77° F. Measure belt webbing width under a tension of 5 pounds applied lengthwise.

S5.4.2 *Belt buckles and belt adjustment hardware.* Each belt buckle and item of belt adjustment hardware used in a child restraint system shall conform to the requirements of S4.3(a) and S4.3(b) of FMVSS No. 209 (S571.209).

S5.4.3 *Belt Restraint.*

S5.4.3.1 *General.* Each belt that is part of a child restraint system and that is designed to restrain a child using the system shall be adjustable to snugly fit any child whose height and weight are within the ranges recommended in accordance with S5.5.2(f) and who is positioned in the system in accordance with the instructions required by S5.6.

S5.4.3.2 *Direct restraint.* Each belt that is part of a child restraint system and that is designed to restrain a child using the system and to attach the system to the vehicle shall, when tested in accordance with S6.1, impose no loads on the child that result from the mass of the system or the mass of the seat back of the standard seat assembly specified in S7.3.

S5.4.3.3 *Seating systems.* Except for child restraint systems subject to S5.4.3.4, each child restraint system that is designed for use by a child in a seated position and that has belts designed to restrain the child shall, with the test dummy specified in S7 positioned in the system in accordance with S6.1.2.3, provide:

(a) Upper torso restraint, including belts passing over each shoulder of the child;

(b) Lower torso restraint in the form of a lap belt assembly making an angle between 45° and 90° with the child restraint seating surface at the lap belt attachment points;

(c) In the case of each seating system recommended for children over 20 pounds, a crotch strap connectable to the lap belt or other device used to restrain the lower torso.

S5.4.3.4 *Harnesses.* Each child harness shall:

(a) Provide upper torso restraint, including belts passing over each shoulder of the child;

(b) Provide lower torso restraint by means of lap and crotch belt; and

(c) Prevent a child of any height for which the restraint is recommended for use pursuant to S5.5.2(f) from standing upright on the vehicle seat when the child is placed in the device in accordance with the instructions required by S5.6.

S5.4.3.5 *Buckle Release.* Any buckle in a child restraint system belt assembly designed to restrain a child using the system shall, when tested in accordance with S6.2, not release when a force of nor more than 12 pounds is applied before the test specified in S6.1, and (b) release when a force of not more than 20 pounds is applied after the test specified in S6.1.

S5.5 *Labeling.*

S5.5.1 Each child restraint system shall be permanently labeled with the information specified in S5.5.2 (a) through (k).

S5.5.2 The information specified in paragraphs (a)–(k) of this section shall be stated in the English language and lettered in letters and numbers that are not smaller than 10 point type and are on a contrasting background.

(a) The model name or number of the system.

(b) The manufacturer's name. A distributor's name may be used instead if the distributor assumes responsibility for all duties and liabilities imposed on the manufacturer with respect to the

system by the National Traffic and Motor Vehicle Safety Act, as amended.

(c) The statement: "Manufactured in ——," inserting the month and year of manufacture.

(d) The place of manufacture (city and State, or foreign country). However, if the manufacturer uses the name of the distributor, then it shall state the location (city and State, or foreign country) of the principal offices of the distributor.

(e) The statement: "This child restraint system conforms to all applicable Federal motor vehicle safety standards."

(f) The following statement, inserting the manufacturer's recommendations for the maximum weight and height of children who can safely occupy the system:

THIS CHILD RESTRAINT IS DESIGNED FOR USE ONLY BY CHILDREN WHO WEIGHT BETWEEN — AND — POUNDS AND ARE BETWEEN — AND — INCHES IN HEIGHT.

(g) The following statement, inserting the location of the manufacturer's installation instruction booklet or sheet on the restraint:

WARNING! FAILURE TO FOLLOW EACH OF THE FOLLOWING INSTRUCTIONS CAN RESULT IN YOUR CHILD STRIKING THE VEHICLE'S INTERIOR DURING A SUDDEN STOP OR CRASH.
SECURE THIS CHILD RESTRAINT WITH A VEHICLE BELT AS SPECIFIED IN THE MAUFACTURER'S INSTRUCTIONS LOCATED——.

(h) in the case of each child restraint system that has belts designed to restrain children using them:

SNUGLY ADJUST THE BELTS PROVIDED WITH THIS CHILD RESTRAINT AROUND YOUR CHILD.

(i) In the case of each child restraint system which is not intended for use in motor vehicles at certain adjustment positions, the following statement, inserting the manufacturer's adjustment restrictions.

DO NOT USE THE——ADJUSTMENT POSITION(S) OF THIS CHILD RESTRAINT IN A MOTOR VEHICLE.

(j) In the case of each child restraint system equipped with an anchorage strap, the statement:

SECURE THE TOP ANCHORAGE STRAP PROVIDED WITH THIS CHILD RESTRAINT AS SPECIFIED IN THE MANUFACTURER'S INSTRUCTIONS.

(k) In the case of each child restraint system which can be used in a rear-facing position:

PLACE THIS CHILD RESTRAINT IN A REAR-FACING POSITION WHEN USING IT WITH AN INFANT.

(l) An installation diagram showing the child restraint system installed in the right front outboard seating position equipped with a continuous-loop lap/shoulder belt and in the center rear seating position as specified in the manufacturer's instructions.

S5.5.3 The information specified in S5.5.2 (g)–(k) shall be located on the child restraint system so that it is visible when the system is installed as specified in S5.6.

S5.6 *Installation instructions.* Each child restraint system shall be accompanied by printed instructions in the English language that provide a step-by-step procedure, including diagrams, for installing the system in motor vehicles, securing the system in the vehicles, positioning a child in the system, and adjusting the system to fit the child.

S5.6.1 The instructions shall state that the rear center seating position is the safest seating position in most vehicles for installing a child restraint system.

S5.6.2 The instructions shall specify in general terms the types of vehicles, seating positions, and vehicle lap belts with which the system can or cannot be used.

S5.6.3 The instructions shall explain the primary consequences of noting following the warnings required to be labeled on the child restraint system in accordance with S5.5.2 (g)–(K).

S5.6.4 The instructions for each car bed shall explain that the car bed should position in such a way that the child's head is near the center of the vehicle.

S5.6.5 The instructions shall state that child restraint systems should be securely belted to the vehicle, even when they are not occupied, since in a crash an unsecured child restraint system may injure other occupants.

S5.6.6 Each child restraint system shall have a location on the restraint for storing the manufacturer's instructions.

S5.7 *Flammability.* Each material used in a child restraint system shall conform to the requirements of S4 of FMVSS No. 302 (S571.302).

S6 *Test Conditions and Procedures.*

S6.1 *Dynamic Systems Test.*

S6.1.1 *Test Conditions.*

S6.1.1.1 The test device is the standard seat assembly specified in S7.3. It is mounted on a dynamic test platform so that the center SORL of the seat is parallel to the direction of the test platform travel and so that movement between the base of the assembly and the platform is prevented. The platform is instrumented with an accelerometer and data processing system having a frequency response of 60 Hz channel class as specified in Society of Automotive Engineers Recommended Practice J211a "Instrumentation for Impact Tests." The accelerometer sensitive axis is parallel to the direction of the test platform travel.

S6.1.1.2 The tests are frontal barrier impact simulations and for—

(a) Test configuration I specified in S6.1.2.1.1, are at a velocity change of 30 mph with the acceleration of the test platform entirely within the curve shown in figure 2.

(b) Test configuration II specified in S6.1.2.1.2, are at a velocity change of 20 mph with the acceleration of the test platform entirely within the curve shown in figure 3.

S6.1.1.3 Type I seat belt assemblies meeting the requirements of Standard No. 209 (S571.209) and having webbing with a width of not more than 2 inches are attached, without the use of retractors or reels of any kind, to the seat belt anchorage points (illustrated in Figure 1B) provided on the standard seat assembly.

S6.1.1.4 Performance tests under S6.1 are conducted at any ambient temperature from 66° to 78° F and at any relative humidity from 10 percent to 70 percent.

S6.1.2 *Dynamic Test Procedure.*

S6.1.2.1 *Test Configuration.*

S6.1.2.1.1 *Test Configuration I.* In the case of each child restraint system, install a new child restraint system at the center seat position of the standard seat assembly in accordance with the manufacturer's instructions provided in accordance with S5.6 with the system.

S6.1.2.1.2 *Test Configuration II.* In the case of each child restraint system, other than a child harness, which is equipped with an anchorage belt or a fixed or movable surface described in S5.2.2.2, install a new child restraint system at the center seat position of the standard seat assembly using only the standard seat lap belt to secure the system to the standard seat.

S6.1.2.2 Tighten all belts used to attach the child restraint system to the standard seat assembly to a tension of not less than 12 pounds and not more than 15 pounds, as measured by a load cell used on the webbing portion of the belt.

S6.1.2.3 Place in the child restraint any dummy specified in S7 for testing systems for use by children of the heights and weights for which the system is recommended in accordance with S5.6.

S6.1.2.3.1 When placing the 3-year-old test dummy in child restraint systems other than car beds, position the test dummy according to the instructions for child positioning

provided by the manufacturer with the system in accordance with S5.6 while conforming to the following:

(a) Place the test dummy in the seated position within the system with the midsagittal plane of the test dummy head coincident with the center SORL of the standard seating assembly, holding the torso upright until it contacts the system's design seating surface.

(b) Extend the arms of the test dummy as far as possible in the upward vertical direction. Extend the legs of the dummy as far as possible in the forward horizontal direction, with the dummy feet perpendicular to the centerline of the lower legs.

(c) Using a flat square surface with an area of 4 square inches, apply a force of 40 pounds, perpendicular to the plane of the back of the standard seat assembly, first against the dummy crotch and then at the dummy thorax in the midsagittal plane of the dummy. For a child restraint system with a fixed or movable surface described in S5.2.2.2 which is being tested under the conditions of test configuration II, do not attach any of the child restraint belts unless they are an integral part of the fixed or movable surface. For all other child restraint systems and for a child restraint system with a fixed or movable surface which is being tested under the conditions of test configuration I, attach all appropriate child restraint belts and tighten them as specified in S6.1.2.4. Attach all appropriate vehicle belts and tighten them as specified in S6.1.2.2. Position each movable surface in accordance with the manufacturer's instructions provided in accordance with S5.6.

(d) After the steps specified in paragraph (c) of this section, rotate each dummy limb downwards in the plane parallel to its midsagittal plane until the limb contacts a surface of the child restraints system or the standard seat. Position the limbs, if necessary, so that limb placement does not inhibit torso or head movement in tests conducted under S6.

S6.1.2.3.2 When placing the 6-month-old dummy in child restraint systems other than car beds, position the test dummy according to the instructions for child positioning provided with the system by the manufacturer in accordance with S5.6 while conforming to the following:

(a) With the dummy in the supine position on a horizontal surface, and while preventing movement of the dummy torso by placing a hand on the center of the torso, rotate the dummy legs upward by lifting the feet until the legs contact the upper torso and the feet touch the head, and then slowly release the legs but do not return them to the flat surface.

(b) Place the dummy in the child restraint system so that the back of the dummy torso contacts the back support surface of the system. For a child restraint system with a fixed or movable surface described in S5.2.2.2 which is being tested under the conditions of test configuration II, do not attach any of the child restraint belts unless they are an integral part of the fixed or movable surface. For all other child restraint systems and for a child restraint system with a fixed or movable surface which is being tested under the conditions of test configuration I, attach all appropriate child restraint belts and tighten them as specified in S6.1.2.4. Attach all appropriate vehicle belts and tighten them as specified in S6.1.2.2. Position each movable surface in accordance with the manufacturer's instructions provided in accordance with S5.6. If the dummy's head does not remain in the proper position, it shall be taped against the front of the seat back surface of the system by means of a single thickness of ¼-inch-wide paper masking tape placed across the center of the dummy face.

(c) Position the dummy arms vertically upwards and then rotate each arm downward toward the dummy's lower body until it contacts a surface of the child restraint system or the standard seat assembly, ensuring that no arm is restrained from movement in other than the downward direction, by any part of the system or the belts used to anchor the system to the standard seat assembly.

S6.1.2.3.3 When placing the 6-month-old dummy or 3-year-old dummy in a car bed, place the dummy in the car bed in the supine position with its midsagittal plane perpendicular to the center SORL of the standard seat assembly and position the dummy within the car bed in accordance with instructions for child positioning provided with the car bed by its manufacturer in accordance with S5.6.

S6.1.2.4 If provided, shoulder and pelvic belts that directly restrain the dummy shall be adjusted as follows:

Tighten the belts until a 2-pound force applied (as illustrated in figure 5) to the webbing at the top of each dummy shoulder and to the pelvic webbing two inches on either side of the torso midsagittal plane pulls the webbing ¼ inch from the dummy.

S6.1.2.5 Accelerate the test platform to simulate frontal impact in accordance with S6.1.1.2(a) or S6.1.1.2(b), as appropriate.

S6.1.2.6 Measure dummy excursion and determine conformance to the requirements specified in S5.1 as appropriate.

S6.2 *Buckle release test procedure.* The buckles on the belts of each child restraint system equipped with buckled belts shall be tested in accordance with S6.2.1 through S6.2.5.

S6.2.1 Install the child restraint system on a standard seat assembly and place the appropriate test dummy in the system in accordance with S6.1.2.1 through S6.1.2.4.

S6.2.2 Tie a self-adjusting sling to each ankle and wrist of the dummy in the manner illustrated in figure 4.

S6.2.3 Pull the sling horizontally in the manner illustrated in figure 4 and parallel to the center SORL of the seat assembly and apply a force of 20 pounds in the case of a system tested with a 6 month-old dummy and 45 pounds in the case of a system tested with a 3 year-old dummy.

S6.2.4 While applying the force specified in S6.2.3, operate the buckle release mechanism in the manner specified in S5.2(d) of Standard No. 209 (S571.209).

S6.2.5 Measure the force required to release the buckle.

S6.3 *Head impact protection—energy absorbing material test procedure.*

S6.3.1 Prepare and test specimens of the energy absorbing material used to comply with S5.2.3 in accordance with the applicable 25 percent compression-deflection test described in the American Society for Testing and Materials (ASTM) Standard D1056–73, "Standard Specification for Flexible Cellular Materials—Sponge or Expanded Rubber," or D1564–71 "Standard Method of Testing Flexible Cellular Materials—Slab Urethane Foam" or D1565–76 "Standard Specification for Flexible Cellular Materials—Vinyl Chloride Polymer and Copolymer open-cell foams."

S7 *Test dummies.*

S7.1 *Six-month-old dummy.* An unclothed "Six-month-old Size Manikin" conforming to Subpart D of Part 572 of this chapter is used for testing a child restraint system that is recommended by its manufacturer in accordance with S5.6 for use by children in a weight range that includes children weighing not more than 20 pounds.

S7.2 *Three-year-old dummy.* A three-year-old dummy conforming to Subpart C of Part 572 of this chapter is used for testing a child restraint that is recommended by its manufacturer in accordance with S5.6 for use by children in a weight range that includes children weighing more than 20 pounds.

S7.2.1 Before being used in testing under this standard, the dummy is

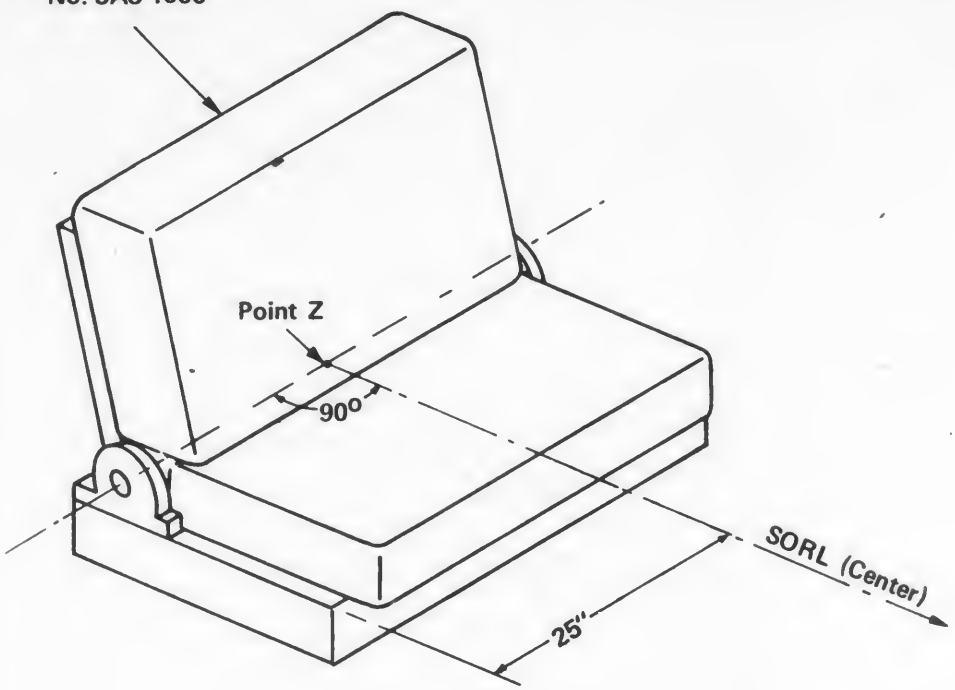
conditioned at any ambient temperature from 66° F to 78° F and at any relative humidity from 10 percent to 70 percent for at least 4 hours.

S7.2.2 When used in testing under this standard, the dummy is clothed in thermal knit waffle-weave polyester and cotton underwear, a size 4 long-sleeved shirt weighing 0.2 pounds, a size 4 pair of long pants weighing 0.2 pounds and cut off just far enough above the knee to allow the knee target to be visible, and size 7M sneakers with rubber toe caps, uppers of dacron and cotton or nylon and a total weight of 1 pound. Clothing other than the shoes is machine-washed in 160° F to 180° F water and machine-dried at 120° F to 140° F for 30 minutes.

S7.3 *Standard seat assembly.* The standard seat assembly used in testing under this standard is a simulated vehicle bench seat, with three seating positions, which is described in Drawing Package SAD–100–1000 and consists of drawings and a bill of materials.

BILLING CODE 4910–59–M

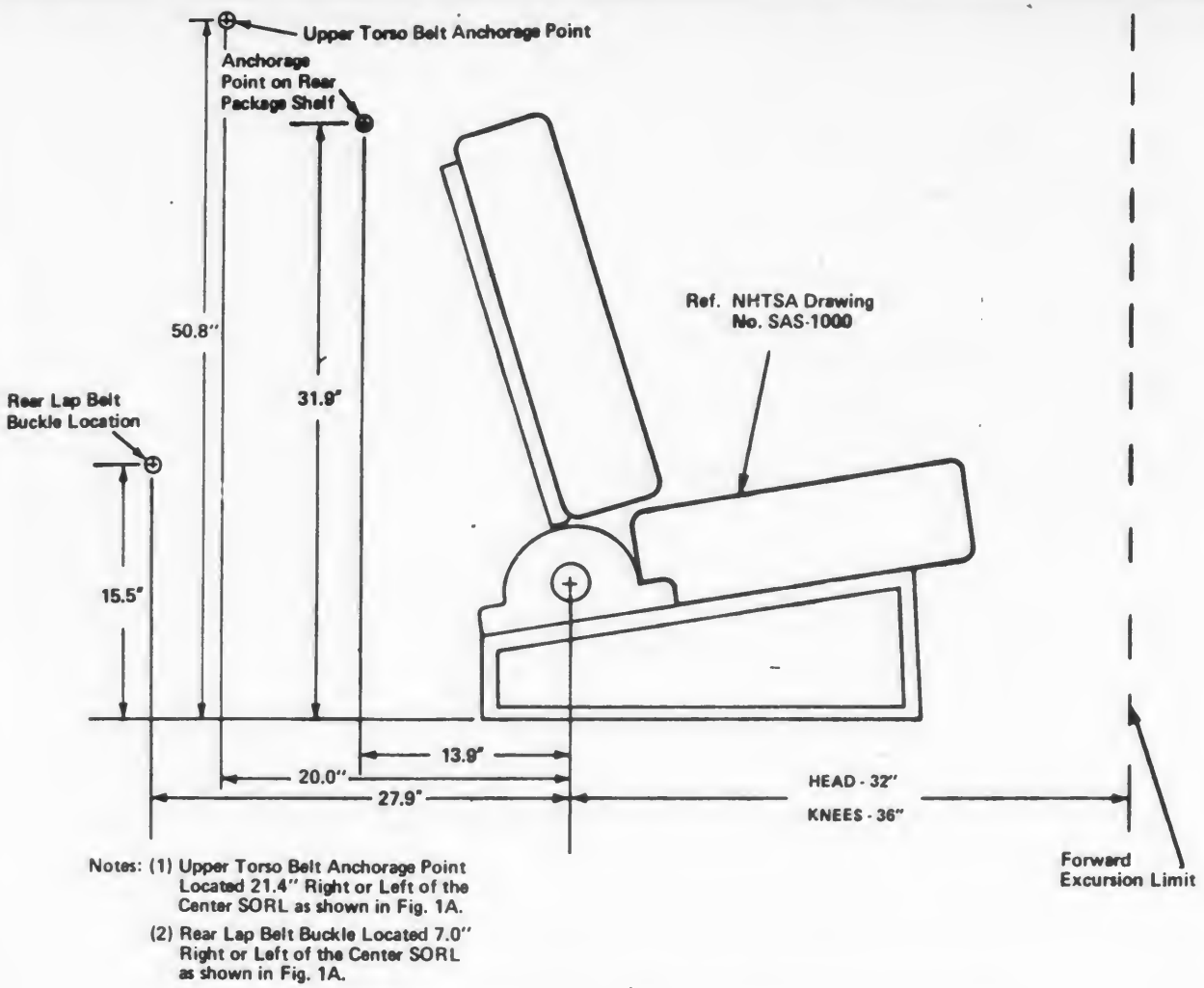
Ref. NHTSA Drawing
No. SAS-1000



SORL=SEAT ORIENTATION REFERENCE LINE (HORIZONTAL)

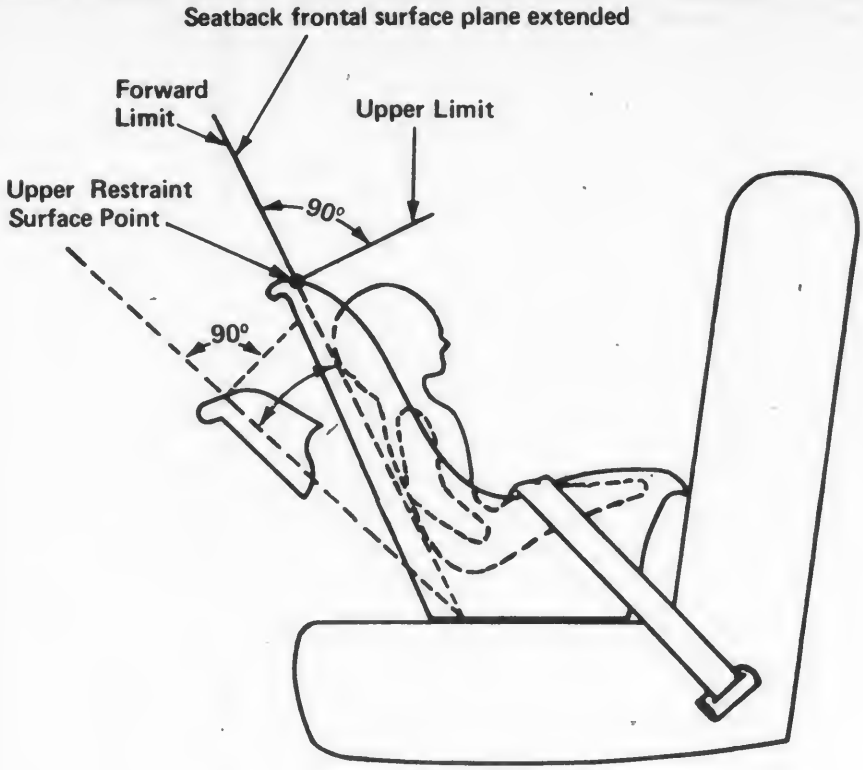
SORL LOCATION ON THE STANDARD SEAT

FIGURE 1A



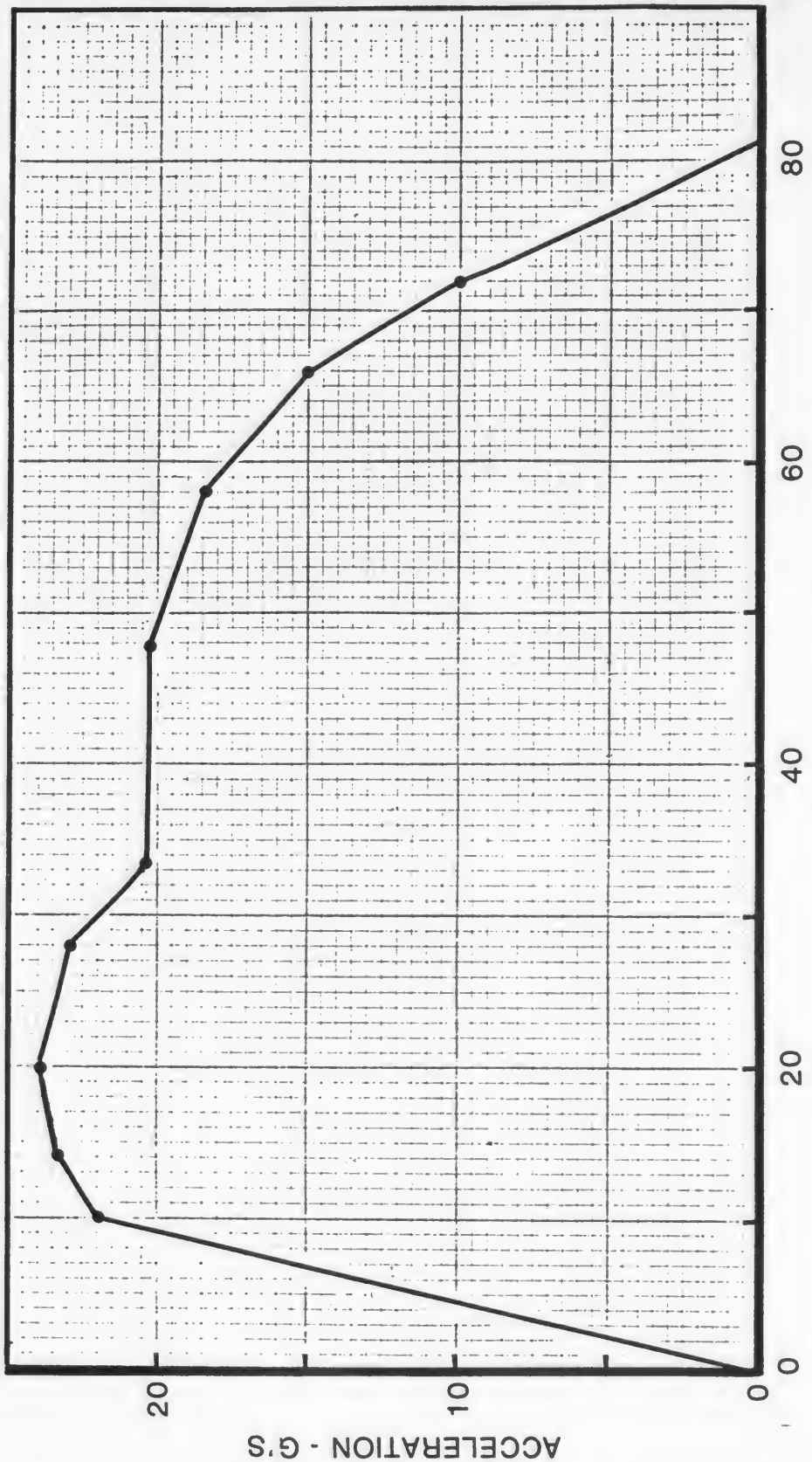
LOCATIONS OF ADDITIONAL BELT ANCHORAGE POINTS AND FORWARD EXCURSION LIMIT

FIGURE 1B



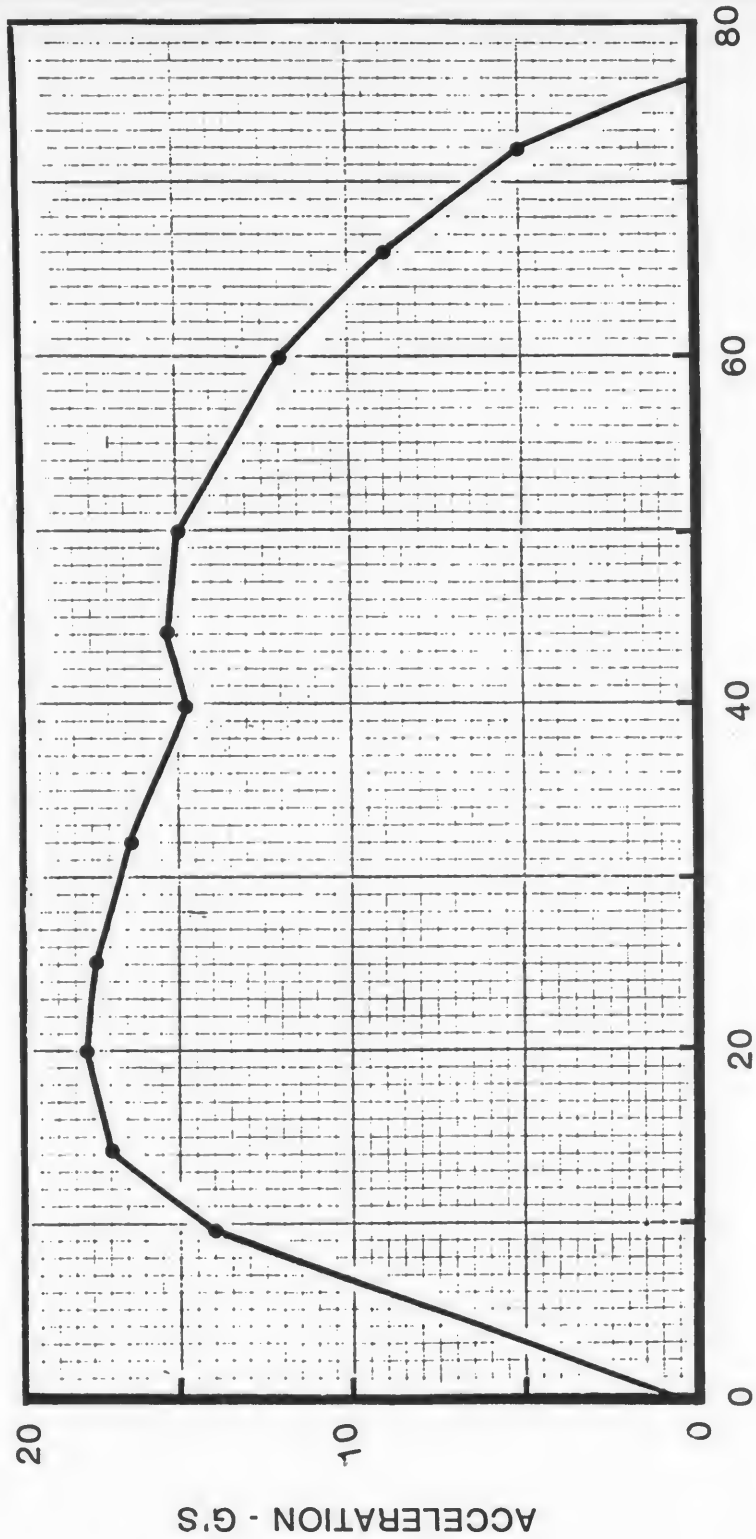
REAR FACING CHILD RESTRAINT
FORWARD AND UPPER HEAD EXCURSION LIMITS

FIGURE 1C



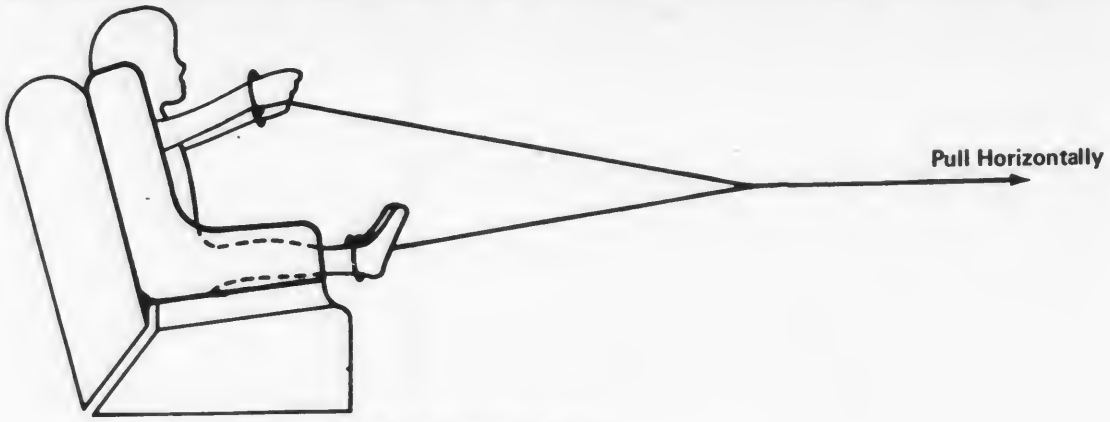
ACCELERATION FUNCTION FOR $\Delta V = 30$ MPH.

FIGURE 2

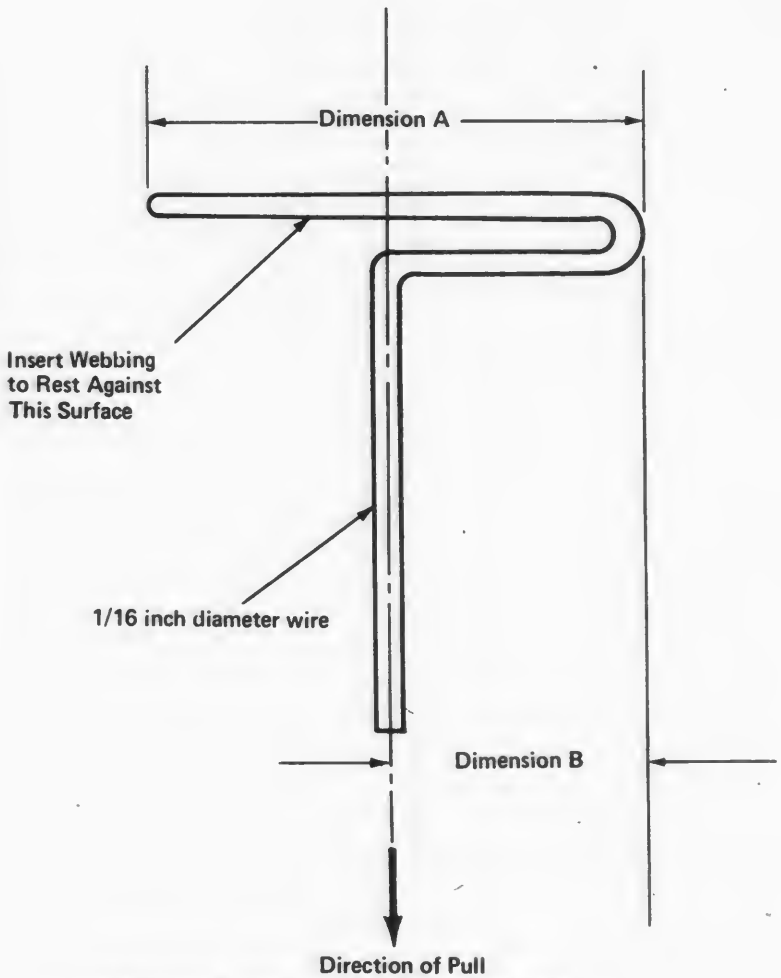


ACCELERATION FUNCTION FOR ΔV = 20 MPH.

FIGURE 3



BUCKLE RELEASE TEST
FIGURE 4



Dimension A - Width of Webbing Plus 1/8 inch

Dimension B - 1/2 of Dimension A

WEBBING TENSION PULL DEVICE
FIGURE 5

BILLING CODE 4910-59-C

(Secs. 103, 112, 119 Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on December 5, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79–37868 Filed 12–10–79; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1329–A]

Chicago, Rock Island & Pacific Railroad Co. and the Chicago & North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1329–A.

SUMMARY: Authorized the Chicago, Rock Island and Pacific Railroad Company (RI) to operate over the tracks of the Chicago and North Western Transportation Company (CNW) at Livermore, IA. On April 18, 1979, the Commission granted CNW's petition for abandonment of the line serving Livermore and that line was sold to the industry. RI now provides service over industry owned track. Since an emergency no longer exists, Service Order No. 1329 is vacated effective 11:59 p.m., December 5, 1979

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

Decided December 5, 1979.

Upon further consideration of Service Order No. 1329 (43 FR 26581; 45868 and 44 FR 19203), and good cause appearing therefor:

It is ordered:

§ 1033.1329 Chicago, Rock Island & Pacific Railroad Co. authorized to operate over tracks of Chicago & North Western Transportation Co.

Service Order No. 1329 is vacated effective 11:59 p.m., December 5, 1979.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich

Secretary.

[FR Doc. 79–38173 Filed 12–12–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Service Order No. 1409]

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

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1409.

SUMMARY: Authorizes the Burlington Northern Inc. (BN) to operate over the tracks of the Chicago, Rock Island and Pacific Railroad Company at Fairfield, Iowa, due to track embargoes at Fairfield in order to serve industries which would otherwise be deprived of railroad service.

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

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

Decided: November 27, 1979.

The line of the Chicago, Rock Island and Pacific Railroad Company (RI) at Fairfield, Iowa, is embargoed due to track conditions depriving shippers located adjacent to these tracks in Fairfield of essential railroad service. The Burlington Northern Inc. (BN) connects with the RI at Fairfield and has consented to operate over the tracks of the RI in Fairfield to serve these industries. The Kansas City Terminal Railway (KCT), the directed operator of the RI, has consented to the use of these tracks by the BN.

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

It is ordered,

§ 1033.1409 Service Order 1409.

(a) *Burlington Northern Inc. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Company at Fairfield, Iowa.* The Burlington Northern Inc. (BN) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Fairfield, Iowa, for the purpose of serving industries located adjacent to such tracks.

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

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

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

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

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

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

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–37813 Filed 12–12–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Service Order No. 1341–A]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago & North Western Transportation Co.

Decided: December 5, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1341–A.

SUMMARY: Authorized the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to operate over the tracks of the Chicago and North Western Transportation Company at Winnebago, Minnesota. The Commission's order served September 17, 1979, permitted the abandonment by the Chicago and North

Western Transportation Company, and the acquisition by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, of the track serving Winnebago, Minnesota. Since an emergency no longer exists, Service Order No. 1341 is vacated effective 11:59 p.m., December 5, 1979.

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

Upon further consideration of Service Order No. 1341 (43 FR 45587 and 44 FR 20437), and good cause appearing therefor:

It is ordered, § 1033.1341 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized to Operate Over Tracks of Chicago and North Western Transportation Company*, Service Order No. 1341 is vacated effective 11:59 p.m., December 5, 1979.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–38213 Filed 12–12–79; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

49 CFR Part 1204

[Order No. 62; Docket No. RM 80–4]

Pipeline Companies; Order Amending Title of Account 670 of the Uniform System of Accounts for Pipeline Companies and Related Provisions and Forms

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby revises regulations, and attendant instructions and forms, pertaining to the Uniform System of Accounts for Pipeline Companies to clarify the procedure for reporting the income taxes of oil pipeline companies. The title of Account 670 and corresponding instructions and forms are amended to make it clear that Account 670 is to be used for the reporting of Federal, state, local, and foreign income taxes on income from the continuing operations of pipeline companies. To the extent that any oil pipeline company, required to file annual reports with the Federal Energy Regulatory Commission, did not correctly report state or other income taxes on continuing operations for the three preceding reporting years, such company is directed to disclose the amount of the accounting change in the space for notes and remarks provided in its 1979 Annual Report Form P of the Federal Energy Regulatory Commission in its 1979 filing.

EFFECTIVE DATE: December 6, 1979.

FOR FURTHER INFORMATION CONTACT: E. Brooke Parkinson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–9195.

Issued: December 6, 1979.

A. Background

Oil pipeline companies are required to file annual reports with the Federal Energy Regulatory Commission (Commission).[1] These reports must conform to the Uniform System of Accounts for Pipeline Companies, 49 C.F.R. Part 1204 (1978).[2] Responsibility for functions regulated by Part 1204 was transferred from the Interstate Commerce Commission to the Federal Energy Regulatory Commission by section 402(b) of the Department of Energy Organization Act. On October 6, 1977, at 42 FR 55,450, the Federal Energy Regulatory Commission published a statement continuing the effectiveness of Part 1204. It is contemplated that the regulations appearing at 49 CFR Part 1204 will eventually be moved from Title 49 to Title 18 of the *Code of Federal Regulations*.

As currently written, the regulations and attendant forms of that system contain technical errors regarding Account 670 (account for income taxes on income from continuing operations). These errors, which derive from the current description of Account 670 referenced in those regulations and forms, would make the amounts paid by oil pipeline companies for property, use, and other operating expense taxes, appear artifically high and may cause the inconsistent reporting of state, local, and foreign taxes. This order is to correct these technical errors.

B. Description of Changes

The title of Account 670, "Federal income taxes on income from continuing operations," is corrected to read, "Income taxes on income from continuing operations." As the text of Account 670 makes clear, the account should include all income taxes (Federal, state, local and foreign) on income from continuing operations, not merely Federal taxes as the title would suggest. The title has been changed to reflect accurately the contents of that account so that reporting pipelines will not erroneously place income taxes in Account 580 (Pipeline taxes). Account 580 is restricted to entries of property taxes, use taxes, and other operating expense taxes.

The table of contents of the Uniform System of Accounts and Commission's Annual Report Form P, Schedule 300 (Income Statement) are amended to reflect the title change of Account 670. A related correction is made to the Commission's Annual Report Form P, Schedule 330 (Pipeline Taxes) which corresponds to Account 580. (Copies of amended Annual Report Form P may be obtained from the Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. during regular business hours.)

In addition to these corrections, Instruction 1–12 accompanying Account 670 is amended to reflect that what is to be reported in that account are income taxes on continuing operations rather than on ordinary income. Prior to 1974, Account 670 was used for crediting income taxes on ordinary income and was so entitled.[3] In 1974, the title for Account 670 was revised and Account 670 became the mechanism for reporting only taxes on continuing operations. Income taxes on discontinued operations were to be entered in Accounts 675 and 676.[4] However, this revision was never incorporated into Instruction 1–12(a) and (d) of the Uniform System of Accounts. Instruction 1–12(a) and (d) refers to the title for Account 670 used prior to 1974. The

[1] Interstate Commerce Act, 49 U.S.C. 20 (1976), transferred by Department of Energy Organization Act. Sections 306, 402(b), 705(a), 42 U.S.C. 7155, 7172(b), 7295(a) (Supp. I, 1977).

[2] This system, originally issued by the Interstate Commerce Commission, 32 FR 20,242 (Dec. 20, 1967) was adopted by the Commission. *Interim Regulations for the Operation of the Federal Energy Regulatory Commission*, Order No. 1, Order Providing for the Continuation of Functions Vested in, or Delegated to, the Federal Energy Regulatory Commission, 42 FR 55,450 (1977).

[3] 32 FR 20,241 (1967).

[4] 39 FR 33,345 (1974); 41 FR 53,249 (1975); 49 CFR Part 1204 (1978).

instruction will now be changed to reflect the title changes to Account 670 effected by this order.

To the extent that any oil pipeline company required to file annual reports with the Commission did not correctly report state or other income taxes on continuing operations for the three preceding reporting years, such company is ordered to disclose the amount of the prior accounting error in the space for notes and remarks provided in its 1979 Annual Report Form P, Schedule 300–A, in order to assure financial data comparability.

C. Effective Date

For the reasons set forth above, the Commission finds that revisions to the Uniform System of Accounts for Pipeline Companies are necessary to clarify that Account 670 of that system is to be used for the reporting of all income taxes on income from continuing operations of pipeline companies. Since these revisions are technical and merely conform the title of Account 670, attendant instructions, and references to that title, to the substantive text of the Uniform System, the Commission finds that good cause exists to make this order effective immediately. For the same reasons, the Commission finds that public notice and hearing are unnecessary.

(Interstate Commerce Act, 49 U.S.C. § 20 (1976), Department of Energy Organization Act, 42 U.S.C. §§ 7155, 7172(b), 7295(a) (Supp. I 1977); E. O. 12,009, 42 FR 46,267 (1977); Federal Energy Regulatory Commission, Order No. 1, 42 FR 55,450 (1977).)

In consideration of the foregoing, Part 1204 of Subchapter C, Chapter X, Title 49 of the Code of Federal Regulations is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 1204—PIPELINE COMPANIES

1. Part 1204 is amended in its table of contents under the category of "Income Accounts" and in the text of the regulations by amending the title of Account 670 to read as follows:

INCOME ACCOUNTS

Ordinary Items

* * * * *

Debit

* * * * *

670 Income taxes on income from continuing operations.

* * * * *

2. Part 1204 is further amended in Instruction 1–12 by deleting the last sentence of paragraph (a) and the first sentence of paragraph (d) and substituting in lieu thereof:

1–12 *Accounting for income taxes.* (a) * * * All income taxes (Federal, state, and other) currently accruable for income tax return purposes shall be charged to account 670, Income taxes on income from continuing operations, and account 695, Income taxes on extraordinary items, as applicable.

* * * * *

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 670, Income taxes on income from continuing operations, or account 695, Income taxes on extraordinary items, as applicable, and charge to account 56, Taxes payable, with the amount of investment tax credit utilized in the current accounting period. * * *

4. Part 1204 is further amended in the table of contents and in the text of the regulation by adding a new Instruction 1–16 to read as follows:

* * * * *

General Instructions

* * * * *

1–16 Accounting for inaccurate reporting of income taxes on income from continuing operations which occurred prior to reporting year 1979.

* * * * *

1–16 *Accounting for inaccurate reporting of income taxes on income from continuing operations which occurred prior to reporting year 1979.* To the extent that any oil pipeline company, required to file annual reports with the Commission, did not correctly report state or other income taxes on continuing operations for the 1976, 1977, and 1978 reporting years, such company is ordered to disclose the amount of the accounting change in the space for notes and remarks provided in its 1979 Annual Report Form P, Schedule 300–A, of the Commission.

5. Federal Energy Regulatory Commission Annual Report Form P, Schedule 300, is amended in line 16 of the Ordinary Item category to conform to Attachment A.

6. Federal Energy Regulatory Commission Annual Report Form P, Schedule 330, Heading A, is amended to conform to Attachment B.

[FR Doc. 79–38067 Filed 12–12–79; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Proposed Public Entry and Use Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The Fish and Wildlife Service issues revised interim regulations concerning public access, use and recreation for the Back Bay National Wildlife Refuge, Virginia. These regulations limit vehicular access. This action is necessary to protect the ecosystem along the refuge beach. This rule will be effective on an interim basis until the final rule is issued.

DATES: Comments must be received on or before January 14, 1980. The interim rule is effective January 1, 1980, until publication of the final rule.

FOR FURTHER INFORMATION CONTACT: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, MA 02158. Telephone (617–965–5100, Ext. 200).

ADDRESS: Send comments to: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, MA 02158.

SUPPLEMENTARY INFORMATION: Edward S. Moses, U.S. Fish and Wildlife Service, Newton Corner, MA 02158 (617–965–5100, Ext. 222) and Ronald L. Fowler, U.S. Fish and Wildlife Service, Division of Refuge Management, Washington, D.C. 20240 (202–343–4305) are the primary authors of this proposed and interim rule. On June 19, 1978 the U.S. Fish and Wildlife Service provided notice of its intent to close the refuge beach to private vehicular access, effective December 31, 1979 (43 FR 26314). Based on further review of the impacts of a complete beach closure on permanent full-time residents of the Currituck Banks between Corolla and the Virginia State line, and on commercial fishermen, who have historically depended upon access through the refuge, these proposed regulations have been designed to permit continuing access for permanent full-time residents and commercial fishermen who meet prescribed criteria, and for vehicles used for emergencies, official government duties, and official public utility operations. As discussed in Final Environmental Statement 72–33, dated December 29, 1972, this proposed action is within management capabilities to obtain refuge objectives.

Owners of improved property who are not full-time residents will not be granted access.

Background

For many years the Back Bay Refuge was open to the public for a number of purposes, and free access to the beach by vehicles was permitted. In 1961, less than 10,000 persons used the refuge for various purposes. During the late 1960's, the development of lands south of the refuge for recreation/residential purposes, and the increase in the availability and popularity of off-road recreational vehicles resulted in sharply accelerated use. By 1970, the number of persons using the refuge had increased to 235,000 and in 1971 to 348,000. All but a small fraction of this increase involved off-road vehicular use across the beach portion of the refuge. By 1969, it became evident that total public use had resulted in environmental degradation to the extent that a serious conflict existed with respect to the administration of the entire refuge for its intended purposes. Following careful analysis, it was determined that certain controls of vehicular uses of the beach were required to reverse the trend of refuge habitat destruction. On January 12, 1972 the Fish and Wildlife Service provided notice in the **Federal Register** that the Back Bay National Wildlife Refuge would be closed to use by unauthorized vehicles. This action was necessary to protect the ecosystem along the refuge beach. Environmental Impact Statement 72–33 which was finalized on December 29, 1972, fully assessed the impacts of this restriction. A final rule was published in March 1973 that required authorized users to obtain permits for access. Recreational vehicle traffice was prohibited. Permits were issued to property owners in the proposed False Cape State Park area, permanent full-time residents of the Outer Banks in North Carolina and their visitors, commercial fishermen, emergency, service and utility vehicles, and school buses. Implementation of the rulemaking was followed by legal action in a suit against the Service in the District Court for the Eastern District of Virgina. A final decision was handed down by Judge John MacKenzie on February 26, 1975, fully upholding the authority of the Secretary of the Interior to control vehicular access across the Back Bay Refuge. In his opinion and order, Judge MacKenzie stated that ". . .continued and rapidly escalating use of the refuge beach as a traffice corridor. . . is inimicable to the use of the property as a wildlife refuge and is a depredation of the purpose of the property as a wildlife refuge." This order was ultimately upheld by the Fourth Circuit Court of Appeals in a decision issued July 7, 1975. The matter of regulating beach use at Back Bay National Wildlife Refuge continued to be the subject of considerable discussion and consternation by the many persons denied vehicular access to recreational properties in North Carolina.

On July 29, 1976, a liberalized rulemaking provided limited access eligibility to all persons who as of October 6, 1975, owned improved property on the Outer Banks of Currituck County, North Carolina, to and including the village of Corolla, North Carolina, and not just permanent residents of the area as the previous rule had provided.

In order to mitigate the increased adverse impact of travel on the beach by these additional permittees, it was necessary to place more restrictions, and limit the number of round trips per day for permanent full-time residents living between the south boundary of the refuge and the village of Corolla, North Carolina. Based on the restricted access imposed on the permanent full-time residents by the 1976 regulations and the permit program management experience gained during 1976 and 1977, the 1978–79 rulemaking continued to provide access to qualified permanent full-time and part-time residents. The 1978–79 special regulations published in the **Federal Register** (43 FR 26314), provided notice that the refuge beach would be closed to vehicular traffic after December 31, 1979, in order to further reduce the adverse impacts of vehicular traffic on the beach ecosystem. In an effort to avoid undue hardship, this proposed rule shall be in effect on an interim basis from January 1, 1980 until such time as a final rule is issued.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreationsl use permitted will not interfere with the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. Irrespective of the types or purpose of public use involved, the National Wildlife Refuge System Administration Act requires the Secretary of the Interior to determine whether this proposed use is compatible with the major purposes for which the particular refuge was established. The uses permitted by these regulations are compatible, and will not interfere with the primary purposes for which the Back Bay National Wildlife Refuge was established. This determination is based upon consideration of, among other things, Environmental Impact Statement 72–33, which was finalized on December 29, 1972, and the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process.

Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule; however, due to the imminent expiration of the present regulations, public comment on the interim rule is not practicable, and to delay its implementation would not be in the public interest. All relevant comments will be considered by the Department prior to the issuance of a final rule.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

It is proposed to revise § 26.34 as follows:

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

Virginia

Back Bay National Wildlife Refuge Access

(a) Who can qualify for access?
(b) Routes of travel.
(c) How many trips are allowed?
(d) Medical emergencies.
(e) Military, fire, or emergency vehicles.
(f) Public utility vehicles.
(g) False Cape State Park employees.
(h) Commercial fishermen and their employees.
(i) Suspension or waiver of rules.
(j) Violation of rules.
(k) Other access rules.

General Rules

(l) Entry on foot, bicycle or motor vehicle.
(m) Swimming and surfing.
(n) Parking areas.
(o) Fishing and boating.
(p) Fires.
(q) Dogs.
(r) Other general rules.

Access

(a) *Who can qualify for access?* (1) Permanent, full-time residents who can furnish proof of residency prior to

December 31, 1976, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina, as long as they remain permanent full-time residents are authorized beach access. Residence is defined as the dwelling in which the permit applicant lives year round on a full time basis. The burden of proof of showing that the prospective permittee meets these criteria shall be on the applicant by presentation of appropriate documentation. Only one permit will be issued per family. (2) All permits issued to full-time residents will be terminated in the event that alternate access is provided during the permit period.

(b) *Routes of travel.* Access to and travel along the refuge beach by motorized vehicles may be allowed between the dune crossing at the field headquarters and the south boundary of the refuge only after a permit has been issued or authorization provided by the Refuge Manager. Travel along the refuge beach by motorized vehicle shall be within the intertidal zone to the maximum extent practicable.

(c) *How many trips are allowed?* Permitted vehicles of permanent full-time residents shall be limited to a total of two round trips per day. Travel is restricted to the designated route of travel between the hours of 5 a.m. to 11 p.m.

(d) *Medical emergencies.* Private vehicles used in a medical emergency will be granted access. When evidence of the emergency is not obvious, the vehicle operator will be required to provide the refuge office with a doctor's statement confirming the emergency within 36 hours.

(e) *Military, fire, or emergency vehicles.* Military, fire, emergency, or law enforcement vehicles when used for emergency purposes, vehicles used by an employee, agent or designated representative of the Federal, State, or local government in the course of official duties will be granted access.

(f) *Public utility vehicles.* Public utility vehicles used on official business will be granted access. A public utility vehicle is described as any vehicle owned or operated by a public utility company enfranchised to supply Outer Banks residents with electricity or telephone service.

(g) *False Cape State Park Employees.* Access will be granted to employees of False Cape State Park and their dependents and designated visitors of employees who reside in the Park.

(h) *Commercial fishermen and their employees.* (1) Commercial fishermen who have verified that their fishing operations on the Outer Banks of Virginia Beach, Virginia, or Currituck County, North Carolina, have been dependent since 1972 on ingress and egress to or across the refuge will be granted permits for access. Travel through the refuge by commercial fishermen from Currituck County, North Carolina, will be permitted only when directly associated with commercial fishing operations. Drivers and passengers on trips through the refuge will be limited to commercial fishing crew members. A commercial fisherman is described as one who harvests finfish by gill net or haul seine in the Atlantic Ocean, and who has owned and operated a commercial fishing business since 1972.

(2) Each commercial fisherman is allowed a maximum of five (5) designated employees to travel the refuge beach for commercial fishing purposes. These employees may carry only other commercial fishing employees as passengers. Employees of commercial fishermen engaged in travel directly associated with commercial fishing operations or for the purpose of traveling to and from their home in Virginia to fishing sites in North Carolina will be granted access.

(i) *Suspension or waiver of rules.* (1) In an emergency, the Refuge Manager may suspend any or all of the foregoing restrictions on vehicular travel and announce such suspension by whatever means are available. In the event of adverse weather conditions, the Refuge Manager may close all or any portion of the refuge to vehicular travel for such period as deemed advisable in the interest of public safety.

(2) The Refuge Manager may make exceptions to access restrictions for qualified permittees who have demonstrated to the satisfaction of the Refuge Manager a need for access relating to health or livelihood.

(j) *Violation of rules.* Violators of these special regulations or any regulations pertaining to Back Bay National Wildlife Refuge will be subject to legal action as prescribed by 50 CFR 28.31, including mandatory revocation by the Refuge Manager of access permits for the duration of the permit period. Individuals whose vehicle access privileges have been suspended may within 30 days file a written appeal of the suspension to the Area Manager, Annapolis, Maryland, in accordance with 50 CFR 25.44(c).

(k) *Other access rules.* (1) No permit will remain in effect beyond December 31 of the year in which it is issued. Permits may be renewed upon the submission of a signed, notarized statement that conditions of the previous permit have not changed.

(2) Evidence that a vehicle has been registered must be permanently displayed at all times while on refuge property in such a manner as to be readily visible on any motor vehicle and shall be nontransferable. No more than two vehicles owned by the permit holder may be registered with the Refuge Manager for use in accordance with these regulations. Those vehicles shall be operated on the refuge beach only by the permittee or immediate family members residing with the permittee. Permit holders shall not tow vehicles and/or trailers owned by non-permit holders through the refuge. Any towed vehicle or trailer must have advance approval from the Refuge Manager prior to being brought through the refuge.

(3) The Refuge Manager may prescribe restrictions as to the types of vehicles to be permitted to ensure public safety and adherence to all applicable rules and regulations.

General Rules

(l) *Entry on foot, bicycle, or motor vehicle.* Entry on foot, bicycle, or by motor vehicle on designated routes is permitted during daylight-hours for the purpose of nature study, sightseeing, wildlife observation, photography, hiking, surf fishing, surfing, swimming and bicycling.

(m) *Swimming and surfing.* (1) Swimming and surfing are permitted on the entire refuge beach unless designated otherwise by sign. No lifeguards are provided. Swimming and surfing will be at the visitor's own risk.

(2) Nudity is not permitted on the refuge. Nudity is defined as failure by persons over 10 years of age to cover with fully opaque covering their own genitals, pubic areas, rectal areas, or female breasts below a point immediately above the top of the areola when in a public place.

(n) *Parking.* The parking lot at the end of the paved road is available on a first come first served basis for persons engaged in wildlife/wildlands oriented recreation but is not available to those engaged in surfing and swimming.

(o) *Fishing and boating.* Surf fishing from the beach and freshwater fishing in the bay are permitted in accordance with state laws. Vehicular launching of boats is prohibited. Boat access to the bay at field headquarters is limited to canoes and small boats carried on car-top carriers.

(p) *Fires.* Open fires are prohibited. Portable grills with a contained fuel supply are permitted on the beach.

(q) *Dogs.* Dogs on a hand-held leash are permitted on refuge public use areas.

(r) *Other general rules.* (1) Pedestrians and vehicular traffic in the sand dunes is prohibited. (2) Registered motor vehicles and motorized bicycles (mopeds) are permitted on the paved refuge access road and on the parking lot at field headquarters. All other motorized vehicular use is prohibited except as specifically authorized pursuant to this rule.

The provisions of this rule are effective through December 31, 1981. They supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations. The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke Office Park, Pembroke No. 2 Building, Suite 218, Virginia Beach, VA 23462 and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, MA 02158.

Dated: December 6, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79-38180 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-55-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii Call Toll Free (800) 424-9080), Room 5148, 451 Seventh Street, SW., Washington, D.C. 20410.

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

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

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

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

Final Base (100-Year) Flood Elevations

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Fort Payne (City), DeKalb (County) (Docket No. FI-5591).	Big Wills Creek	State Highway 35 centerline	*802
			Airport Avenue Second Crossing centerline	*827
			24th Street centerline	*854
			U.S. Highway 11 (100 feet) upstream from centerline	*863
			67th Street North (100 feet) upstream from centerline	*895
		Little Willis Valley Branch	41st Street South centerline	*858
		Davis Gap Creek	Interstate Highway 59 Southbound Lane (25 feet) downstream from centerline.	*792
			Interstate Highway 59 Northbound Lane (25 feet) upstream from centerline.	*800
			Grand Avenue (100 feet) upstream from centerline	*875
			Southern Railway (50 feet) downstream from centerline	*879
			Southern Railway (25 feet) upstream from centerline	*884
		Dye Creek	Airport Avenue centerline	*815
			Interstate Highway 59 Southbound Lane centerline	*819
			Interstate Highway 59 Northbound Lane centerline	*826
			State Highway 35 First Crossing (75 feet) upstream from centerline	*829
			U.S. Highway 11 centerline	*860
			3rd Street South centerline	*883
			5th Street North (50 feet) upstream from centerline	*898
		Beeson Branch	Airport Avenue centerline	*848
			Interstate Highway 59 Northbound Lane centerline	*881
			U.S. Highway 11 centerline	*908
			Southern Railway (100 feet) upstream from centerline	*918
		Beeson Branch Tributary	Confluence With Beeson Branch	*917
		Sulphur Springs Branch	49th Street North centerline	*907
		Sulphur Springs Tributary A	Gault Avenue (25 feet) upstream from centerline	*912
		Allen Branch	67th Street North centerline	*894
			Allen Dam (250 feet) downstream from centerline	*901
			Allen Dam (100 feet) upstream from centerline	*926
			Abandoned Road centerline	*926
	Maps available at City Hall, Fort Payne, Alabama 35967.			
Alabama	City of Greenville, Butler County (FI-5644).	Stallings Ck	Approximately 100 feet upstream of southern corporate limits	*347
			Just upstream of Alabama Highway 10	*358
			Approximately 100 feet downstream of I-65	*363
		Stallings Ck. Tributary No. 1	Just upstream of southern corporate limits	*343
			Approximately 200 feet upstream of County Road	*350
		Stallings Ck. Tributary No. 2—Peavy Creek.	Western corporate limits 1400 feet south of State Highway 10	*351
		Stallings Ck. Tributary No. 4	Approximately 200 feet upstream of the confluence with Stallings Creek.	*361

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Persimmon Ck	Just upstream of southern corporate limits	*330
			Just upstream of U.S. Highway 31	*337
			Just upstream of confluence of Persimmon Creek Tributary No. 3—Tanyard Br.	*340
			Approximately 100 feet downstream of Alabama Highway 10	*349
			Just upstream of northern corporate limits	*364
		Persimmon Ck. Tributary No. 1	Just upstream of southern corporate limits	*349
			Approximately 300 feet upstream of Highlands Road	*369
			Approximately 200 feet upstream of Oglesby Street	*370
		Persimmon Ck. Tributary No. 3—Tanyard Branch.	Just upstream of Cunningham Street	*360
			Just upstream of Commerce Street	*371
			Just upstream of North Conecuh Street	*381
		Persimmon Ck. Tributary No. 4	Just upstream of the confluence with Persimmon Creek	*351
		Persimmon Ck. Tributary No. 5	Approximately 100 feet upstream of the confluence with Persimmon Creek.	*356
	Maps available at City Hall, Soil Conservation Office, Greenville, Alabama 36036.			
Alabama	Town of Rainsville, Dekalb County (FI-5673).	Town Creek	Scott Avenue (extended)	*1,161
			Just downstream of Chavies Road	*1,169
		Ivy Creek	50 feet downstream of Garrett Road	*1,189
			50 feet downstream of Dilbeck Road	*1,223
		Piney Creek	Just downstream of Horton Road	*1,223
			50 feet downstream of George Wallace Drive	*1,246
		Piney Creek Tributary	50 feet downstream of Morrison Street	*1,260
			At Highway 35	*1,282
		Phillips Branch	At Kirk Road	*1,181
			Just downstream of Chambers Avenue	*1,222
	Maps available at City Clerk's Office, City Hall, Rainsville, Alabama 35986.			
Arizona	Globe (City), Gila County (Docket No. FI-5498).	Pinal Creek	Downstream of Crossing of U.S. Highway 60-70 centerline	*3,448
			Broad Street centerline	*3,492
			Cottonwood Street centerline	*3,513
			Jesse Hayes Street centerline	*3,537
	Maps available at City Hall, 150 North Pine Street, Globe, Arizona 85501.			
Arizona	Miami (Town), Gila County (Docket No. FI-5499).	Bloody Tanks Wash	Downstream crossing of Southern Pacific Railroad at centerline	*3,398
			Glass Canyon Street at centerline	*3,416
			Reppy Avenue at centerline	*3,428
			Upstream crossing of Southern Pacific Railroad (30 feet) upstream from centerline.	*3,444
	Maps available at Office of the Town Manager, Town Hall, 500 Sullivan, Miami, Arizona 85539.			
California	Cupertino (City), Santa Clara (County) (Docket No. FI-5500).	Calabazas Creek	Interstate Highway 280—70 feet upstream from centerline	*168
			Miller Avenue—50 feet upstream from centerline	*201
		Stevens Creek	Homestead Road—120 feet upstream from centerline	*249
			Stevens Creek Boulevard—100 feet upstream from centerline	*295
			McClellan Road—50 feet upstream from centerline	*341
			Upstream Corporate Limits	*422
	Maps available at Planning Department, 10300 Torre Avenue, Cupertino, California 95014.			
Colorado	Silverthorne (Town), Summit County (Docket No. FI-5481).	Blue River	Downstream Corporate Limits—30 feet upstream from crossing	*8,695
			State Highway 9 Bridge—70 feet upstream from centerline	*8,752
			Interstate Highway 70 Bridge—160 feet upstream from centerline	*8,762
			Upstream Corporate Limits	*8,771
		Straight Creek	Confluence with Blue River	*8,766
			State Highway 9 Bridge—40 feet upstream from centerline	*8,805
		Willow Creek	Downstream Corporate Limits—95 feet upstream from crossing	*8,699
			Upstream Corporate Limits—20 feet upstream from crossing	*8,728
	Maps available at City Clerk's Office, City Hall, Silverthorne, Colorado 80498.			
Connecticut	South Windsor (Town), Hartford County, FI-5090.	Connecticut River	Captain John Bissel Memorial Bridge at centerline	*31
		Podunk River	Chapel Road Bridge at centerline	*31
			Pleasant Valley Road Bridge 100 feet upstream of centerline	*44
			Vinton's Mill Road Dam 100 feet downstream of centerline	*48
			Vinton's Mill Road Dam 100 feet upstream of centerline	*56
			Strong Road Bridge 100 feet upstream of centerline	*71
			Nevers Road Bridge 100 feet upstream of centerline	*170
			Abby Road Bridge 100 feet upstream of centerline	*229
			Miller Road Bridge Dam 50 feet downstream of centerline	*255
			Miller Road Bridge Dam 100 feet upstream of centerline	*260
		Plum Gully Brook	Clark Street Bridge 100 feet upstream of centerline	*63
			Deming Street Bridge 50 feet upstream of centerline	*85
			Oakland Road 50 feet upstream of centerline	*105
			Sand Hill Road 50 feet upstream of centerline	*146

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Quarry Brook	Pleasant Valley Road 50 feet upstream of centerline	*81
		Farm Brook	Confluence with Plum Gully Brook	*89
			Oakland Road at centerline	*111
		Bancroft Brook	Strong Road Bridge 100 feet upstream of centerline	*40
		Dry Brook	Rye Street 100 feet downstream of centerline	*36
			Rye Street 50 feet upstream of centerline	*48
			Griffin Road 50 feet upstream of centerline	*94
		Averys Brook	Benedict Drive Bridge (downstream crossing) at centerline	*181
			Kelly Road Bridge at centerline	*201
		Scantic River	John Fitch Boulevard at centerline	*32
		Stoughtons Brook	Main Street Bridge at centerline	*32
	Maps are available at Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut.			
	Send comments to Honorable Nancy Caffyn, Mayor, Town of South Windsor, Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut 06070.			
Florida	Blountstown (City), Calhoun (County) (Docket No. FI-5503).	Apalachicola River	Intersection of Ray Avenue and Palm Street	*55
		Sutton Creek	State Highway 71 centerline Charley E. Johns Street (10 feet) upstream from centerline.	*59
		Ponding	Intersection of Lambert Avenue and Church Street	*66
		Ponding	50 feet Northwest of the Intersection of State Highway 71 and Church Street.	*64
	Maps available at City Hall, 125 West Central Avenue, Blountstown, Florida.			
	Send comments to Honorable Laddie Williams, Mayor, City of Blountstown, 125 W. Central Avenue, Blountstown, Florida 32424.			
Florida	Frostproof (City), Polk County (Docket No. FI-5542).	Reedy Lake-Lake IDA	1,000 feet east of the Intersection of Old State Highway 630 and State Highway 630.	*81
			250 feet east of the Intersection of Chesney Boulevard and Lake Reedy Boulevard.	*81
		Lake Clinch	Charles Street Between Grace Street and Lelia Street	*110
			200 feet west of the Intersection of Palm Avenue and 1st Street	*110
	Maps Available at City Hall, 47 West Wall Street, Frostproof, Florida.			
Florida	Sebastian (City), Indian River (County) (FI-5447).	Indian River	Intersection of Riverside Avenue and Main Street	*8
			Intersection of Riverside Avenue and Harrison	*8
		Drainage Right of Way	1,200 feet south of the intersection of Scroll Street and Roulette Street.	*5
	Maps are available at City Hall, Sebastian, Florida.			
	Send comments to Honorable Pat Flood, Mayor, City of Sebastian, P.O. Box 127, Sebastian, Florida 32958.			
Georgia	Unincorporated areas of Columbia County (FI-5649).	Savannah River	Northeastern Corporate Limits	*164
			Just upstream of Furys Ferry Road (State Highway 28)	*204
		Reed Creek	Just downstream of Stevens Creek Road	*196
			Just upstream of Furys Ferry Road (State Highway 28)	*217
			Just downstream of Columbia Road	*323
		Stevens Creek Road Tributary	Just downstream of the Sewage Treatment Plant Access Road	*196
			Just upstream of Sewage Treatment Plant Access Road	*201
		Brown Pond Tributary	Just upstream of Marlboro Street	*287
		Westhampton Tributary No. 1	Approximately 300 feet upstream from the confluence with Bowen Pond Tributary.	*255
		Westhampton Tributary No. 2	Approximately 300 feet upsteam from the confluence with Bowen Pond Tributary.	*265
		Westhampton Tributary No. 3	Approximately 200 feet upstream from the confluence with Bowen Pond Tributary.	*271
		West Lake Tributary	Approximately 640 feet upstream of the confluence with Reed Creek	*202
			At private road approximately 750 feet upstream from the confluence with Reed Creek.	*213
		Furys Ferry Road Tributary East	Approximately 300 from the confluence Reed Creek	*214
		Furys Ferry Road Tributary West	Just upstream of a private road, approximately 160 feet upstream from the confluence with Reed Creek.	*216
		Wynngate Tributary	Just downstream of Old Petersburg Road	*261
		Bonaire Heights Tributary	Approximately 450 feet upstream from the confluence with Wynngate Tributary.	*274
		El Cordero Estates Tributary	Approximately 740 feet upstream from the confluence with Wynngate Tributary.	*312
		Old Evans Road Tributary	Approximately 350 feet upstream from the confluence with Reed Creek.	*276
		Holiday Park Tributary	Approximately 3,000 feet upstream from the confluence with Reed Creek.	*315
			Just downstream of Columbia Road	*370
			Just upstream of Columbia Road	*378
		Owens Road Tributary	Approximately 200 feet upstream from the confluence with Holiday Park Tributary.	*322

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Upper Reed Creek Tributary	Approximately 300 feet upstream from the confluence with Reed Creek.	*309
		Watery Branch	Point Comfort Road	*200
		Watery Branch Tributary	Approximately 250 feet upstream from the confluence with Watery Branch.	*204
		Jones Creek	Just downstream of Furys Ferry Road	*217
		Furys Ferry Road Tributary North	Approximately 400 feet upstream from the confluence with Jones Creek.	*216
		Furys Ferry Road Tributary South	Approximately 450 feet upstream from the confluence with Jones Creek.	*225
		Jones Creek Tributary No. 1	Approximately 500 feet upstream from the confluence with Jones Creek.	*226
		Seaboard Railroad Tributary	Approximately 350 feet upstream from the confluence with Jones Creek.	*227
		Marshall Pond Tributary	Approximately 200 feet upstream from the confluence with Jones Creek.	*247
		Jones Creek Tributary No. 2	Approximately 100 feet upstream of the confluence with Jones Creek.	*260
		Jones Creek Tributary No. 3	Approximately 100 feet upstream of the confluence with Jones Creek.	*272
		Bettys Branch	Just upstream of Washington Road	*278
		Mt. Enna Branch	Just upstream of Silver Lake Road	*237
			Just upstream of Washington Road	*270
		Washington Road Tributary	At the confluence of Bettys Branch Tributary	*294
		Bettys Branch Tributary	Approximately 500 feet upstream of the confluence with Washington Road Tributary.	*306
		Gibbs Road Tributary	Approximately 250 feet upstream of the confluence with Bettys Branch.	*295
		Uchee Creek	Approximately 1000 feet upstream of Washington Road	*208
		Tudor Branch	Just upstream of Lewiston Road	*241
			Just downstream of Columbia Road (State Highway 232)	*283
		Crawford Creek	Just downstream of Columbia Road	*313
			Just downstream of Oakley Pirkle Road	*330
		Columbia Road Tributary East	Just downstream of Columbia Road	*322
			Just upstream of Columbia Road	*328
		Columbia Road Tributary West	Approximately 350 feet upstream of the confluence with Crawford Creek.	*320
		Wymberly Tributary	Approximately 400 feet upstream from the confluence with Crawford Creek.	*324
		Oakley Pirkle Road Tributary	Just downstream of Oakley Pirkle Road	*346
			Just upstream of Oakley Pirkle Road	*361
		Oak Lake Tributary West	Approximately 500 feet upstream from the confluence with Crawford Creek.	*343
		Oak Lake Tributary East	Just upstream of Rockdale Drive	*349
		Old Belair Road Tributary East	Just upstream of a private road, approximately 775 feet upstream from the confluence with Crawford Creek.	*360
		Old Belair Road Tributary West	Approximately 450 feet upstream from the confluence with Crawford Creek.	*362
		Walton Branch	Approximately 1000 feet upstream from the confluence with Tudor Branch.	*249
			Just upstream of Columbia Road	*249
		Walton Branch Tributary	Approximately 400 feet upstream from the confluence with Walton Branch.	*285
	Maps available at Columbia County, Planning Department, 108 Davis Road, Martinez, Georgia 30907.			
Georgia	City of Norcross, Gwinnett County (FI-5673).	Beaver Ruin Creek	Just upstream of corporate limits	*913
			Just downstream of corporate limits	*917
		Beaver Ruin Creek Tributary No. 2.	Just upstream of corporate limits	*936
		Crooked Creek Tributary No. 2.1	Just upstream of corporate limits	*946
		Crooked Creek Tributary No. 2.1.1.	Just upstream of corporate limits	*942
			Just upstream of Langford Drive	*951
	Maps available at City Clerk's Office, City Hall, 39 South Peachtree Street, Norcross, Georgia 30071.			
Idaho	Pocatello (City), Bannock County (Docket No. FI-5448).	Pocatello Creek	Interstate Highway 15—330 feet downstream from centerline	*4,560
			Interstate Highway 15—260 feet downstream from centerline	*4,587
			Booth Road—10 feet upstream from centerline	*4,652
			Upstream Corporate Limits	*4,685
		Portneuf River	U.S. Highway 30N (Business) Lower at centerline	*4,430
			West Carson Street at centerline	*4,434
			West Clark Street at centerline	*4,444
			Bannock Highway at centerline	*4,456
			Cheyenne Avenue at centerline	*4,464
		Pocatello Creek	Intersection of Alameda Road and Jefferson Avenue	#2
			Intersection of Cedar Street and Willard Avenue	#2
			Intersection of Cedar Street and McKinley Avenue	#2
			Intersection of Cedar Street and Colorado Avenue	#2
		Trail Creek	Intersection of Foothill Road and Ravine Drive	#2

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		City Creek	Along Hayes Avenue 400 feet west of its intersection with Idaho Street.	#2
			Along Grant Avenue 750 feet west from its intersection with Idaho Street.	#2
		Cusick Creek	Intersection of Lamb Street and Grant Avenue	#2
		Johnny Creek	Intersection of Bannock Highway and Shoshoni Trail	#2
	Maps available at City Hall, 209 East Lewis, Pocatello, Idaho 83201.			
Illinois	(V) New Lenox, Will County (Docket No. FI-5665).	Hickory Creek	western Corporate limit	*619
			200 feet upstream from Vine Street	*622
			200 feet upstream of Cedar Road	*628
			Eastern corporate limit	*630
	Maps available at Village Hall, 201 North Church Street, New Lenox, Illinois 60451.			
Indiana	(T) Chesterfield, Madison County (Docket No. FI-5665).	Mill Creek	Approximately 25 feet upstream from northern corporate limit	*875
			Approximately 440 feet upstream from northern corporate limit	*882
			Approximately 600 feet downstream from Main Street	*886
			Approximately 150 feet downstream from Main Street	*892
			Located at Main Street	*895
			Just upstream from Main Street	*896
			Approximately 120 feet upstream from Main Street	*901
			Approximately 40 feet upstream from Conrail	*904
			Just upstream from State Road 67	*906
			Just downstream from Mulberry Road	*907
			Just downstream from southern corporate limit	*907
		White River	Approximately 2860 feet downstream from Water Street	*868
			Approximately 3500 feet upstream from Water Street	*869
	Maps available at Town Hall, 207 East Main Street, Chesterfield, Indiana 46017.			
Indiana	(T) Schererville, Lake County (Docket No. FI-5665).	Schererville Ditch	At confluence with Dyer Ditch	*628
			Just upstream of 68th Avenue	*629
			Just upstream of Roman Drive	*631
		Schilling Ditch	At confluence with Dyer Ditch	*632
			About 500 feet downstream of U.S. Route 30	*632
			About 500 feet upstream of U.S. Route 30	*637
			About 0.7 mile upstream of Sunset Boulevard	*638
			At southern corporate limits, about 1.3 miles upstream of Sunset Boulevard.	*651
		Seberger Ditch	Just upstream of Main Street	*821
			Just downstream of Conrail	*625
			Just upstream of Conrail	*628
			Just downstream of Central Avenue	*630
			Just upstream of Central Avenue	*632
			About 200 feet upstream of Redar Drive	*634
		Turkey Creek	About 250 feet downstream of eastern corporate limit	*631
			Just upstream of gravel road, about 500 feet downstream of Cline Avenue.	*635
			Just upstream of Joliet Street	*636
			Just downstream of U.S. Route 30	*647
			Just downstream of U.S. Route 30	*647
			Just upstream of U.S. Route 30	*650
			About 900 feet upstream of Conrail	*651
		Dyer Ditch	Just upstream of Airport Road	*626
			Just downstream of Conrail	*627
			Just upstream of Elgin Joliet & Eastern Railway	*628
			About 0.4 mile upstream of Elgin Joliet & Eastern Railway	*629
			Just upstream of U.S. Route 30	*635
			About 0.3 mile upstream of U.S. Route 30	*636
	Maps available at Town Hall, 1640 Wilson Street, Schererville, Indiana 46375.			
Minnesota	(C) Edina, Hennepin County (Docket No. FI-5665).	Minnehaha Creek	Just upstream of Xerxes Avenue	*853
			Downstream corporate limit	*854
			Just upstream France Avenue South	*861
			Just upstream West 54th Street	*867
			Just upstream Woodale Avenue	*878
			Just upstream Browndale Avenue Dam	*869
			Just upstream West 44th Street	*890
			Upstream corporate limit	*892
		Nine Mile Creek	Downstream corporate limit	*821
			Just upstream West 77th Street Ramp	*825
			Just upstream West 70th Street	*832
			Just upstream Minneapolis, Northfield & Southern Railroad	*837
			Just upstream Brook Drive	*641

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream Valley View Drive	*848
			Just upstream County Highway 62	*853
			Just upstram County Highway 158	*862
			Just upstream Dover Drive	*874
			Upstream corporate limit	*875
		*Braemer Branch South Fork Nine Mile Creek.	At mouth	*832
			2,800 feet upstream of mouth	*840
			4,000 feet upstream of mouth	*844
			Just upstream Braemer Road	*846
			900 feet upstream Valley View Road	*858
	Maps available at City Hall, City of Edina, Edina, Minnesota 55424.			
Minnesota	(C) Little Falls, Morrison County (Docket No. FI-5665).	Mississippi River	Southern corporate limit	*1,092
			Just upstream from Burlington Northern Railroad	*1,094
			At Minnesota Power & Light Company	*1,096
	Maps available at City Hall—Engineer's Office and City Administrator's office, 100 North East Senexth Avenue, Little Falls, Minnesota 56345.			
Missouri	(T) Agency, Buchanan County (Docket No. FI-5618.	Pigeon Creek	At eastern corporate limits	*838
			Approximately 200 feet upstream of Highway FF	*840
			At western corporate limits	*848
		Possum Hollow	At eastern corporate limits	*838
			At western corprorate limits	*838
	Maps available at City Clerk's Home, Agency, Missouri 64401.			
Missouri	(C) Freeman, Cass County (Docket No. FI-5665).	Poney Creek	1,975 feet downstream of County Old Route "O"	*832
			Just downstream of County Old Route "O"	*834
			Just upstream of County Old Route "O"	*835
			Just downstream of County Route "O"	*836
			500 feet upstream of County Route "O"	*842
			Upstream corporate limit	*843
	Maps available at City Hall, Freeman, Missouri 64748.			
New Hampshire	Greenfield (Town), Hillsborough (County) (Docket No. FI-4816).	Contoocook River	Boston and Maine Railroad Bridge 50 feet upstream of centerline	*685
			Forest Road Bridge 30 feet upstream of centerline	*685
			Cavender Road Bridge 30 feet upsteam of centerline	*689
		Otter Brook	Slip Road Culvert 20 feet upstream of centerline	*813
			Boston and Maine Railroad—20 feet downstream of centerline	*814
		Stony Brook	Small Dam—50 feet upstream of centerline	*826
			School House Road Bridge—20 feet upstream of centerline	*834
			Boston and Maine Railroad Culvert 20 feet downstream of centerline	*835
			Boston and Maine Railroad Culvert 20 feet upstream of centerline	*840
			Russell Station Road Culvert—40 feet upstream of centerline	*840
			Boston and Maine Railroad—20 feet downstream of centerline	*840
		Otter Lake Brook	State Route 136 Culvert—20 feet upstream of centerline	*801
			Swamp Road Culvert 20 feet upstream of centerline	*802
			Forest Road Culvert 20 feet upstream of centerline	*806
			Footbridge approximately 0.26 mile upstream from Forest Road—20 feet upstream of centerline.	*807
		Tributary B	Forest Road Culvert 40 feet upstream of centerline	*821
			Miner Road Bridge 30 feet upstream of centerline	*881
	Maps available at Town Office, Greenfield, New Hampshire. Send comments to Mr. Waldo Stone, Chairman, Board of Selectman, Town of Greenfield, Francis Town Road, Greenfield, New Hampshire 03047.			
New Hampshire	Peterborough (Town), Hillsborough County (Docket No. FI-5062).	Contoocook River	Confluence with Otter Brook—20 feet upstream	*691
			Confluence with Bogle Brook—30 feet upstream	*694
			U.S. Route 202—40 feet upstream from centerline	*701
			Main Street—30 feet upstream from centerline	*724
			State Route 101—30 feet upstream from centerline	*726
			Morrison Road—50 feet upstream from centerline	*739
			Sharon Road—50 feet upstream from centerline	*778
			Drury Road—60 feet upstream from centerline	*787
		Otter Brook	New Hampshire State Route 136—30 feet upstream from centerline	*709
			Slab Road—30 feet upstream from centerline	*715
			Gulf Road—20 feet upstream from centerline	*734
			Unnamed Road—20 feet upstream from centerline	*769
			Unnamed Cart path—30 feet upstream from centerline	*798
		Nubanusit Brook	Grove Street Bridge—20 feet upstream from centerline	*723
			Historical Society Dam—20 feet upstream from centerline	*748
			Elm Street Bridge—30 feet upstream from centerline	*778
			Steel Road Bridge—20 feet upstream from centerline	*790
			Union Street Bridge—20 feet upstream from centerline	*851
			Wilder Street Bridge—20 feet upstream from centerline	*864
	Maps available at Town Office, 1 Grove Street, Peterborough, New Hamphire 03458.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	North Brunswick, Township; Middlesex County (Docket No. FI-5595).	Lawrence Brook	Downstream Corporate Limits	*25
			Upstream Ryders Lane Bridge	*26
			Upstream Riva Avenue Bridge	*33
			Downstream Farrington Dam	*36
			Upstream Farrington Dam	*53
			Upstream Corporate Limits	*55
		Sucker Brook	Confluence with Lawrence Brook	*35
			Bridge Ruins	*39
			Upstream Utility Road Culvert	*48
			Upstream of Retaining Wall	*58
			At confluence of Tributary to Sucker Brook	*60
		Tributary No. 1 to Sucker Brook	Confluence with Lawrence Brook	*60
			U. S. Route 130	*78
		Mae Brook	Confluence with Lawrence Brook	*55
			Downstream U. S. Route 130 Culvert	*73
			Church Lane Extended	*91
			Downstream Farm Road	*101
			Downstream Adams Station Lane	*107
		Oakeys Brook	Confluence with Lawrence Brook	*55
			950' downstream of Davidsons Mill Road Bridge	*75
			Downstream Davidsons Mill Road Bridge	*80
			Downstream U. S. Route 130 Bridge	*88
			Upstream Private Road	*90
			Upstream Conrail Bridge	*93
			Upstream Diversion Channel	*100
			Downstream U. S. Route 1	*106
		Sixmile Run	Downstream Corporate Limits	*73
			Upstream Hidden Lake Drive	*80
			Upstream Schmidt Lane Bridge	*85
			Downstream Cozzens Lake Bridge	*91
			Seneca Road Extended	*102
		Mile Run	Downstream Remsen Avenue Culvert	*71
			Upstream Cemetery Road Bridge	*77
			Upstream Commercial Avenue Culvert	*85
			Upstream Cemetery Road Bridge	*87
	Maps available at the Engineering Department, Municipal Building, North Brunswick, New Jersey.			
New York	Southport, Town, Chemung County (Docket No. FI-5640).	Chemung River	Corporate Limits with Ashland	*837
			Schuyler Avenue (Extended)	*846
			Morefield Street (Extended)	*857
			Corporate Limits with Big Flats	*870
		Seeley Creek	Upstream State Route 427 Bridge	*842
			Conrail	*877
			Upstream Pennsylvania Bridge	*988
			State Route 328	*1,033
		South Creek	Upstream Conrail	*881
			Upstream Private Bridge	*911
			Christian Hollow Road	*923
			Upstream Corporate Limits	*1,007
	Maps available at the Southport Town Hall, 1439 Pennsylvania Avenue, Elmira, New York.			
New York	Waterford (Village), Saratoga County (Docket No. FI-5223).	Hudson River	U.S. Highway 4—20 feet upstream from centerline	*34
			Delaware and Hudson Railroad—20 feet upstream from centerline	*34
	Maps available at Village Hall, 65 Broad Street, Waterford, New York 12188.			
North Carolina	Unincorporated areas of Davidson County (FI-5683).	South Potts Creek	Just upstream of US 29-70	*634
		South Potts Creek Tributary	Approximately 100 feet upstream of NCSR 1159	*650
		Lamb Creek	Just upstream of NCSR 1160	*671
		North Potts Creek	Approximately 250 feet upstream of NCSR 1133	*631
			Just downstream of US 29-70	*646
			Approximately 150 feet upstream of NCSR 1213	*684
		North Potts Creek Tributary	Just downstream of NCSR 1213	*687
			Just upstream of NCSR 1213	*696
		Swearing Creek	Upstream of Farm Road	*636
			Approximately 100 feet downstream of NCSR 1104	*647
			Just upstream of US 64	*695
			Approximately 300 feet upstream of Center St.	*706
		Rat Spring Branch	Just upstream of NCSR 1254	*661
			Just downstream of NCSR 1318	*669
		Rat Spring Branch Tributary	Just downstream of NCSR 1318	*670
			Just upstream of NCSR 1318	*687

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Linwood Road	*717
		Walltown Branch	Just upstream of Linwood Road	*713
			Just upstream of Biesecker Avenue	*728
		Walltown Drain	Just downstream of Cotton Grove Road	*745
			Just upstream of Cotton Grove Road	*752
		Beaverdam Creek	Just upstream of NCSR 1205	*697
			Approximately 100 feet upstream of NCSR 1199	*708
		Indian Grove	Just upstream of Farm Road	*683
			Just upstream of NCSR 1203	*699
		Biesecker Ck	Approximately 50 feet downstream of Center Street	*721
			Just upstream of Center Street	*727
		Jakesville Creek	Approximately 100 feet downstream of NCSR 1454	*717
		Northside Creek	Just upstream of the eastern corporate limits of the City of Lexington	*730
		Northside Branch	Just upstream of the City of Lexington corporate limits	*730
		Swearing Ck. Tributary	Just upstream from the trailer court entrance extended from its intersection with NCSR 1454.	*716
		Ebenezer Ck	Just upstream of Private Drive	*726
		Arnold Creek	Confluence with Swearing Creek	*730
		Welcome Ck	Approximately 20 feet upstream of NCSR 1459	*746
			Just upstream of Green Tree Park Road	*784
			Approximately 20 feet downstream of NCSR 1460	*823
			Just upstream of NCSR 1460	*831
		Tussey Creek	Confluence with Michael Branch	*666
		Michael Branch	Just upstream of US 29-70	*678
			Confluence of Michael Branch Tributary	*694
		Wennonah Mill Drain	Confluence of Wennonah Mill Drain	*687
		Michael Branch Trib	Just downstream of US 29-70 and 64	*701
		Shoaf Branch	Just upstream of the City of Lexington northern corporate limits	*734
		Yarbough Drain (flooding due to backwater from Walltown Branch).	Confluence with Walltown Branch	*720
		Fryes Creek	Just upstream of NCSR 1520	*687
			Approximately 100 feet downstream of NC 150	*715
			Approximately 100 feet upstream of NCSR 1505	*752
		Miller Creek	Approximately 50 feet downstream of NCSR 1516	*702
			Approximately 100 feet upstream of NC 150	*752
			Approximately 100 feet downstream of NCSR 1510	*800
			Just upstream of NCSR 1510	*811
		Abbotts Ck	Just upstream of Old US 64	*643
			Approximately 200 feet upstream of US 29-70	*657
			Just upstream of NCSR 1819	*690
			Approximately 200 feet upstream of NCSR 1741	*779
		Golf Course Drain	Approximately 30 feet downstream of Interstate 85	*646
			Just upstream of Interstate 85	*653
			Just upstream of Country Club Drive	*673
			Approximately 40 feet downstream of Country Club Boulevard	*705
			Just upstream of Country Club Boulevard	*714
		Fern Valley Branch (flooding due to backwater from Golf Course Drain).	Confluence with Golf Course Drain	*632
			Confluence of Fern Valley Drain	*682
		Fern Valley Drain	Approximately 10 feet downstream of Fairview Drive	*747
			Just upstream of Fairview Drive	*757
		Twin Creek	Confluence with Twin Creek Tributary	*646
		Twin Creek Tributary	Approximately 40 feet downstream of Lexington southeastern corporate limits.	*666
		Becks Creek	Approximately 40 feet downstream of I-85 southbound lane	*704
			Just upstream of I-85 northbound lane	*721
			Just upstream of NCSR 2230	*743
		Arbor Creek	Approximately 50 feet downstream of Queens Road	*644
			Just upstream of Queens Road	*653
			Just upstream of Center Street	*662
		Abbotts Creek Tributary	Confluence of Raleigh Branch	*654
			Confluence of Holly Grove Tributary	*678
		Holly Grove Tributary	Approximately 50 feet downstream of US 64	*739
			Just upstream of US 64	*754
		Raleigh Branch	Confluence of Raleigh Branch	*654
		County Home Branch	Confluence with Abbotts Creek Tributary	*668
		Swingsdairy Branch	Just downstream of Holly Grove Road	*652
			Just upstream of Holly Grove Road	*663
			Just downstream of Southern Railway	*676
			Just upstream of Southern Railway	*706
		Horney Town Creek	Confluence with Abbotts Creek	*780
			Approximately 20 feet upstream of NCSR 1755	*809
			Just upstream of NCSR 1982	*837
		Darr Branch (flooding due to backwater from Abbotts Creek).	Confluence of Abbotts Creek	*640

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Spurgen Creek	Just upstream of NCSR 1755	*747
			Approximately 100 feet upstream of NCSR 1747	*761
			Approximately 250 feet upstream of NCSR 1741	*782
		Mary Reich Creek	Confluence with Spurgeon Creek	*794
			Just upstream of NCSR 1733	*799
		Spurgen Ck. Tributary	Confluence with Spurgeon Creek	*800
		Lakewood Hills Drain	Confluence of Lakewood Hills Branch	*649
			Just downstream of the City of Lexington Northeastern corporate limits.	*672
		Lakewood Hills Branch	Confluence of Lakewood Hills Drain	*649
		Number 9 Golf Course Drain	Approximately 450 feet upstream of confluence with Fern Valley Branch.	*681
		Pounder Fork	Just upstream of NCSR 2250	*630
			Just upstream of Bowers Road	*712
		Hamby Creek	Approximately 100 feet upstream of NCSR 2017	*671
			Just upstream of NCSR 2031	*712
			Approximately 100 feet downstream of NCSR 2087	*730
		Hamby Creek Tributary	Just downstream of NCSR 2020	*660
			Approximately 100 feet upstream of Southern Railway	*672
			Approximately 100 feet downstream of the Thomasville corporate limits.	*732
		Rich Fork	Just downstream of Old US 29	*658
			Just upstream of NCSR 1797	*670
			Just downstream of NCSR 1800	*695
			Just upstream of NCSR 1755	*713
			Approximately 50 feet upstream of NCSR 1738	*782
		Hunts Fork	Approximately 150 feet downstream of NCSR 1787	*684
			Just downstream of NCSR 1792	*696
			Just downstream of NCSR 109	*714
		Pineywood Branch	Just downstream of I-85	*740
		Hanks Branch	Just upstream of US 29-70	*718
		Hasty Creek	Approximately 100 feet upstream of NCSR 1779	*769
			Just downstream Alternate US 29-70	*825
			Just upstream Alternate US 29-70	*830
		Payne Creek	Just downstream of NCSR 1860	*718
			Just upstream of NCSR 1762	*728
			Just upstream of NCSR 1757	*737
		Rich Fork Tributary	Just upstream of NCSR 1739	*777
		Leonard Creek	Just downstream of NCSR 1844	*651
			Just upstream of NCSR 1843	*667
			Approximately 150 feet upstream of NCSR 1838	*718
			Approximately 100 feet downstream of NCSR 1815	*770
			Approximately 100 feet upstream of NCSR 1815	*775
		Everhart Creek	Just upstream of NCSR 1843	*659
			Just downstream of NCSR 1846	*694
			Just upstream of NCSR 1848	*699
		Everhart Creek Tributary	Confluence with Everhart Creek	*712
		Arrington Creek	Confluence with Everhart Creek	*709
		Jefferson Village	Confluence with Everhart Creek	*662
		Jefferson Village Tributary	Just downstream of the City of Lexington southeastern corporate limits.	*690
		Northview Heights Branch	Just downstream of the City of Lexington eastern corporate limits (This corporate limit is immediately east of NCSR 8-US 52).	*718
		Cain Creek	Confluence with Leonard Creek	*765
		Tinkers Creek	Approximately 104 feet upstream of NCSR 1841	*683
			Approximately 100 feet upstream of NCSR 1821	*757
		Easter Creek	Just upstream of NCSR 1836	*725
			Just upstream of NCSR 1830	*745
			Just upstream of NCSR 1464	*772
	Maps are available at County Manager's Office, Davidson County Courthouse, Lexington, North Carolina 27292.			
North Carolina	Gaston County (Unincorporated Area) (Docket No. FI-5511).	Catawba Creek	North Carolina State Route 2439 (100 feet) upstream from centerline	*615
			At Confluence with Forest Brook Branch	*627
		Crowders Creek	North Carolina State Route 1307 (75 feet) upstream from centerline	*692
		Curtis Branch	At Confluence with South Fork Catawba River	*570
			North Carolina State Route 2539 (20 feet) upstream from centerline	*615
			Julia Avenue (20 feet) upstram from centerline	*636
			North Carolina State Route 2636 centerline	*660
		Duharts Creek	North Carolina State Route 2209 (50 feet) upstream from centerline	*614
			North Carolina State Route 2439 (75 feet) upstream from centerline	*649
		Dutchmans Creek	At Mount Holly corporate limits (100 feet) upstream from centerlines	*592
		Fites Creek	North Caroline State Route 2041 (10 feet) upstream from centerline	*620
			North Carolina State Route 2040 (50 feet) upstream from centerline	*634
		Forest Branch Brook	North Carolina State Route 2445 (70 feet) upstream from centerline	*631
			North Carolina State Route 2445 (10 feet) upstream from centerline	*636
			North Carolina State Route 2444 (20 feet) upstream from centerline	*676
			Dam (20 feet) downstream from centerline	*715
			Dam (20 feet) upstream from centerline	*726
			North Carolina State Route 2719 (10 feet) upstream from centerline	*788
			North Carolina State Route 2732 (10 feet) upstream from centerline	*810

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Kitty's Branch	Southern Railway (100 feet) downstream from centerline	*572
			Southern Railway (10 feet) upstream from centerline	*588
		Little Long Creek	At confluence with Long Creek	*651
			North Carolina State Route 275 (50 feet) upstream from centerline	*688
			North Carolina State Route 1001 centerline	*719
			U.S. Highway 321 (50 feet) upstream from centerline	*729
		Long Creek	North Carolina State Route 2003 (20 feet) upstream from centerline	*848
			North Carolina State Route 275 (50 feet) upstream from centerline	*702
			North Carolina State Route 1448 (50 feet) upstream from centerline	*746
			North Carolina State Route 1443 (10 feet) upstream from centerline	*768
			North Carolina State Route 274 (10 feet) upstream from centerline	*773
		Nancy Hanks Branch	Southern Railway (140 feet) downstream from centerline	*572
			Southern Railway (100 feet) upstream from centerline	*580
		Smyre Tributary	North Carolina State Route 2230 (50 feet) downstream from centerline.	*724
			North Carolina State Route 2230 (50 feet) upstream from centerline	*732
			At Limit of Detailed Study	*743
		South Fork Catawba Creek	Lower Armstrong Bridge centerline	*570
			Seaboard Coast Line Railway centerline	*599
			North Carolina State Route 275 centerline	*656
			North Carolina State Route 1607 centerline	*677
			Confluence with Beaverdam Creek	*716
		Stowe Branch	Southern Railway (100 feet) downstream from centerline	*572
			Southern Railway (10 feet) upstream from centerline	*578
			Stowe Thread Road centerline	*595
		Stowe Tributary	Confluence with Stowe Branch	*579
			At Belmont Corporate Limits	*631
	Maps available at County Courthouse, Gastonia, North Carolina.			
North Carolina	Town of Mooresville, Iredell County (FI-5678).	Reeds Creek Tributary	Just upstream of Hwy 152	*803
			Just upstream of Iredell Ave.	*841
		Reeds Creek	Just downstream of Wilson Ave.	*785
		Dye Creek	Just upstream of Cabarrus Ave.	*825
		Dye Creek Tributary	White Oaks Road extended	*772
			Hampton Place extended	*788
	Maps available at City Hall, Mooresville, North Carolina 28115.			
North Dakota	Park River (City), Walsh County, FI-5395.	Tributary 1	At Downstream Corporate Limits	*966
			Vernon Avenue 10 feet upstream from centerline	*988
			Briggs Avenue 20 feet upstream from centerline	*995
			4th Street 20 feet upstream from centerline	*1,014
			At Limit of Detailed Study approximately 0.56 mile beyond the Corporate Limits.	*1,044
		Tributary 3	At Downstream Corporate Limits	*1,005
			At Upstream Extraterritorial Limits	*1,054
	Maps are available at City Hall, Park River, North Dakota.			
	Send comments to Honorable Percy Walstad, Mayor, City of Park River, P.O. Box 32, Park River, North Dakota 58270.			
Ohio	(C) Lancaster, Fairfield County (Docket No. FI-5665).	Hocking River	Downstream corporate limit	*807
			Just downstream of Chessie System (near confluence of Tarhe Run)	*816
			Just downstream of Conrail	*819
			Just upstream of Wheeling Street	*822
			About 800 feet downstream of Ety Road	*828
			Upstream corporate limit	*836
		Pleasant Run	Downstream corporate limit	*821
			Just downstream of Conrail	*825
			Just downstream of U.S. Route 22	*830
			About 1250 feet downstream of Marietta Road	*837
			Just downstream of Marietta Road	*842
		Baldwin Run	Confluence with Hocking River	*814
			Just upstream of Conrail	*817
			Just upstream of Main Street	*821
		Ewing Run	Confluence of Fetters Run	*821
			Just downstream Pleasantville Road	*822
			Just downstream of Tiki Lane Road	*866
			About 2200 feet upstream of Tiki Land Road	*877
			Just downtream of Rainbow Drive	*898
			Just upstream of Rainbow Drive	*903
			Upstream corporate limit	*904

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fetters Run	Just downstream Cherry Street	*822
			Just downstream Fair Avenue	*830
			About 2900 feet upstream of Fair Avenue	*844
			Just upstream of Granville Pike	*873
			Upstream corporate limit	*877
		Tarhe Run	Just downstream of Columbus Street	*817
			Just upstream of Columbus Street	*821
			Just downstream of Private Road about 400 feet downstream of Broad Street.	*827
			About 100 feet upstream of Broad Street	*838
			About 1300 feet upstream of Broad Street	*842
		Hunters Run	Confluence with Hocking River	*821
			About 580 feet downstream of Lincoln Avenue	*831
			Just downstream of Lincoln Avenue (at corporate limit)	*834
		Lateral A	Confluence with Hocking River	*823
			Just downstream Memorial Drive	*824
			Just upstream Memorial Drive	*827
			Just downstream of Columbus Road	*853
			About 300 feet upstream of Hawthorne Drive	*883
		Lateral B	Just downstream of Chessie System	*826
			Just downstream of West Fair Avenue	*831
			Just upstream of West Fair Avenue	*838
			Just downstream of Farm Road	*844
			Just upstream of Ferm Road	*849
			About 400 feet upstream of Hoffman Road	*857
		Lateral D	Confluence with Hocking River	*831
			Just downstream of Collins Road	*836
			Just downstream of West Fair Avenue	*840
			Upstream corporate limit	*848
	Maps available at City Hall, 104 East Main Street, Lancaster, Ohio 43130.			
Ohio	(V) Lockbourne, Franklin County (Docket No. FI-5665).	Big Walnut Creek	400 feet downstream of Rowe Road	*697
			Just upstream of Rowe Road	*698
			2,500 feet upstream of Rowe Road	*699
	Maps available at Village Hall, 85 Commerce Street, Lockbourne, Ohio 43137.			
Ohio	(V) south Amherst, Lorain County (Docket No. FI-5665).	Squires-Schramm Ditch	At confluence with Beaver Creek	*751
			Just upstream of South Lake Road	*757
			Just upstream of Annis Road	*767
			Upstream corporate limit	*769
	Maps available at Village Hall, 103 West Main Street, South Amherst, Ohio 44001.			
Oklahoma	City of Blackwell, Kay County (FI-5683).	Tributary 1	Just downstream of S. First Street	*1,001
			Just downstream of S. Ninth Street	*1,017
		Tributary 2	Just upstream of N. Sixth Street	*1,010
			Just upstream of N. Eighth Street	*1,011
		Chikaskia River	Intersection of G St. & College Ave	*1,003
			Intersection of St. Clare Avenue & North B Street	*1,007
	Maps available at City Administrator's Office, City Hall, Blackwell, Oklahoma 29627.			
Oklahoma	Town of Webbers Falls, Muskogee County (FI-5683).	Arkansas River	At the intersection of Gibson St. and McGorkle St.	*482
			At the intersection of Gibson St. and U.S. Highway 64	*483
	Maps available at City Hall, Webbers Falls, Oklahoma 77470.			
Pennsylvania	Bridgewater, Borough, Beaver County (Docket No. FI-5622).	Ohio River	Downstream Corporate Limits	*703
			Upstream Corporate Limits	*704
		Beaver River	Confluence with Ohio River	*704
			Upstream Corporate Limits	*704
		Brady Run	Confluence with Beaver River	*704
			Upstream Corporate Limits	*721
	Maps available at the Office of the Borough Secretary, 735 Market Street, Bridgewater, Pennsylvania.			
Pennsylvania	Bloomsburg, Town, Columbia County (Docket No. FI-5579).	Susquehanna River	Downstream Corporate Limits	*478
			Upstream Corporate Limits	*480
		Fishing Creek	Conrail	*477
			Pennsylvania State Route 44	*478
			Railroad Street (Upstream)	*485
			Interstate Route 80 (Downstream)	*496
		Kinney Run	Fifteenth Street	*479
			Pennsylvania Route 487	*479
			Old Berwick Road	*480
			Upstream Corporate Limits	*480
	Maps available at the Town Hall, Bloomsburg, Pennsylvania.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Eaton, Township, Wyoming County (Docket No. FI-5598).	Susquehanna River	Corporate Limits	*590
			Confluence of Tributary #1	*596
			Confluence of Bowman Creek	*606
			State Routes 29 and 309 (Upstream)	*617
			Corporate Limits	*626
		Bowman Creek	Confluence with Susquehanna River	*606
			Township Route 413	*613
			Pennsylvania State Routes 5, 29 and 30 (Downstream)	*628
			Confluence of Tributary #2	*632
			Legislative Route 65004 (Downstream)	*647
			Legislative Route 65004 (Upstream)	*654
			State Routes 29 and 309	*676
			Confluence of Marsh Creek	*723
			Corporate Limits	*742
			Limit of flooding affecting community (200 feet upstream of Corporate Limits).	*747
	Maps available at the residence of Mr. Murach, Township Secretary, R.D. 2, Tunkhannock, Pennsylvania.			
Pennsylvania	Edgeworth, Borough, Allegheny County (Docket No. FI-5623).	Ohio River	Downstream Corporate Limits	*713
			Upstream Corporate Limits	*715
	Maps available at the Edgeworth Borough Building, 301 Beaver Road, Edgeworth, Pennsylvania.			
Pennsylvania	Tinicum, Township, Delaware County (Docket No. FI-5626).	Delaware River	Entire River Bank	*10
		Darby Creek	Confluence of Delaware River	*10
			Wanamaker Avenue	*10
			Northeast Corporate Limits	*11
	Maps available at the Tinicum Township Building, 629 Governor Printz Boulevard, Essington, Pennsylvania.			
South Carolina	City of Belton, Anderson County (FI-5678).	Tributary A of Broad-Mouth Creek	Just upstream of O'Neal Street	*778
			Just upstream of River Street	*788
		Tributary B of Cupboard Creek	Just upstream of West Blair Mill Road	*814
			Just downstream of the Seaboard Coastline Railroad	*816
	Maps available at City Administrator's Office, City Hall, Belton, South Carolina 29627.			
South Carolina	City of Cayce, Lexington County (FI-5678).	Congaree River	Just upstream of Seaboard Coastline Railroad	* 154
			200 feet downstream of Blossom Street	* 155
		Congaree Creek	At South Carolina Highway 2	* 142
			At Seaboard Coast-Line Railroad	* 142
		Six Mile Creek	50 feet downstream of the Seaboard	* 142
			Coastline Railroad 50 feet downstream of U.S. Highway 176 and 321	* 149
			Just upstream of Interstate 76	* 161
		Tributary SM-3	At Edmond Road	* 180
		Tributary CR-1	50 feet upstream of Charlotte St.	* 168
			100 Feet upstream of Morlaine St.	* 199
			25 Feet upstream of Wilkinson St.	
		Tributary CR-1-1	50 feet downstream of Southern Railway	* 217
			At. Lafayette Avenue	* 230
	Maps available at City Hall, 1800 12th Street Extension, Cayce, South Carolina 29033.			
South Carolina	Town of Irmo, Richland, and Lexington, Counties (FI-5678).	Koon Branch	Just upstream of southern corporate limits	* 272
			Just upstream of Maintenance Road	* 263
		Rawls Creek	Just upstream of the Confluence of Tributary R-2	* 295
			Approximately 200 feet downstream of northern corporate limits	* 319
		Tributary R-2	Just downstream of southern crossing of North Royal Tower Dr.	* 303
			Just upstream of northern crossing of North Royal Tower Dr	* 321
	Maps available at Town Hall, Irmo, South Carolina 29063.			
South Carolina	Town of Lexington, Lexington County (FI-5678).	Twelve Mile Creek	Confluence of Tributary TM-2	* 273
			Just downstream of East Main Street	* 274
			Just upstream of Lexington Mill Pond Dam	* 298
			Confluence of Tributary TM-3	* 299
			Just downstream of Gibsons Pond Road	* 308
	Maps available at Town Hall, 111 North Church Street, Lexington, South Carolina 29072.			
South Carolina	Town of Springdale, Lexington County (FI-5678).	Six Mile Creek	Approximately 70 feet upstream of Edmund Road	* 169
			Approximately 50 feet upstream of Durham Drive	* 173
			Approximately 50 feet downstream of Platt Springs Rd	* 185
			Approximately 30 feet upstream of Sandalwood Dr	* 194
			Approximately 40 feet upstream of Franklin Str	* 201
		Tributary SM-5	Approximately 40 feet downstream of Rainbow Dr	* 194
			Approximately 50 feet upstream of Bensmin Rd	* 199

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Interstate 26	*218
	Maps available at Town Hall, Springdale, South Carolina 29169.			
Texas	Hutchins (City), Dallas County FI-5230.	Trinity River	Downstream Corporate Limits	*385
			Interstate Highway Loop 635 100 feet upstream from centerline	*398
		Stream 4A4	Goode Road 10 feet upstream from centerline	*458
			West Frontage Road 50 feet upstream from centerline	*470
		Stream 4B2	Dowdy Ferry Road 10 feet upstream from centerline	*401
			West Frontage Road at centerline	*460
			Main Street 10 feet upstream from centerline	*477
		Stream 4B4	Willow Grove Drive 10 feet upstream from centerline	*418
			Austin Street 10 feet upstream from centerline	*440
		Hutchins Creek	Interstate Highway 635 at centerline	*398
			Interstate Highway 45 20 feet upstream from centerline	*439
			Denton Street 50 feet upstream from centerline	*464
		Five Mile Creek	At confluence with Hutchins Creek	*398
	Maps are available at City Hall, 321 North Main, Hutchins, Texas.			
	Send comments to Honorable Don Simmons, Mayor, City of Hutchins, City Hall, 321 North Main, P.O. Box AE, Hutchins, Texas 75141.			
Utah	Castle Dale (City), Emery (County) (Docket No. FI-5534).	Cottonwood Creek	Downstream Corporate Limits	*5,626
			Upstream Corporate Limits	*5,656
	Maps available at City Hall, 81 East First North, Castle Dale, Utah.			
Virginia	Rocky Mount, Town, Franklin County (Docket No. FI-5629).	Pigg River	Downstream Corporate Limits	*978
			U. S. Route 220 Business	*990
			Upstream Corporate Limits	*1,003
	Maps available at the Municipal Building, Rocky Mount, Virginia.			
Washington	Buckley (City), Pierce County (Docket No. FI-5517).	White River	State Route 410 (25 feet) upstream from centerline	*620
			Burlington Northern Railroad centerline	*631
			Puget Power Diversion Dam centerline	*668
	Maps available at City Hall, Buckley, Washington 98321.			
Washington	Chehalis (City), Lewis County (Docket No. FI-5536).	Chehalis River	Confluence with Salzer Creek	*175
			Confluence with Dillenbaugh Creek	*179
			Southwest Riverside Road centerline	*181
		Newaukum River	H.C. Shory Road centerline	*182
			Burlington Northern Railroad (upstream crossing) centerline	*184
		Coal Creek	North National Avenue (50 feet) upstream from centerline	*177
			Coal Creek Road-1 Bridge centerline	*178
		Salzer Creek	Burlington Northern Railroad centerline	*176
			Grand Avenue Bridge centerline	*176
		Dillenbaugh Creek	Ocean Beach Highway centerline	*180
			Burlington Northern Railroad	*183
			Southwest Parkland Drive (100 feet) upstream from centerline	*185
	Maps available at City Hall, Chehalis, Washington 98532.			
Washington	Franklin (County) (Unincorporated Areas) (Docket No. FI-5518).	Esquatzel Coulee at Pasco Sump.	County Road 930 centerline	*424
			Selph Landing Road (105 feet) downstream from centerline	*465
			Selph Landing Road centerline	*470
		Esquatzel Coulee at Eltopia	Eltopia-West Road (100 feet) upstream from centerline	*587
			Burlington Northern Railroad (25 feet) from upstream crossing upstream from centerline.	*593
		Esquatzel Coulee at Connell	State Highway 260 (50 feet) upstream from centerline	*832
			Upstream corporate limits of Town of Connell	*847
		Kahlotus Creek	Spokane Avenue (25 feet) upstream from centerline	*892
			Upstream corporate limits of Town of Kahlotus	*907
	Maps available at County Courthouse, 1014 North 4th, Pasco, Washington 99302.			
Washington	Town of Issaquah, King County, (FI-5678).	Tibbetts Creek	Just upstream of Sammamish Rd	*42
			Just downstream of Highway 900	*78
		Issaquah Creek	Approximately 200 feet upstream of 56th St., Bridge	*50
			Approximately 40 feet upstream of I-90	*58
			Approximately 30 feet downstream of Juniper St.	*66
			Approximately 30 feet upstream of W. Sunset Way	*88
			Approximately 130 feet upstream of Sycamore Drive	*126
		East Fork Issaquah Creek	Approximately 20 feet downstream of Rainier Blvd.	*80
			Approximately 30 feet upstream of NE Dogwood St.	*100
			Approximately 50 feet downstream of 3rd Ave. NE	*108
	Maps available at City Hall, Planning and Engineering Department, Issaquah, Washington 98027.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Washington	Whitman County (Unincorporated Area), Whitman County FI-5417.	McCoy Creek	Union Pacific Railroad Bridge:	
			110 feet downstream at centerline	**2,440
			50 feet upstream at centerline	
			State Highway 275 feet upstream at centerline	*2,441
		Pine Creek	1st Street Bridge 50 feet upstream at centerline	*2,209
			State Highway 271 Bridge:	
			53 feet downstream at centerline	*2,222
			50 feet upstream at centerline	*2,227
		Hangman Creek	County Road 200 at centerline	*2,482
		Little Hangman Creek	Private Road (most downstream crossing) 100 feet upstream at centerline.	*2,491
			Union Pacific Railroad Bridge at centerline	*2,501
		Silver Creek	Private Drive:	
			60 feet downstram of centerline	*2,439
			50 feet upstream of centerline	*2,445
			Union Pacific Railroad Bridge 26 feet upstream of centerline	*2,460
		Palouse River	State Highway 127 100 feet upstream of centerline	*1,954
			Burlington Northern Railroad Bridge at centerline	*2,421
		South Fork Palouse River	County Road 5490 at centerline	*2,283
			Private Road (most downstream crossing) 55 feet upstream of centerline.	*2,295
			Union Pacific Railroad Bridge 10 feet upstream of centerline	*2,301
			Cross Street at centerline	*2,323
			Private Road (at station 24.640) 50 feet upstream of centerline	*2,384
			Burlington Northern Railroad Bridge 140 feet upstream of centerline	*2,404
			County Road 9100 at centerline	*2,462
			County Federal Air Secondary Road 9060 (downstream crossing):	
			5 feet downstream of centerline	*2,478
			50 feet upstream of centerline	*2,485
			Washington-Idaho State Line	2,518
		Paradise Creek	Union Pacific Railroad Bridge (at station .570) 50 feet upstream of centerline.	*2,382
			Union Pacific Railroad Bridge (at station 1.640) 25 feet upstream of centerline.	*2,429
			Private Road (at station 2.753) 100 feet downstream of centerline	*2,451
			(At centerline)	2,457
			Union Pacific Railroad Bridge (at station 4.280) 10 feet upstream from centerline.	*2,488
			Union Pacific Railroad Bridge (at station 5.805) 30 feet upstream from centerline.	*2,513
			Washington-Idaho State Line	2,529
		Missouri Flat Creek	Burlington Northern Railroad Bridge 150 feet downstream from centerline.	*2,385
			County Road 5220 50 feet upstream from centerline	*2,410
		Dry Fork Creek	Private Road (most downstream crossing) at centerline	*2,430
			Cemetery Road 30 feet upstream from centerline	*2,441
			Private Road (most upstream crossing) at centerline	*2,478
		Union Flat Creek	Private Bridge at centerline	*2,556
			Burlington Northern Railroad Bridge at centerline	*2,565
		South Fork Union Flat Creek	U.S. Highway 195 50 feet upstream from centerline	*2,593
			County Road 9290 45 feet upstream from centerline	2,597
		Unnamed Creek	Confluence with South Fork Union Flat Creek at centerline	*2,597
	Maps are available at Whitman County Courthouse, North Main, Colfax, Washington.			
	Send comments to Mr. James T. Henning, Chairman, Whitman County Board of Commissioners, Whitman County Courthouse, 400 North Main, Colfax, Washington 99111.			
West Virginia	Benwood City, Marshall County (Docket No. FI-5630).	Ohio River	Downstream Corporate Limits	*656
			Chessie System Bridge	*656
			Upstream Corporate Limits	*657
	Maps available at the City Building, 430 Main Street, Benwood, West Virginia.			
Wisconsin	Middleton (City), Dane (County) (Docket No. FI-5563).	Pheasant Branch	County Truck Highway M (25 feet) upstream from centerline	*858
			Century Avenue (County Truck Highway M) 25 feet upstream from centerline.	*878
			Park Street (80 feet) downstream from centerline	*892
			Park Street (180 feet) upstream from centerline	*900
			U.S. Highway 12 (105 feet) upstream from centerline	*916
			1,500 feet northwest of intersection of Airport road and Atom Road	#2
	Maps available at City Hall, 7426 Hubbard Avenue, Middleton, Wisconsin.			
Wyoming	Laramie County, FI-5322	Dry Creek	Campstool Road 90 feet downstream of centerline	*5,884
			Campstool Road 25 feet upstream of centerline	*5,889
			Interstate Highway 80 100 feet downstream of centerline	*5,896
			Interstate Highway 80 25 feet upstream of centerline	*5,904
			Union Pacific Railroad 100 feet downstream of centerline	*5,921
			Union Pacific Railroad 50 feet upstream of centerline	*5,935

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Pershing Boulevard 20 feet upstream of centerline	*5,950
			U.S. Highway 30 50 feet downstream of centerline	*5,961
			U.S. Highway 30 50 feet upstream of centerline	*5,967
			Dell Range Boulevard (1st crossing) 70 feet upstream of centerline	*6,002
			Stock Dam 95 feet downstream of centerline	*6,068
			Stock Dam 100 feet upstream of centerline	*6,073
			Prairie Avenue 200 feet upstream of centerline	*6,088
			Yellowstone Road 100 feet downstream of centerline	*6,116
			Yellowstone Road 25 feet upstream of centerline	*6,124
			Interstate Highway 25 100 feet upstream of centerline	*6,146
		Crow Creek	Campstool Road 100 feet downstream of centerline	*5,886
			Campstool Road 25 feet upstream of centerline	*5,891
			Outer Belt Road (U.S. Alternate Highway 67 and State Route 212) 150 feet upstream of centerline.	*5,974
			Interstate Highway 60 25 feet upstream of centerline	*5,979
			Refinery Bridge 40 feet upstream of centerline	*6,005
			(Last) Corporate Limits at centerline	*6,020
		Wyoming Hereford Ranch Reservoir No. 1 Emergency Spillway.	Kingm Ditch 200 feet downstream of centerline	*5,917
			Kingm Ditch 200 feet upstream of centerline	*5,922

Maps are available at Cheyenne-Laramie County Regional Planning Office, 1700 Snyder Avenue, Cheyenne, Wyoming 82001.

Send comments to Dean Fogg, Chairman, Board of County Commissioners, Laramie County, City-County Building, P.O. Box 606, Cheyenne, Wyoming 82001.

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

Issued: November 19, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-38031 Filed 12-12-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the City of Leavenworth, Kan., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Floor Hazard Areas have been published. This list included the City of Leavenworth, Kansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Leavenworth, Kansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquistion purposes.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 200190A Panel 04. published on October 23, 1979 in 44 FR 61023, indicates that Lot 7, Josela Subdivision, Replat of a part of Blocks 7 and 8, Harkness Park Subdivision. Leavenworth, Kansas, as recorded in Book 10, Page 5, in the Office of the Register of Deeds, Leavenworth, Kansas, is within the Special Flood Hazard Area.

Map No. H & I 200190A Panel 04 is hereby corrected to reflect that the structure on the above mentioned property is not within the Special Flood Hazard Area identified on January 5, 1978. This structure is in Zone C.

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

Issued: November 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-38032 Filed 12-12-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FI-3012]

Letter of Map Amendment for the City of Lincoln, Nebr., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of

Lincoln, Nebraska. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Lincoln, Nebraska, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 315273A Panel 42, published on June 29, 1977, in 42 FR 33220, indicates that Lots 31 and 32, Block 3, Southwood Hills 4th Addition, Lincoln, Nebraska, recorded as Instrument No. 79–16782, in the Office of the Register of Deeds, Lancaster County, Nebraska, are located within the Special Flood Hazard Area.

Map No. H & I 315273A Panel 42 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on September 3, 1976. These lots are in Zone C.

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

Issued: November 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79–38036 Filed 12–12–79; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 405381D Panel 112, published on October 23, 1979 in 44 FR 61021, indicates that Lot 17, Block 1, Arrowwood Addition, also known as 3805 South Toledo Avenue, Tulsa, Oklahoma, recorded as Instrument Number 120495, Plat Number 1773, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 112 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This property is in Zone C.

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

Issued: November 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79–38035 Filed 12–12–79; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FI–3012]

Letter of Map Amendment for the County of Prince George's, Md., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the County of Prince George's, Maryland. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Prince George's, Maryland, that certain property is partially within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is partially within the Special Flood Hazard Area, with the existing structure remaining out as shown, removes the requirement to purchase flood insurance for that structure as a condition of Federal or

federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638–6620 toll free, (800) 492–6605 toll free (Maryland only).

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 245208A, Panel No. 50, published on June 29, 1977, in 42 FR 33215, indicates that Lot No. 14, Block B, Section Three, Sherwood Forest, Unincorporated Area of Prince George's County, Maryland, as recorded in Liber WWW 69, Plat 26, in the Office of the Clerk of the Circuit Court of Prince George's County, Maryland, is not located within the Special Flood Hazard Area.

Map No. H & I 245208A, Panel No. 50, is hereby corrected to reflect that the above-mentioned property is partially within the Special Flood Hazard Area. However, the existing structure located on the property will remain out of the Flood Hazard Area identified on August 28, 1976. The structure will remain in Zone C.

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

Issued: November 2, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79–38034 Filed 12–12–79; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the Township of Clinton, Mich., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Township of Clinton, Michigan. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Clinton, Michigan, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waiver the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b): Map No. 260121, Panel No. 0005B, published on October 23, 1979 in 44 FR 61018 indicates that the existing structures located on Lots Nos. 1, 2, and 3, River Oaks Subdivision, Township of Clinton, Macomb County, Michigan, as recorded in Liber 71, Pages 15 through 18, in the Office of the Clerk of Macomb County, Michigan are located in Zone B.

Map No. 260121, Panel No. 0005B, is hereby corrected to reflect that the existing structures located on the above-mentioned property are not within Zone B identified on August 1, 1979. The structures are in Zone C.

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

Issued: November 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79–38033 Filed 12–12–79; 8:45 am]

BILLING CODE 6718–03–M

Proposed Rules

Federal Register
Vol. 44, No. 241
Thursday, December 13, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Reg. K; Dockets Nos. R-0258 and R-0259]

Interstate Banking Restrictions for Foreign Banks; Proposed Interpretation; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Rule and Interpretation: Extension of comment periods.

SUMMARY: The Board of Governors of the Federal Reserve System has extended until February 3, 1980, the periods for receipt of public comment on its proposed amendments to Regulation K implementing the interstate banking restrictions of the International Banking Act and a proposed interpretation relating to those amendments.

DATE: Comments must be received by February 3, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0258 or R-0259, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, Northwest, Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR § 261.6(a)).

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Jr., Senior Attorney (202/452-3269) or James S. Keller, Attorney (202/452-3582), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On October 30, 1979 (44 FR 62902), the Board requested comment on a proposal to implement the provisions of Section 5 of the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*) by amending Regulation K (International Banking Operations) to restrict the establishment of branches and subsidiary banks by a foreign bank outside of its "home State." The Board also proposed an interpretation of that section of its proposed amendments that defines "agency" for the purposes of Regulation K. Comment was requested on the proposals by January 4, 1980. The Board has been requested to extend the comment periods in order to provide interested parties with additional time in which to present their views. In light of the issues involved in the proposals and in order to encourage public participation in these matters, the comment periods have been extended to February 4, 1980.

By order of the Board of Governors, acting through its Secretary under delegated authority, December 6, 1979.

Theodore E. Allison,

Secretary of the Board.

FR Doc. 79-38170 Filed 12-12-79; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NE-18]

Airworthiness Directives; Pratt & Whitney Aircraft JT8D- 1, -1A, -1B, -7, -7A, and -7B Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require a visual and ultrasonic inspection of second stage fan blades to detect cracks and surface damage at the base of the attachment strap and inner diameter of the strap pinholes. The proposed AD is needed to detect cracks and surface damage in the blade attachment straps which may result in strap fracture and possible uncontained blade liberation and fire.

DATES: Comments must be received on or before February 12, 1980

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No., 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable Alert Service Bulletin may be obtained from: Pratt & Whitney Aircraft Group, United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the Alert Service Bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Jay J. Pardee, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7347.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has determined that fractures of second stage fan blade attachment straps have occurred due to cracks caused by material defects and surface damage. In addition, several blades with attachment strap cracks and surface defects have been discovered during shop inspections.

Analysis and testing indicates material defects and surface damage increases stress levels in the attachment straps sufficiently to initiate cracks which can progress to complete strap fracture. The specific causes of crack initiation which are generalized under

the terms "material defects" and "surface damage" include forging laps, machining faults, weld defects, porosity, subsurface linear origins and surface nicks, pits, and scratches.

A review of second stage fan blade failure history, relative to these causes, contains instances of strap fracture and blade liberation which have resulted in penetration of engine cases and cowling and fires caused by damaged or severed fuel components.

Since this condition is likely to exist or develop in other engines of the same type design, the proposed AD would require visual and ultrasonic inspection of second stage fan blade attachment straps in accordance with Pratt & Whitney Aircraft Alert Service Bulletin Number 5022. Blade strap fractures have occurred randomly with respect to operating time, and no specific inspection time interval can be identified. The proposed inspection compliance date of July 1, 1981, was selected after a review of safety considerations, data on availability of replacement fan blades, shop capability of industry to perform the inspection, and the economic impact on the community, both the industry and the public.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Pratt & Whitney Aircraft: Applies to Pratt & Whitney Aircraft JT8D–1, –1A, –1B, –7, –7A, and –7B turbofan engine models.

Compliance required as indicated, unless already accomplished.

To detect material defects, surface damage, or cracks at the base of the second stage fan blade attachment strap and inner diameter of the strap pinholes which could result in non-contained strap fracture and possible fire, accomplish the following:

Perform a visual and ultrasonic inspection of second stage fan blade attachment straps in accordance with the procedures contained in Pratt & Whitney Aircraft Alert Service Bulletin Number 5022, dated September 12, 1979, or later FAA approved revision, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, New England Region, at next blade exposure but not later than July 1, 1981. Second stage fan blade attachment straps with crack, material defect, or surface damage indication must be removed before further flight.

Note.—Pratt & Whitney Aircraft JT8D Engine Manual, P/N 481672, Section 72–33–1, requires reinspection at each blade overhaul.

The manufacturer's service bulletins and engine manuals identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft Group, United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at New England Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.

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

Issued in Burlington, Massachusetts, on November 30, 1979.

Note.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 19, 1967.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 79–37874 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–AL–10]

Control Zone and Transition Area, Designation

Correction

In FR Doc. 79–36414, published at page 68480, on Thursday, November 29, 1979, on page 68481, in the second column, in the second paragraph, in the third line, ". . . (Lat. 70°54'20" N.," should be corrected to read ". . . (Lat 70°54'40" N.,".

BILLING CODE 1505–01–M

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14 CFR Part 71

[Airspace Docket No. 79–AL–3]

Establishment of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Sand Point, Alaska. This transition area is required to provide controlled airspace for arrival/departure operations in the Sand Point area.

DATES: Comments must be received on or before January 12, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 79–AL–3, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should indentify the airpspace docket number and be sumbitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications recieved on or before January 12, 1980, will be considered before action is taken on the proposed amendment. The proposal contined in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this

NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would establish a transition area in the Sand Point, Alaska, area. The FAA is installing a NDB/DME facility at Sand Point to be named "Humboldt" with identifier "HBT." Designation of this transition area is necessary to provide controlled airspace for the increased aircraft operations in the Sand Point area. This action would aid air traffic control by improving the flow control precedures for aircraft arriving/departing the Sand Point terminal area. In addition, there would be protection for aircraft operations down to 700 feet above the surface.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is sumbitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas autside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform condtions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of th airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisons of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) as follows:

Under § 71.181 add:

Sand Point, Alaska

That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 175° T(157°M) bearing from the Humboldt NDB, extending from the NDB to 24.5 miles south of the NDB and within 4.5 miles east and 9.5 miles west of the 345°T(327°M) bearing from the Humbolt NDB, extending from the NDB to 23.5 miles north of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a propose regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirement for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on December 7, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79–38232 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 71 and 73

[Airspace Docket No. 79–SO–78]

Proposed Establishment of Temporary Restricted Areas, Camp Lejeune, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate seven temporary restricted areas in the vicinity of Camp Lejeune, N. C., to contain a major military exercise. These proposed actions will provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the joint use restricted airspace during the proposed time the areas are in use.

DATES: Comments must be received on or before January 12, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 79–SO–78, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

Send comments concerning environmental and land use aspects to: Captain C. M. Zucker, USN, CINCLANT N–37, Norfolk, Va. 23511, Telephone: (804) 444–6375.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hussey, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 12, 1980, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the

light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering amendments to § 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R–5316A, R–5316B, R–5316C, R–5316D, R–5316E, R–5316F and R–5316G in the vicinity of Camp Lejeune, N.C., to contain a major military joint readiness exercise. Those restricted areas that penetrate the Continental Control Area would also be included as controlled airspace for the duration of their designation. This exercise will provide training for several military commands operating under a single joint command. The designated ground maneuver areas are: Camp Lejeune, Croatan National Forest and Cherry Point, N.C., Fort Stewart, Ga., and additional land leased by the Corps of Engineers for this exercise. Camp Lejeune and the surrounding area will be referred to as the Northern Region and will encompass maneuver areas in the vicinity of Wilmington, Beaufort and Washington, N.C., and extend eastward to Warning Area W–122. Fort Stewart and the surrounding area will be referred to as the Southern Region, and will encompass maneuver areas in the vicinity of Savannah, Claxton and Jessup, Ga., and extend eastward to Warning Area W–157.

The air activity and ground maneuvers resulting from the exercise will be such that flights of nonexercise aircraft cannot be safely conducted within the proposed temporary restricted airspace during the time the restricted airspace is in use by the military.

Air operations are anticipated from Moody AFB, Hunter AAF, Savannah Municipal Airport, Shaw AFB, Myrtle Beach AFB, MCAS Beaufort, and from an aircraft carrier at sea. It is estimated that the exercise will utilize approximately 300 fixed wing aircraft flying 400 daily sorties and 310 helicopter aircraft flying 1,400 daily sorties.

Exercise aircraft operating outside of the proposed restricted area airspace and in positive control airspace, or in instrument meteorological conditions will be on individual flight plans. In addition to the NOTAMs and Military Aviation Notices (MANs) published by FAA, public notices in pictorial and textual form describing the air activity within the exercise airspace will be issued by the joint military exercise commander.

Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonexercise air traffic through the exercise area when exercise activity permits. Additionally, a VHF communications capability and reverse charge telephone number would be established and published on charts for coordination of nonexercise air traffic.

The military would activate only that airspace actually required to accommodate exercise activity. The proposed temporary restricted areas would be designated as joint use, and both IFR and VFR traffic in the areas could be authorized by the controlling agency when the areas are not in use by the using agency. The controlling agency for the proposed temporary restricted area airspace would be the FAA, Washington ARTC Center, Leesburg, Va.

Live ordnance would not be used and supersonic flight would be prohibited in the proposed airspace.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (44 FR 344, 705) as follows:

In § 71.151 (44 FR 344), the following temporary restricted areas are added for the duration of their time of designation from 0001, May 12, 1980, to 0001, local time, May 18, 1980:

R–5316A Lejeune, N.C.
R–5316C Lejeune, N.C.
R–5316D Lejeune, N.C.
R–5316G Lejeune, N.C.

In § 73.53 (44 FR 705), the following temporary restricted areas are added:

R–5316A Lejeune, N.C.

Boundaries

Beginning at Lat. 35°15'00"N., Long. 77°30'00"W.; to Lat. 34°57'00"N., Long. 77°02'45"W.; to Lat. 34°49'30"N., Long. 77°10'00"W.; to Lat. 34°44'50"N., Long. 77°14'40"W.; to Lat. 34°39'10"N., Long. 77°20'50"W.; to Lat. 34°40'20"N., Long. 77°22'12"W.; to Lat. 34°38'12"N., Long. 77°26'00"W.; to Lat. 34°36'05"N., Long. 77°26'08"W.; to Lat. 34°33'00"N., Long. 77°19'00"W.; to Lat. 34°30'20"N., Long. 77°15'50"W.; thence southwest 3 NM from and parallel to the shoreline to Lat. 34°23'00"N., Long. 77°30'00"W.; to Lat. 34°21'25"N., Long. 77°32'30"W.; to Lat. 34°26'30"N., Long. 77°40'00"W.; to Lat. 34°43'00"N., Long. 77°22'30"W.; to Lat. 34°55'30"N., Long. 77°35'30"W.; thence to point of beginning.

Designated Altitude

Surface to but not including FL 180.

Time of Designation

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

R–5316B Lejeune, N.C.

Boundaries

Beginning at Lat. 34°51'00"N., Long. 77°05'30"W.; to Lat. 34°42'00"N., Long. 76°54'45"W.; to Lat. 34°41'50"N., Long. 76°56'20"W.; to Lat. 34°37'30"N., Long. 76°56'20"W.; thence southwest 3 NM from and parallel to the shoreline to Lat. 34°34'30"N., Long. 77°09'00"W.; to Lat. 34°44'50"N., Long. 77°14'40"W.; to Lat. 34°49'30"N., Long. 77°10'00"W.; thence to point of beginning.

Designated Altitudes

Surface to but not including 1,200 feet MSL.

Time of Designation

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

R–5316C Lejeune, N.C.

Boundaries

Beginning at Lat. 34°57'00"N., Long. 77°02'45"W.; to Lat. 34°38'30"N., Long. 76°43'00"W.; thence west 3 NM from and parallel to the shoreline to Lat. 34°37'30"N., Long. 76°56'20"W.; to Lat. 34°41'50"N., Long. 76°56'20"W.; to Lat. 34°42'00"N., Long. 76°54'45"W.; to Lat. 34°51'00"N., Long. 77°05'30"W.; to Lat. 34°49'30"N., Long. 77°10'00"W.; thence to point of beginning.

Designated Altitudes

4,000 feet MSL to but not including FL 180.

Time of Designotion

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

R–5316D Lejeune, N.C.

Boundories

Beginning at Lat. 35°15′00″N., Long. 77°30′00″W.; to Lat. 35°43′50″N., Long. 76°35′30″W.; to Lat. 35°38′55″N., Long. 76°01′00″W.; to Lat. 35°36′45″N., Long. 76°01′20″W.; to Lat. 35°18′15″N., Long. 76°16′40″W.; to Lat. 35°23′15″N., Long. 76°34′40″W.; to Lat. 35°08′00″N., Long. 76°51′20″W.; to Lat. 35°03′00″N., Long. 76°57′00″W.; to Lat. 34°57′00″N., Long. 77°02′45″W.; thence to point of beginning.

Designoted Altitudes

10,000 feet MSL to but not including FL 180.

Time of Designotion

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

R–5316E Lejeune, N.C.

Boundaries

Beginning at Lat. 35°53′50″N., Long. 76°33′10″W.; to Lat. 35°52′22″N., Long. 76°09′53″W.; to Lat. 35°40′25″N., Long. 76°12′25″W.; to Lat. 35°43′50″N., Long. 76°35′30″W.; thence to point of beginning.

Designoted Altitudes

6,000 feet MSL to and including 14,000 feet MSL.

Time of Designation

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington, ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

R–5316F Lejeune, N.C.

Boundories

Beginning at Lat. 35°52′22″N.; Long. 76°09′53″W.; to Lat. 35°51′52″N., Long. 76°02′09″W.; to Lat. 35°39′20″N., Long. 76°05′00″W.; to Lat. 35°40′25″N., Long. 76°12′25″W.; thence to point of beginning.

Designated Altitudes

10,000 feet MSL to and including 14,000 feet MSL.

Time of Designotion

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

R–5316G Lejeune, N.C.

Boundories

Beginning at Lat. 35°51′52″N., Long. 76°02′09″W.; to Lat. 35°51′35″N., Long. 75°57′55″W.; to Lat. 35°38′55″N., Long. 76°01′00″W.; to Lat. 35°39′20″N., Long. 76°05′00″W.; thence to point of beginning.

Designoted Altitudes

15,000 feet MSL to but not including 18,000 feet MSL.

Time of Designotion

Intermittent, 0001, May 12, 1980, to 0001, local time, May 18, 1980.

Controlling Agency

Federal Aviation Administration, Washington ARTCC, Leesburg, Va.

Using Agency

United States Atlantic Command, Norfolk, Va.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on December 7, 1979.

William E. Broadwater,

Chief, Airspoce and Air Traffic Rules Division

[FR Doc. 79–38231 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R–79–740]

Recognition of Substantially Equivalent Laws

AGENCY: Housing and Urban Development/Office of Fair Housing and Equal Opportunity.

ACTION: Proposed Rule.

SUMMARY: This proposed rule amends current regulations which provide for recognition by the Department of those States and local fair housing laws which provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. The amendment would grant recognition to the State of Delaware and the State of South Dakota.

DATES: Comments received on or before February 11, 1980, will be considered prior to publication of a final rule.

ADDRESSES: Send written comments to the Rules Docket Clerk, Room 5218, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State & Local Programs, Room 5208, Department of Housing & Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–5518.

SUPPLEMENTARY INFORMATION: The Department is proposing to grant recognition to the State fair housing laws of the States of Delaware and of South Dakota, pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968. The evaluation of the laws of the States of Delaware and South Dakota was conducted in accordance with the provisions of 24 CFR Part 115, with particular focus on Sections 115.2(a), 115.3 and 115.8. Those sections are set forth to give appropriate information to all parties with an interest in HUD's proposed action.

Section 115.2 Procedure for Recognition provides in (a) Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount

of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in Section 115.8; and (5) any additional documents which the agency may wish to have considered.

Section 115.3 Criteria provides: In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the act, the law or ordinance must: (a) Provide for an administrative enforcement body to receive and process complaints; (b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters; (c) Not place any excessive burdens on the complainant which might discourage the filing of complaints; (d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to Section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single-family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families; and (e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, that a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e) (7), (8), and (9) of this section. (f) In addition to the factors described in paragraphs (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

Section 115.8 Performance Standards provides: (a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment. (b) A state or local agency must: (1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law; (2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices; (3) Establish a mechanism for monitoring compliance with any agreements or orders entered into with or issued by the State or local agency to resolve discriminatory housing practices; (4) Engage in comprehensive and thorough investigative activities; and, (5) Commence and complete the administrative processing of a complaint in a timely manner, i.e. the average complaint should, under ordinary circumstances, be investigated and, where applicable, set for conciliation within 30–45 days.

Interested persons and organizations may, on or before February 11, 1980, file written comments on the proposal. If after evaluating any comments so received, the Assistant Secretary for Fair Housing and Equal Opportunity is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition by amending 24 CFR 115.11. A finding of inapplicability of the National Environmental Policy Act of 1969 has been made, and is available for public inspection and copying in the Office of the Rules Docket Clerk, 451 7th Street, S.W., Washington, D.C. 20410.

§ 115.11 [Amended]

Accordingly, it is proposed to amend 24 CFR Part 115.11 by adding the following two States: Delaware, South Dakota.

[Section 7(d) of the Department of HUD Act 42 U.S.C. 3535(d)]

Issued at Washington, D.C., November 8, 1979.

Weldon H. Latham,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 79-38237 Filed 12-12-79; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary For Housing—Federal Housing Commissioner

24 CFR Parts 203 and 204

[Docket No. R-79-738]

Change in Notification to HUD of Terminations by Mortgagees and Lenders

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed Rule.

SUMMARY: This proposed amendment would reduce the number of days required for HUD-approved mortgagees and lenders to notify HUD of terminations from 30 to 15 calendar days.

COMMENTS DUE: February 11, 1980.

ADDRESSES: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: T. J. O'Connor, Director, Office of Finance and Accounting, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 Room 2202, Telephone 202–755–6310. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under existing regulations, mortgagees and lenders are required to notify HUD within 30 days from the occurrence of one of the approved methods of termination.

The proposed amendment would require the mortgagee or lender to notify HUD of terminations within 15 calendar days. This would permit HUD to terminate its insurance-in-force record sooner and notify the mortgagee or

lender accordingly. This, in turn, would speed up the return of any escrow being held for taxes or insurance. It would also permit HUD to process any distributive share (for section 203 cases) to the mortgagor sooner.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government. Copies of the Findings are available for inspection and copy in the Office of the Rules Docket Clerk at the above address.

Accordingly, it is proposed that 24 CFR, Parts 203 and 204, be amended as follows:

1. § 203.318 is amended to read as follows:

§ 203.318 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

2. § 203.459 is amended to read as follows:

§ 203.459 Notice of termination by lender.

No contract of insurance shall be terminated until the lender has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

* * * * *

3. § 204.281 is amended to read as follows:

§ 204.281 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in §§ 203.440 et seq.

* * * * *

(Sec. 203, 211, 52 Stat. 10, as amended, 23; 12 U.S.C. 1701, et seq.)

Issued at Washington, D.C. on November 7, 1979.

Morton A. Baruch,

Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-38264 Filed 12-12-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 350

Regulations Governing Book-Entry Treasury Bills

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Additional notice of proposed rulemaking.

SUMMARY: On August 23, 1979, the Department of the Treasury published a proposed amendment of the regulations governing book-entry Treasury bills (31 CFR, Part 350) to increase the period prior to maturity during which requests for transactions affecting book-entry accounts maintained by the Bureau of the Public Debt would not be accepted.

Although no responses were received during the period reserved for filing written comments, which expired on October 19, 1979, in preparing the amendment for publication of the final rule, it was found that a clerical error had been made in the proposed amendment, at § 350.14. A reference to a ten business day closed period on requesting reinvestment was inadvertently retained in the text. Although the summary and the context of the amendment published made it clear that a twenty (20) day closed period was being uniformly prescribed, to avoid any question, an additional period for filing comments is now being provided.

In addition to the corrective change necessitated by the above error, § 350.8 is being further amended to incorporate an explicit reference to the twenty (20) day closed period in the acceptance of requests for transfers from book-entry accounts maintained by the Bureau of the Public Debt. This limitation had been set out only in the Public Debt form prescribed for requesting transactions; it is now being included as part of the regulations.

DATES: Written comments must be received on or before January 4, 1980. Proposed effective date: January 15, 1980.

ADDRESS: Send comments to Mr. Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, Room 309, Washington Building, N.W., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Mr. Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, 202-376-0244.

Dated: December 7, 1979.

Paul H. Taylor,

Fiscal Assistant Secretary.

Section 350.8 is revised as set forth below:

§ 350.8 Transfer.

Book-entry Treasury bills maintained under this subpart may not be transferred from one account maintained by the Treasury to another such account, except in cases of lawful succession, as provided in this subpart. They may be withdrawn from an account maintained by the Treasury hereunder and transferred through the Federal Reserve Bank communication system to an account maintained by or through a member bank under Subpart B, which transfer shall be made in the name or names appearing in the account recorded on the books of the Treasury. Such withdrawal may be effected by a certified request therefor by, or on behalf of, the depositor, provided the request therefor is received no earlier than twenty (20) business days after the issue date or the date the securities are transferred to the Treasury, whichever is later, or no later than twenty (20) business days before the maturity date. The request must:

(a) Identify the book-entry account by the name of the depositor and title, if any, the address, and the taxpayer identifying number;

(b) specify by amount, maturity date and CUSIP number the book-entry Treasury bills to be withdrawn and transferred; and

(c) specify the name of the member bank to or through which the transfer is to be effected and, where appropriate, the name of the institution or entity which is to maintain the book-entry account. In the case of book-entry Treasury bills held in the names of two individuals, a certified request by either will be accepted, but the transfer shall be made in the names of both. A transfer after original issue of book-entry Treasury bills from an account maintained by or through a member bank to one maintained by the Treasury may be made through the Federal Reserve Bank communication system, provided the account is to be held in a form authorized by this subpart, and provided the transfer is made no later than one month prior to the maturity date of the bills.

Section 350.14 is amended by revising paragraph (a) as set forth below:

§ 350.14 Reinvestment or payment at maturity.

(a) *Request for reinvestment.* Upon the request of the depositor in whose name the account is maintained, book-entry Treasury bills held therein will be reinvested at maturity, i.e., their proceeds at maturity will be applied to the purchase of new Treasury bills at the average price (in three decimals) of accepted competitive bids for such Treasury bills then being offered. The request for a reinvestment may be made on the tender form at the time of purchase; subsequent requests for reinvestment will be accepted if received by the Bureau no later than twenty (20) business days prior to the maturity of the bills. The difference between the par value of the maturing bills and the issue price of the new bills will be remitted to the subscriber in the form of a Treasury check. Requests for the revocation of the reinvestment of bills will also be accepted if received no later than twenty (20) business days prior to the maturity date.

* * * * *

Section 350.16 is amended by revising paragraph (a) as set forth below:

§ 350.16 Transactions in regular course—notices not effective—unacceptable notices.

(a) *Transactions in regular course—notices not effective.* Transfers of book-entry Treasury bills, payment thereof or reinvestment at maturity or any other transaction therein will be conducted in the regular course of business in accordance with this subpart, notwithstanding notice of the appointment of an attorney-in-fact, or a legal guardian or similar representative, or notice of successorship, the termination of an estate, the dissolution of an entity, or the death of an individual, unless the requisite request, proof, and the evidence necessary to establish entitlement under this subpart is received by the Bureau no later than twenty (20) business days prior to the maturity date of the bills.

* * * * *

[FR Doc. 79-38168 Filed 12-12-79; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-174]

Drawbridge Operation Regulations; Elizabeth River, Southern Branch, Va.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the City of Chesapeake, Virginia, the Coast Guard is considering establishing regulations to govern the operation of the State Highway 337 drawbridge across the Elizabeth River, Southern Branch, mile 2.8, Chesapeake, Virginia, to allow periods when the draw need not open for the passage of pleasure craft. This proposal is being made because of rush hour traffic during the periods proposed.

DATE: Comments must be received on or before January 14, 1980.

ADDRESSES: Comments should be submitted to and are available for examination at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Chief, Bridge Section, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth Virginia 23705 (804-398-6226).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Fifth Coast Guard District, will evaluate all comments received and decide on a final course of action. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch and Lt. Cheryl Avery, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion of the Proposed Regulation

These regulations are being considered because of rush hour traffic during the period concerned. To illustrate this point, rush-hour traffic across the drawbridge, between the hours of 6:30 a.m. to 7:30 a.m. and between the hours of 3:30 p.m. and 4:30 p.m., Monday through Friday, averages approximately 225 vehicles every 15 minutes as workers cross the bridge enroute to their jobs, Monday through Friday. While at other times traffic across the bridge averages approximately 75 vehicles every 15 minutes. The Coast Guard feels that this proposed change should be presented to the public for comment.

In consideration of the foregoing, it is proposed that Part 117 of Title 3 of the Code of Federal Regulations be amended by adding 117.349a to read as follows:

PART 117—DRAWBRIDGE OPERATIONS REGULATIONS

§ 117.349a Elizabeth River, Southern Branch, Va., Route 337 drawbridge.

The drawbridge shall open on signal except that:

(a) From 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 4:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of pleasure craft.

(b) At all times not covered by the regulations in this paragraph and in all other respects, the regulations contained in § 117.240 shall govern the operation of this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)

Dated: December 3, 1979.

T. T. Wetmore III,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 79-38281 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 158

[CGD 77-029]

Ocean Dumping Surveillance System

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: The Coast Guard is proposing to issue regulations requiring waste transporters to install electronic surveillance equipment on vessels engaged in ocean dumping. Present surveillance methods are labor intensive and costly and do not provide 100% coverage of all dumping activities. Installation of this equipment will result in increased surveillance, while reducing overall costs. Although the cost to the dumping industry will increase because of equipment requirements, the total cost of surveillance of ocean dumping operations will decrease.

DATES: Comments must be received on or before March 3, 1980.

ADDRESSES: Comments should be submitted in writing to Commandant (G-CMC/TP24) (CGD 77-029), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for inspection or copying from 7:30 AM to 4:30 PM, Monday through Thursday, at

the Marine Safety Council (G–CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington. DC 20593.

Copies of the documents referred to in this preamble or incorporated by reference under proposed § 158.19 are available for examination at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gregory S. Voyik, Marine Environmental Protection Division (G–WEP/TP12), Room 1609, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593 [(202) 755–7938]

SUPPLEMENTARY INFORMATION: The public is invited to participate in this rulemaking by submitting written data, views, or arguments. Each comment should include the name and address of the person submitting the comments, reference the docket number (CGD 77–029), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each argument is made. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Commander Gregory S. Voyik, Project Manager, Office of Marine Environment and Systems, and Mr. Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

Background

Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) (the Act) mandates regulation of the dumping and transportation for dumping of materials into ocean waters. The administration of the ocean dumping program is primarily the responsibility of the Environmental Protection Agency (EPA), which issues all ocean dumping permits other than those for dredged material, which are issued by the Army Corps of Engineers (COE). The Act assigns to the Department of Transportation the responsibility for surveillance and other appropriate enforcement activities to prevent unlawful transportation of material for dumping and unlawful dumping. The Secretary of the Department of Transportation has delegated this authority to the Commandant of the Coast Guard (49 CFR 1.46(n)(5)).

In order to carry out these new responsibilities, the Coast Guard established an enforcement program which consisted of several surveillance methods. This program included the use of Coast Guard personnel as shipriders to escort vessels on dumping missions, to check for valid permits, to obtain samples of material to be dumped, and to verify vessel logs and notification reports. It also included the use of Coast Guard vessels and aircraft to check transportation routes and dumpsites and the use of radar to track vessels to dumpsites.

Soon after this program was initiated in 1973, it was realized that other types of surveillance would also be needed. Although the methods were extremely effective, they were very costly in terms of staff time, operating expenses, and vessel and aircraft mission hours. Surveillance program goals were established which took into account the available vessel and aircraft operating hours and staff time. These program goals emphasized surveillance coverage of ocean dumping activities authorized by EPA permits. This decision was based on the more toxic nature of the materials disposed of under EPA permits as compared to dredged material authorized for disposal by the COE. Over the past several years, this program has resulted in approximately 24% of all EPA permitted ocean dumping activites being observed by vessels, aircraft, or shipriders. The lack of additional resource or staff time prevents more coverage. It also severely restricts coverage of COE activities. Approximately 90% of all ocean dumping is COE authorized, but the lack of resources does not allow adequate Coast Guard surveillance of these activities. To do so would be cost prohibitive in terms of acquisition of new vessels and aircraft and allotment of personnel to administer the program.

As mentioned previously, the need for alternate surveillance methods was identified in 1973. In addition to the reasons previously cited, there are other shortcomings with respect to present methods. Vessels and aircraft are relatively ineffective during inclement weather or fog or at night, when some ocean dumping occurs. Several dumpsites are located far enough offshore to be out of range of some Coast Guard aircraft and require a great deal of vessel time for coverage. Shipriding, the placement of Coast Guard personnel on vessels engaged in dumping, does provide coverage despite these conditions, but it is also costly in terms of personnel time. For example, the 179 shiprider missions conducted during 1978 required 8,262 manhours and represented only 17% of all missions conducted that year.

The Coast Guard Office of Research and Development was tasked with the identification of alternate or augmenting surveillance methods. A thorough analysis of many different approaches concluded that the most effective method, considering costs and benefits, would be to require electronic devices for recording dumping operation information be carried on board vessels engaged in ocean dumping. This approach was recommended because it would work day or night or in inclement weather and not be affected by dumpsite distance offshore. The cost for Coast Guard development of a prototype and subsequent purchase of equipment by the dumpers would also be relatively inexpensive compared to new vessel or aircraft purchases. This concept would also provide the Coast Guard with all the data necessary for enforcement, such as what vessel dumped, when and where the dumping occurred, and under what permit the dumping was allowed. Finally, such an approach could provide nearly 100% coverage of all ocean dumping activities.

The recommendations of the study were accepted and further development of this concept was conducted. The concept of the Ocean Dumping Surveillance System (ODSS) contained in this proposal is the result of several Coast Guard funded prototypes and their evaluation.

This system provides a record of an ocean dumping mission on cassette tape provided by the Coast Guard by periodically recording geographic movements of the vessel, the times when the mechanisms for dumping cargo are activated, and data identifying that mission. The vessel's location is determined by a Loran-C receiver, one of the ODSS components. Input from

this component is fed to a digital cassette recorder and recorded every ten minutes. Electronic sensors placed on the devices which activate the dump mechanisms provide data to the recorder indicting whether or not dumping is in progress. When the cassette tape is used up (or within two weeks after beginning the recording, whichever occurs first), it is proposed that the vessel owner or operator see that the tape cassette is delivered to the Coast Guard. The Coast Guard, in turn, analyzes the tape at its own facility.

Purchase of all equipment, less the cassette tapes, will be borne by the ocean dumping industry. The implementation of this equipment will also not entirely relieve the Coast Guard of the need for continued surveillance utilizing some of the present methods. The Coast Guard will continue to search for dumpers without permits, provide shipriders or other coverage when ODSS equipment malfunctions, and spot check dumpsites and transportation routes as a verification process. Nevertheless, the potential benefits that this proposal provides in terms of dramatically increased surveillance coverage merit serious consideration by the Coast Guard, the interested public, and the ocean dumping industry as well. Your comments to this proposal are solicited.

Discussion of the Proposed Regulations

Subpart A

Subpart A (General) of the proposed regulations sets out the definitions used throughout the regulations, waiver provisions, penalty information, matter incorporated by reference, and address for correspondence with the Coast Guard. Under the proposed definition, dumping under emergency, research, and general permits is not considered "ocean dumping" for the purposes of this part. Research and emergency permits are infrequent one-of-a-kind permits, usually involving unique situations which, if warranted, require on-scene surveillance or observation. General permits are issued for the disposal of target and other vessels and for burials at sea. Surveillance is not considered necessary for these activities. For these reasons, use of an ODSS during these missions is not a proposed requirement.

Proposed § 158.9 authorizes the Commandant of the Coast Guard to grant waivers of any of the requirements in this proposed part. The necessity for this provision is exemplified by the fact that the Loran-C network has not, as yet, been extended to cover the Caribbean. Waste transporters in that area would apply for a waiver and not be required to install and maintain an ODSS. Instead, other forms of surveillance, such as shipriders, would be used. Waivers under proposed subpart B are submitted to the appropriate Coast Guard District Commander because the waivers would involve operational aspects and the District Commander should have the opportunity to review the request and submit recommendations to the Commandant.

Proposed § 158.15 sets forth the penalties for violating the requirements in this part. The penalties set forth here are prescribed by section 1415 of the Act, which also designates the Administrator of EPA as the person responsible for assessing civil penalties.

The Coast Guard intends to seek the Federal Register's approval of the matter incorporated by reference in proposed § 158.19 before the final rule is published.

Proposed § 158.25 provides a single contact point within the Coast Guard where correspondence on and requests for information about these regulations should be directed. The Chief of the Marine Environmental Protection Division at Coast Guard Headquarters is the program manager for ocean dumping surveillance programs within the Coast Guard.

Subpart B

Proposed subpart B concerns ODSS operating and equipment requirements. Proposed § 158.29 lists the major components of an ODSS and where and how the components are to be installed. The Loran-C receiver and the recording device components of an ODSS may be installed on either a vessel containing material to be dumped or any vessel attached to that vessel. However, the sensor components of an ODSS must be installed on each mechanism for dumping the cargo or on each device used for activating that mechanism, regardless of on which vessel the mechanisms or devices are located. Dump mechanisms vary from vessel to vessel and may consist of valves which open or pumps which force the material overboard. In addition to manual operations, some mechanisms are remotely controlled and energized electrically or hydraulically. Some examples of vessel configuration might illustrate these possible variations in equipment installation.

If a vessel which contains material to be dumped is self-propelled and the mechanisms for dumping cargo are remotely controlled from the bridge, then the sensors may be located either on this remote control panel or on each dump mechanism. If the vessel is equipped with manually operated mechanisms for cargo dumping, the sensors must be located only on each of the mechanisms. In both cases, there is no choice for location of the Loran-C receiver and recording device components because only one vessel is involved.

For towing operations, however, there are options for location of these components and possibly for the sensor components as well. When the mechanisms for dumping cargo from the towed vessel (barge) are remotely controlled from the tug, the sensors may be located on either the tug's remote control panel or on each of the mechanisms for dumping cargo located on the barge. The decision on where to place this installation might be affected by the location of the Loran-C receiver and recording device components. If the sensors are on a vessel other than the vessel on which these latter two components are located, some method of electronically relaying sensor information to the recording device must be designed. For example, a digitally coded radio link could be used to transfer this information. Because it would be most appropriate to place the Loran-C receiver and recording device on the tug so that the vessel operator could observe the navigational readings and other visual displays, then it may also be appropriate to place sensors at the remote control panel. This avoids transmittal of sensor information between two vessels.

For a towing operation where the towed vessel (barge) is manned and equipped with manually operated dump mechanisms, the sensors must be located on each of the barge's dumping mechanisms because there is no device to activate these mechanisms from the tug. Again, however, a choice exists for the Loran-C receiver and recording device installation. If placed on the tug where that vessel's operator can take advantage of the navigational information, it will be necessary to provide for data transmission between the two vessels. If placed on the barge along with the sensors, data relay between vessels is not needed and overall installation is simplified and less costly. The disadvantage is that the tug operator would not have ODSS Loran-C data readily available.

By providing for some variation in the location of equipment, the persons responsible can decide on the installation that best suits their needs.

This proposed section also requires the ODSS installation to be accomplished in a manner that will ensure the equipment is capable of providing the necessary recorded tape

output. This requirement is important because an ODSS that has been approved as meeting the design and performance requirements but improperly installed may produce unacceptable results. There are no published specifications on installation procedures. There are, however, industry-wide installation practices which will enhance the equipment operation. For example, Appendix A to the Minimum Performance Standards Marine Loran-C Receiving Equipment, published in the Radio Technical Commission for Marine Services Paper 12–78/DO–100 of December 20, 1977, provides advice on Loran-C receiver placement, equipment grounding, and external noise suppression.

Proposed § 158.35 describes the persons responsible for performing certain functions before, during, and after an ocean dumping mission. These requirements take into account the previous discussion of the various vessel operations, the persons most logically responsible for certain actions, and the persons most capable of controlling overall operations on board vessels.

Proposed § 158.35(a) requires the owner/charterer to ensure that vessels have an approved ODSS on board before the vessel is permitted to be used on an ocean dumping mission.

For functions required before an ocean dumping mission, proposed § 158.35(b) designates the operator of the propelling vessel as the person responsible. Because these functions include making log entries or maintaining written records, the person in charge of operating the vessel, which in many instances would already be required to have a log, is the appropriate party to execute these responsibilities. Towed barges do not often have a log. The log entries or written record required by this paragraph are needed as a cross reference to the data recorded on the cassette tape.

Several requirements are specified to be carried out during the dumping mission. Proposed § 158.35(c) requires operators of vessels equipped with the Loran-C receiver and recording device components of an ODSS to ensure the ODSS is turned on and properly operated throughout the dumping mission.

After the mission, proposed § 158.35(d) places responsibility for required functions on the operator of the vessel equipped with the recording device. That person is the most logical person responsible for delivering the tape cassettes to the Coast Guard because that person had the responsibility for operating the ODSS and can best determine when the tapes should be submitted.

The cassette must be sent to the Coast Guard within 14 days after the tape was used to make any recording. This approach permits several missions to be recorded on one tape while maintaining a fairly up-to-date tape turnover. However, the vessel operator must ensure that, before departing on a mission, enough tape remains on the cassette to record the entire mission. This proposal benefits Coast Guard analysis by not splitting one mission onto two tapes.

The cassette tapes are required to be forwarded to the Coast Guard in New York where the tapes will be analyzed. However, the Coast Guard is considering the addition of a data analysis facility on the West Coast if the amount of analysis warrants a second facility. The Coast Guard is also considering the use of addressed, prepaid mailers for the data tapes.

Recognizing that ODSS malfunctions may occur, the Coast Guard proposes, in § 158.39, certain reporting requirements to ensure that it is kept advised of equipment failures and to enable it to schedule alternate surveillance methods. If the ODSS malfunctions during a disposal operation, the incident would be logged in the propelling vessel's log, or a written record of the incident kept, and the Coast Guard notified within six hours after the vessel's return to port. If immediate repairs cannot be made to the equipment, the persons responsible for a self-propelled vessel containing material or for a towing vessel must receive permission to depart on subsequent ocean dumping missions with an inoperable ODSS. This proposed requirement permits the Coast Guard to schedule an alternate method of surveillance, such as shipriding, and insures that repair of the equipment does not take an unreasonably long period of time.

Subpart C

Whereas proposed subparts A and B are directed toward the owners, operators, and charterers of vessels engaged in ocean dumping, the remaining proposed regulations (subparts C and D) are directed toward ODSS manufacturers. Proposed subpart C sets out requirements for ODSS equipment design and performance.

If the ODSS is to provide meaningful data, the Coast Guard must ensure that the ODSS is capable of providing sufficient information in a format compatible with the Coast Guard's analysis equipment. Good navigational data is an essential output of the system. This necessitates a reliable, accurate, and durable Loran-C receiver. Secondly, the dumping mission must be identifiable and capable of being keyed to the provisions of the applicable permit or authorization. To accomplish this, the ODSS must provide for entering certain data. Proposed § 158.49 lists the types of data that must be recorded on the cassette tape. In order to be useful, the data recorded must include enough information to determine what vessel was dumping, under what permit the dumping was conducted, where the dumping occurred, and at what rate the material was dumped.

Each ODSS will have an identification number assigned to it by the Coast Guard. The Coast Guard anticipates providing a block of such numbers to manufacturers who produce approved ODSS equipment. Because the ODSS must be designed so that this identification number cannot be changed (proposed § 158.49(b)(7)), the Coast Guard will be able to determine which ODSS was used to produce a particular data tape. This would be important if there is an indication that bad data tapes are being produced by a particular ODSS.

Each dumpsite will be identified by a three digit number assigned by the Coast Guard. By comparing the coordinates of the dumpsite with Loran-C navigational data recorded on the tape, the Coast Guard can determine whether or not the material was dumped within the boundaries of the dumpsite. Additionally, the analysis will check to see if the dumpsite entered is the same as the dumpsite specified in the permit.

In order to ascertain where the material was dumped, sensor components indicate when the devices used to activate mechanisms for dumping the cargo are activated. Whenever all of the sensors indicate no dumping, the ODSS records a digit "0" on the cassette tape. When any one of the sensors indicate dumping, a digit "1" is recorded.

Many permits authorize more than one vessel to conduct dumping of the specified material. In addition, a particular vessel may be authorized to dump materials under several different permits. A three digit number will be assigned by the Coast Guard to each vessel for each permit. If five different vessels are named in one permit, each will have a different three digit number. Likewise, if a vessel is named in six different permits, it will have six different numbers. Each number will uniquely identify which vessel is dumping under what permit. With this information, there is no need to issue separate vessel identification numbers

and permit numbers solely for ocean dumping purposes.

Information concerning the quantity of material on board a vessel must be entered into the ODSS so dispersal rate can be determined. Most EPA permits specify a dispersal rate for the material on board (e.g., "dumping must not exceed 15,000 gallons per minute"). The Coast Guard can determine the average dispersal rate by comparing the length of time the dump mechanisms were open to the quantity of material on board. Quantity is entered in tons, gallons, or cubic yards, depending on what units of measurement are specified in the permit. In order to keep data inputs uniform, a four digit entry is proposed. The first digit serves as a key to describe the units of volume or weight as used in the permit to indicate dispersal rate and the last three are the quantity. If the first digit is a "1", the quantity entered is in hundreds of tons (e.g. an entry of "1100" corresponds to 10,000 tons of material on board). If the first digit is a "2", the quantity is entered in hundreds of cubic yards (e.g. an entry of "2100" corresponds to 10,000 cubic yards of material on board). And, if the first digit is a "3", the quantity entered is in tens of thousands of gallons (e.g. "3100" corresponds to 1,000,000 gallons of material). Where no dispersal rate is specified in the permit, the units entered must correspond to the units describing the maximum quantity allowed to be dumped under the permit.

The ODSS must also record a four digit number to identify the group repetition interval of the Loran-C chain (Loran-C rate designator) to which the Loran-C receiver is adjusted. This four digit numerical designation is the time in tens of microseconds between sucessive master group transmissions. For example, Loran-C chain 9960 repeats its transmissions at 99,600 microsecond intervals. Therefore, if an ODSS operator has set the Loran-C receiver to this chain, the operator would enter a group repetition interval designator of 9960.

At least two, but not more than four, Loran-C time differences must be recorded. A minimum of two are needed in order to provide a navigational position. Because some Loran-C receivers may have the ability to display or provide data output on more than two time differences, proposed § 158.49 (a)(7) permits up to four recorded time differences. No more than four are permitted because there are only four possible Loran-C pairs and, therefore, four time differences available in each chain. If less than four time differences are recorded, the data entries for those not recorded will be a series of zero digits. This requirement keeps the information portion of the data block a constant length to facilitate data analysis.

The output of Loran-C receivers currently available may be given in either six or seven digits with corresponding readings of either 10ths or 100ths of microseconds. Some sets having a six digit output allow the operator to obtain 100th microsecond readings by dropping the initial digit, which represents the tens of thoursands digit. Proposed § 158.49(a)(7) allows either a six or seven digit output but requires that if the output is in six digits, the data block will have the seventh digit as a zero. This proposed paragraph also requires the most significant digit of the recorded Loran-C time difference to be in tens of thousands of microseconds. This is necessary to standardize the format of the recorded data.

Although Loran-C is a highly reliable navigation system, malfunctions in the transmitting equipment can produce unreliable signals. When this occurs, the transmitting stations broadcast warning signals to indicate that improper signals are being transmitted. The Loran-C receiver is required to incorporate several alarm indicators which determine when unreliable Loran-C signals are being received. If no unreliable signals are being received by the ODSS, the recording will so indicate by a digit "0" Loran-C Signal Status. The digit will be "1" when unreliable signals are being received. A Loran-C Signal Status must be provided for each Loran-C master and secondary signal pair so that maximum data reliability is provided.

The date and time are required to be recorded to determine when the ocean dumping occurred. The remaining data to be recorded are required for the analysis process. Line feed and carriage return codes allow printouts to be readable. Because some recording devices produce fixed length data blocks, a provision is included to allow these devices to be used. Null characters may be used to fill up the data block to a fixed length as long as the block does not exceed 86 characters. Null characters are meaningless from the standpoint of surveillance but are necessary in order to keep the data in the correct location in the data block. The 86 character maximum is included to ensure that excessively long data blocks are not produced.

Proposed §§ 158.49(b)(1) through (b)(6) specify where the recorded information is to be generated. The group repetition interval designator, dumpsite identification, permit identification, and quantity information are recorded from operator controls which allow the operator to manually enter this data. These controls can be in the form of dials, thumbwheels, or other such devices. The time differences and the Loran-C signal status information are recorded automatically from information provided by the Loran-C receiver. The date and time are recorded automatically from a clock which is set to correct local time by the ODSS operator. The dumping status information is provided by the ODSS sensor component. The remaining information—ODSS identification number, line feed, carriage return, and additional nulls—are provided by the recording device.

Proposed § 158.55 is necessary to ensure the cassette tape can "read" by Coast Guard equipment. An American National Standards Institute (ANSI) specification has been incorporated to provide a standardized format.

The ODSS must also record data at specific intervals in order to provide a complete log of the entire ocean dumping mission. Section 158.55(c) proposes that a record be made every ten minutes to reconstruct the voyage. Because additional accuracy is necessary during dumping, the recording device is required to produce a record every two minutes whenever dumping is in progress.

Several visual displays or signals are required by proposed § 158.59 to provide the operator with information on the ODSS operating mode. The displays include a signal that the cassette recorder is recording information, a signal that any of the devices used for activating mechanisms for cargo dumping are activated, and the time.

Proposed § 158.65 requires the sensor components to be designed to provide data on the status of devices for activating dump mechanisms and to provide this data continuously for the duration of the dumping mission.

Proposed § 158.69 contains the requirements which the Loran-C receiver component of the ODSS must meet. The Radio Technical Commission for Marine Services (RTCM), an advisory group to the Federal Communications Commission, published a set of minimum performance standards (MPS) for marine Loran-C receiving equipment in December, 1977 (RTCM Paper 12–78/DO–100). The paper was amended on July 19, 1979. This paper was intended for receivers used aboard vessels of 1,600 gross tons and more. These detailed standards were reviewed for their applicability to the Loran-C receiver component of ODSS. Based on this analysis, the Coast Guard

is proposing to adopt these standards, modified as necessary for the purposes of these regulations. These modifications include (1) consideration of possible interference from communications modulation; (2) new combinations of cross-rate interference conditions which more closely reflect ocean dumping operating conditions; (3) a relaxing of the dynamic tracking requirements because dumping operations are rarely conducted at speeds in excess of 16 knots; and (4) a new requirement that the receiver have a data output connector for use during equipment testing and to provide input to the recording device.

Non-synchronous near-band interfering signals may be subject to communications modulation. The Coast Guard feels that the effects of this modulation should be taken into account when performance in the presence of continuous wave interference is addressed. Therefore, the RTCM minimum performance standards have been modified accordingly by proposed § 158.69(a)(2) for the purposes of ocean dumping surveillance.

The Coast Guard recognizes that the requirement proposed in § 158.69(a)(3) for demonstrating performance in the presence of cross-rate interference with any chain rate selected from among the 6,000 rates listed in paragraph 1.2y of the RTCM MPS paper is broader than is necessary. Because some Loran-C chains are being disestablished and new ones established, all combinations of cross-rate interference conditions for ocean dumping purposes are not yet known. At the time of issuance of the rule, the Coast Guard intends to specify a small number of cross-rate interference combinations to be used for testing. These combinations will be representative of those cross-rate interference conditions experienced in Loran-C chains operational at the time final rules are published. Recommendations for appropriate cross-rate interference combinations to be used for these tests are solicited.

The relaxing of dynamic tracking requirements in proposed § 158.69(a)(4) will simplify the design of the Loran-C receiver component, improve the ability of the receiver to meet the combined accuracy requirements, and probably result in lower equipment costs.

Proposed § 158.75 requires ODSS equipment manufacturers to provide clear, concise instructions on the proper operation of that equipment. This handbook must include a description of the Loran-C system, instructions on how to use the equipment, explanations of all controls, a description of data available at the data output connector, and installation procedures. The quality of information derived from an ODSS is dependent on proper installation, operation, and maintenance.

Proposed § 158.79 requires each ODSS to be marked with the name of manufacturer, manufacturer's model and serial numbers, Coast Guard approval number, and date manufactured. This information assists Coast Guard boarding officers and prospective purchasers in identifying approved equipment.

Subpart D

Proposed subpart D sets out the requirements for Coast Guard approval of ODSS. This approach is necessary because ODSS is being required on board dumping vessels for the primary purpose of augmenting present surveillance methods. It is, therefore, important to test equipment to determine if it is capable of fulfilling Coast Guard needs. Because the ocean dumping industry is relatively small, it is not anticipated that a large number of prototype devices will be submitted for testing. Therefore, approval procedures would not impose a significant burden.

A full certification program is not proposed. The Coast Guard will have the equipment tested under a combination of operating conditions to determine if the proposed requirements are met for ocean dumping purposes. In addition, the manufacturer will be required to attest in writing that the equipment meets the minimum performance standards. The combination of limited certification by the Coast Guard and attestation by the manufacturer should provide ample assurance that the equipment meets the requirements of these regulations.

The Coast Guard is aware that the Radio Technical Commission for Marine Services (RTCM) has a Loran-C receiver test plan under consideration. This test plan would be used to determine if a receiver meets the Minimum Performance Standards published by RTCM in paper 12–78/DO–100. The Coast Guard will review this test plan for the purpose of determining whether it can be incorporated as the test plan in the ODSS equipment approval process.

The proposed Coast Guard approval process is initiated by an application. The application is required to contain sufficient information for the Coast Guard to determine whether or not the prototype equipment is ready for testing. One aspect of the application is the manufacturer's attestation that the ODSS meets the requirements in proposed subpart C. If the application is not complete, additional information may be requested from the applicant. If complete, the next step is to arrange for certification testing. The applicant will be advised where to send the ODSS for testing.

The sensor components of ODSS need not accompany ODSS for testing; however, the applicant must provide detailed instructions on how to simulate the signals that these components would provide to the recording device. The ODSS shipped must also include an antenna and antenna coupler electrically equivalent to those used by the manufacturer during the tests or other procedures taken to attest to the ODSS compliance with the minimum standards. This provides some assurance that the attestation was based upon components expected to be used in the ODSS.

The tests are designed to determine the ability of the Loran-C receiver portion of ODSS to meet the minimum performance requirements by using the combination of conditions in proposed § 158.69. If testing by the specified combination of conditions indicates the need to do so, the Coast Guard may require other testing including verification of any tests conducted by the applicant. In addition, the Coast Guard will also test to determine the ability of ODSS to produce data in the proper format. Tapes will be analyzed to ensure compatibility with Coast Guard analysis equipment. Failure to meet any requirement in the proposed regulations will result in rejection of the ODSS.

If the results of the tests are satisfactory, the applicant will be sent a certificate of approval indicating that the ODSS model tested has passed limited certification testing. The ODSS model will also be placed on the Coast Guard's List of Approved ODSS which will be maintained by the Chief of the Coast Guard's Marine Environmental Protection Division at the address listed in proposed § 158.25. The ODSS may then be used for ocean dumping under these regulations. As described in proposed § 158.129, no changes can be made to the ODSS without first advising the Coast Guard so that the Coast Guard may determine if the alternations are significant enough to require new certification testing.

If the results of the tests are unsatisfactory, i.e. the ODSS fails to meet one or more of the minimum performance requirements, the applicant will be advised of this outcome by a report noting the reasons for failure.

At this point, the applicant has several options. If the ODSS deficiencies are corrected, a request for retesting may be made describing the action taken as a result of the failures noted in the test report. If the circumstances

warrant, the applicant may petition the Commandant for a review of any test results or methods used by the Coast Guard. The Commandant or a designated representative will review the material presented and issue findings. If the test methods or results are found to be in error, the Commandant may authorize the issuance of a certificate of approval or require the performance of new tests using the proper methods. If the findings uphold the test results and methods, the petition is denied and the applicant must then correct ODSS deficiencies before retesting can be conducted.

Regulatory Evaluation

This proposal is categorized as a "nonsignificant" regulation under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). A Regulatory Evaluation has been prepared which includes an analysis of the economic consequences of the proposed regulations, quantifying, to the extent practicable, their estimated costs to the private sector, consumers, and government, as well as their anticipated benefits and impacts. A copy of the evaluation, presently in draft form, has been placed in the public docket for this rulemaking (CGD 77-029) and is available for inspection or copying at the Office of the Marine Safety Council (see ADDRESSES in this preamble). Based upon comments received, this evaluation will be finalized concurrently with the promulgation of final regulations.

The proposed regulations would affect approximately 100 vessels involved in ocean dumping disposal operations. Of these, 30 are involved in EPA permitted activity, 18 are hopper or sidecast dredges owned by the federal government, and the remainder are involved in contract operations under federal navigation projects or in COE permitted activity. Each ODSS is expected to cost $10,000, with a one-time installation cost of another $1,000 to $2,000. Assuming an annual $2,000 maintenance cost for each system, the total cost for procurement, installation, and maintenance of equipment over a five year period is $22,000 per system. This cost will be borne by the entity engaged in ocean dumping. In some cases, it will be the private sector, while in others, it will a governmental unit, such as a municipality (e.g. City of New York) or a Federal agency (e.g. COE). The total cost to the ocean dumping industry over this initial five year period is estimated at 2.2 million dollars. The Coast Guard testing program set out in proposed subpart D is estimated to cost $20,000 for the first year. It is anticipated that the majority of requests for equipment testing will be received during the first year that the regulations are in effect. Another Coast Guard cost is data tape analysis. This is estimated at $30,000 per year, which includes one fulltime officer for processing the information and the necessary computer time.

The cost of the surveillance program presently conducted by the Coast Guard is approximately $500,000 per year. This figure was derived from estimated costs of the 1,030 surveillance missions conducted in 1978 which provided coverage of approximately 24% of all EPA permitted ocean dumping activity. The cost of surveillance over 100% of EPA permitted activity alone, if resources had been available, would have exceeded 2.1 million dollars. This figure does not take into account the vast majority of dredged material disposal operations for which no Coast Guard surveillance is conducted. Dredged material disposal accounts for approximately 90% of all ocean dumping. The five year cost for 100% surveillance of just EPA permitted activity would exceed 10 million dollars. The five year cost for 100% surveillance of all ocean dumping activities including dredged material, would be many times this figure. The implementation of these regulations will allow nearly 100% surveillance of all ocean dumping at a cost comparable to present surveillance activity over a portion of only EPA permitted disposal operations.

An incidental benefit to the ODSS owner is the use of the Loran-C receiver for general navigational purposes when not engaged in ocean dumping. The Loran-C receiver portion of ODSS will be equipped with digital displays for the benefit of the vessel operator. Additionally, it is contemplated that Loran-C coordinate conversion data will be made available so that information from the ODSS can be directly used by the vessel operator to confirm his position in the dumpsite. ODSS also provides information which may be useful from the environmental research monitoring aspect. The ODSS provides a record of all dump missions including the actual trackline through the dumpsite, the average rate at which the material was dumped, and the quantity for each dump. This information may be useful for determining actual dispersion and buildup of material within each dumpsite.

The proposed regulations should have no negative environmental effect. Instead, they may have a positive impact by discouraging dumping outside authorized disposal areas. The extent to which the regulations may benefit the environment cannot be determined because many of the missions in the past were not conducted under Coast Guard surveillance. Although violations of offsite dumping have occurred, there is insufficient information to determine the extent of offsite dumping.

The proposed regulations have been assessed and found to have no potentially significant environmental effects. Therefore, an environmental impact statement is not necessary. A Negative Declaration has been prepared and is on file in the public docket.

Effective Date

The Coast Guard is aware that ODSS equipment is not presently available on the market. Therefore, the Coast Guard proposes to provide for Subpart B a six month delay between the date of publication of the final rules and the effective date of those rules. This period is provided to allow for equipment to be approved, marketed, and installed.

In consideration of the foregoing, the Coast Guard proposes to add a new Part 158 to Title 33, Code of Federal Regulations, to read as follows:

SUBCHAPTER O—POLLUTION

PART 158—OCEAN DUMPING SURVEILLANCE SYSTEM

Subpart A—General

Sec.

Subpart B—Operating and Equipment Requirements

Subpart C—ODSS Design and Performance

Subpart D—ODSS Approval

Authority.: Pub. L. 92–532, Title I, § 108, 86 Stat. 1059 (33 U.S.C. 1418); 49 CFR 1.46(n)(5).

Subpart A—General

§ 158.1 Purpose.

This part establishes ocean dumping surveillance system requirements for vessel operations conducted under an Environmental Protection Agency or Army Corps of Engineers ocean dumping permit or authorization, and requirements for equipment operation, minimum performance, and approval.

§ 158.5 Definitions.

For the purpose of this part:

"Ocean dumping" means that activity which requires (a) a special or interim Environmental Protection Agency permit described in 40 CFR § 220.3, (b) an Army Corps of Engineers permit or other authorization under 33 U.S.C. 1413, or (c) compliance with the regulations for federal projects authorized under 33 U.S.C. 1413(e).

"Ocean Dumping Surveillance System" or "ODSS" means a navigational and recording system which provides a record of an ocean dumping mission.

"Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 158.9 Waiver of requirements.

(a) The Commander of the Coast Guard may waive for good cause shown any of the requirements of this part.

(b) Requests for waivers must be in writing, identify the provision for which a waiver is requested, and state the reasons for the request.

(c) Requests for waivers of any of the requirements of Subpart B must be submitted to the Commander of the Coast Guard District, as described in Part 3 of this chapter, in which the dumping activity will occur. Requests for waivers of any other provision must be submitted to the address in § 158.25.

§ 158.15 Penalties.

Any person who violates any regulation in this part shall be liable to the civil and criminal penalties in 33 U.S.C. 1415.

§ 158.19 Matter incorporated by reference.

(a) The Coast Guard incorporates by reference the materals listed in this section, subject to the changes described in § 158.85(a). These materials are incorporated as they exist on the dates listed in paragraph (b) of this section. Changes in these materials will be published periodically in the Federal Register.

(b) The materials incorporated by reference are available for inspection at the Library of the Office of the Federal Register, Room 8301, 1100 L Street N.W., Washington, DC 20408 and at the address listed in § 158.25. They are available for purchase as follows:

(1) "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment" (RTCM Paper 12–78/DO–100), as amended on July 19, 1979. These standards are available from the Radio Technical Commission for Marine Services, P.O. Box 19087, Washington, DC 20036 at a cost of $6.00 per copy.

(2) "American National Standard Magnetic Tape Cassettes for Information Interchange" (X3.48–77), approved on May 11, 1976. This material is available from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018 (ATTN: Sales Department) at a cost of $6.00 per copy, plus $2.00 for shipping and handling.

(c) Incorporation by reference of the materials listed in this section was approved by the Director of the Federal Register on ————, 19—.

§ 158.25 Office to contact for information.

The Chief, Marine Environmental Protection Division, at the U.S. Coast Guard Headquarters in Washington, DC is the program manager for ocean dumping surveillance programs within the Coast Guard. Telephone inquiries may be made between the hours of 7:30 am and 4:30 pm, Monday through Thursday, by calling (202) 755–7938. Correspondence relating to this part may be directed to Commandant (G–WEP/TP12), U.S. Coast Guard, Washington, DC 20593.

Subpart B—Operating and Equipment Requirements

§ 158.29 ODSS components, their location and installation on board vessels.

(a) An ODSS consists of a Loran-C receiver with antenna and antenna coupler, a recording device, and one or more sensor components.

(b) The Loran-C receiver and recording device components of an ODSS must be located on either the vessel containing material to be dumped or a vessel attached by any means to that vessel.

(c) A sensor component of an ODSS must be located on each mechanism for dumping the cargo or on each device used for activating that mechanism whether or not that device or mechanism is located on the vessel containing material to be dumped or on a vessel attached by any means to that vessel.

(d) The ODSS must be installed so as to produce the taped record required by this part.

§ 158.35 Persons responsible.

(a) Before permitting a vessel to be used on an ocean dumping mission, each owner or charterer by demise of any vessel containing material to be dumped and each owner or charterer by demise of any vessel towing that vessel shall ensure that—

(1) An ODSS is on board one or more of the vessels and installed as required in § 158.29; and

(2) The ODSS is one of the models listed in the Coast Guard List of Approved ODSS, copies of which are available at the address in § 158.25.

(b) Before departing on an ocean dumping mission, the operator of a self-propelled vessel containing material to be dumped or the operator of any vessel towing a vessel containing material to be dumped shall ensure that—

(1) The ODSS is turned on;

(2) The recording device is loaded with a tape cassette having enough tape on the supply spool to record the entire mission; and

(3) The following information is entered in the log of that person's vessel or, if the vessel is not required to have a log, is otherwise recorded:

(i) The Loran-C time difference readings being received by the ODSS upon departure on the mission.

(ii) The date and time of departure.

(iii) The geographic location of the vessel upon departure.

(c) During an ocean dumping mission, the operator of a vessel equipped with the Loran-C receiver and recording device components of an ODS required under this section shall ensure that, from the time the vessel first leaves port to the time that vessel returns to port,

(1) The ODSS is turned on and otherwise operated in the manner specified in the ODSS user and equipment handbook described in § 158.75;

(2) The data required under § 158.49(b) to be entered manually into the ODSS for that mission is entered; and

(3) A taped record is being continuously produced by the ODSS, as required by this part.

(d) Upon completion of an ocean dumping mission, the operator of a vessel equipped with the Loran-C

receiver and recording device components of an ODSS required under this section shall ensure that the tape cassette is forwarded to Commander, Third Coast Guard District (m), Governors Island, New York 10004, or other address designated by the Coast Guard. More than one mission may be recorded on a single tape cassette, however, the cassette must be forwarded within 14 days after the first mission is taped on the cassette.

§ 158.39 ODSS malfunctions.

(a) Before department on an ocean dumping mission with a known malfunction of the ODSS, the operator of a self-propelled vessel containing material to be dumped or the operator of any vessel towing a vessel containing material to be dumped shall obtain permission to depart from the local Coast Guard Captain of the Port.

(b) If the ODSS malfunctions during an ocean dumping mission, the operator shall—

(1) Ensure that the failure is recorded in the log of that person's vessel or, if the vessel is not required to have a log, is otherwise recorded; and

(2) Notify the local Coast Guard Captain of the Port of the failure within six hours of returning to port.

Subpart C—ODSS Design and Performance

§ 158.45 Purpose.

This subpart sets forth the minimum design and performance requirements for ODSS.

§ 158.49 Input to the cassette tape.

(a) The ODSS must be designed to record on a cassette tape the following data:

(1) A 3 digit number used by the Coast Guard to identify which ODSS is recording the data.

(2) The 3 digit number used by the Coast Guard to identify the dump site used during the ocean dumping mission.

(3) A one digit number of "1" whenever a sensor component indicates that any device used for activating a mechanism for dumping cargo is activated or of "0" whenever all sensor components indicate that no devices are activated.

(4) The 3 digit number used by the Coast Guard to identify the permit under which a vessel is operating.

(5) A 4 digit number indicating the quantity of material to be dumped, the first digit of which is a "1" when quantity is entered in hundreds of tons, a "2" when in hundreds of cubic yards, or a "3" when in tens of thousands of gallons, and the remaining three digits of which indicate the quantity. Units for quantity must be the same units describing the dispersal rate in an ocean dumping permit or authorization or, where no dispersal rate is specified, must be the same units describing maximum quantity allowed to be dumped under the permit or authorization.

(6) A 4 digit number indicating the group repetition interval designator of the Loran-C chain used during the ocean dumping mission.

(7) At least two, but not more than four, Loran-C time differences, each in 6 or 7 digits, with the most significant digit in tens of thousands of microseconds. If the output of the Loran-C receiver is given in six digits, the ODSS must record a seventh digit of "0".

(8) A one digit number of "0" for each pair of master and secondary Loran-C signals to indicate that the signals of that pair are properly locked on and tracking and that no alarm cited in the RTCM paper listed in § 158.19(b)(1) is energized for that pair, or a number of "1" for each pair to indicate that the signals of that pair are not properly locked on and tracking or that any alarm cited in the RTCM paper is energized for that pair.

(9) A seven digit number, the first 3 digits of which indicate the Julian date, the next two the hour, and the last two the minute.

(10) A line feed character.

(11) A carriage return character. If the recording device of ODSS produces a fixed length data block, the appropriate number of nulls to complete the data block must be inserted before the carriage return character. The data block must not exceed 86 characters.

(b) The ODSS must be designed to—

(1) Allow the operator to enter manually, by means of dials, thumbwheels, or other devices, the data in paragraphs (a)(2), (a)(4), (a)(5), and (a)(6) of this section;

(2) Record the data in paragraph (a)(2), (a)(4), (a)(5), and (a)(6) of this section from the devices described in paragraph (b)(1) of this section;

(3) Record the data in paragraphs (a)(7) and (a)(8) of this section from the information provided by the data output connector of the Loran-C receiver component;

(4) Include a clock which can be set to Julian date and local time by the operator and from which the data in paragraph (a)(9) of this section can be recorded;

(5) Record the data in paragraph (a)(3) of this section as a result of the inputs from the sensor components;

(6) Record the data in paragraphs (a)(1), (a)(10), and (a)(11); and

(7) Ensure that the ODSS identification number if not capable of being changed by the ODSS operator.

§ 158.55 Recording format and intervals.

(a) The ODSS must be designed to record the data in § 158.49(a) in the order indicated in figure § 158.55(a) of this section.

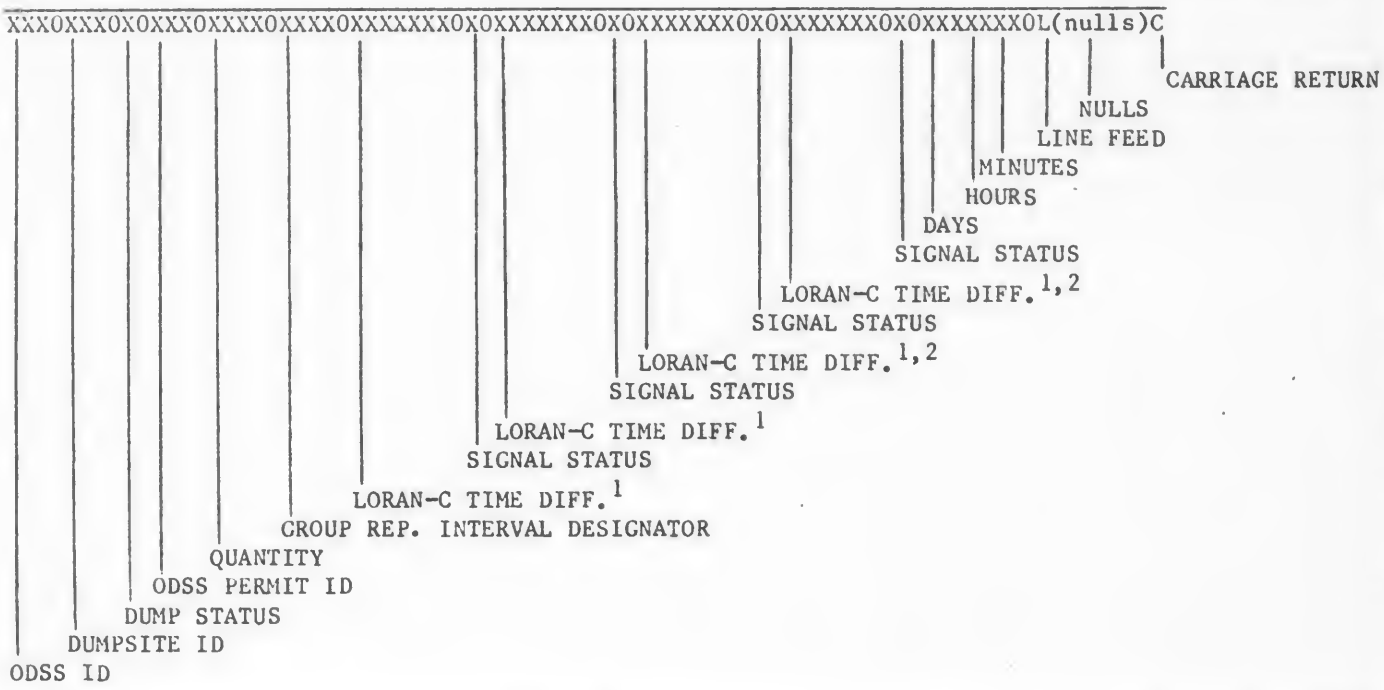
(b) The cassette tape must be formatted in accordance with the standard listed in § 158.19(b)(2).

(c) At any time during an ocean dumping mission when all sensor components indicate that no devices used to activate a mechanism for dumping cargo are activated, the data in § 158.49(a) must be recorded every 10 minutes. As soon as a sensor component indicates that any device is activated, the data must be recorded at that moment and every two minutes thereafter until all sensor components indicate that no devices are activated.

BILLING CODE 4910-14-M

FIGURE 158.55(a) - ILLUSTRATION OF A

COMPLETE DATA BLOCK



"X" indicates a digit.
"0" indicates a space.
1 - If a six digit number is recorded, the seventh "X" must be a digit "0".
2 - If less than four time differences are recorded, the digits for those not recorded must be zeros (see §158.49(a)(7)).
3 - Nulls used to complete a fixed length data block as long as the data block does not exceed 86 characters (see §158.49 (a)(11)).

BILLING CODE 4910-14-C

§ 158.59 Visual signals or displays required.

The ODSS must produce visual signals or displays so that the ODSS operator can be made aware—

(a) Whether the recording device is loaded with a cassette tape and is recording;

(b) Whether any device used for activating a mechanism for the dumping of cargo is activated; and

(c) Of the Julian date and time from the clock required by § 158.49(b)(3).

§ 158.65 Requirements for sensor components.

(a) Each sensor component of an ODSS must be designed to provide the input necessary to permit the recording of the data in § 158.49(a)(2).

(b) The data must be provided continuously while the ODSS is turned on so that the cassette tape can be recorded at the intervals in § 158.55(c) for the duration of the ocean dumping mission

§ 158.69 Requirements for Loran-C receiver components.

(a) The Loran-C receiver component of the ODSS must be a Type 1 or Type 2 receiver described in section 1.2 of the RTCM paper listed in § 158.19(b)(1) and must meet the minimum performance standards (MPS) in that paper for marine Loran-C receiving equipment, modified as follows:

(1) The combined accuracy described in section 2.1 of the paper must be met independently for each time difference available as a data output and for each time difference displayed by the receiver.

(2) The MPS must be met when the interfering signals cited in sections 2.4 (b) and (f) of the paper are subject to communications modulation with a maximum bandwidth of 220Hz (−3dB).

(3) Under section 2.6 of the paper, receiver performance must be demonstrated by tracking simulated chain signals in the presence of cross-rate interference (CRI) the chain rate of which may be any of the rates listed in paragraph 1.2y of the paper.

(4) The dynamic tracking requirements in sections 2.8 (b) and (c) of the paper need not be met.

(5) The following is to be substituted for section 2.10 of the paper:

In addition to the independent application of requirements cited in the MPS, the receiver must meet the following performance requirements throughout the range of the following conditions:

Conditions

1. SNR: −10 dB and greater.
2. Signal level: 25 to 110 dB/luv/m.
3. Differential signal level: 0 to 60 dB.
4. ECD: -2.4 us $<$ ECD $<$ $+$ 2.4 us.
5. Skywaves: 37.5 to 60 us. relative skywave signal level 12dB.
6. CWI: a. One near-band synchronous signal in accordance with section 2.4 (b), including (FSK) information modulation (−3 dB bandwidth of 220 Hz or less); and (simultaneously).

b. One non-synchronous near-band interfering signal with a SIR of 0 dB with respect to the lowest amplitude Loran–C signal in use.

7. Cross-rate interference: in accordance with sectin 2.6 as modified.
8. Dynamic tracking: in accordance with section 2.8.a.
9. Noise level: 12 to 75 dB/1uv/m.

Performance Requirements

1. Combined accuracy: in accordance with section 2.1 as modified.
2. Maximum lock-on-time: 20 minutes or less.
3. Alarms: in accordance with section 2.7, except that:

a. Maximum false alarm rates are one occurrence per day for each type of false alarm.

b. Time to alarm and the time to cancel alarm is quadrupled over the requirements in Section 2.7.

c. Testing level is 50% (pass/fail).

4. Data output: in complete accordance with required displays, alarms, and lock-on status.

(b) The Loran-C receiver component of the ODSS must incorporate a data output connector. The data output available at this connector must include, at a minimum, the time difference display data of section 2.9 of the RTCM paper listed in § 158.19(b)(1); all alarms status data of section 2.7 of that paper; and a status indicator which shows completion of lock-on.

(c) If a receiver displays more than two time differences, or locks on to more than two secondaries, but provides data output for only two time differences, it must be possible to select the two time differences used for data output. Alternatively the receiver may provide data outputs for all available time differences.

§ 158.75 ODSS user and equipment handbook.

An ODSS user and equipment handbook must be provided with each ODSS and contain at least—

(a) Step-by-step instructions detailing how the ODSS is operated, including what and how information must be entered by the operator;

(b) A general description of the Loran-C system;

(c) Instructions for obtaining a position using Loran-C coordinates;

(d) An explanation of the meaning of each alarm and indicator;

(e) Installation and check out procedures, including an explanation of the factors to be considered in locating the ODSS on board a vessel to enhance the performance of the ODSS;

(f) All the information cited by the RTCM paper listed in § 158.19(b)(1) to be included in the Loran-C receiving equipment handbook; and

(g) A description of the data output available at the data connector described in § 158.69(c) in sufficient detail to allow complete receiver testing utilizing solely those data output.

§ 158.79 ODSS labeling.

Each ODSS component must be clearly and permanently marked with—

(a) The name of the manufacturer;

(b) The name of the equipment and the manufacturer's model number;

(c) The month and year manufactured;

(d) The manufacturer's serial number assigned to the component; and

(e) The Coast Guard approval number assigned to the ODSS in the Coast Guard certificate of approval issued under § 158.115(a).

Subpart D—ODSS Approval

§ 158.95 Purpose.

This subpart prescribes the requirements and procedures for having an ODSS listed in the Coast Guard List of Approved ODSS.

§ 158.99 Application procedure for approval of ODSS.

(a) An application for approval of the ODSS under this subpart may be in any format and must contain at least—

(1) The name and address of the applicant, the ODSS manufacturer, and the facility where ODSS is manufactured or assembled;

(2) A description of the ODSS, identifying the ODSS and each component listed in § 158.29 by manufacturer's name and model number;

(3) A request to have the equipment tested for Coast Guard approval for the purposes of this part;

(4) A copy of the ODSS user and equipment handbook required under § 158.75; and

(5) An attestation by the applicant that the ODSS meets the requirements of Subpart C of this part.

(b) The application in paragraph (a) of this section must be submitted to the Coast Guard at the address in § 158.25.

(c) If the Coast Guard determines that the information contained in an application is insufficient, the Coast Guard returns the application to the applicant with a statement of reasons why the information is insufficient. If the information is sufficient, the Coast

Guard notifies the applicant so that arrangements for the test described in § 158.109 may be made.

§ 158.105 Duties of the applicant.

(a) After receiving notification under § 158.99 that an application is sufficient, the applicant makes arrangements with the office listed in § 158.25 for the Coast Guard approval tests.

(b) On or before the date arranged for testing, the applicant must deliver the ODSS (less sensor components) to the test site designated by the Coast Guard.

(c) The applicant must provide an antenna and antenna coupler electrically equivalent to those used during the tests and other procedures upon which the attestation required in § 158.99(a)(5) is based.

(d) The applicant must provide step-by-step procedures on how to simulate whether a mechanism for dumping cargo is opened or closed.

§ 158.109 Coast Guard tests.

The Coast Guard conducts tests, as necessary—

(a) To determine whether the Loran-C receiver component of an ODSS meets the requirements of the minimum performance standards described in RTCM Paper 12–78/DO–100, as amended by § 158.69; and

(b) To determine whether the ODSS meets the requirements for recording on a cassette tape the data in § 158.49 in the format and at the intervals described in § 158.55.

§ 158.115 Report of test results.

(a) If the Coast Guard determines that the results of the tests conducted on the ODSS under § 158.109 are satisfactory, the Coast Guard—

(1) Sends a certificate of approval for the ODSS to the applicant; and

(2) Lists, in the Coast Guard List of Approved ODSS, the brand name and model number of the ODSS tested.

(b) If the Coast Guard determines that the results of a test conducted are unsatisfactory, the Coast Guard sends to the applicant a report of the results, indicating which results are unsatisfactory.

(c) Before sending the report required in paragraph (b) of this section, the Coast Guard may perform any of the remaining tests under § 158.109 or may discontinue further testing.

§ 158.119 Retesting.

(a) An applicant issued a report of unsatisfactory test results under § 158.115(b) may request a retest by notifying the office listed in § 158.25.

(b) A request for retesting must be accompanied by an explanation of all changes made to the equipment or steps taken as a result of the report issued under § 158.115(b).

§ 158.125 Reconsideration of test results.

An applicant notified of unsatisfactory test results under § 158.115(b) may petition the Commandant of the Coast Guard in any manner for review of the test results and methods used. Upon completion of review by the Commandant or a designated representative, the applicant is advised of the results of the review. The findings may require retesting the equipment by another method, approving the equipment, or denying the petition. The decision of the Commandant is the final agency action.

§ 158.129 Modification of ODSS.

No changes may be made to approved ODSS models unless written authorization has been received from the Coast Guard. A description of the proposed modification must be submitted to the office in § 158.25 for determination of the impact on the previous certification under § 158.115(a) and the need for retesting under § 158.109.

(Pub. L. 92–532, Title I, § 108; 86 Stat. 1059 (33 U.S.C. 1418); 49 CFR 1.46(n)(5))

Dated: December 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-38294 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1374-6]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The State of Maryland has submitted a proposed revision of the State Implementation Plan (SIP) consisting of a Consent Order for the Firestone Plastics Company, Inc. in Perryville, Maryland. This order grants an exception to Firestone from portions of Maryland Regulation COMAR 10.18.07 that permits the company to construct and operate a new boiler with relaxed requirements. The ambient air quality standards are presently being met in the Perryville, Maryland area and this exception is not expected to cause any violations of the standards or the Prevention of Significant Deterioration (PSD) increments.

DATE: Comments must be submitted on or before January 14, 1980.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Sts., Philadelphia, PA 19106, ATTN: Edward A. Vollberg.

Bureau of Air Quality and Noise Control, State of Maryland, 201 W. Preston St., Baltimore, MD 21201, ATTN: George Ferreri.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M St., SW. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision submitted on or before January 14, 1980, will be considered and should be directed to: Mr. Howard Heim, Chief, Air Programs Branch (3AH10), Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: AH015MD.

FOR FURTHER INFORMATION CONTACT: Edward A. Vollberg (3AH11), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597–8179.

SUPPLEMENTARY INFORMATION: On December 1, 1978, the State of Maryland submitted to EPA, Region III a proposed revision of the Maryland State Implementation Plan consisting of a Consent Order for the Firestone Plastics Company, Inc. of Perryville, Maryland. The submittal contained a certification that the order was adopted in accordance with the public hearing and notice requirements of 40 CFR Part 51.4 and all relevant State procedural requirements, and requested that EPA consider the Consent Order as a revision of the State Implementation Plan. The order exempts the construction and operation of a new boiler at the Perryville facility from the provisions of COMAR 10.18.07.03B(2)c(1) which requires the installation of dust collection equipment on residual oil-fired boilers. Concurrently the order

modifies COMAR 10.18.07.02B (which permits no visible emissions) to allow the boiler to have visible emissions not exceeding 20% opacity; and modifies COMAR 10.18.07.03B(2)a (which limits particulate emissions to 0.03 gr/SCFD) thereby allowing the new boiler to emit particulate matter at 0.06 gr/SCFD, corrected to 50% excess air.

The boiler was subject to PSD review for sulfur dioxide emissions, and a permit was issued to the source on July 3, 1979. The Best Available Control Technology (BACT) requirements of the permit will limit the sulfur-in-fuel which is directly related to the formation of particulate matter and therefore affects the amount of particulate matter emissions from a residual oil-fired boiler. The permit conditions will limit the particulate emissions such that they will have an insignificant impact. This is supported by modeling submitted by the State of Maryland on June 1, 1979 which shows no violations of the ambient air quality standards or the PSD increments.

Therefore, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland State Implementation Plan.

The Public is invited to submit to the address stated above, comments on whether the Firestone Plastics Consent Order should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

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

(42 U.S.C. 7401–7642)

Dated: November 30, 1979.

A. R. Morris,

Acting Regional Administrator.

FR Doc. 79–38233 Filed 12–12–79; 8:45 am]

BILLING CODE 6560–01–M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

41 CFR Part 101–20

Management of Buildings and Grounds; Accident and Fire Prevention Standards

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend its regulations to update certain provisions of the accident and fire prevention standards. The proposed changes require that GSA space be consistent with Occupational Safety and Health Administration standards and provide a procedure for processing reports of hazardous conditions and for resolving conflicting recommendations made as a result of safety and health inspections by GSA and occupant agency inspection personnel.

DATE: Comments must be received on or before January 31, 1980.

ADDRESS: Written comments should be sent to the General Services Administration (PBAB), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Schilder, Chief, Safety Management Branch, Accident and Fire Prevention Division (202–566–0961).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101–20.1—Building Operations, Maintenance, Protection and Alterations

1. Section 101–20.109–1 is revised to read as follows:

§ 101–20.109–1 Policy.

It is the policy of GSA that:

(a) Standards for space will equal or exceed those promulgated pursuant to the Occupational Safety and Health Act (OSHA) of 1970 (Pub. L. 91–596); Executive Order 11807; and 29 CFR Part 1960, Subpart E—Agency Occupational Safety and Health Standards.

(b) The safety and health of occupants and visitors will not be imperiled by exposure to unnecessary risks and intolerable conditions.

(c) Safeguards will be provided to allow emergency forces to accomplish their mission without undue danger of entrapment.

(d) Fire-limiting and other safety features will be provided to limit danger to the surrounding community.

(e) Safeguards will be provided according to the number of persons involved, the value of the property and importance of the Federal activity to minimize personal harm, property damage, or impairment of the mission.

(f) Accidents involving injury and property damage related to buildings and grounds will be reported immediately to the appropriate GSA buildings manager.

(g) Reports about the safety and health conditions of space will be referred to the appropriate buildings manager for investigation and appropriate action.

2. Section 101–20.109–3 is revised to read as follows:

§ 101–20.109–3 Responsibility of agencies.

Each occupant agency shall ensure that:

(a) Operations and activities and their use in GSA-assigned space conform to the policies of § 101–20.109–1.

(b) All reasonable precautions are taken to avoid accidental injuries, illnesses, fires, and property damage.

(c) A safety and health and fire protection liaison is appointed with full authority and responsibility to represent the occupant agency management with the GSA buildings manager.

3. Section 101–20.109–11 is amended by revising its caption and paragraph (a) to read as follows:

§ 101–20.109–11 Accident prevention and fire protection activities of occupant agencies.

* * * * *

(a) Periodic inspections in accordance with 29 CFR Part 1960, Subpart D—Procedures for Inspections and Abatement, are conducted by the occupant agency of their operations and activities involving GSA buildings and grounds. Inspections shall be documented, and a copy of the documentation shall be provided to the buildings manager not later than 10 days after the inspection. These inspections do not relieve GSA of its responsibilities for these areas, nor do inspections by GSA or others relieve occupant agencies of their responsibilities for maintaining full knowledge of conditions.

* * * * *

4. Section 101–20.109–12 is added to read as follows:

§ 101-20.109-12 Correction of hazardous conditions.

(a) Conditions within the agency's responsibility to correct that affect the buildings and grounds and could affect any GSA employees in the performance of their responsibilities shall be corrected within 30 workdays in accordance with 29 CFR 1960.34 or established agency program requirements, whichever is more restrictive. An abatement plan shall be prepared for corrective actions requiring more than 30 days. This plan shall contain an explanation of the circumstances of the delay in abatement, a proposed timetable for the abatement, and a summary of steps being taken in the interim to protect other agency personnel and GSA buildings and grounds from injury or damage by the unsafe or unhealthy working condition. The occupant liaison shall send a copy of the abatement plan to the buildings manager. If the estimated abatement time is more than 60 workdays, a copy shall also be provided to the GSA regional Accident and Fire Prevention Branch.

(b) Conditions considered to be within the scope of GSA's responsibility to correct shall be forwarded to the GSA buildings manager for action. To correct the hazard, six basic steps will be taken: The Occupant agency must identify, document, and present the problem to GSA, after which GSA will investigate, determine, and resolve the problem. Identification of these conditions may be by an occupant agency employee or by an occupant agency safety and health and fire protection specialist. When an imminently dangerous situation exists, as defined by 29 CFR 1960.32, a telephone call from the occupant liaison to the GSA buildings manager will be sufficient to constitute the agency's identification, documentation, and presentation of the problem to GSA. Otherwise, a report must document the hazardous condition and cite references to specific standards violated, such as OSHA regulations, GSA criteria, or agency standards. Documentation should include inspection reports, photographs, sketches, or drawings for safety problems and an industrial hygiene survey report for a health problem. The OSHA Form No. 7 may be used as part of the documentation. The occupant liaison shall satisfy him/herself that there are reasonable grounds to believe that an unsafe or unhealthful condition exists before presenting the situation to the GSA buildings manager.

(c) Resolutions by the buildings manager or other regional management personnel that are unsatisfactory to the occupant agency management may be formally presented to the GSA Regional Administrator by the agency regional, district, or equivalent management.

(d) Unsatisfactory resolutions by GSA regional management may be formally presented to the GSA Safety and Health Official by the agency head or an authorized designee.

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

Dated: December 3, 1979.

A. R. Marschall,

Commissioner, Public Buildings Service.

[FR Doc. 79-38207 Filed 12-12-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket PS-62; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Leakage Surveys

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed Rulemaking.

SUMMARY: This notice proposes to amend Part 192 to require more stringent leakage surveys on pipelines located in areas where gas leaks pose a high risk of damage to persons and property. In addition, time intervals between surveys would be prescribed in a way to permit flexibility in scheduling personnel assignments. This proposal would also establish special procedures for conducting leakage surveys on underground petroleum gas lines to account for the heavier than air nature of petroleum gas.

DATES: Interested persons are invited to submit written comments on this proposal before March 31, 1980

ADDRESSES: Comments should be sent in triplicate to: Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. Comments submitted will be available for review and copying before and after the closing date at the Docket Branch, Room 8426, Nassif Building, 7th & D Streets, SW., Washington, D.C., between 8:30 a.m. and 5:00 p.m. each working day. Late filed comments will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Paul J. Cory, 202-426-2392.

SUPPLEMENTARY INFORMATION:

Frequency and Method of Surveys in High Risk Areas. Currently, § 192.723(b)(1), *Distribution systems, leakage surveys and procedures,* requires that a leakage survey using detector equipment be conducted in "business districts" at intervals not exceeding 1 year. Both the survey method and survey interval are more stringent than that required under § 192.723(b)(2) for other distribution pipeline areas because of the higher population concentration and potential for hazard in business districts. Only a 5-year survey interval is now required for distribution lines outside of business districts and leak detectors are not required. The term "business districts" was originally adopted in Part 192 from the ANSI B31.8-1968 Code, paragraph 852.22(a) but was not defined in that code. For the purpose of applying Part 192, the Materials Transportation Bureau (MTB) has interpreted "business districts" as areas containing shops and offices where persons engage in the purchase and sale of commodities or in related financial transactions.

Apart from "business districts", MTB believes there are many similar areas where there is a higher than normal potential risk from gas leaks. It follows that persons in all these areas should be afforded the same safety benefits from Federal leakage survey requirements as in now provided in "business districts". Therefore, MTB is proposing to amend § 192.723(b) to delete the term "business districts" and to state in broader terms in both § 192.723(b) and § 192.706 *Transmission lines; leakage survey,* three high risk areas where the most stringent leakage surveys would be required.

MTB believes that one area where leaking gas would result in the highest potential hazard and damage is appropriately described as Class 4 locations (areas with buildings of 4-stories or more as defined by § 192.5(e)). A second area is where the pipeline is within 100 yards of buildings that are occupied by 20 or more persons during normal use (such as a Class 3 location as defined by § 192.5(d)(2)(i)). In the latter case, examples are office buildings, shopping centers, schools, hospitals, churches, and theaters. Both areas are places where large groups of persons would be concentrated, thus giving a potential for a highly hazardous condition if a gas leak should occur in the area.

The third high risk area can be defined as locations where the surface of the ground between the pipeline and nearby buildings is paved with materials (normally asphalt or concrete) capable of restricting leaking gas from venting to the atmosphere. In such areas, leaking

gas can migrate under the paving to nearby buildings and expose people to an explosive condition. These areas are normally found in Class 3 and 4 locations, but may also exist in Classes 1 and 2.

Gas migration has been a factor in several accidents investigated by the National Transportation Safety Board (NTSB). Two of these accidents, one in El Paso, Texas, on April 22, 1973, and the other in Allentown, Pennsylvania, on August 8, 1976, illustrate the paving conditon where migration of gas would be likely if any leak should occur. In the accident in El Paso, gas escaping from a leaking 2-inch gas main migrated across a concrete road and under the sidewalk where the gas accumulated in the crawl space under an apartment complex. The gas was ignited by some unknown source causing an explosion, which destroyed at least seven apartment units, hospitalized eight persons and killed seven persons.

The accident in Allentown occurred as a result of a sink hole in the area that broke a 4-inch cast iron main in 5 locations. Although sudden failures of this type might not be detected by a periodic leakage survey, the area where the accident occurred illustrates the type of paving condition under which even a small gas leak would likely migrate under paving to areas that would cause a hazardous condition. The houses in this area of Allentown are built with the front wall of the house at the edge of the sidewalk, and the street paving then completes the cover of the area. The gas main was located under the street.

Paved areas like those in El Paso and Allentown are not uncommon throughout the U.S. Even small leaks occurring on both distribution and transmission pipelines in such areas can be detected by leakage survey methods before they would be detected by odor or before they become hazardous.

In addition to the accidents investigated by NTSB, 992 individual leak reports were filed with DOT under 49 CFR 191.9 during the 4-year period of 1975–78 as a result of leaks that occurred under paving. Leak report form DOT F7100.1, that is required to be submitted in certain distribution system gas leaks under § 191.9 does ask if the leak occurred under paving but does not address migration of gas under paving. MTB therefore, cannot readily determine how many leaks involved migration of gas under pavement resulting in fires and explosions. The number of gas leaks occurring under paving does, however, indicate the magnitude of the potential safety problem. The magnitude of this problem is probably even larger than these leak reports indicate because such reports are not required from distribution operators having less than 100,000 services.

In each of the three high risk areas discussed above, there is a relatively large amount of surface traffic and construction activity. There is also the difficulty in installing and maintaining cathodic protection in such areas, along with the presence of other underground structures, such as water, sewer, telephone and power lines, all of which often provide a direct path for leaking gas to migrate to buildings. All of these factors lead MTB to believe that the hazards associated with gas pipeline leaks in such areas would be substantially reduced if leakage surveys were carried out at frequent intervals and with appropriate leak detection equipment.

For the above reasons, MTB is proposing to amend Part 192 to require that leakage surveys using leak detector equipment, (as now required yearly on distribution systems in "business districts"), be conducted at least once each calendar year with no more than 65 weeks between consecutive surveys on all distribution and odorized transmission lines in Class 4 locations, Class 3 locations as defined in § 192.5(d)(2)(i), and locations where the area between the pipeline and any building wall is covered by a surface capable of restricting the venting of gas from the soil to the atmosphere. For transmission lines transporting unodorized gas in such areas in accordance with § 192.625, MTB is proposing to require leakage surveys using leak detector equipment four times each calendar year with no more than 16 weeks between consecutive surveys.

For distribution lines outside "business districts" that would be included in high risk areas described above, this proposal would increase the leakage survey frequency from the present 5 year interval to once each calendar year and require that leak detectors be used. The proposal would not alter the frequency or method of survey now required for distribution lines in "business districts".

For odorized transmission lines, this proposal represents no change in the currently required frequency of leakage surveys, but would add the requirement to use leak detector equipment in making the surveys in the three high risk areas discussed above. For unodorized transmission lines, leak detector equipment is now required and the proposal would not alter the quarterly survey required in Class 4 locations. However, the semiannual survey now required for unodorized transmission lines in Class 3 locations as defined in § 192.5(d)(2)(i) would be doubled. Offshore transmission and gathering lines would not be affected by this proposal.

Other Significant Population Areas

Beyond the above proposed leakage survey requirements for the type of Class 3 locations in paved areas and where a pipeline lies within 100 yards of a building occupied by 20 or more persons during normal use, MTB also believes that pipeline safety in all other Class 3 locations can be enhanced by more frequent leakage surveys of distribution pipeline systems.

Because Class 3 locations include the areas that have the highest number of buildings intended for human occupancy, so long as the buildings have less than four stories above ground (not Class 4), the Class 3 location covers the areas where most of the population lives, varying in density from the inner city to very spacious suburban subdivisions.

Under the current requirements of § 192.723, a leakage survey of distribution systems in a Class 3 location (outside of "business districts") is required at intervals not exceeding 5 years. Under § 192.706, transmission lines in Class 3 locations must be checked annually, unless the line is unodorized, in which case it must be surveyed twice a year.

In view of the number of persons and amount of property in Class 3 locations and the fact that even small leaks can become hazardous in far less than 5 years, MTB believes that a distribution line leakage survey every 5 years is patently inadequate. In fact, many distribution operators conduct surveys in these areas at much more frequent intervals than now required.

For these reasons, MTB is proposing to require for distribution systems in Class 3 locations (other than those in paved areas and those within 100 yards of a building occupied by 20 or more persons during normal use) leakage surveys with leak detector equipment be conducted at least every other calendar year with not more than 119 weeks between consecutive surveys. MTB is not proposing to amend the current survey requirements for transmission lines in these Class 3 locations.

To clarify the intent of these proposals MTB wishes to emphasize that in §§ 192.706 and 192.723, the term "leakage survey" would permit the survey to be conducted by any effective method that will detect significant gas leaks under existing conditions. Where the phrase "leak detector equipment" is included in the current requirement and the proposed rules, appropriate and

effective leak detection instruments must be used for conducting the survey.

Issue

MTB recognizes that gas leaks are often discovered as a result of the "gas odor" required by § 192.625, and anticipates comments that more frequent surveys are not needed because odorization solves the problem of leak detection. Odor results from either hydrogen sulfides that sometimes occur naturally in the gas or from chemical odorants (mercaptans or cyclic sulphides) that are added to the gas. § 192.625(a) requires that the gas odor must be detectable at a concentration of gas in air of ⅕ of the lower explosive limit. For natural gas this would be at a concentration of about 1% gas in air, which would also be 10,000 parts per million. Instruments in common use can readily detect gas in air at concentrations of 10 parts per million or less. Because these and other instruments are capable of detecting gas in air long before it would be detected by the human sense of smell, MTB considers the leakage survey to be the primary method for detecting gas leaks before they becomd significant. Unfortunately, it is not feasible for leakage surveys to be conducted in all locations on a continuing basis. Thus, odorization of gas is relied upon as a back-up for leakage surveys, but cannot fully substitute for such surveys.

Scheduling Leakage Surveys

The ASME Gas Piping Standards Committee (ASME Committee) in a letter dated December 26, 1975, (Petition No. 75–12) recommended that the present inspection or testing frequencies prescribed at "intervals not exceeding one year" now appearing in various sections of Part 192, including §§ 192.706(b) and 192.723(b), be changed to read "at least once each calendar year, but with intervals not exceeding 15 months." A similar recommendation was made by the Technical Pipeline Safety Standards Committee (TPSSC) at a meeting held in Washington, D.C. on December 5, 1978. The purpose of these recommended changes is to permit scheduling of the required tests and inspections at specified intervals but also permit flexibility in the time intervals to allow for variations in construction and operation activities that often involve the same personnel.

MTB believes that permitting a degree of flexibility in the time interval does not reduce safety and makes compliance with a given requirement considerably less costly to the operator and the public. As a result, MTB is proposing to amend § 192.706(b) to permit surveys now required at intervals of 1 year, 6 months and 3 months (6 months and 3 months are for pipelines carrying unodorized gas in Class 3 and 4 locations) to be conducted 1, 2, or 4 times each calendar year with no more than 65 weeks, 32 weeks or 16 weeks respectively, between consecutive surveys. Maximum intervals are stated in weeks rather than months to give clear definition of the time intervals. A similar change was made for corrosion monitoring requirements of Subpart I by Amendment 192–33; 43 FR 39389, September 5, 1978.

MTB also proposes to amend the current 5-year leakage survey requirement in § 192.723(b)(2), for Class 1 and 2 non-business district locations, outside of those mentioned above, to permit leakage surveys to be conducted at least one time in each 5 calendar years with intervals not exceeding 274 weeks between consecutive surveys.

MTB is considering future proposed revisions to the leakage survey frequency requirements in Class 1 and 2 locations to make the time intervals between surveys more appropriate for distribution lines and for odorized transmission lines. However, MTB does not have sufficient information to provide a basis for proposing changes to these requirements at this time. As a result, commenters are invited to supply any data available on an appropriate leakage survey frequency for both distribution and transmission lines in Class 1 and 2 locations, giving consideration to operating stress level, class location, environment, and outside force influences. It should also be considered that under proper conditions a vegetation survey may be used in Class 1 and 2 locations.

It is anticipated that future rulemaking action will be taken to make similar changes in the inspection and test frequencies in the remaining sections of Part 192 that were addressed by the ASME and the TPSSC.

Petroleum Gas Systems

In many areas of the U.S. and Puerto Rico, there are small petroleum gas pipeline systems transporting gas to customers from liquefied petroleum gas storage tanks. Many of these systems are subject to Part 192 because they either have 10 or more customers or are located in a public place (§ 192.11). It should be noted, however, that based on a statutory interpretation, Part 192 does not apply to any petroleum gas system that serves a single customer when the entire system is located on the customer's property.

One of the characteristics of petroleum gas is that, unlike natural gas that is lighter than air and will readily migrate to the surface, it is heavier than air and will not normally vent to atmosphere. This difference appears to have been overlooked by many operators of petroleum gas systems who now rely upon a surface type of leakage survey using leak detector equipment such as a hydrogen-flame-ionization (HFI) unit, as would normally be used with natural gas. Thus, these operators depend upon a leakage survey procedure that may not detect many potentially hazardous leaks on an underground petroleum gas system. For these reasons, MTB believes that it is necessary to establish more rigid requirements for leakage surveys on underground petroleum gas lines.

The ASME Committee has recognized this problem by adding Appendix G–11A to the ASME Guide for Gas Transmission and Distribution Piping Systems (Guide). Appendix G–11A is a recommended procedure for leakage surveys in petroleum gas systems.

Using paragraph 4.4(a) of Appendix G–11A as a basis, MTB is proposing a new § 192.724 to require leakage surveys of underground petroleum gas pipeline systems subject to § 192.11 to be made by sampling the sub-surface atmosphere at a minimum of 14 inches depth with an instrument capable of detecting petroleum gas at a concentration of 10 parts per million (such as a HFI unit) or at pipe depth with gas detectors capable of detecting petroleum gas at a concentration of 10 percent of the lower explosive limit (such as combustible gas indicator calibrated for petroleum gas) at sufficient locations along the pipeline to detect leakage but in no case more than 20 feet apart.

MTB has discussed the Guide's recommended procedure with members of the ASME Committee and gas leakage survey specialists who have performed surveys with the procedure on petroleum gas systems. As a result of these discussions, MTB believes that the proposed rules will provide an appropriate Federal standard for conducting leakage surveys on petroleum gas systems. However, we do not have field test data to support this belief. Commenters are specifically requested to provide any available test or operational data relative to the adequacy of using a 14-inch depth of survey when an HFI unit or similar gas detector is used and on the desirability of a maximum spacing of 20 feet between test points.

Title Change

In the title and paragraph (a) of § 192.723, the words "system" and "systems" are proposed to be changed

to "line" and "lines" respectively to make it clear that § 192.723 applies to "distribution lines" as defined in § 192.3. Each operator would then apply either § 192.706 or § 192.723 according to whether a pipeline it operates is a transmission or distribution line under § 192.3.

This notice of proposed rulemaking (NPRM) was originally planned to include proposals on the use of vegetation surveys. To permit a more thorough review of the many important aspects of leakage detection and control programs covered in this rulemaking, MTB decided that vegetation surveys will be covered by another NPRM at a later date.

The MTB has determined that the proposals in this notice, if implemented, would not result in major economic impact ($100 million or greater) under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034). A regulatory evaluation is available in the public docket. This evaluation estimates an annual added cost to U.S. and Puerto Rican pipeline operators of $27.3 million resulting from this proposal.

In consideration of the foregoing, MTB proposes that Part 192 of Title 49, Code of Federal Regulations, be amended as follows:

1. By amending § 192.706(b) to read as follows:

§ 192.706 Transmission lines: Leakage surveys.

* * * * *

(b) Leakage surveys of each transmission line must be conducted in accordance with the following table:

Area description	Odorized gas			Unodorized gas		
	Surveys each calendar year	Leak detector equipment required	Maximum weeks between surveys	Surveys each calendar year	Leak detector equipment required	Maximum weeks between surveys
Class 4 and Class 3 as defined in § 192.5(d)(2)(i)	1	Yes	65	4	Yes	16
Class 3 other than as defined in § 192.5(d)(2)(1)	1	Yes	65	2	Yes	32
Class 1 and 2	1	[1] Optional	65	1	[1] Optional	65

2. By amending § 192.723 to read as follows:

§ 192.723 Distribution lines: Leakage surveys and procedures.

(a) Each operator of a distribution line shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) Leakage surveys of each distribution line must be conducted in accordance with the following table:

Area description	Frequency	Leak detector equipment required	Maximum weeks between surveys
Class 4 and 3 as defined in § 192.5(d)(2)(i)	Once Each Calendar Year	Yes	65
Class 3 other than as defined in § 192.5(d)(2)(i)[1]	Once Each 2 Calendar Years	Yes	119
Class 1 and 2[1]	Once Each 5 Calendar Years	Optional	274

[1] Locations where the area between the pipeline and any building wall is covered by a surface capable of restricting the venting of leaking gas from the soil to the atmosphere must have a leakage survey conducted using leak detector equipment at least once each calendar year at intervals not exceeding 65 weeks.

3. By adding a new § 192.724 to read as follows:

§ 192.724 Leakage surveys on petroleum gas pipelines.

Leakage surveys of buried pipelines transporting petroleum gas subject to § 192.11 must be made by sampling the subsurface atmosphere at a minimum 36 centimeters (14 in.) depth with an instrument capable of detecting petroleum gas at a concentration of 10 parts per million, or at pipe depth with a gas detector capable of detecting petroleum gas at 10 percent of the lower explosive limit, at sufficient locations along the pipeline to detect leakage but in no case more than 61 decimeters (20 ft.) apart.

(49 U.S.C. 1672; 49 CFR 1.53, Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on December 5, 1979.

Cesar DeLeon,

Associate Director for Pipeline Safety Regulation, Moterials Transportation Bureau.

[FR Doc. 79-37966 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing for Atlantic Billfish and Sharks; Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administraton/Commerce.

ACTION: Proposed Regulations.

SUMMARY: New species reporting codes for Atlantic bill fish and sharks (50 CFR 611.9) are proposed for inclusion in the foreign fishing regulations.

DATES: Written comments are invited until January 14, 1980. Comments should be addressed to: Mr. Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Wiliam H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Telephone: (813) 893-3141.

SUPPLEMENTARY INFORMATION: Species reporting codes for several species covered by the preliminary fishery management plan for Atlantic billfish and sharks and for species caught incidentally in the fishery are proposed. If a foreign vessel catches these species, it will have to record them by these codes. Presently, all sharks may be

recorded as "nonspecific sharks", and marlin and spearfish are not recorded at all.

Signed in Washington, D.C. this 9th day of December 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Authority: 16 U.S.C. 1801 *et seq.*

§ 611.9 [Amended]

It is proposed to amend 50 CFR Part 611 by adding the following to the Species Code, § 611.9, Appendix I—Part A, Atlantic Ocean fishes. (Including the Gulf of Mexico):

Code	Common English name	Scientific name
462	Porbeagle shark	*Lamna nasus.*
463	Longfin mako shark	*Isurus paucus.*
464	Shortfin mako shark	*Isurus oxyrinchus.*
465	Blue shark	*Prionace glauca.*
256	White marlin	*Tetrapturus albidus.*
254	Longbill spearfish	*Tetrapturus pfluegeri.*
260	Blue marlin	*Makaira nigricans.*
252	Sailfish	*Istiophorus platypterus.*
240	King mackeral	*Scomberomorus cavalla.*
244	Spanish mackerel	*Scomberomorus maculatus.*

[FR Doc. 79-38267 Filed 12-12-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 241
Thursday, December 13, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Dockets 33363, 36489, and 36490]

Former Large Irregular Air Service Investigation (Applications of Four Seas Airlines, Inc.); Reassignment of Proceeding

This proceeding, insofar as it involves the applications of Four Seas Airlines, Inc., Dockets 36489 and 36490, has been reassigned to Judge William H. Dapper.

Dated at Washington, D.C., December 7, 1979.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-38186 Filed 12-12-79; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363 and 36234]

Former Large Irregular Air Service Investigation (Application of Silvas Air Lines, Inc.); Reassignment of Proceeding

This proceeding, insofar as it involves the application of Silvas Air Lines, Inc., Docket 36234, has been reassigned to Judge Marvin H. Morse.

Dated at Washington, D.C., December 7, 1979.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-38187 Filed 12-12-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 33477]

Texas/Great Lakes Eastern Canada Service Case; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Rudolf Sobernheim to Administrative Law Judge Marvin H. Morse. Future communications should be addressed to Judge Morse.

Dated at Washington, D.C., December 17, 1979.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-38189 Filed 12-12-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 33220]

Yucatan Service Case; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Rudolf Sobernheim to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., December 6, 1979.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-38188 Filed 12-12-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on January 4, 1980, at the Wesley House, 2001 North 35th Street, Omaha, Nebraska 68111.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of the meeting is to plan the SAC program activity for FY 1981 and identify the committee assignments for the data gathering efforts in the Western Nebraska Employment Study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 10, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-38184 Filed 12-12-79; 8:45 am]

BILLING CODE 6335-01-M

Texas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Texas Advisory Committee (SAC) of the Commission will convene at 6:00 p.m. and will end at 10:00 p.m. on January 15, 1980, and will convene at 8:00 p.m. and will end at 10:00 p.m. on January 16, 1980, at the Four Seasons Plaza National, 555 South Alamo, San Antonio, Texas 78205.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this conference is the release of the Ten Years Later reports and the symposium on civil rights issue.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 10, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-38185 Filed 12-12-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 14-79]

Foreign-Trade Zone and Subzone—Lincoln, Nebr.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Lincoln Foreign Trade Zone, Inc., a Nebraska not-for-profit corporation affiliated with the Lincoln Chamber Industrial Development Corporation, requesting a grant of authority to establish a general-purpose foreign-trade zone and a special-purpose subzone within the City of Lincoln, Nebraska, adjacent to the Omaha Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 6, 1979. The applicant is authorized to make this proposal under

Section 21–20, 146, R.S. Nebraska, 1943, Reissue of 1977.

The proposed general-purpose zone will be located on a 250,000 square foot tract at the Lincoln Airpark West industrial park, a new air cargo center adjacent to the Lincoln Municipal Airport. Owned by the Airport Authority of the City of Lincoln, the tract is under lease to the applicant which would develop and operate the proposed zone. Operations will begin in an existing 37,000 square foot building and adjacent open yard area. At the outset, the zone would be used for warehousing, exhibition, assembly, and manipulation operations on such products as aircraft parts and accessories, waterbeds, and electronic items. The site is served by interstate highway and rail.

The special-purpose subzone would be established at the Lincoln plant of Kawasaki Motors Corp., U.S.A. (KMC), a domestic subsidiary of Kawasaki Heavy Industry, Ltd., of Japan, located at 5600 N.W. 27th Street in Lincoln, near the Municipal Airport. On a 43-acre tract with a structure of 406,000 square feet, the plant has been in operation since 1975 with manufacturing and warehousing operations for the assembly and distribution of motorcycles, jet skis and snowmobiles produced from domestic and foreign parts, employing some 500 persons.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230; Donald E. Grimwood, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region IX, Suite 1501, 55 E. Monroe Street, Chicago, Illinois 60603; and Colonel Vito D. Stipo, District Engineer, U.S. Army Engineer District Omaha, 6014 USPO and Courthouse, Omaha, Nebraska 68102.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on January 9, 1980, beginning at 9:00 a.m., in District Court Room No. 1, County-City Building, Third Floor, 555 South Tenth Street, Lincoln, Nebraska. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. They should notify the Board's Executive Secretary by January 2, 1980, of their desire to be heard in writing at the address below or by phone (202) 377–2862. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through February 8, 1980. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing.

A copy of the application and accompanying exhibits will be available for public inspection during the comment period at each of the following locations:

Office of the District Director, U.S. Department of Commerce, Capitol Plaza, Suite 703A, 1815 Capitol Avenue, Omaha, Nebraska 68102.

Lincoln Chamber Industrial Development Corp., 1221 N. Street, Suite 606, Lincoln, Nebraska 68506.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW., Room 6886–B, Washington, D.C. 20230.

Dated: December 10, 1979.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 79-38214 Filed 12-12-79; 8:45 am]

BILLING CODE 3510-25-M

Industry and Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before January 2, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666–11th Street N.W., Washington, D.C.

Docket No. 80–00004. Applicant: UCLA, School of Engineering, Electrical Sciences & Engineering Department, 7731 Boelter Hall, Los Angeles, CA 90024. Article: Carcinotron—385 Radiation Source, Model CO–08. Manufacturer: Thomson-CSF Electron Tubes, France. Intended use of Article: The article is intended to be used as a radiation source during plasmas related magnetic fusion research, i.e. plasmas with densities $>10^{13}cm^{-3}$. Measurements of the turbulent fluctuation spectra existing in fusion plasmas will be taken to determine the ion temperature in such plasmas. The article will be used in Ph. D. thesis research by graduate students in pursuit of their Ph. D. degrees. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80–00007. Applicant: Baylor College of Medicine, 1200 Moursund, Houston, TX 77030. Article: Cryokit, IKB 14801–1 and Accessories. Manufacturer: IKB Produkter AB, Sweden. Intended use of Article: The article is intended in preparing frozen thin sections of normal and infarcted rat myocardium in order to detect intracellular ion shifts which occur during infarction. The overall goal of the experiment is to elucidate the role of ion movements during cell injury and death and to assess the efficacy of agents in preventing or delaying cell death. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80–00008. Applicant: Case Western Reserve University, University Circle, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 400T. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used for microdiffraction or microchemical analysis in the following projects:

1. Composition of coherent precipitates in partially-stabilized ZrO_2.
2. Crystallography of the TiO_2 precipitate in star sapphire.
3. Grain boundary segregation.
4. M/O ratios in non-stoichiometric oxides.
5. Composition of oxide scales.
6. Diffusion-controlled phase transformations.
7. Studies of electrocatalysis.
8. Thin film microanalysis.

The article will also be used in the courses EMMS 509 and EMMS 312 to teach students the practical use, theory, and applications of electron microscopy to metallurgy and materials science, particularly the advanced applications of transmission electron microscopy

(TEM), scanning transmission electron microscopy (STEM), x-ray energy dispersive spectrometry (XEDS), and electron energy loss spectrometry (EELS). Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80-00009. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Electron Microscope, Model EM 109R. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used in the various studies of the following organisms:

1. Nuclear polyhedrosis viruses of insects—use of insect pathogens (viruses) as possible agents in insect control.

2. Hydra, algae and marine snails—an understanding of how foreign articles are retained or removed by cells; an understanding of sensory organs in molluses.

3. Salamanders—An understanding of how vertebrate limb regeneration is controlled.

4. Mosquitoes—Control of mosquitoes through an understanding of cell structure and physiology.

5. Parasitic nematodes—Control of parasites of commercially important fish species.

6. Rats and trout: chambered nautilus—An understanding of how insulin activity may be related to atherosclerosis.

7. Protozoan parasites—Understanding of physiology/biochemistry of mammalian parasites, including tapeworms and the causative agent of toxoplasmosis.

8. Rats and humans—An understanding of the relationship between hormone receptors and breast cancer.

9. Various vertebrates—Documentation of the effects of various pesticides on the structure and function of endocrine organs in wildlife and domestic animal species.

Application received by Commisssioner of Customs: November 5, 1979.

Docket No. 80-00010. Applicant: University of Rochester, Department of Chemistry, Rochester, New York 14627. Article: EPR/ENDOR Spectrometer, ER 200 and Accessories. Manufacturer: Bruker Instruments, West Germany. Intended use of Article: The article is intended to be used for studies of organic free radicals and transition complexes to determine isotropic and dipolar couplings between the odd electron spin and nuclear spins in these molecules. Analysis of the spectra data will allow a determination of the structure of transition metal complexes and the mechanism of spin delocalization from the paramagnetic center to the nuclear spins. Analysis of the spectra will also allow a determination of motional correlation times for rotation of molecules in solution. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80-00011. Applicant: University of California, Department of Chemistry, Davis, California 95616. Article: ER 200D EPR/ENDOR Spectrometer and Accessories. Manufacturer: Bruker-Physik AG, West Germany. Intended use of Article: The article is intended to be used to investigate paramagnetic materials including transition metal complexes, organic free radicals, excited (triplet) states of molecules, and metalloenzymes. Information will be obtained of a detailed nature on the Zeeman splittings of the magnetic sublevels of these systems and the anisotropies in these splittings. Other important interactions of the electron spin—the electron-nuclear hyperfine interactions—are an important aspect of the research and will be studied with the ENDOR accessory which is an intricate part of the spectrometer. The objective of the research is the utilization of EPR and ENDOR spectroscopy to study the detailed magnetic properties of molecules and materials in order to obtain structural information, as well as information regarding the dynamics of spin systems.

The article will be used by selected graduate students in their graduate research course, Chemistry 299 in such cases where EPR/ENDOR spectroscopy will be of assistance in the development of the student's degree-related research. The article will also be used by selected upper-division chemistry majors in the physical chemistry laboratory sequence, Chem 111A, 111B as an instructional tool in enhancing the student's awareness and understanding of modern spectroscopic methods. Application received by Commissioner of Customs: November 5, 1979.

Docket No. 80-00012. Applicant: Rutgers, The State University, Waksman Institute of Microbiology, P.O. Box 759, Piscataway, New Jersey 08854. Article: Electron Miscroscope, Model JEM 100CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of Article: The article is intended to be used for studies of viruses—structure of avian coronaviruses, localization and structure of spiroplasma viruses, morphogenesis of bacteriophages, and characterization of baculovirus polyhedra in mammalian cells—cytochemical and immunological studies of yeast alkaline phosphatase, factors affecting yeast mating types, taxonomical studies of actinomycetes, characterization of developmental mutants of the fungus *aspergillus Nidulans*, bacteriophage DNA structure and replication, and factors affecting release of the enzyme penicillianase from *Bacillus licheniformis*. Experiments will be conducted seeking a better understanding of the molecular bases of such phenomena as cellular differentiation, protein transport across cell membranes, hormone interactions with cell surfaces, plant pathogenesis associated with Spiroplasmas, viral morphogenesis, and the symbiotoc relationships involved in nitrogen fixation between specific plants and actinomycetes. The article will be used in the course "Practical Microscopy" to introduce students to modern electron microscopical techniques, so that they may successfully undertake appropriate research projects with a minimum of additional instruction. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80-00013. Applicant: Washington University, Department of Earth & Planetary Science, Wilson Hall, Box 1169, St. Louis, MO 63130. Article: Superprobe 733 Electron Probe X-Ray Micro Analyzer. Manufacturer: Jeol Ltd., Japan. Intended use of Article: The article is intended to be used as an analytical tool to analyze naturally occurring minerals and glasses, synthetic minerals and glasses, bones and teeth, metals, chemical pellets, dust particles and other solid material. The data obtained will be interpreted in the context of larger research projects in the areas of earth sciences, planetary sciences, materials sciences, applied chemical, pollution and archaeological studies. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80-00014. Applicant: North Dakota State University, College Station, Fargo, North Dakota 58105. Article: Electron Microscope, Model JEM 1000CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of Article: The article is intended to be used in the following studies (1) use of cholorplast mutants as a tool in elucidating the genetic factors governing photosynthesis and the ultrastructural development of plastids, (2) examination of the morphological and cytological changes in bacterial and fungal spores when airborne and specific studies of spore genermination, penetration, susceptibility, and relationships

between host cells and pathogens, (3) evaluate the purity of various research preparations and the cytological effects due to virus infections, (4) detection of polio, IBR, and other herpes viruses in river and water sediments, (5) taxonomy and classification of insects and (6) determine the ultrastructure of bat kidney to determine the mechanism by which they can tolerate a diet of meal worms without drinking water. The article will also be used to teach a course entitled "Techniques in Electron Microscopy". Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80–00015. Applicant: Columbia University, College of Physicians and Surgeons, 630 W. 168th Street, New York, N.Y. 10032. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of Article: The article is intended to be used for studies of sections of muscle and other biological specimens embedded in epoxy resins. The experiments will be physiological or pharmacological treatments of muscle fiber bundles or of single muscle cells to determine the alterations of muscle fiber structure produced. In addition, the article will be used for the training of advanced graduate students or post-doctoral fellows who will already be familiar with ordinary electron microscopes. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80–00016. Applicant: Miami University, Oxford, Ohio 45056. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of Article: The article is intended to be used for the investigation of structural details of single nerve and muscle to understand how nerve and muscle cells become connected together morphologically. The article will be used for individualized instruction of graduate students in the techniques of electron microscopy. Application Received by Commissioner of Customs: November 5, 1979.

Docket No. 80–00018. Applicant: U.S. Army Biomedical Laboratory, Electron Microscopy Laboratory, Comparative Pathology Group, Aberdeen Proving Ground, Edgewood Area, Maryland 21010. Article: LKB 2128 Ultrotome IV Ultramicrotome. Manufacturer: IKB Produkter AB, Sweden. Intended use of Article: The article will be used for studies of animal muscle tissues with emphasis on the ultrastructure and receptor function of neuromuscular junctions. Ultrastructure studies will include:

(a) The fine-structure of normal vs abnormal synaptic function.

(b) Localization of acetylcholine receptors with conjugated and unconjugated electron opaque molecular probes.

(c) The binding properties of altered acetylcholine receptors as determined by electron opaque markers.

These studies are conducted to determine, ultrastructurally, modes of acetylcholine receptor binding in normal and biochemically altered synaptic function. Fine-structure changes of junctional and extra-junctional regions will be determined. Correlation to clinically manifested abnormal muscle function will be attempted.

The article will also be used for educational purposes to introduce initiated students to the theory and application of immunocytochemistry and to provide workshop demonstrations on latest techniques in immuno and cytochemistry to advanced students. Application received by Commissioner of Customs: November 13, 1979.

Docket No. 80–00019. Applicant: Veterans Administration Medical Center, Highway 6, Iowa City, Iowa 52240. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for the study of a wide variety of tissues both animal and human such as: endothelium of blood vessels, epithelial surfaces, developing tooth dentin, bacterial, cell and viral cultures, muscle, nerve, kidney, liver and lung. The properties to be investigated will in general be the developmental pathological and experimental ultrastructural features in the various tissues. These include: specialized structures of neoplasms, the geometry and elemental constitution of early crystalline phases in dentin, the formation and differentiation of endothelial junctional complexes, antibody response of endothelial cells and cell cultures, insulin receptor sites, cell surface response to bacterial toxins and other agents, the presence and concentration of particular elements such as copper in cases of Wilson's disease. These investigations will be conducted in order to understand the effects of anti-endothelial antibodies on brain vessels, obtain a 3-dimensional and elemental model of the crystalline components of dentin, develop treatment modalities for infectious diseases, and to understand the reactions and interrelationships of vessel wall components in injury and vascular disease. Application received by Commissioner of Customs: November 13, 1979.

Docket No. 80–00020. Applicant: University of Michigan, Department of Chemistry, Ann Arbor, MI 48109. Article: NMR Spectrometer, Model FX–90Q and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for research in "Cluster Chemistry" based on tin, lead and thallium in systematically exploring solutions extracted from Na/Sn/Pb alloy for different sized clusters and establish the nature of any new species e.g, heteroatomic clusters. Also reduction of iron, cobolt, magnesium, manganese cargonyls to metal carbonylate anions and hydroboration by thiaborances will be studied. The article will also be use by faculty and graduate students as a research tool. Application received by Commissioner of Customs: November 13, 1979.

Docket No. 80–00021. Applicant: Louisiana State University Medical Center, 1440 Canal Street, Suite 1510, New Orleans, LA 70112. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used for the study of eye tissue and other biological tissue. The wide range of phenomena to be studied include pathological changes in biological tissue, virus-induced changes, physiological processes, drug induced changes particularly in ocular and ocular adnexal tissue requiring electron microscopic examination. Application received by Commissioner of Customs: November 13, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–38178 Filed 12–12–79; 8:45 am]

BILLING CODE 3510–25–M

Management-Labor Textile Advisory Committee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on January 23, 1980, at 10:30 a.m. in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377–5078.

Dated: December 5, 1979.

Arthur Garel,

Director, Office of Textiles.

[FR Doc. 79–38179 Filed 12–12–79; 8:45 am]

BILLING CODE 3510–25–M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Article: Correction

In the Decision on Application for Duty-Free Entry of Scientific Article appearing at page 69705 in the **Federal Register** of Tuesday, December 4, 1979, Docket Number 70–00215 is hereby corrected to read.

Docket Number 79–00215.
(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 38177 Filed 12–12–79; 8:45 am]

BILLING CODE 3510–25–M

Maritime Administration

[Docket No. S–657]

Waterman Steamship Corp.; Notice of Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has filed an application dated October 23, 1979, requesting approval of the bareboat charter for a period of 12 years of three U.S.-flag MA Design C9–S–81D LASH type vessels from Central Gulf Lines, Inc. (Central Gulf). Waterman has requested that the charter of the three LASH vessels be considered as fulfillment of its remaining replacement obligation under Operating-Differential Subsidy Agreement, Contract No. MA/MSB–115, which covers Waterman's service on Trade Route No. (TR) 18 (U.S. Atlantic and Gulf/India, Persian Gulf and Red Sea).

Waterman has requested the privilege of serving Egyptian Mediterranean ports on an unsubsidized basis and Waterman has further requested that it be permitted to call on an unsubsidized basis at ports on TR 17 (U.S. Atlantic and Gulf/Indonesia, Malaysia and Singapore) both outbound and inbound with its vessels assigned to TR 18 under Contract No. MA/MSB–115 and with its vessels assigned to TRs 12 and 22 (U.S. Atlantic Gulf/Far East) under Contract No. MA/MSB–378. Waterman's application contemplates the possible transfer of vessels between its TR 18 and TRs 12 and 22 services at foreign ports on either of those services.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th & E Streets, NW, Washington, DC 20230.

Any person, firm or corporation desiring to offer views and comments on such application for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on December 17, 1979. This Notice of Waterman's application is published as a matter of discretion and without decision on whether such Notice is legally required. The Maritime Subsidy Board will consider the views and comments received and take such actions with respection to the application as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11–504, Operating-Differential Subsidy (ODS)).

By order of the Maritime Subsidy Board.

Dated: December 7, 1979.

Robert J. Patton, Jr.,

Secretary.

[FR Doc 79–38150 Filed 12–12–79; 8:45 am]

BILLING CODE 3510–15–M

National Oceanic and Atomospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), will meet to review status reports on development of fishery management plans; consider foreign fishing applications, if any; and conduct other fishery management business.

DATES: The meeting will convene on Tuesday, January 8, 1970, at 1:30 p.m., and adjourn at 5 p.m.; reconvene on Wednesday, January 9, 1980, at 8:30 a.m., and adjourn at 5 p.m., and on Thursday, January 10, 1980, reconvene at 8:30 a.m., and adjourn at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Fort Brown Motor Inn, 1900 East Elizabeth, Brownsville, Texas.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813–228–2815).

Dated: December 10, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79–38216 Filed 12–12–79; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), and has established a Scientific and Statistical Committee which will meet to discuss management plans, Council research needs, and other fishery management plans.

DATES: The meeting will convene on Friday, January 4, 1980, at approximately 10 a.m., and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Date: December 10, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-38215 Filed 12-12-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Patent and Trademark Office Advisory Committee; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, it has been determined that the renewal of the Patent and Trademark Office Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in December 1975 (40 FR 54600, November 25, 1975), and was renewed in 1977 (42 FR 62174, December 9, 1977). Its present charter will expire on December 5, 1979. Its purpose is to continually advise the Patent and Trademark Office on matters concerning the patent system and the administration of the Office. The Committee has been successful in achieving this objective. Its recommendations have aided the Office, and have meaningfully contributed to the strengthening of the patent system.

In renewing the Committee, it has been determined that the original objective of advising the Commissioner on patent related matters is important and worth continuing. The patent system has a significant impact on the development of new technology and thereby on the domestic and international economies. The Commerce Department and the Patent and Trademark Office are continually faced with a broad range of policy questions as a result of pending patent legislation, patent treaties, court decisions, and other possibilities for change. Expert advice is needed from the private sector on patents, and neither the Department nor the Office have any other advisory committee that can perform this function.

The makeup of the Committee will continue with a balance representation of at least 8 but no more than 15 members drawn from independent and corporate inventors, patent attorneys, corporate executives, corporate research directors, members of the judiciary, consumer representatives, economists, journalists, and educators, appointed by the Secretary of Commerce.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer Herbert C. Wamsley, U.S. Patent and Trademark Office, Washington, D.C. 20231, telephone: 703-557-3071.

Dated: December 7, 1979.

Guy W. Chamberlain, Jr.,

Assistant Secretary for Administration.

[FR Doc. 79-38217 Filed 12-12-79; 8:45 am]

BILLING CODE 3510-17-M

[Department Organization Order 20-8; Transmittal 473]

Department Organization Order; Office of Personnel

This order effective November 26, 1979 supersedes the material appearing at 43 FR 15478, April 13, 1978.

Section 1. Purpose

.01 This Order prescribes the functions and organization of the Office of Personnel.

.02 This revision reflects the abolishment of the former position of Deputy Director, and the former Program Evaluation and System Division; the establishment of the positions of Deputy Director for Personnel Administration and Deputy Director for Personnel Development, the Performance Appraisal and Compensation Division (subparagraph 5.03a.), the Executive Resources Management Division (subparagraph 5.03b.), and the Information Systems Staff (subparagraph 5.02a.). Responsibility for executive personnel management is assigned to the Executive Resources Management Division. Responsibility for pay and compensation policy and administration for executives and merit pay employees, and responsibility for performance appraisal systems for all employees, are assigned to the Performance Appraisal and Compensation Division. Responsibility for information systems is assigned to the Information Systems Staff.

Section 2. Status and Line of Authority

The Office of Personnel, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director of Personnel Administration and a Deputy Director for Personnel Development. The Director shall designate an official of the Office to perform the functions of the Director during the latter's absence or disability.

Section 3. Delegation of Authority

In addition to the authority implicit in and essential to carrying out the functions assigned to the Office and related to the exercise of such functions, the Director, Office of Personnel:

a. Is delegated all authorities and responsibilities vested in the Assistant Secretary for Administration pertaining to personnel programming and management, other than equal employment opportunity, including the direction, administration, processing, and authority to take final action on all personnel actions and other personnel matters;

b. Is authorized to redelegate such authority to appropriate officials of the Office of Personnel and other officials of the Department, subject to such conditions in the exercise of such authority as may be prescribed; and

c. As Director of Personnel for the Department, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in all matters of personnel utilization, management, and administration, except for equal employment policies and programs.

Section 4. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall:

a. Have Departmentwide staff responsibility for all matters, other than equal employment opportunity, relating to personnel management and administration, including executive resources management, staffing controls, recruitment, employee utilization and development, classification and position management, performance appraisal, human development/work improvement, pay administration, labor relations, training, employee benefits and services, personnel management evaluation, occupational health, incentives programs, prevention of prohibited personnel practices, and compliance with and enforcement of applicable civil services laws, rules, and regulations;

b. Perform services in the functional areas enumerated in subparagraph a. above, and conduct equal employment opportunity programs and activities, as required by the Office of the Secretary and other selected organizational units of the Department; and

c. Establish and maintain close working relationships with the Office of

Personnel Management (OPM) and other Government agencies, as appropriate.

Section 5. Organization

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The *Policy Support Staff* shall provide staff assistance and technical advice on policy, regulatory, and procedural matters, including personnel management aspects of the Freedom of Information Act, Privacy Act, and Ethics in Government Act, to the Director, other components of the Office, and the operating units; coordinate comments on and clearance of proposed legislation, issuances, and other materials; and plan, develop, and oversee a variety of special projects or studies peculiar to the overall functions of the Office. In conjunction with other components of the Office, the Staff shall plan the development and issuance of Department personnel policy, regulations, and instructions. The Staff shall plan, direct, and review the labor-management relations policies and programs of the Department, and shall provide technical advice, guidance, and assistance to the Director, to other components of the Office, and to operating units on all aspects of labor-management relations.

.02 The *Deputy Director for Personnel Administration* shall be the Director's principal assistant for personnel administration matters and shall supervise the following organizational units:

a. The *Information Systems Staff* shall be responsible for the personnel management information system; for oversight of automated personnel systems in use throughout the operating units; for ensuring compliance with the OPM requirements for the Central Personnel Data File—and ultimate conversion to the Federal Personnel Management Information System; and shall serve as the control point for all Departmentwide personnel management forms, reports, statistical evaluations, and analyses.

b. The *Classification and Position Management Division* shall plan and coordinate Departmentwide programs and activities in the areas of position classification and position management for employees other than executive employees; administer and monitor the Department's Average Grade Control efforts including Vacancy Review and Maintenance Review Program; maintain liaison with the OPM on matters dealing with job evaluation and related program activities; formulate and issue policy guidance on matters peculiar to nonexecutive excepted positions, overseas allowances and differentials, and hours of duty; develop and issue a variety of special nonexecutive salary and wage schedules applicable to Department organizations throughout the country; and coordinate classification and qualification standard activities. The Division shall provide Departmental review on all non-executive job classification appeals.

c. The *Staffing and Employee Relations Division* shall plan and develop career management programs and programs pertaining to staffing, employee utilization, employee relations, and a variety of programs peculiar to the health and welfare of the work force (e.g., alcoholism and drug abuse). It shall provide staff assistance, policy guidance, and interpretation to operating units on all matters pertaining to employment, recruitment, placement, employee relations, career management programs, and reduction in force, with particular emphasis on the mandatory and priority placement programs associated with the Department's saved grade program; maintain contacts with colleges, outside organizations, and other Federal agencies on matters pertaining to these programs; and monitor a variety of employee services programs, serving as the Department's liaison between the OPM and the operating unit Personnel Offices. The Division shall administer the Department's Special Employment Programs, and coordinate such programs closely with the OPM; provide staff guidance to Personnel Officers of the Department on the implementation, special funding and reporting requirements of these programs; and monitor or prepare the Department's narrative and statistical reports pertaining to these programs.

d. The *Employee Development and Awards Division* shall plan, direct, and review Department programs for employee training and development, and shall work in conjunction with the Deputy Director for Personnel Development to administer and coordinate executive development and awards programs for the Department. In this capacity, the Division shall plan and operate the Department's Management Training Center; provide staff assistance to operate units on interpretation and implementation of the Government Employees Training Act; and coordinate and approve Department nominations for special programs. The Division shall administer the Department's awards and recognition programs and provide staff assistance to operating unit Personnel Offices on all phases of the suggestions, awards and recognition programs; provide the Executive Secretary to the Incentive Awards Board; plan, schedule, and oversee the Department's annual and special award and employee-recognition ceremonies as required; and shall represent the Department with the OPM on all matters of training, employee development, and awards.

e. The *Medical Division* shall plan and coordinate Departmentwide policies and programs in employee health services, represent the Director of Personnel in maintaining professional medical liaison with the U.S. Public Health Service, the OPM, and other appropriate agencies; and provide advice, assistance, and consultative services to operating units in employee health matters as requested. The Division shall be responsible for planning and administering the employee health service program for the Department's central health unit.

f. The *Operations Division* shall plan, organize, and administer a complete operating personnel management program responsive to the needs of the Office of the Secretary and other organizational units, as specified by the Director of Personnel. The program shall include all activities relating to recruitment and placement, appointment, promotion, separation, employee relations, employee recognition and incentives, labor-management relations, job classification, employee training and development, and various employee services and benefits programs. The Division shall develop the Affirmative Action Plan and administer and coordinate the equal opportunity program for employment for all the organizational units serviced.

.03 The *Deputy Director for Personnel Development* shall be the Director's principal assistant for all performance appraisal systems and specified compensation programs and for executive personnel management and development policy matters and shall supervise the following organizational units:

a. The *Performance Appraisal and Compensation Division* shall be responsible for the development of policy and guidance concerning performance appraisal systems for senior executives, merit pay employees, and the general work force, and shall oversee the planning, development, and administration of such systems; develop and administer the Department's pay and compensation policy and guidance for the Senior Executive Service (SES) and other executive positions and for merit pay employees; and assure that

compensation and performance appraisal systems are integrated with other Departmental management systems. The Division shall provide technical advice and assistance to the Department's Executive Resources Board (ERB), operating units, and Performance Review Boards (PRB's) on the above matters; provide administrative support to PRB's; develop and administer means of training executives and managers regarding these matters; evaluate the effectiveness of performance appraisal systems in operating units; and maintain coordination with the OPM and other organizations outside the Department.

b. The *Executive Resources Management Division* shall plan, organize, and administer executive resources management systems and activities; control executive position authorizations; advise and make recommendations to the Assistant Secretary for Administration as to the designation of positions in the SES and the classification of those executive positions outside the SES; compile data on SES positions and submit it biennially to OPM; develop and implement means for executive search, location, and recruitment and for qualification determination and approval; monitor performance related reassignments, transfers, and removals; develop and manage an executive mobility clearinghouse, including consultation with intra-agency and inter-agency placement of SES executives; provide technical advice and assistance to the Department's ERB, PRB's and operating units; provide administrative support to ERB's; and maintain coordination with the OPM, OMB, GAO, and other organizations outside the Department regarding these matters. The Division shall evaluate overall executive resources programs as implemented within operating units; review executive development activities and conduct and test experimental and innovative executive development programs and one-time projects; and develop and implement programs and activities to assist executives and managers in the area of human development/work improvement and advise and assist operating units in establishing such programs.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 79-38218 Filed 12-12-79; 8:45 am]

BILLING CODE 3510-17-M

[Department Organization Order 25-7; Amend. 1; Transmittal 474]

Department Organization Order; National Telecommunications and Information Administration

This order effective November 28, 1979 amends the material appearing at 43 FR 24349, June 5, 1978.

Department Organization Order 25-7, dated May 11, 1978, is hereby amended as shown below. The purpose of this amendment is to establish a new and separate position of Deputy Administrator for Operations and to transfer administrative and management responsibilities to the Deputy Administrator for Operations from the Deputy Assistant Secretary for Communications and Information.

1. *Section 3. Office of the Administrator.* Paragrph .02 is revised and a new paragraph .03 is added to read as follows:

".02 The Deputy Assistant Secretary for Communications and Information shall be the Deputy Administrator of NTIA (the 'Deputy Administrator'), shall assist the Administrator in the formulation of policies, and shall perform the functions of the Administrator in the latter's absence or disability or in the event of a vacancy in that office.

".03 The Deputy Administrator for Operations shall be the Administrator's chief assistant in the management and direction of NTIA, and shall perform such other functions as the Administrator shall from time to time assign or delegate."

2. The organization chart attached to this amendment supersedes the chart dated May 11, 1978. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 79-38219 Filed 12-12-79; 8:45]

BILLING CODE 3510-17-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Establishment

In FR Doc. 79-36429 appearing at page 67926 in the issue of Tuesday, November 27, 1979; on page 67930, first column, under *Class 8465,* the second two-digit number appearing after Belt, M.P., now reading "27" should read "527".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Supplement to the Revised DEIS for the Proposed Dickey-Lincoln School Lakes Hydroelectric Project, Maine

AGENCY: U.S. Army Corps of Engineers, New England Division, Waltham, Massachusetts, 02154

ACTION: Notice of Intent to Prepare Supplement No. 1 to the Revised DEIS Dickey-Lincoln School Lakes Project, Maine—Impacts of the Mitigation Plan.

1. The proposed action is a plan to mitigate the project induced losses to terrestrial and fishery resources and to endangered species.

2. Alternatives to the plan include various degrees of land acquisition and management scenarios as well as no action.

3. The plan is the result of consultation and joint planning efforts with the U.S. Fish and Wildlife Service and resource agencies of the State of Maine. Differences in approaches by these agencies are identified in the Supplement. Workshops have been held with Federal and State agencies, interest groups and affected private timber company landowners to critique the mitigation proposals. Further scoping meetings are not planned.

4. It is anticipated that the Supplement will be released for a 45 day public review period on 1 February 1980.

5. Questions on the proposed action can be answered by: Dr. B. E. Barrett, Ms. Jan Goldman, New England Division, Corps of Engineers, 424 Trapelo Road, Waltham, MA 02154, Telephone: Commercial—894-2400, Ext. 234, FTS: 839-7234.

Dated: December 6, 1979.

Max B. Scheider,

Colonel, Corps of Engineers, Division Engineer.

[FR Doc. 79-38199 Filed 12-12-79; 8:45 am]

BILLING CODE 3710-GT-M

Public Hearing on Current Expense Budget and Project Review Applications

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, December 19, 1979, commencing at 2:00 p.m. The hearing will be a part of the Commission's regular December business meeting which is open to the public. Both the hearing and the meeting will be held at the Commission's offices, 25 State Police Drive, West Trenton, N.J.

The hearing will be held on two subjects as follows:

I. Current Expense Budget

A proposed current expense budget of the fiscal year beginning July 1, 1980, in the aggregate amount of $1,691,500, and a capital budget for the same period in the amount of $27,000. The following amounts would be apportioned among the signatory parties, along with the additional appropriations by the Commission, to balance the current expense budget: Delaware $130,400; New Jersey $364,000; New York $270,000; Pennsylvania $400,200; and the Federal government $269,000. Copies of summaries of the current expense and capital budget are available from the Commission on request.

II. Project Review Applications

Applications for approval of the following projects are pending before the Commission as amendments to the Comprehensive Plan and/or as project approvals pursuant to Section 3.8 of the Compact:

1. *Pennsville Sewerage Authority (D–77–107 CP).* Expansion of the existing sewage treatment facilities in Pennsville, Salem County, N.J. The expanded project will provide for treatment of 1.9 million gallons per day and will remove approximately 87.5 percent of BOD. Treated effluent will discharge to the Delaware River.

2. *Jackson Township Municipal Utilities Authority (D–79–8 CP).* A well water supply project to increase withdrawals from two existing wells in Jackson Township, Ocean County, N.J. Combined withdrawals from Wells Nos. 7 and 10 will be increased to 26 million gallons per month which will be used to meet increased demands at the Six Flags Great Adventure Amusement Park.

3. *Horsham Township Authority (D–79–30 CP).* A well water supply project to augment public water supply in Horsham Township, Montgomery County, Pa. Designated as Well No. 26, the new facility is expected to provide about 490,000 gallons per day.

4. *Middletown Township (D–79–54 CP).* A well water supply project to augment public water supplies in Middletown Township and portions of several adjacent boroughs, Bucks County, Pa. Designated as Well No. 15, the new facility is expected to provide about 500,000 gallons per day.

5. *West Deptford Township (D–79–82 CP).* A well water supply project to augment public water supplies in West Deptford Township, Gloucester County, N.J. Two new wells will be utilized to supply peak domestic and fire protection requirements. Designated as Wells Nos. 7 and 8, the projects are expected to yield a maximum of 1 and 1.4 million gallons per day, respectively.

6. *City of Camden (D–79–83 CP).* A well water supply project to augment public water supplies in the City of Camden, Camden County, N.J. The four new wells will be located in Pennsauken Township, and designated as M12, M13, M14 and M15. The wells will produce a combined yield of 7.8 million gallons per day and will replace existing wells and provide standby capacity.

7. *Mount Airy Lodge (D–77–58).* Expansion and upgrading of sewage treatment facilities at the Mount Airy Lodge in Paradise Township, Monroe County, Pa. The improved facilities will provide 96 percent removal of BOD and suspended solids from an average sewage flow of 225,000 gallons per day. Treated effluent will discharge to Paradise Creek, a tributary of Brodhead Creek.

8. *Inversand Company (D–79–1).* An industrial waste treatment project at the company's glauconite mining and process facility in Mantua Township, Gloucester County, N.J. Treatment facilities are designed to bring the discharge of suspended solids and manganese down to applicable limits for a wastewater flow of about 430,000 gallons per day. Treated effluent will continue to discharge to an unnamed tributary of Mantua Creek.

9. *Ellis Farms (D–79–62) and (D–79–63).* A water supply project at the subject farm in Hamilton Township, Mercer County, N.J. A withdrawal limit of 10.7 million gallons per month will be made from Doctors Creek, and a second withdrawal limited to 13 million gallons per month will be made from Crosswicks Creek. Both projects will be used during the growing season for the irrigation of crops.

10. *Reichold Chemicals, Inc. (D–79–67).* A well water supply project serving the company's facility in Kent County, Del. Two new wells (Numbers 34 and 35) will be developed to replace abandoned Well No. 9 and the reduced yields from existing Well Nos. 31 and 33. The combined withdrawal of all four wells (Nos. 31, 33, 34, 35) is limited to 600,000 gallons per day.

11. *Hoffmann-La Roche, Inc. (D–79–69).* Modifications and additions to the company's industrial waste treatment facilities in White Township, Warren County, N.J. The project will provide for removal of 98% of BOD and suspended solids from a waste water flow of three million gallons per day. Treated effluent will discharge to the Delaware River.

12. *Blue Ridge Real Estate Company (D–79–71).* An increase in the quantity of surface water withdrawal used in the manufacture of artificial snow at the Jack Frost Ski Area, Kidder Township, Carbon County, Pa. Existing limit of 18,000,000 gallons per month is requested to be increased to 30,000,000 gallons per month.

13. *Robert Hallock (D–79–74).* A farm water supply project at the subject farm in Plumstead Township, Ocean County, N.J. A withdrawal limited to a maximum of 34 million gallons per month will be made from a tributary to Crosswicks Creek. The facility will be used during the growing season for irrigation of crops.

14. *Perl Acres (D–79–75) and (D–79–76).* A water supply project at the subject farms in Millstone and Upper Freehold Townships, Monmouth County, N.J. Withdrawals from Doctors Creek and from a Doctors Creek tributary facility will be limited to 25 and 16 million gallons per day, respectively. Both projects will be used during season for irrigation of crops.

15. *Thomas and Betts Corporation—Ansley Electronics Division (D–79–77).* An industrial waste treatment project at the company's facility in East Rockhill Township, Bucks County, Pa. Existing treatment facilities will be upgraded and the discharge to the East Branch of Perkiomen Creek will be reduced from 30,000 to 15,000 gallons per day.

16. *General Battery Corporation (D–79–78).* An industrial waste treatment project at the company's facilities in Hamburg Borough, Berks County, Pa. The applicant proposes to construct a demonstration project to determine the feasibility of using a microfiltration process to treat lead-acid storage battery manufacturing wastewater. The project will treat a waste-water flow of about 38,000 gallons per day. Treated effluent will discharge to Kaercher Creek, a tributary of the Schuylkill River.

Documents relating to the above-listed projects may be examined at the Commission's offices. For further information, contact Mr. David B. Everett at the Commission.

Persons wishing to testify on the current expense budget or any of the applications listed above are requested to notify the Secretary to the Commission prior to the hearing.

Dated: December 4, 1979.

W. Brinton Whitall,

Secretary.

[FR Doc. 79–38200 Filed 12–12–8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of November, 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than one and one-half inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Bob Jones, Program Manager, Department of Energy, Economic Regulatory Administration, Rocky Mountain District, 1075 South Yukon Street, Lakewood, CO 80226, telephone number 303–234–3195.

Firm name	Firm address	Audit date
Frank's Standard	202 Colorado Ave., Brush, CO 80723.	10/24/79
Happy John's Exxon	Box 915, Williston, ND 58801.	10/15/79
Kal Exxon	R.R. #1, Tioga, ND 58852.	10/16/79
Little Bandit Truck Stop, Inc.	1156 N. Colorado, Brush, CO 80723.	10/25/79
Rick's Mobil	Box 317, Watford City, ND 58854.	10/17/79
Yacht Basin Marina	2035 Canyon Ferry Rd., Helena, MT 59601.	10/10/79
North Star Chevron	41 West 84th Ave., Denver, CO 80221.	11/1/79
Tellas Standard	2101 N. Main, Durango, CO 81301.	11/8/79
George's Medowlark 66.	1608 Fox Farm Rd., Great Falls, MT.	11/1/79
Somers Exxon	Box 128, Somers, MT 59932.	11/1/79
Dale's Interstate Mobil	Box 692, Jamestown, ND 58401.	11/6/79
Pauling's Standard Service.	Box 312, Edeley, ND 58433.	10/30/79
Corner Service	Box 204, Wyndermere, ND 58081.	11/1/79
Farmers Union Oil Co.	Box B, Maddox, ND 58348.	11/6/79
Lisbon Standard	304 Main, Lisbon, ND 58054.	11/2/79
Cedar View Sinclair	S. Main, Box 404, Cedar City, Utah 84720.	11/8/79
Zion General Store	Box 100, Springdale, Utah 89767.	11/7/79
Warren's Standard Service.	215 5th St. NW, Jamestown, ND 58401.	11/7/79
Minnewaukan Motor	Box 56, Minnewaukan, ND 58351.	11/7/79
State Oil & Auto Co	P.O. 67, Hunter, ND 58048.	11/5/79

Issued in Lakewood, Colorado on this 3rd day of December, 1979.

George C. Brancucci,

Acting District Manager, Rocky Mountain Enforcement District.

[FR Doc. 79-38142 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of November. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. (a) Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on each pump used to dispense gasoline, facing each direction from which the pumps are generally viewed by customers, in numbers or letters not less than one-half (½) inch high, or (b) post the maximum lawful selling price for each grade of gasoline in a prominent location elsewhere at the retail outlet which is visible to a customer purchasing gasoline in letters not less than four (4) inches high, or (c) post a certification that the current selling price is equal to or less than the maximum allowed in a prominent location elsewhere at the retail outlet which is visible to a customer purchasing gasoline in letters not less than one and one-half (1½) inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Leon Snead, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW, Washington, D.C. 20461, telephone number 202–254–5907.

Firm Name, Firm Address, Audit Date

New York Avenue Exxon, 1720 New York Ave., N.E., Washinton, D.C. 20002, 11–16–79.

Wilson's Hilltop Exxon, 6400 Central Avenue, Seat Pleasant, MD 20027, 11–26–79.

Langley Park Gulf, 1348 University Blvd. E., Hyattsville, MD 20783, 11–28–79

Issued in Washington, D.C. on the 7th day of December, 1979.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 79-38257 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-011; ERA Case No. 50486-9044-02-12]

Central Illinois Public Service Co.; Acceptance of Exemption Request

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Acceptance of Exemption Request Pursuant to the

Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On November 5, 1979, Central Illinois Public Service Company (CIPS) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting one major fuel burning installation (MFBI) from the prohibitions of title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA) which prohibits the use of petroleum and natural gas in certain new major fuel burning installations. Criteria for petitioning for an exemption from the prohibitions of FUA were published at 44 FR 28530 (May 15, 1979), and at 44 FR 28950 (May 17, 1979) (Interim Rules). Central Illinois Public Service Company proposes to install one oil fired auxiliary boiler with a design heat input rate of 200 million Btu's per hour at its coal fired electric generating station in Coffeen, Illinois. Pursuant to the provisions of § 503.39 of the Interim Rules, CIPS has requested a permanent emergency purposes exemption for this unit.

FUA imposes statutory prohibitions against the use of natural gas and petroleum in new MFBI's which consist of a boiler.

ERA's decision in this matter will determine whether the proposed boiler will be granted the requested exemption.

In accordance with the provisions of 701(c) and (d) of FUA and § 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may request that ERA convene a public hearing.

DATES: Written comments are due on or before January 24, 1980. A request for a public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit, box 4629, Room 2313, 2000 M Street, NW, Washington, D.C. 20461.

Docket Number ERA–FC–79–011 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, 2000 M Street, NW, Room B–110, Washington, D.C. 20461, Phone (202) 634–2170.

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW, Room 3128, Washington, D.C. 20461, Phone (202) 254–7814.

E. Jiran, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTAL INFORMATION: The ERA published in the **Federal Register** on May 15, and 17, 1979, interim rules to implement provisions of title II of FUA. FUA prohibits the use of natural gas and petroleum in certain new MFBI's and powerplants unless an exemption to do so has been issued by ERA.

Prior to the filing of its petition and pursuant to § 501.2 of the interim rules, ERA at the request of Central Illinois Public Service Company (CIPS or the Company), conducted a prepetition conference on June 27, 1979, to discuss the filing of a permanent exemption request. The planned auxiliary boiler with a design heat input rate of 200 million Btu per hour is to be located at the Company's Coffeen Power Station (located in Montgomery County, sixty miles south of Springfield, Illinois). The planned auxiliary boiler was intended to replace an auxiliary boiler which is not longer serviceable.

On November 5, 1979, CIPS filed with ERA a petition requesting a permanent emergency purposes exemption pursuant to § 505.29 of the Interim Rules. CIPS requested this exemption based on an asserted inability to maintain plant protection and continued facility operation without the use of an oil fired boiler capable of responding to emergency situations. The planned unit will be installed to support the two main power generating units (electric powerplants plus electric generating turbines) at the station which have an aggregate nameplate rating of 1006 megawatts. The power generating units utilize minemouth coal—coal which is mined adjacent to the generating station.

The steam generated in the existing coal fired electric powerplants power the electric generating turbines. CIPS has asserted that when one of the two coal fired powerplants is off-line (whether due to scheduled outage or failure) and the second unit enters into a forced outage situation, the auxiliary boiler would be required to immediately supply sufficient steam to allow the second unit to cool and depressurize safely and to maintain the steam seals along the turbine shaft. CIPS further asserts that without the steam seals, cool ambient air could enter the housing along the shaft and cause the turbine shaft to warp or buckle.

A steam cross-connection between the two main power boilers has recently been installed. The cross-connection allows steam to be siphoned from one unit to the other for those purposes for which an auxiliary unit is usually maintained.

CIPS estimates that this new cross-connection will lead to a potential fuel savings by the planned auxiliary boiler of 1,500,000 gallons of distillate oil per year. Prior to the installation of the cross-connection, approximately 2,000,000 gallons of oil was burned annually in the existing auxiliary boiler. After the cross-connection was installed, the oil consumption dropped to less than 500,000 gallons annually. Fuel consumption for the planned boiler is expected to be between 294,000 and 504,000 gallons of oil per year (which would remain constant through 1990).

CIPS also asserted a need for the auxiliary unit when both units are off line, which the Company asserts is never intentional, to provide plant protection during cold weather.

Section 505.29 of the interim rule provides for a permanent exemption from the prohibitions of the Act if the petitioner can demonstrate to the satisfaction of the ERA that the unit will be operated and maintained for emergency purposes only.

While the ERA does not require submission of a Fuels Decision Report for an emergency purposes exemption, ERA does require that the evidence required by the exemption be presented. This includes a demonstration that use of a mixture of petroleum or natural gas and an alternate fuel is not economically or technically feasible. CIPS evaluated the use of a coal/oil mixture in the planned auxiliary boiler and asserts that it is not technically feasible to install a coal/oil mixture capability in this unit.

ERA hereby accepts the filing of this petition as complete for filing. ERA retains the right to request additional information from CIPS at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. As set forth in § 501.3(g) of the interim rules, the acceptance of the petition by ERA does not constitute a determination that CIPS is entitled to the exemption requested.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW, Washington, DC, Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, DC on December 7 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38256 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA80-1-31 (PGA80-1 and IPR80-1)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Reduced Purchased Gas Cost Adjustment

December 6, 1979.

Take notice that on November 30, 1979 Arkansas Louisiana Gas Company (Arkla) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Rate Schedule No. G-2, six copies of 21st Revised Sheet No. 4 and Original Sheet No. 4A to become effective January 1, 1980.

Arkla states that the purpose of this filing is to reflect a reduced PGA rate and the incremental surcharges to be billed commencing January 1, 1980, in accordance with the Commission's Order No. 49 issued September 28, 1979, in Docket No. RM79-14, implementing the incremental pricing provisions of the Natural Gas Policy Act of 1978.

Arkla also states that copies of the revised tariff sheet and supporting data were mailed to Arkla jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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. 79-38238 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-43 (PGA80-1 and IPR80-1)

Cities Service Gas Co., Proposed Changes in FERC Gas Tariff

December 6, 1979.

Take notice that Cities Service Gas Company (Cities Service) on November 30, 1979, tendered for filing Sixth Revised Sheet No. 6 and Original Sheet Nos. 6A and 6B to its FERC Gas Tariff, Original Volume No. 1. Cities Service states that this filing is in compliance with the Commission's Regulations Under the Natural Gas Policy Act of 1978 implementing incremental pricing. These sheets are to become effective January 1, 1980.

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 RP79-76.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 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. 79-38239 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-21 (PGA80-1 and IPR80-1]

Columbia Gas Transmission Corp., Proposed Changes in FERC Gas Tariff

December 6, 1979.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 30, 1979, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective January 1, 1980:

Fifty-eighth Revised Sheet No. 16
Sixth Revised Sheet No. 16A
Eighteenth Revised Sheet No. 64B
First Revised Sheet Nos. 64E through 64I

Columbia states that the foregoing tariff sheets being filed to reflect:

(1) A Purchased Gas Cost Adjustment filed in compliance with § 282.602(a) of Commission Order No. 49, Final Rule, issued September 28, 1979 at Docket No. RM79-14. Such Purchased Gas Cost Adjustment provides for the recovery of $61,793,244 for the months of January and February, 1980; and

(2) Projected Incremental Pricing Surcharges in the amount of $181,488 and $151,378 for the months of January and February, 1980 respectively, applicable to certain of its Buyers who supply industrial boiler fuel facilities.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 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. 79-38240 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-33 (PGA80-1, IPR80-1 and GRI80-1)]

El Paso Natural Gas Co.; Proposed Change in Rate

December 6, 1979.

Take notice that on November 30, 1979, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of change in rates in accordance with:

(i) Section 282.602 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Policy Act of 1978 ("NGPA") which directs pipelines to implement the incremental pricing provisions promulgated in its Order No. 49 issued September 28, 1979, at Docket No. RM79-14, by filing, on or before December 1, 1979, tariff sheets reflecting (i) a "reduced PGA" rate adjustment which would be effective for the period January 1, 1980, to the effective date of the pipeline's next normally scheduled PGA filing and (ii) the projected incremental pricing surcharges utilized in determining said reduced PGA rate

adjustment for each affected sale-for-resale and direct non-exempt industrial boiler fuel facility customer; and

(ii) The Commission's Opinion No. 64 issued October 2, 1979, at Docket No. RP79–75, permitting El Paso to give notice of change in the rate charged under its Gas Research Institute General Research, Development and Demonstration Funding Unit Adjustment ("GRI Adjustment") provision contained in Section 21 of the General Terms and Conditions of El Paso's Original Volume No. 1 Tariff.

El Paso states that the proposed "reduced PGA" adjustment identified in (i) above has been determined in accordance with El Paso's November 1, 1979, tariff filing at Docket No. RP80–32, which served to modify its Purchased Gas Cost Adjustment ("PGAC") provision [1] and PGAC—Clean, High Pressure Gas ("PGAC–CHPG") [2] provision by incorporating provisions which would govern El Paso's incremental pricing ratemaking and billing policies. [3] The change in rate occasioned by the subject adjustments will compensate El Paso for *inter alia*, its estimated purchased gas cost (including certain gas produced by El Paso which is priced for rate purposes on an area rate basis), as reduced by those estimated gas purchase costs determined herein to be subject to incremental pricing which El Paso expects to recover by means of incremental pricing surcharges [4] and for changes in the PGAC surcharge adjustment representing the actual balance in El Paso's Account 191, Unrecovered Purchased Gas Cost, as of September 30, 1979, all in accordance with El Paso's said modified PGAC and PGAC–CHPG designed to implement the incremental pricing provisions of the NGPA.

El Paso states that the current net PGAC adjustments, exclusive of the GRI adjustment, proposed for El Paso's east-of-California ("EOC") customers and California customers are 9.05¢ per Mcf and 15.22¢ per Mcf, respectively. Such net PGAC adjustments are comprised of (i) a purchased gas annualized cost adjustment reduced as described below, [5] (ii) a surcharge adjustment attributable to the unrecovered purchased gas cost balance in Account 191, as of September 30, 1979, [6] and (iii) elimination of the PGAC surcharge adjustment presently included in El Paso's effective rates. Included in the determination of the net PGAC adjustment is the reduction of 0.46¢ per Mcf resulting from the application of the Maximum Surcharge Absorption Capability ("MSAC") applicable to the "non-exempt" resale and direct sale customers served by El Paso's interstate pipeline system.

El Paso states that the current net PGAC–CHPG adjustment, exclusive of the GRI adjustment, aggregates an increase of 11.9649¢ per Mcf. Such current net adjustment is comprised of (i) an increase in the weighted average purchased cost of clean, high pressure gas, (ii) a surcharge adjustment representing the unrecovered purchased gas cost balance in Account 191 as of September 30, 1979, and (iii) elimination of the PGAC–CHPG surcharge adjustment presently included in El Paso's currently effective rates. El Paso further states that, at this time, there are no MSAC's applicable to El Paso's PGAC–CHPG service, and therefore no reduction in the purchased gas cost is appropriate.

El Paso states that by Opinion No. 64 and accompanying order issued October 2, 1979, at Docket No. RP79–75, the Commission approved a GRI calendar year 1980 funding unit of 0.48¢ per Mcf to be collected from GRI members for each Mcf sold under specified GRI funding services commencing January 1, 1980. Accordingly, the change in rate identified in (ii) above is designed to give notice of a change in the GRI Funding Adjustment unit rate from the currently effective 0.35¢ per Mcf to said approved rate of 0.48¢ per Mcf (a net change of 0.13¢ per Mcf), commencing on January 1, 1980, which will be applied as an adjustment to the jurisdictional rates applicable under the rate schedule services provided by El Paso which are subject to the GRI Funding Adjustment.

El Paso has requested that waiver, as necessary, be granted of the applicable Commission Regulations in order that the revised tariff sheets tendered as a part of the instant filing containing the proposed PGAC, PGAC–CHPG and GRI rate adjustments become effective on January 1, 1980, the effective date for the initial incremental pricing "reduced PGA" rate adjustment prescribed in § 282.602 of the Commission's regulations Under the NGPA and the effective date for the 0.48¢ per Mcf GRI Funding Adjustment unit rate approved in the Commission's Opinion No. 64.

El Paso states that copies of the filing and attachments have been served upon all parties of record in Docket Nos. RP72–155, RP79–12, RP79–75 and RP80–32, and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before December 19, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–38241 Filed 12–12–79; 8:45 am]

BILLING CODE 6450–01–M

[1] Said PGAC provision is contained in Section 19 of the General Terms and Conditions of El Paso's Original Volume No. 1 Tariff.

[2] Said PGAC–CHPG provision is contained in El Paso's Original Volume No. 2A Tariff and governs the procedures for adjusting rates under certain rate schedules contained in said Tariff for changes in El Paso's weighted average cost of clean, high pressure gas.

[3] On November 1, 1979, El Paso, in compliance with § 282.601 of the Commission's regulations Under the NGPA, tendered certain original and revised tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2A which modified its PGAC and PGAC–CHPG provisions in order to (i) effectuate the utilization of the "reduced PGA" approach of determining PGAC rate increases provided for in the Commission's Order No. 49 and § 282.503 of the Commission's regulations Under the NGPA, and (ii) incorporate an Incremental Pricing Adjustment provision which will govern the operation of El Paso's incremental pricing pass-through mechanism. Notice of such tariff filing was issued by the Commission on November 9, 1979, at Docket No. RP80–32. The tariff sheets containing said PGAC and PGAC–CHPG incremental pricing modifications will be permitted to become effective on December 1, 1979, in accordance with § 282.601(c) of the Commission's regulations Under the NGPA.

[4] The estimated surcharges designed to recover such estimated incremental gas costs during the months of January, February and March, 1980, are set forth on the tendered Original Sheet No. 159 to El Paso's Original Volume No. 1 Tariff.

[5] Such purchased gas cost adjustment is attributable primarily to certain contractual rate escalations permitted in supplier agreements, supplier and area rate production price increases attributable to the NGPA and certain purchases from intrastate pipelines under sections 311(b) and 312 of the NGPA which are used in El Paso's interstate system operations.

[6] Such actual Account 191 balance includes amounts attributable to sixty (60) day emergency purchases which were made pursuant to Part 157, Subpart C, of the Commission's regulations.

[Docket No. TA80-1-34 (PGA80-1, IPR80-1, and GRI80-1)]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Provisions and GRI RD&D Cost

December 6, 1979.

Take notice that on November 29, 1979, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing 23d Revised Sheet No. 3–A and Original Sheet No. 3–B to its FERC Gas Tariff, Original Volume No. 1, containing changes in its resale rates and charges to be effective on January 1, 1980. FGT states that this filing is being made in order to implement the pricing provisions of the NGPA of 1978 and to adjust its GRI RD&D cost pursuant to Commission Opinion No. 64.

According to FGT, the changes in its rates and charges contained on 23d Revised Sheet No. 3–A and Original Sheet No. 3–B are in accordance with the purchased gas cost adjustment and incremental pricing provisions in its Tariff (Section 15, General Terms and Conditions) and the GRI RD&D Costs provision (Section 19, General Terms and Conditions). FGT states that the rates contained on 23d Revised Sheet No. 3–A are proposed to supersede those on 22d Revised Sheet No. 3–A.

In summary, the tariff sheets accomplish the following:

1. Institute an Index of Projected Incremental Pricing Surcharges for the initial period of January, February and March 1980 (Original Sheet No. 3–B).

2. Revise the currently effective rate for cost of purchased gas to:

(a) Adjust the average cost of gas purchased to that which it is estimated to be during the projected period of January, February and March, 1980. The resulting average cost of gas purchased as shown on attached Schedule 3 is 155.043¢/Mcf.

(b) Reduce the average cost of gas purchased to be collected through FGT's resale rates by the MSAC's to be collected through Incremental Pricing Surcharges (net of amount reported to pipeline supplier, Southern Natural Gas Co.). FGT estimates that on an annualized basis the surcharges are approximately $5,172,000; this reduces the cost of gas purchased from 155.043¢/Mcf to 152.032¢/Mcf, or a reduction in gas cost of 3.011¢/Mcf.

3. Revise the currently effective rates for the newly approved Opinion No. 64 GRI Adjustment (increased to 0.048¢ per therm from 0.035¢ per therm).

FGT further states that the following shows a comparison between the rates in effect pursuant to 22d Revised Sheet No. 3–A and those to be made effective on January 1, 1980 under this filing:

	Cents per therm	
	Effective prior to January 1, 1980	Effective January 1, 1980
Rate Schedule G	22.039	22.415
Rate Schedule I	22.039	22.415

The effect of the proposed changes for Rate Schedules G and I is a higher current charge of $3,066,000 annually. The amount is the net result of a (i) total increase in jurisdictional cost of gas of $5,357,000; (ii) an annualized reduction of approximately $2,397,000 in cost of gas to reflect Incremental Pricing Surcharges; and (iii) GRI increase of $106,000 annually.

FGT states that a copy of its filing has been served on all customers purchasing gas under its FERC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Dec. 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38242 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-51 (GRI80-1)]

Great Lakes Gas Transmission Co.; Proposed Change in Gas Research Institute Charge

December 6, 1979.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on November 30, 1979, tendered for filing Thirty-Fourth Revised Sheet No. 57, to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective January 1, 1980.

Great Lakes states that the revised tariff sheet reflects the GRI adjustment related to the Gas Research Institute's 1980 Research and Development Program as approved by Commission Opinion No. 64 (RP79–75) issued October 2, 1979.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

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. 20425, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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. 79-38243 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-48 (IPR80-1 and GRI80-1)]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff

December 6, 1979.

Take notice that on November 30, 1979, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) in accordance with Commission Orders Nos. 49 and 64, and pending Commission approval of Michigan Wisconsin's incremental pricing tariff provisions, tendered for filing Fifth Revised Sheet No. 7 and First Revised Sheet No. 7a to its F.E.R.C. Gas Tariff, Original Volume No. 1. Michigan Wisconsin proposed an effective date of January 1, 1980 for said sheets.

These tariff sheets reflect a net increase of .04¢ per dekatherm in one-part rates and the commodity component of the two-part rate, consisting of (1) a .09¢ decrease resulting from calculation of the PGA reduction made in compliance with the Commission's Order No. 49, at Docket No. RM79–14, issued on September 28, 1979 and, (2) a .13¢ increase in the GRI Adjustment to .48¢ as approved by the Commission in its Order No. 64, at Docket No. RP79–75, issued on October 2, 1979.

Michigan Wisconsin further states that it requests a waiver of the

requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Fifth Revised Sheet No. 7 and First Revised Sheet No. 7a to be made and to become effective January 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38244 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. G-16841]

Midwestern Gas Transmission Co.; Petition for Declaratory Order

December 6, 1979.

Take notice that on November 1, 1979, Harvey J. Lewis and Mary Lewis, Route No. 3, Joliet, Illinois, and James B. Marine and Vera L. Marine, 474 Harwood Drive, Arcadia, California (Petitioners), filed in Docket No. G-16841 a petition pursuant to §§ 1.7 and 1.12 of the Commission's rules of practice and procedure (18 CFR 1.7 and 1.12) for a declaratory order (1) that the Commission does not have jurisdiction to authorize the construction and operation of a heliport by an interstate pipeline company, (2) that if jurisdiction exists, it was not exercised in the Commission's order of May 12, 1959, in the instant docket [1] or (3) that the construction or operation of a heliport does not qualify under section 7(h) of the Natural Gas Act as "stations or equipment necessary to the proper operation of" the facilities or to the sales authorized by the order of May 12, 1959, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners state that Midwestern Gas Transmission Company (Midwestern) is seeking to condemn one acre of their farm near Joliet, Illinois, for the construction of a heliport under Midwestern's certificate authority issued on May 12, 1959, as amended.

Petitioners contest the Commission's jurisdiction under section 7(c) of the Natural Gas Act as not broad enough to include the certification of the construction and operation of heliports. It is stated that if there is this jurisdiction, it was not exercised in the above mentioned certificate so as to authorize the construction of a heliport, hangar, and refueling facility 20 years later. It is further stated that the proposed heliport does not qualify under the eminent domain provisions of section 7(h) of the Natural Gas Act as a station or equipment necessary to the proper operation of the facilities or sales described in the certificate.

Petitioners, therefore, request a declaratory order that there is no section 7(c) jurisdiction to confer eminent domain authority for the construction of heliports, that, even assuming section 7(c) jurisdiction, the construction of a heliport was not included in the certificate authority granted in this docket or that the power of eminent domain does not extend to the condemnation by Midwestern of Petitioner's property for the construction of a heliport because a heliport is not among the "compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of" Midwestern's pipeline as required by section 7(h).

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissioner'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. 79-38245 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[1] That proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

[Docket No. TA80-1-25 (PGA80-1, IPR80-1 and GRI80-1)]

Mississippi River Transmission Corp.; Proposed Change in Rates

December 6, 1979.

Take notice that Mississippi River Transmission Corporation ("Mississippi") has submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the below-listed tariff sheets to become effective on the dates indicated.

Tariff sheet	Effective date
Seventy-Fourth Revised Sheet No. 3A	January 1, 1980.
Original Sheet No. 3D	January 1, 1980.
Second Revised Sheet No. 3C	January 1, 1980.
Fifth Revised Sheet No. 27H	December 1, 1979.

Seventy-Fourth Revised Sheet No. 3A and Original Sheet No. 3D have been submitted to reflect rate adjustments and other data required to be filed in connection with the initiation of incremental pricing under the Natural Gas Policy Act of 1978 (NGPA) on January 1, 1980. The unit adjustment has been determined under Section 17 of Mississippi's tariff to reflect changes in Mississippi's purchased gas costs from pipeline and producer suppliers reduced by the projected recovery of certain gas acquisition costs through incremental pricing surcharges under section 20 of Mississippi's tariff, in accordance with new and revised tariff provisions previously submitted by Mississippi to implement Part 282 of the Commission's Regulations under the NGPA.

Second Revised Sheet No. 3C sets forth, in accordance with Section 18 of Mississippi's tariff, the revised GRI surcharge of $.0048 per Mcf to be effective January 1, 1980 as authorized by Opinion No. 64 issued October 2, 1979 at Docket No. RP79-75.

Mississippi states that Fifth Revised Sheet No. 27H has been submitted to clarify Paragraph 17.88 of its tariff relating to the method of computing carrying charges beginning October 1, 1979 pursuant to the provisions of Order Nos. 47 and 47-A issued on September 10 and November 9, 1979, respectively, at Docket No. RM77-22. Mississippi has requested waiver of the Commission's Regulations to the extent necessary in order that this proposed tariff sheet may be placed in effect on December 1, 1979.

A copy of this filing has been mailed to Mississippi's jurisdictional customers, all direct market customers subject to incremental pricing and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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. 79-38246 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-59 (IPR80-1)]

Northern Natural Gas Co.; Purchased Gas Cost Adjustment Rate Change

December 6, 1979.

Take notice that on November 30, 1979, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets;

Third Revised Volume No. 1

Twenty-second Revised Sheet No. 4a
Twelfth Revised Sheet No. 4b
Substitute Original Sheet No. 4c

Original Volume No. 2

Twenty-second Revised Sheet No. 1c

Such revised tariff sheets, to be effective January 1, 1980, reflect a reduction from the PGA rates filed October 26, 1979, which rates are to become effective December 27, 1979 pending Commission approval. The reduction in PGA rates is being filed in compliance with §§ 282.602, 282.593 and 282.506 of the Commission's Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978 as promulgated in Order No. 49.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before December 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. 79-38247 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-39 (PGA80-1 and IPR80-1]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision and Incremental Pricing Provision

December 6, 1979.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on November 30, 1979 tendered for filing as part of its FERC Gas Tariff, Original Volumne No. 2, the following sheets:

Fourteenth Revised Sheet No. 4
Eleventh Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Pricing Provision as set forth in sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2.

Pacific Interstate further states that the above-tendered tariff sheets are tendered pursuant to and in compliance with the provisions of Order No. 49 in Docket No. RM79-14, Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978. The tendered tariff sheets reflect a proposed S-G-1 commodity rate of 220.68¢ per decatherm, an increase of 36.72¢ from the 183.96¢ per decatherm rate effective October 1, 1979, the date of the last S-G-1 commodity rate change and that such increase reflects a Current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $227,542 and that the Surcharge Adjustment is designed to amortize, over a six-month period beginning January 1, 1980, an amount of $166,388, which is the amount in Pacific Interstate's Unrecovered Purchased Gas Cost account at September 30, 1979. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since their only customer has no surcharge absorption capability.

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, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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. 79-38248 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-55]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 6, 1979.

Take notice that Sea Robin Pipeline Company (Sea Robin), on November 30, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes are based on the twelve-month period ending July 31, 1979, as adjusted, and would increase jurisdictional revenues by $4,145,107.

Sea Robin states that the revenue increase results from increases in several areas of Sea Robin's operations.

Copies of the filing have been served upon Sea Robin's jurisdictional customers and the Public Service Commission of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, and 1.10 of the Commisson's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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. 79-38249 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-70]

Southern Energy Co.; Application

December 6, 1979.

Take notice that on November 9, 1979, Southern Energy Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-70 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to store, regasify, and deliver to Southern Natural Gas Company (Southern Natural) in regasified form for the account of Columbia LNG Corporation (Columbia LNG), certain quantities of liquefied natural gas (LNG) which Columbia LNG is temporarily unable to receive at its LNG terminal facility located at Cove Point, Maryland, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Columbia LNG has informed it that on October 6, 1979, an event of *force majeure* occurred at its LNG receiving terminal at Cove Point, Maryland, which temporarily limits the ability of Columbia LNG to receive LNG deliveries at that location.

It is stated that the quantities of LNG to be received by Applicant at its Elba Island, Georgia, terminal for the account of Columbia LNG pursuant to a terminaling agreement dated October 31, 1979, are the quantities of LNG which are scheduled to be delivered by El Paso Algeria Corporation to Columbia LNG at Cove Point from November 1, 1979, to March 31, 1980, pursuant to a LNG sales agreement dated September 8, 1970, as supplemented and amended.

Applicant states that it would be compensated by Columbia LNG for this terminaling service at a rate of 4.0 cents per million Btu's of regasified LNG delivered by Applicant to Southern Natural for the account of Columbia LNG.

Applicant proposes to perform the described terminaling services until March 31, 1980, or until Columbia LNG's portion of the last cargo of LNG delivered to Elba Island prior to March 31, 1980, has been regasified and delivered to Southern Natural for the account of Columbia LNG.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38250 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-69]

Southern Natural Gas Co., et al.; Application

December 6, 1979.

Take notice that on November 9, 1979, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Sea Robin Pipeline Company (Sea Robin), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-69 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that due to an event of *force majeure* at the liquefied natural gas (LNG) receiving terminal of Columbia LNG Corporation (Columbia LNG) at Cove Point, Maryland, Columbia LNG is temporarily limited in its ability to deliver regasified LNG to Columbia Gas.

Applicants state that they seek authorization to effectuate an exchange of natural gas which Columbia Gas would purchase from Columbia LNG at a delivery point in Elba Island, Georgia. Southern and Columbia Gas propose that pursuant to an exchange agreement dated October 31, 1979, Southern would use its best efforts to receive for the account of Columbia Gas at Elba Island, Georgia, up to 415 billion Btu's of regasified LNG per day delivered pursuant to a terminaling agreement dated October 31, 1979, between Columbia LNG and Southern Energy Company.

Applicants state that Southern would use its best efforts to cause to be delivered to Columbia Gulf thermally equivalent volumes of natural gas for the account of Columbia Gas at a point at the terminus of the Sea Robin system near Erath, Louisiana, at a point at the outlet of the Grand Isle Plant of Exxon Company, U.S.A. (Exxon) in Jefferson Parish, Louisiana, and/or at such other point or points as may be mutually agreeable. Applicants state that all gas deliveries under the exchange agreement would be on a thermal content basis, without charge by any of the Applicants for the services performed to effectuate the proposed exchange.

Applicants state that in order to effectuate the above described exchange, Sea Robin proposes to allocate volumes to Columbia Gulf for the account of Southern at Erath, Louisiana, pursuant to an agreement between Sea Robin and Southern dated November 1, 1979. It is stated that in addition to the deliveries by Sea Robin at Erath, Louisiana, Southern would instruct Exxon to deliver volumes of gas which Southern would purchase from Exxon at the outlet of its Grand Isle Plant, subject to Commission approval of Exxon's request in Docket No. CI79-620.

The term of the terminaling agreement expires on March 31, 1980, or such later date on which the LNG comprising Columbia LNG's interest in the last cargo of LNG delivered to Elba Island

prior to March 31, 1980, has been regasified and delivered to Southern for the account of Columbia LNG.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38251 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-58 (PGA80-1 and IPR80-1)]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

December 6, 1979.

Take notice that on November 30, 1979, Texas Gas Pipe Line Corporation, pursuant to section 154.38 of the Commission regulations under the Natural Gas Act, filed a Second Revised Sheet No. 4a and Original Sheet No. 4b to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in section 12 and the Incremental Pricing Surcharge Provision contained in Section 13 of the General Terms and Conditions of the Tariff. More specifically, Second Revised Sheet No. 4a reflects a net decrease under that currently being collected of 2.47¢ per Mcf (at 14.65 psia) to be effective January 1, 1979 Original Sheet No. 4b reflects incremental pricing surcharges for the period January 1, 1980 through May 31, 1980 totalling $5,899.00.

Any person desiring to be heard and to make any protest with reference to said filing should on or before December 19, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38252 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-42 (PGA80-1, IPR80-1 and GRI80-1)]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 6, 1979.

Take notice that Transwestern Pipeline Company (Transwestern) of November 30, 1979, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Fourteenth Revised Sheet No. 5
Fourteenth Revised Sheet No. 6
Original Sheet No. 6A

The above tariff sheets are being filed pursuant to Section 282.602 of the Commission's Regulations Under the NGPA. These tariff sheets reflect Transwestern's "reduced PGA" determined in accordance with Section 282.503 of the Commission's Regulations and the projected Incremental Pricing Surcharges (IPS) to be billed for the months of January through March, 1980. Transwestern's next effective date for PGA and IPS shall be April 1, 1980.

Transwestern also proposes by this filing to include in its rates pursuant to Section 21 of the General Terms and Conditions of its FERC Gas Tariff the GRI Funding Unit of 0.48¢/Mcf, approved by the Commission in Opinion No. 64 issued on October 2, 1979 in Docket No. RP79-75. Transwestern has converted the GRI Funding Unit to its billing basis, dekatherms.

The proposed effective date of the above tariff sheets is January 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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. 79-38253 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

Docket No. TA80-1-52 (PGA80-1A)]

Western Gas Interstate Co.; Revised PGA Rate Adjustment

December 6, 1979.

Take notice that on November 29, 1979, Western Gas Interstate Company ("Western") filed herein Second Substitute Thirteenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1, in accordance with the Commission's letter order in Docket No. RP74-85 (PGA79-2) dated October 31, 1979. Said tariff sheet is proposed to become effective on November 1, 1979.

Western states that the rates shown on the above described tariff sheet have been determined in accordance with the Commission's letter order dated October 31, 1979, which reflect the elimination of gas costs which Western's producer-suppliers and pipeline-suppliers were not authorized to charge Western on or before November 1, 1979. The effect of this revision reduced Western's filing (PGA79-2) by 1.41¢ per Mcf in the Northern Division and resulted in no change in the Southern Division.

Any person desiring to be heard and to make any protest with reference to 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 requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Western's filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb

Secretary.

[FR Doc. 79-38254 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Solar Applications

Fuel Economy of Motor Vehicles; Availability of 1980 Gas Mileage Guide

The Department of Energy (DOE) hereby gives notice of the availability of the 1980 Gas Mileage Guide. The Environmental Protection Agency (EPA) has issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (40 CFR Part 600) which, among other things, contain requirements for dealers of 1980 and later model year automobiles and light trucks to have copies of a booklet, the Gas Milleage Guide, available and on display in their showrooms. In this booklet prospective purchasers will be able to find the fuel economies of the various models of those vehicles offered for sale in a given model year. DOE is required by Section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended by Section 301 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*), to publish and distribute this booklet. Section 600.405–77 of the EPA regulations states that dealers will be expected to make these booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The 1980 Gas Mileage Guide is available for display and distribution by dealers in their showrooms. Any dealer who has not already received Guides from DOE or requires additional copies should request copies by writing to the following address, specifying the quantity desired of the 49–State and/or the California version:

For bulk copies, write: Fuel Economy Distribution, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, Tennessee 37830.

Issued in Washington, D.C., December 10, 1979.

Maxine Savitz,

Acting Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 79-38259 Filed 12-12-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-79-55]

Continued Suspension of Oil Import Fees and Tariffs

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Continued Suspension of Oil Import Fees and Tariffs.

SUMMARY: The Department of Energy hereby gives notice that on December 7, 1979, the Secretary determined, in accordance with the provisions of Presidential Proclamation No. 3279, as amended, that the re-imposition of license fees and tariffs on petroleum and petroleum products would not be in accordance with the purposes of the Proclamation. Hence, the suspension of fees and tariffs which followed the issuance of Presidential Proclamation No. 4655, and was continued until December 31, 1979, by a Secretarial determination on June 12, 1979, will continue for an additional six month period.

The Secretary's finding is set forth below. Under Proclamation No. 4655, fees and tariffs will be automatically re-imposed on July 1, 1980. It should be noted that even though fees and tariffs have been suspended, a license is still required to import petroleum and petroleum products. Licenses may be obtained in accordance with the procedures set forth in 10 CFR, Part 213.

FOR FURTHER INFORMATION CONTACT:

Josette Maxwell, Senior Economist, Department of Energy, Room 7202D, 2000 M Street NW., Washington, D.C. 20461, (202) 254–3910

Robert de Sugny, Office of General Counsel, Department of Energy, Room 5E–064, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900

Issued in Washington, D.C., December 11, 1979.

Douglas G. Robinson,

Acting Administrator, Economic Regulatory Administration.

Determination To Defer the Reimposition of Import License Fees and Tariffs on Imports of Petroleum and Petroleum Products

On April 6, 1979, the President issued Proclamation 4655 (44 FR 21243, April 10, 1979) which suspended license fees and tariffs on imports of petroleum and petroleum products until July 1, 1979. The President based his action on the fact that in view of the then prevailing market shortages and price conditions, imposition of the fees and tariffs did not serve the purposes of the Mandatory Oil Import Program established pursuant to Proclamation 3279, as amended. As a consequence, the President found that the continued imposition of the tariffs and fees was unnecessary as long as those conditions persisted.

The Proclamation also delegated to the Secretary of Energy the authority to defer the reimposition of license fees and tariffs for up to two additional periods not to exceed six months each if the Secretary determined that their reimposition would not be in accordance with the purposes of the Proclamation. On June 12, 1979, the Secretary determined that reimposition of the license fees and tariffs on petroleum and petroleum products would not be in accordance with the purposes of the Proclamation and deferred reimposition of the license fees and tariffs until January 1, 1980 (44 FR 36096, June 20, 1979).

Since that time the instability in international oil markets has not diminished. Some crude oil exporting countries have reduced production or have threatened to do so. The spot market price for oil has risen significantly since April 1979, and the volume of producer government spot market transactions has increased. Production of crude oil in Iran has not been restored to the level which existed prior to the almost complete cessation of Iranian production last spring. That event, which prompted the initial suspension of license fees and tariffs, has been followed by further upheaval and a deteriorating relationship between Iran and the United States, thereby creating a risk of further disruption of Iranian crude oil production and of a reduction in U.S. petroleum and petroleum product supplies. In response to these events, the President found it necessary further to amend Proclamation 3279 in order to bar the importation of crude oil from that

country (Presidential Proclamation 4702, 44 FR 65581, November 14, 1979), and to declare a national emergency to deal with the threat to the national security, foreign policy and economy of the United States which that situation represents (Executive Order 12170, 44 FR 65729, November 15, 1979).

Because the potential for shortages and adverse price impacts with respect to petroleum and petroleum products continues and because there is no immediate prospect for a significant amelioration of these conditions, I have determined that reimposition of the fees and tariffs at this time would not be in accordance with the purposes of Proclamation 3279, as amended.

Therefore, in accordance with the authority delegated to me in Sections three and five of Proclamation 4655, I hereby defer imposition of the $0.21 and $0.63 fees, set forth in section 3(a) (i) and (ii) of Proclamation 3279, as amended, as well as the tariffs listed in Schedule 4, Parts 2 and 10, of the Tariff Schedules of the United States, on imports of petroleum and petroleum products as defined therein until July 1, 1980.

Issued in Washington, D.C., December 7, 1979.

Charles W. Duncan Jr.,

Secretary, Department of Energy.

[FR Doc. 79-38442 Filed 12-12-79; 9:37 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53008; FRL 1373-2]

Premanufacture Notices Status Report for November 1979)

AGENCY: Environmental Protection Agency (EPA or the Agency).

ACTION: Monthly Summary of Premanufacture Notices.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for November 1979.

DATE: Persons who wish to file written comments on a specific chemical substance should submit those comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the particular chemical substance, and should be submitted in triplicate to the Document Control Officer (TS-793), Office of Toxic Substances, EPA, 401 M St., SW, Washington, DC 20460.

Nonconfidential portions of the PMN's and other documents in the public record are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), in Room E-447 at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS-794), Office of Toxic Substances, EPA, Washington, D.C. 20460, telephone: 202/426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA, requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. (Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms (44 FR 2242, January 10, 1979). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 29564, May 15, 1979) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see the section entitled "Notice in the **Federal Register**" on p. 28567 of the Interim Policy.

EPA normally has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report required under section 5(d)(3) will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the beginning of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the Inventory during the month.

(Sec. 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604))

Dated: December 5, 1979.

John B. Ritch, Jr.,

Acting Deputy Assistant Administrator for Program Integration and Information.

Premanufacture Notices Status Report for November 1979

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture Notices Received During the Month		
5AHQ-1179-0007A	(Alkyl hydroxymethyl alkanediol polymer with chloromethyl oxirane) alkenoate.	In preparation	Feb. 13, 1980.
5AHQ-1179-0010A	2-Ethyl hexyl-2-propenoate polymer with 2-methyl-2-propenoate and alkyl 2-propenoate.	....do....	Do.
5AHQ-1179-0070	Claimed Confidential	....do....	Feb. 14, 1980.
5AHQ-1179-0073	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene.	....do....	Feb. 21, 1980.
5AHQ-1179-0074	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene acrylonitrile.	....do....	Do.
	II. Premanufacture Notices Received Previously and Still Under Review at the Beginning of the Month		
5AHQ-0979-0016	*n*-Methanesulfonyl-p-toluene sulfonamide	44 FR 54118 (9/18/79).	Dec. 4, 1979.
5AHQ-0979-0022	Potassium salt of polyfunctional aliphatic acid oligomer	44 FR 55416 (9/26/79).	Dec. 17, 1979.
5AHQ-0979-0023	Ammonium salt of polyfunctional aliphatic acid oligomer	....do....	Do.
5AHQ-0979-0011(A)	Poly(vinyl acetate, acrylic acid, butylacrylate dioctyl maleate, 2-ethylhexyl acrylate).	44 FR 57488 (10/5/79).	Dec. 23, 1979.
5AHQ-0979-0024	2,2'-Methylenebis (4-*sec*-butyl-6-*tert*-butylphenol)	44 FR 58800 (10/11/79).	Dec. 25, 1979.
5AHQ-0979-9925	2,2'-Ethylidenebis (4-*sec*-butyl-6-*tert*-butylphenol)	....do....	Do.
5AHQ-1079-0030	Magnesium dodecylbenzene sulfonate salt	44 FR 59953 (10/17/79).	Dec. 30, 1979.
5AHQ-1079-0035	2-*tert*-Butyl-4-*sec* butylphenol	44 FR 59954 (10/17/79).	Jan. 1, 1980.
5AHQ-1079-0019A	Benzene, ethenyl-, tribromo derivative, homopolymer	44 FR 65671 (11/14/79).	Jan. 23, 1980.
5AHQ-1079-0037(A)	Dodecenyl succinic acid mono alkylester	44 FR 65673 (11/14/79).	Jan. 27, 1980.

Premanufacture Notices Status Report for November 1979—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
III. Premanufacture Notices for Which the Notice Review Period Has Ended During the Month			
None			
IV. New Chemical Substances That EPA Has Added to the Inventory During the Month			
None			

[FR Doc. 79-38061 Filed 12-12-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1374-8]

Water Quality Standards; Surface Waters of the State of North Carolina

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of State water quality standards approval.

SUMMARY: The Environmental Protection Agency has approved revisions to water quality standards adopted by the State of North Carolina. These revisions become part of the State's water quality standards contained in the document, "Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina."

FOR FURTHER INFORMATION CONTACT: Robert F. McGhee, Water Division, Environmental Protection Agency, Region IV, 345 Courtland Ave., Atlanta, Georgia 30308.

SUPPLEMENTAL INFORMATION: On October 5, 15, and 19, 1979, the EPA, Region IV approved the following water quality standards revisions: (1) the reclassification of Pond Creek and Unnamed Tributary (Watauga River Basin) to drinking water supply or food processing waters; Unnamed Tributary to Lower Little River (Catawba River Basin) to primary contact waters; Unnamed Tributary to Bowlens Creek (French Broad River Basin) to drinking water supply or food processing waters. (2) the reclassification of a segment of South Hyco Creek and all of Cub Creek (Roanoke River Basin) to fishing, boating and secondary contact waters, and (3) the assignment of the additional classification of "Nutrient Sensitive Waters" to waters of the Chowan River Basin. This action is in accord with section 303(c) of the Clean Water Act (33 USC 1313(c)). These revisions are consistent with the Clean Water Act as interpreted in the Agency's water quality standards regulations at 40 CFR 35.1550.

AVAILABILITY: Copies of the North Carolina water quality standards may be obtained from the North Carolina water quality standards may be obtained from the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, P.O. Box 27687, Raleigh, N.C. 27611.

Dated: November 8, 1979.

Swep T. Davis,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-38171 Filed 12-12-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL ELECTION COMMISSION

[Notice 1979-22]

Opinion and Regulation Index Supplements

A new supplement to the Index to Advisory Opinions and Opinions of Counsel (discontinued in April, 1976) issued by the Federal Election Commission is now available for purchase in the Public Records Division of the Commission. The supplemental index includes a revised subject index and supplements to the U.S. Code section index covering opinions issued from the establishment of the Federal Election Commission in April, 1975 through November, 1979, as well as a supplement to the Regulation index covering 1977 and 1979 opinions.

Purchase price of the new index is $4.40 to cover duplication costs, payable in advance. Checks should be made payable to: United States Treasurer. Person to contact: Mr. Craig Brightup, Public Records Division, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. Telephone: (202) 523-4181.

Dated: December 3, 1979.

Robert O. Tiernan,

Chairman for the Federal Election Commission.

[FR Doc. 79-38266 Filed 12-12-79; 8:45 am]
BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-98]

Air/Compak, Inc., Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

Air/Compak Inc. has filed with the Commission an application for a license as an independent ocean freight forwarder. During the course of the Commission's investigation of the applicant, it was determined that the firm had apparently engaged in ocean freight forwarding activities without holding a license issued by the Commission although a warning from the Commission about unlicensed forwarding activities had previously been sent to the applicant.

Section 44(b) of the Shipping Act, 1916, requires that applicants be found fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder. Otherwise the application shall be denied.

The applicant's conduct would appear to reflect adversely upon its qualifications to be licensed.

By letter of August 1, 1979, the Commission notified Air/Compak Inc. of its intent to deny the application unless the applicant requested a hearing on the grounds that such a denial was unwarranted.

In a letter dated September 7, 1979 (after an extension of the deadline had been granted the firm), legal counsel for the applicant requested that the firm be given an opportunity to show at a hearing that such a denial was unwarranted.

Now, therefore, it is ordered. That pursuant to sections 22 and 44 (46 U.S.C. 821 and 841(b)) of the Shipping Act, 1916, and § 510.8 of the Commission's General Order 4 (46 CFR 510.8), a proceeding is hereby instituted to determine:

1. Whether Air/Compak Inc. violated section 44(a), Shipping Act, 1916 by engaging in unlicensed forwarding activities;

2. Whether civil penalties should be assessed against Air/Compak Inc., pursuant to 46 U.S.C. 831(e), for violations of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed taking into consideration factors in possible mitigation of such a penalty;

3. Whether Air/Compak Inc. is fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act,

1916, and the requirements, rules and regulations of the Commission issued thereunder.

It is further ordered, That Air/Compak Inc. be named Respondent in this proceeding.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the proceeding shall initially be limited to the submission of affidavits of fact and memoranda of law.

It is further ordered, That the following schedule be adhered to:

January 21, 1980—Opening Memorandum of Law, Request for Penalty, and Affidavits of Fact from Hearing Counsel;

February 22, 1980—Opening Memorandum of Law and Affidavits of Fact from Respondent;

March 14, 1980—Reply Memorandum of Law and Affidavits of Fact from Hearing Counsel;

It is further ordered, That within two weeks following the Reply Memorandum of Law of Hearing Counsel, the parties will submit to the Administrative Law Judge written statements identifying any unresolved issues of fact and specifying the type of procedure they feel is best suited to resolve them. After consideration of these recommendations, the Administrative Law Judge will issue an appropriate order establishing the procedure for their resolution. However, any additional procedure shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a showing that there are issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That any person other than Respondent and Hearing Counsel, having an interest in and desiring to become party to this proceeding and to participate therein, may do so by filing a timely petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That a notice of this Order be published in the Federal Register and that a copy thereof be served upon Respondent and Hearing Counsel;

It is further ordered, That, except as provided in Rules 159 and 201(a) of the Commission's rules of practice and procedure (46 CFR 502.159, 46 CFR 502.201(a)), all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's rules of practice and procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-38208 Filed 12-12-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-99]

H. K. International Forwarding, Inc., Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

H. K. International Forwarding, Inc. has filed with the Commission an application for a license as an independent ocean freight forwarder. During the course of the Commission's investigation of the applicant, it was determined that the firm had apparently engaged in ocean freight forwarding activities without holding a license issued by the Commission although a warning from the Commission about unlicensed forwarding activities had previously been sent to the applicant.

Section 44(b) of the Shipping Act, 1916, requires that applicants be found "fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of this Act and the requirements, rules and regulations of the Commission issued thereunder * * * otherwise such application shall be denied."

The applicant's conduct would appear to reflect adversely upon its qualifications to be licensed.

By letter of September 12, 1979, the Commission notified H. K. International Forwarding, Inc. of its intent to deny the application unless the applicant requested a hearing on the grounds that such a denial was unwarranted.

In a letter dated September 24, 1979, legal counsel for the applicant requested that the firm be given an opportunity to show at a hearing that such a denial was unwarranted.

Now therefore it is ordered, that pursuant to sections 22 and 44 (46 U.S.C. 821 and 841(b)) of the Shipping Act, 1916, and § 510.8 of the Commission's General Order 4 (46 CFR 510.8), a proceeding is hereby instituted to determine:

1. Whether H. K. International Forwarding, Inc. has violated section 44(a), Shipping Act, 1916, by engaging in unlicensed forwarding activities;

2. Whether civil penalities should be assessed against H. K. International Forwarding, Inc., pursuant to 46 U.S.C. 831(e), for violations of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed taking into consideration factors in possible mitigation of such a penalty;

3. Whether, in light of the evidence adduced pursuant to the foregoing issue, together with any other evidence adduced, H. K. International Forwarding, Inc. and its corporate officers, possess the requisite fitness, within the meaning of section 44(b), Shipping Act, 1916, to be licensed as an independent ocean freight forwarder.

It is further ordered, That H. K. International Forwarding, Inc. be named a Respondent in this proceeding.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the proceeding shall initially be limited to the submission of affidavits of fact and memoranda of law.

It is further ordered, That the following schedule be adhered to:

January 21, 1980—Opening Memorandum of Law, Request for Penalty, and Affidavits of Fact from Hearing Counsel;

February 22, 1980—Opening Memorandum of Law and Affidavits of Fact from Respondent;

March 14, 1980—Reply Memorandum of Law and Affidavits of Fact from Hearing Counsel.

It is further ordered, That within two weeks following the Reply Memorandum of Law of Hearing Counsel, the parties will submit to the Administrative Law Judge written statements identifying any unresolved issues of fact and specifying the type of procedure they feel is best suited to resolve them. After consideration of these recommendations, the Administrative Law Judge will issue an appropriate order establishing the procedure for their resolution. However, any additional procedure shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a showing that there are issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That any person other than Respondent and Hearing Counsel, having an interest in and desiring to become party to this proceeding and to participate therein, may do so by filing a timely petition to

intervene pursuant to Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72).

It is further ordered, That a notice of this Order be published in the **Federal Register** and that a copy thereof be served upon Respondent and Hearing Counsel.

It is further ordered, That, except as provided in Rules 159 and 201(a) of the Commission's rules of practice and procedure (46 CFR 502.159, 46 CFR 502.201(a)), all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's rules of practice and procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-38209 Filed 12-12-79; 8:45 am]

BILLING CODE 6730-01-M

U.S.A./Algerian Discussion Agreement No. 10304; Intent To Approve Conditionally

An agreement among Lykes Bros. Steamship Co., Inc., American Export Lines, Inc. (Farrell Lines), Prudential Lines, Inc., and Compagnie Nationale Algerienne de Navigation has been filed with the Federal Maritime Commission for approval and has been assigned Federal Maritime Commission Number 10304.

Agreement No. 10304 is a discussion agreement in the trade between Algeria and the U.S. Atlantic and Gulf. The agreement provides that the signatories and any other U.S. or Algerian carriers who offer a service in this trade and who join the agreement, may exchange information and cooperate to develop information relating to:

1. Cargo movements, the seasonality and other fluctuations of traffic flows, and related data bearing on the level and frequency of common carrier steamship service required by shippers.

2. Cost of service, rates, rules and tariffs.

3. Practices in connection with the carriage of cargo, and the receipt and delivery of cargo, including interchange with connecting carriers.

The carriers are not obliged to exchange information, and each retains the right of independent action. The agreement provides for a term of one year from the date of approval.

Pursuant to the notice in the **Federal Register** of the filing of Agreement No. 10304, no comments, protests, or requests for hearing were received.

The commercial basis for the agreement, as attested to by Proponents, is to encourage the growth and orderly development of the general cargo trade between the United States and Algeria by the national flag lines serving this trade. Specific problems to be dealt with are (1) the imbalance between eastbound and westbound cargo movements, (2) the type and quantity of ocean liner service which will best serve the trade and produce the desired growth and balance, and (3) the large amount of cargo (50 percent or more eastbound controlled by the Algerian Government).

Included among the various matters which may be discussed and upon which information may be exchanged are "rates, rules and tariffs."

The Commission finds Proponents have not provided evidence which shows that discussion and exchange of information with regard to rates, rules and tariff practices is required to accomplish the purposes or objectives of the proposed discussion agreement.[1] We, therefore, intend to approve Agreement No. 10304 on the condition that the words "rates, rules and tariffs" be deleted from the Agreement. This matter has been discussed with the Proponents, and they will accept such a deletion as a condition of approval, rather than attempt to justify the provision. This requirement, is however, without prejudice to the right of Proponents to request reinstatement of such authority based upon a showing that the exchange of data on these matters is necessary to the legitimate purpose of the agreement.

The Commission recognizes that discussion authority is susceptible to abuse unless closely monitored. For this reason, the Commission will require that Agreement No. 10304 be amended to provide for the prompt filing of detailed minutes of meetings and reports.

Finally, the last paragraph of Agreement No. 10304 provides, *inter alia*, that the agreement will not be amended or modified ". . . without the unanimous consent of the parties . . ." and that "All amendments to this agreement . . . shall be reported to the Commission in writing within (30) days of each occurrence." This seemingly implies that amendments need not be filed with the Commission for approval. To remove this implication, the Commission will require that the paragraph be modified to acknowledge the filing and approval requirement.

All of the above proposed changes have been discussed with Proponents, and they have advised that they will accept them as conditions of approval.

So modified, and based upon the documentation furnished in support of the proposed agreement, Agreement No. 10304 is not unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest or violative of the Shipping Act, 1916.

The Commission is considering whether to approve, disapprove or modify the agreement. If it is conditionally approved it shall be modified as follows:

1. The words ". . . rates, rules and tariffs" be deleted from Paragraph 1, Item 2 of the agreement.

2. Paragraph 3 of the agreement be amended by the addition of the following language:

A. A full and clear description of all matters discussed under this agreement;

B. A full and accurate showing of any action taken on any matter discussed under the agreement and the reasons therefor;

C. A description of each of the views expressed on any matter which was discussed; and

D. An identification of all documents considered in connection with the discussion of or action taken on any matter.

3. The final paragraph of the agreement be modified as follows:

A. Add the following to the first sentence following the words "parties";

". . . and filed with the Federal Maritime Commission for approval."

B. Add the following to the final sentence following the phrase "All amendements to this agreement—";

". . . shall be filed with the Federal Maritime Commission for approval, . . ."

It is therefore ordered, that any person submitting a statement as to why Agreement No. 10304, as modified as indicated herein, should not be approved, should submit such matter on or before January 11, 1980.

It is further ordered, that a copy of this Notice of Intent to Approve Conditionally be published in the **Federal Register.**

It is further ordered, that for the purpose of this notice, a document is filed when actually received by the Secretary, Federal Maritime Commission.

[1] *See In Re The Far East Discussion Agreement, No. 9981-5.* 17 S.R.R. 857 (1977).

By the Commission. November 29, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-38210 Filed 12-12-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than January 4, 1980.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. Marine Midland Banks, Inc., Buffalo, New York (trust company and investment advisory activities; Florida): to engage, through its subsidiary Marine Midland Trust Company of Florida N.A., in activities of a fiduciary, agency, custodial or investment advisory or management nature. These activities would be conducted from an office in Boca Raton, Florida, serving the State of Florida and primarily serving Palm Beach and Broward Counties Florida.

2. Chemical New York Corporation, New York, New York (investment advisory activities; California): to engage through its subsidiary, Van Deventer & Hoch, Inc., in activities that may be carried on by an investment advisor, including offering portfolio investment advice to individuals, corporations, governmental entities and other institutions on both a discretionary and non-discretionary basis. These activities would be conducted from an office in San Francisco, California, serving all of Northern California, with particular emphasis on the greater San Francisco-Bay area.

B. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

Orbanco, Inc., Portland, Oregon, (mortgage banking and insurance activities; North Carolina, South Carolina) proposes to engage, through its subsidiary, Fort Wayne Mortgage Co. in making or acquiring, for its own account or for the account of others, mortgage loans or other extensions of credit, servicing loans and other extensions of credit for any person and acting as insurance agent or broker for any credit life insurance that is directly related to an extension of credit by it, originating mobile home loans insured by the Federal Housing Administration (FHA) or guaranteed by the Veterans Administration (VA) for sale to investors in mortgage-backed securities guaranteed by the Government National Mortgage Association (GNMA), which loans will be secured by installment sales contracts on mobile homes; servicing such mobile home loans for its investors by collecting payments, periodically inspecting collateral, and supervising repossessions in the event of unremedied defaults; related wholesale financing of mobile home dealers, which consists of making loans secured by the mobile homes, to permit them to carry inventories. The proposed activities would be conducted from an office in Columbia, South Carolina, serving South Carolina, and North Carolina.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38159 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Buckeye Bancorp.; Formation of Bank Holding Company

Buckeye Bancorporation, Mt. Gilead, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Community National Bank, Mt. Gilead, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 6, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38156 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

F & M Bank Shares, Inc.; Formation of Bank Holding Company

F & M Bank Shares, Inc., Hennessey, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.3 per cent (less directors' qualifying shares) of the voting shares of The Farmers and Merchants National Bank, Hennessey, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 28, 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, December 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38155 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Hugoton Bancshares, Inc.; Formation of Bank Holding Company

Hugoton Bancshares, Inc., Hugoton, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Citizens State Bank, Hugoton, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38154 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Illinois Holding Co.; Formation of Bank Holding Company

Illinois Holding Co., Sherrard, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act, (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82 percent or more of the voting shares of Farmers State Bank of Sherrard, Sherrard, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 6, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38158 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Bankshares Corp.; Acquisition of Bank

Mercantile Bankshares Corporation, Baltimore, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 per cent of the voting shares of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 6, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38160 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

[Dockets Nos. R-0256 and R-0257]

Proposed Report Requirements; Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parent Companies and Report of Intercompany Transactions for Foreign Bank Holding Companies and their U.S. Bank Subsidiaries; Extension of Comment Periods

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed reports: extension of comment periods.

SUMMARY: The Board of Governors of the Federal Reserve System has extended the period for receipt of public comment on two proposed reports (Forms FR Y-7 and FR Y-8f) to be filed with Board by foreign banking organizations (Docket Nos. R-0256 and R-0257) until March 4, 1980.

DATE: Comments must be received by March 4, 1980.

ADDRESS: Comments may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or delivered to Room B-2233, Board of Governors, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. Comments should include the Docket Number R-0256 or R-0257. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR § 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Financial Analyst (202/452-3622), Division of Banking Supervision and Regulation or Kathleen M. O'Day, Attorney (202/452-3786), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On October 29, 1979 (44 FR 62947 and 64906), the Board requested comment on two proposed reports, a Report of Intercompany Transactions for Foreign Bank Holding Companies and their U.S. Bank Subsidiaries, Form FR Y-8f, and the Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parent Companies, Form FR Y-7. Both reports would require the submission of financial and other date by foreign organizations conducting a banking business in the United States. Comment has been requested on the proposals by January 4, 1980. The Board has been requested to extend the comment period on each report in order to provide interested parties with additional time in which to present their views. In light of the issues involved and the scope of the information requested in the reports, and in order to encourage public participation in this matter, the comment periods have been extended to March 4, 1980.

By order of the Board of Governors, acting through its Secretary under delegated authority, effective December 6, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-38161 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Southeast Capital Corp.; Formation of Bank Holding Company

Southeast Capital Corporation, Idabel, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of The Idabel National Bank, Idabel, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 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, December 6, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38157 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Affiliated Bankshares of Colorado, Inc.; Proposed Acquisition of First Colorado Bankshares Insurance Co.

Affiliated Bankshares of Colorado, Inc., Boulder Colorado, has applied, pursuant to section 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 Colorado Bankshares Insurance Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, certain types of life and disability insurance coverage. These actitivities would be performed from office of Applicant's Colorado subsidiary banks located in the cities and towns of: Boulder, Ault, Greeley, Colorado Springs, Denver, Englewood, Fort Carson, Lafayette, Lousiville, Loveland, Manitou Springs, and Fort Collins, and the geographic area to be served extends from Denver, Colorado, approximately 95 miles to the north and approximately 75 miles to the south. 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 must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Govenors 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 January 7, 1980.

Board of Governors of the Federal Reserve System, December 7, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38220 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

American Security Bank International; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as American Security Bank International, Miami, Florida. American Security Bank International would operate as a subsidiary of American Security Bank, National Association, Washington, D.C. The factors that are considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. 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 January 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 7, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38221 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Apple Valley Bancshares, Inc.; Formation of Bank Holding Company

Apple Valley Banshares, Inc., Apple Valley, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82.73 per cent of the voting shares of First State Bank of Apple Valley, Minnesota. The factors that are considered in acting of the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Band, to be received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any 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, December 6, 1979.

William, N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38222 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Avon Bancshares, Inc.; Formation of Bank Holding Company

Avon Bancshares, Inc., Avon, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of Avon State Bank, Avon, Minnesota. The factors that are considered in acting on the application

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 7, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38223 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons as written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than January 7, 1980.

A. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (consumer lending and credit card activities; California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Texas, Virginia, Washington): to engage, through its subsidiary, Citicorp Credit Services, Inc, in activities related to the operation of a credit card business and extensions of credit attendant thereto; including, but not limited to extending, acquiring, and servicing indebtedness (i) incurred by consumers for purchases and leases of goods and services, and (ii) representing loans to consumers. Such servicing may include credit review, issuance of credit cards, billing, collection activities and related services. These activities will be conducted from offices located in New York City and in Melville, New York. Limited purpose offices located in Atlanta, Georgia, San Mateo, California, and Rosemont, Illinois, will engage solely in related collection activities. The geographic service area for this proposal will cover each of the seventeen states listed above.

This application is for the transfer of activities from a subsidiary of Citibank, N.A., to a dormant existing subsidiary of its parent, Citicorp.

2. Citicorp, New York, New York (consumer finance and insurance activities; Illinois, Missouri): to engage, through its indirect subsidiary, Nationwide Financial Corporation of Missouri in conducting previously approved activities including making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; purchasing and servicing for its own account sales finance contracts; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; acting as agent for the sale of property and casualty insurance and for the sale of credit life and credit accident and health insurance directly related to extensions of credit in an expanded service area. Credit related life, accident and health may be underwritten by Family Guardian Life Insurance Company, an affiliate of Nationwide Financial Corporation of Missouri. The sevice area of the office in St. Louis, Missouri will be expanded to include the entire States of Missouri and Illinois.

3. Citicorp, New York, New York (consumer finance and insurance activities; Idaho): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., (Delaware) in operating a finance company, including making or acquiring consumer loans and other extensions of credit, secured or unsecured; making or acquiring loans and other extensions of credit to finance the purchase of mobile homes or manufactured housing, together with the real property to which such housing is or will be permanently affixed; and acting as agent for the sale of credit life and credit accident and health insurance directly related to extensions of credit. This application represents an expansion of activities and service area of an existing office. Previously approved activities include the purchasing and servicing for its own account sales finance contracts; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the making of non-consumer loans; and acting as agent for the sale of property and casualty insurance and for the sale of credit life and credit accident and health insurance directly related to extensions of credit.

All the above activities would be conducted from an office in Boise, Idaho, serving the entire State of Idaho.

B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198.

Commercial Landmark Corporation, Muskogee, Oklahoma (financing activities; Oklahoma): to engage in making loans or other extensions of credit in its own behalf. This activity would be conducted from an office in Muskogee, Oklahoma, serving the State of Oklahoma.

C. Other Federal Reserve Banks: none.

Board of Governors of the Federal Reserve System, December 7, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38224 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Citrus & Chemical Bancorporation, Inc.; Formation of Bank Holding Company

Citrus & Chemical Bancorporation, Inc., Bartow, Florida, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80

percent or more of the voting shares of Citrus & Chemical Bank of Bartow, Bartow, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 7, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38225 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

Georgia Bancshares, Inc.; Acquisition of Bank

Georgia Bancshares, Inc., Macon, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Houston County, Perry, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 7, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38226 Filed 12-12-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory bodies scheduled to assemble during the month of January 1980.

National Advisory Council on Alcohol Abuse, and Alcoholism

January 28–29, 1980, 9:30 a.m. Conference Room 703–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. Open—January 28. Closed—January 29. Contact: James F. Vaughan, Room 16C–10 Parklawn Building, 5600 Fisher Lane, Rockville, Maryland 20857 (301)443/3888.

Purpose: The Council advises the Secretary of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: On January 28, the meeting will be open for general business of the Council, administrative reports on the Followup Study on the Course of Alcoholism, the policy and program initiatives on long-term funding and coordination of alcoholism treatment programs, and a discussion on Federal Employee Health Insurance.

On January 29, the Council will conduct a final review of grant applications for Federal Assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Psychiatry Education Review Committee

January 14–17, 10 a.m. Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open: January 14, 10 a.m.–12 m. Closed: January 14, 12 m.–Adjournment on January 17. Contact: Irma Fisher, Room 9A–54, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4728.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 10 a.m. to 12 m. on January 14, 1980, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact persons above. The NIAAA Public Affairs Office will furnish upon request summaries of the meeting and rosters of the Council members. Contact Mr. Paul Garner, Acting Associate Director, Office of Public Affairs, NIAAA, Room 11A–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443–3888. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Paul Sirovatka, Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15–102, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443–4536.

Dated: December 7, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-38132 Filed 12-12-79; 8:45 am]

BILLING CODE 4110-88-M

National Institutes of Health

Biotechnology Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, January 10 and 11, 1980, National Institutes of Health, Bldg. 31, Conference Room 7, Bethesda, Maryland 20205.

This meeting will be open to the public on January 10 from 1:00 p.m. to 3:30 p.m. and on January 11 from 9:00 a.m. to adjournment, for discussion of the current status of the Chemical/Biological Information-Handling Project and guidelines for review of PROPHET sites, and discussion of future Committee activities in connection with planning and new initiatives in the Biotechnology Resources Program.

In accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 10 from 3:30 p.m. to recess, and on January 11, from 8:30 a.m. to 9:00 a.m. for the review, discussion, and evaluation of individual research prospectuses submitted by

organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constititute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Rm. 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of meetings and rosters of Committee members. Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Rm. 5B41, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301–306–5411, will furnish substantive Program information.

(Catalog of Federal Assistance Program No. 13.371, National Institutes of Health.)

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

December 4, 1979.

[FR Doc. 79-38183 Filed 12-12-79; 8:45 am]

BILLING CODE 4110-08-M

Filing of Annual Reports

Pursuant to sections 10(d) and 13 of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the annual reports for the committees listed below have been filed with the Library of Congress. Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or on weekdays, at the Department Library, North Building, Room 1436, Washington, D.C. 20201, between 9:00 a.m. and 4:30 p.m.

Advisory Committee to the Director, NIH
Aging Review Committee
Allergy and Clinical Immunology Research Committee
Allergy and Immunology Study Section
Animal Resources Review Committee
Applied Physiology and Orthopedics Study Section
Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
Artificial Kidney-Chronic Uremia Advisory Committee
Bacteriology and Mycology Study Section
Bioanalytical and Metallobiochemistry Study Section
Biochemical Endocrinology Study Section
Biochemistry Study Section
Biomedical Library Review Committee
Biometry and Epidemiology Contract Review Committee
Biophysics and Biophysical Chemistry A Study Section
Biophysics and Biophysical Chemistry B Study Section
Biopsychology Study Section
Biotechnology Resources Review Committee
Bladder and Prostatic Cancer Review Committee
Blood Diseases and Resources Advisory Committee
Board of Regents of the National Library of Medicine
Board of Scientific Counselors, Division of Cancer Biology and Diagnosis
Board of Scientific Counselors, Division of Cancer Cause and Prevention
Board of Scientific Counselors, Division of Cancer Treatment
Board of Scientific Counselors, NEI
Board of Scientific Counselors, NHLBI
Board of Scientific Counselors, NIA
Board of Scientific Counselors, NIAID
Board of Scientific Counselors, NIAMDD
Board of Scientific Counselors, NICHD
Board of Scientific Counselors, NIDR
Board of Scientific Counselors, NIEHS
Board of Scientific Counselors, NINCDS
Breast Cancer Task Force Committee
Cancer and Nutrition Scientific Review Committee
Cancer Clinical Investigation Review Committee
Cancer Control and Rehabilitation Advisory Committee
Cancer Control Grant Review Committee
Cancer Control Intervention Programs Review Committee
Cancer Control Merit Review Committee
Cancer Research Manpower Review Committee
Cancer Special Program Advisory Committee
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Cardiovascular and Renal Study Section
Cause and Prevention Scientific Review Committee
Cell Biology Study Section
Cellular and Molecular Basis of Disease Review Committee
Chemical Pathology Study Section
Clearinghouse on Environmental Carcinogens
Clinical Applications and Prevention Advisory Committee
Clinical Cancer Education Committee
Clinical Cancer Program Project and Cancer Center Support Review Committee
Clinical Trials Committee
Clinical Trials Review Committee
Committee on Cytology Automation
Communicative Disorders Review Committee
Communicative Sciences Study Section
Dental Caries Program Advisory Committee
Developmental Therapeutics Committee
Diagnostic Radiology & Nuclear Medicine Study Section
Diagnostic Research Advisory Group
Endocrinology Study Section
Epidemiology and Disease Control Study Section
Epilepsy Advisory Committee
Experimental Therapeutics Study Section
Experimental Virology Study Section
General Clinical Research Centers Committee
General Medicine A Study Section
General Medicine B Study Section
General Research Support Review Committee
Genetic Basis of Disease Review Committee
Genetics Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Hematology Study Section
Human Development Study Section
Human Embryology and Development Study Section
Immunobiology Study Section
Immunological Sciences Study Section
Large Bowel and Pancreatic Cancer Review Committee
Lipid Metabolism Advisory Committee
Mammalian Genetics Study Section
Maternal and Child Health Research Committee
Medicinal Chemistry A Study Section
Mental Retardation Research Committee
Metabolism Study Section
Microbial Chemistry Study Section
Microbiology and Infectious Diseases Advisory Committee
Minority Access to Research Careers (MARC) Review Committee
Molecular Biology Study Section
Molecular Cytology Study Section
National Advisory Allergy and Infectious Diseases Council
National Advisory Child Health and Human Development Council
National Advisory Council on Aging
National Advisory Dental Research Council
National Advisory Environmental Health Sciences Council
National Advisory Eye Council
National Advisory General Medical Sciences Council
National Advisory Neurological and Communicative Disorders and Stroke Council
National Advisory Research Resources Council
National Arthritis Advisory Board
National Commission on Digestive Diseases
National Arthritis, Metabolism, and Digestive Diseases Advisory Council
National Cancer Advisory Board
National Diabetes Advisory Board
National Heart, Lung and Blood Advisory Council
Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee
Neurological Disorders Program—Project Review A Committee
Neurological Disorders Program—Project Review B Committee
Neurological Sciences Study Section
Neurology A Study Section
Neurology B Study Section
NIDR Special Grants Review Committee
Nutrition Study Section
Oral Biology and Medicine Study Section
Pathobiological Chemistry Study Section
Pathology A Study Section
Pathology B Study Section
Periodontal Diseases Advisory Committee
Pharmocology Study Section
Pharmacology-Toxicology Review Committee
Physiological Chemistry Study Section
Physiology Study Section
Population Research Committee
President's Cancer Panel
Pulmonary Diseases Advisory Committee
Radiation Study Section

Recombinant DNA Advisory Committee
Reproductive Biology Study Section
Research Manpower Review Committee
Sickle Cell Disease Advisory Committee
Social Sciences and Population Study Section
Surgery and Bioengineering Study Section
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Transplantation Biology and Immunology Committee
Tropical Medicine and Parasitology Study Section
Tumor Immunology Committee
Virology Study Section
Vision Research Program Committee
Visual Sciences A Study Section
Visual Sciences B Study Section.

Dated: November 30, 1979.

Donald S. Fredrickson,

Director, NIH.

[FR Doc. 79-38084 Filed 12-12-79; 8:45 am]

BILLING CODE 4110-08-M

Office of Education

Handicapped Children's Early Education Program; Outreach Projects; Closing Date for Transmittal of Applications

AGENCY: Office of Education.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects.

Applications are invited for new Outreach projects under the Handicapped Children's Early Education Program.

Authority for this program is contained in Sections 623 and 624 of the Education of the Handicapped Act. (20 U.S.C. 1423, 1424)

The purpose of this program is to support outreach activities by public agencies and private non-profit organizations which have completed a three-year demonstration grant under the Handicapped Children's Early Education Program and which have met eligibility requirements to assist other agencies in meeting the early educational needs of handicapped children.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand-delivered by February 27, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.444B, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: The funding level for the entire Handicapped Children's Early Education Program is expected to be approximately $20 million for fiscal year 1980, of which approximately $2,400,000 will be used for new Outreach projects. There will be approximately 15–20 new Outreach projects funded under this program. Funding for new Outreach projects may range between $50,000 and $150,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by December 28, 1979. They may be obtained by writing the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 3100), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program Outreach Projects (45 CFR Parts 121d and 121e); and

(b) General Provisions Regulations for the Office of Education (45 CFR Parts 100 and 100a).

Note: The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR:

Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further Information: For further information contact Dr. William Swan, Acting Chief, Program Development Branch, U.S. Office of Education (Donohoe Building, Room 3100), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-9722. (20 U.S.C. 1423, 1424)

(Catalog of Federal Domestic Assistance No. 13.444B, Handicapped Children's Early Education Program—Outreach Projects)

Dated: December 6, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-38182 Filed 12-12-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. SA-79-6046]

Contract Award for Research Program

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 USC 2946, this agency announces the award and completion of Contract No. SA-79-6046 to Dr. William G. Johnson of DeWitt, New York, for a research project entitled "A Study of Entitlement to Disability Payments from More than One Program."

The purpose of this project was to estimate the prevalence of multiple cash benefits among disabled persons and to evaluate the effects of these overlaps on benefit adequacy. Data on the noninstitutionalized population from the 1972 *Survey of Health and Work Characteristics* were employed.

The study showed that 4.6 million persons receive cash benefits from public programs. This is about one-third of persons described as "currently disabled" by the survey. Among those who do not receive benefits, approximately 22 percent are served by more than one program. Most multiple beneficiaries are served by two programs; less than 3 percent of the beneficiaries receive benefits from more than two programs.

Recipients from more than one program are less likely to be in households with incomes below the poverty line. However, single and multiple program beneficiaries do not differ markedly in the fractions of lost earnings by benefits. No evidence is found to indicate that benefit overlaps overcompensate recipients for earnings losses.

The cost of this project was $9,450. It was completed in August, 1979.

Dated: December 10, 1979.

John L. Palmer,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 79-38227 Filed 12-12-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Implementation of Decision on Lands Which Will Be Intensively Inventoried for Wilderness Characteristics and Will Remain Subject to the Management Constraints of Section 603(c) of the Federal Land Policy and Management Act of 1976

This notice announces the implementation of the BLM Colorado State Director's Initial Wilderness Inventory Decision 2–A and 2–B as published in the **Federal Register**, Vol. 44, No. 171, Friday, August 31, 1979. Approximately 1,310,922 acres and 118 inventory units of the public lands in Colorado will be intensively inventoried for wilderness characteristics. Inventory of these lands is in progress and the public is encouraged to participate. Management limitations imposed by section 603(c) of the Federal Land Policy and Management Act of 1976 will continue to apply to these lands until they are officially released from further wilderness consideration or until they are designated as Wilderness by Congress. Implementation of this decision will occur immediately upon publication of this announcement in the **Federal Register.**

Decision 1–A of the August 31, 1979 announcement was implemented through notices in the **Federal Register**, Vol. 44, No. 199, Friday, October 12, 1979.

Decisions 1–B and 1–C of the August 31, 1979 announcement were implemented through notice in the **Federal Register**, Vol. 44, No. 218, Thursday, November 8, 1979.

This notice also announces the addition of two additional tracts of public land for intensive inventory. These tracts were not proposed for intensive wilderness inventory in the August 31, 1979 announcement but as a result of protests received, the Colorado State Director has determined that it is *not* clear and obvious that they lack wilderness characteristics and therefore should be intensively inventoried. This portion of the State Director's decision will become effective January 14, 1980 to allow for additional protests. Addition of these areas to the intensive inventory represents a change in the State Director's decision, as announced August 31, 1979. Management limitations imposed by section 603(c) of the Federal Land Policy and Management Act of 1976 will continue to apply to these lands until they are officially released from further wilderness consideration or until they are designated as wilderness by Congress. The units to be added to the intensive inventory are as follow:

Inventory unit No.	Approximate acreage	General location (additional)
CO-030-253...	720	Montrose District Adjacent to eastern boundary of Mesa Verde National Park.
CO-070-031...	5,162	Grand Junction District. East of De Beque, Colorado. The unit to be intensively inventoried is expanded and is now approximately 28,740 acres.

A final decision to intensively inventory these units will be announced in mid-Janury thorugh notice in the **Federal Register.**

Requests for further information concerning the BLM wilderness inventory in Colorado should be sent to: State Director, c/o Wilderness, Colorado State Office, Bureau of Land Management, Main Post Office Building, P.O. Box 2266, Denver, Colorado 80201.

Dale R. Andrus,

State Director, Colorado.

[FR Doc. 79-38137 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Application C-22777]

Land In Jackson County, Colo.; Notice of Public Hearing, Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on January 15, 1980 at 7:00 p.m. in the Soil Conservation District Building, Basement Room, 5th and Logan Street, Walden, Colorado. Application has been made to the United States that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items: (1) the method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and (3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the January 15, 1980 public hearing should be received at the Craig District Office, Bureau of Land Management, P. O. Box 248, Craig, Colorado 81625, prior to the close of business January 14, 1980. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to Craig District Office at the above address, prior to close of business on January 21, 1980. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to

the Bureau of Land Management and the U. S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than January 21, 1980.

The coal resource to be offered is limited to 4,875,120 tons of coal recoverable by surface mining methods from the Sudduth coal seam and any overlying coal seams in the following lands located approximately 10 miles east southeast of Walden, Colorado:

T. 9 N., R. 78 W., 6th P.M.
Sec. 22: NE¼, E½NW¼, SE¼
Sec. 23: SW¼SW¼
Sec. 26: W½SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, W½NW¼SE¼
Sec. 27: NE¼NE¼NE¼

Containing 770 acres.

The coal quality is as follows: Btu—10,180; Sulfur—0.3%; Ash—6.4%; and averages 50.0 feet in thickness under 300 feet of overburden.

The draft Environmental Assessment will be available for review in the Craig District Office. Single copies are available for distribution upon request from the office at the above address.

A copy of the Environmental Assessment, the case file and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Andrew W. Heard,

Leader, Craig Team, Branch of Adjudication.

[FR Doc 79-38136 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

[SAC 056952]

California; Termination of Proposed Withdrawal and Reservation of Land

December 7, 1979.

Notice of Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, application SAC 056952 for withdrawal and reservation of land for the establishment of the Hayfork Wildlife Management Area, Trinity County, California, was published as FR Doc. 59–9390 on page 9063 of the issue of November 6, 1959. The applicant agency has cancelled its application in its entirety.

Mount Diablo Meridian

T. 31 N., R. 11 W.,
Sec. 2, N½ of Lot 1, N½S½ of Lot 1, SW¼SW¼ of Lot 1, and SE¼SE¼ of Lot 1;
Sec. 5, SE¼NW¼;
Sec. 6, Lots 4, 5, and 7, SE¼NW¼, and E½SW¼;
Sec. 7, NW¼NE¼ and NE¼NW¼.
T. 32 N., R. 11 W.,
Sec. 26, S½SW¼;
Sec. 27, SW¼, NW¼SE¼, and S½SE¼;
Sec. 28, N½SW¼;
Sec. 31, Lots 1, 2, and 4 and NE¼NW¼;
Sec. 32, NE¼SE¼ and S½SE¼;
Sec. 33, E½NE¼, SW¼NW¼, SW¼, and E½SE¼;
Sec. 34, W½NE¼, NW¼, SW¼, and W½SE¼;
Sec. 35, E½NE¼ and E½SE¼;
Sec. 36, SW¼NE¼ and NW¼.

Total acreage: approximately 2,314.73 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2550, such lands at 10:00 a.m., January 15, 1980, will be relieved of the segregative effect of the above-mentioned application.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-38191 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

[CA 3652]

California; Termination of Proposed Withdrawal and Reservation of Land

December 7, 1979.

Notice of the National Park Service, U.S. Department of the Interior, Application CA 3652 for withdrawal and reservation of the following described land from the mining laws (30 U.S.C. Ch. 2) and the mineral leasing laws was published as FR Doc. 76–19078 on Page 27097 of the issue of July 1, 1976, and republished as FR Doc. 77–20948 on pages 37445 and 37446 of the issue of July 21, 1977. The applicant has cancelled its application as the land was transferred by legislation.

Pinnacles National Monument Mount Diablo Meridian

T. 17 S., R. 7 E.,
Sec. 13, E½NE¼ and NE¼SE¼.

The area described aggregates 120 acres in San Benito County, California. Therefore, pursuant to the regulations contained in 43 CFR 2350, such land at 10:00 a.m. on January 15, 1980, will be relieved of the segregative effect of the above-mentioned application.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-38193 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

Idaho, North Idaho Timber Management Plan; Intent To Prepare an Environmental Impact Statement

The Department of the Interior, Bureau of Land Management, Coeur d'Alene District Office, will prepare an Environmental Impact Statement (EIS) covering proposed timber management for the Coeur d'Alene sustained yield unit (SYU) in northern Idaho. The final statement is to be completed by December 1, 1980.

This statement will analyze the proposed timber management plan for 275,035 acres of public land and alternatives to the proposal. Portions of the SYU are within Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties. The proposed timber management plan will be developed using the Bureau's land use planning system. A proposed sustained yield timber harvest level for the next decade will be identified along with management practices required to achieve this level of harvest. Harvest would be accomplished through clearcutting, shelter wood cutting, and single tree selection. Additional management practices which may be

employed include: Slash disposal, artificial reforestation, road construction, thinnning, fertilization, and vegetation control (to release conifers from competing vegetation) with herbicides and manual and mechanical methods.

Discussion of an alternative which is no change from the present harvest level and practices is required and will be included in the EIS. Additional alternatives to the proposal which might be discussed in the statement include:

1. Variations in land use allocation under which more or less land is designated for intensive timber production.

2. Different acreages, cycles, or types of intensive timber management practices.

3. A change in the minimum harvest age which would affect the short-term availability of timber for harvest and the time needed to achieve a regulated forest.

Each alternative included in the statement is likely to have a different harvest level.

The EIS will identify the impacts that can be expected from implementation of either the proposed timber management plan or any of the alternatives discussed. The statement will be an analytical tool used to assist in making final decisions for managing timber resources in the SYU. The final decisions are expected to guide the operations in the SYU for a 10-year period beginning in October 1981.

The Coeur d'Alene District Multiple-Use Advisory Council, interested individuals, organizations, and agencies identified during the development of land use plans will be contacted to help determine the significant issues to be addressed in the EIS. The contacts will also be used to help prepare alternatives and to identify the significant issues related to the alternatives including the proposed action.

Further information may be obtained from the following person: Martin J. Zimmer, District Manager, Bureau of Land Management, P.O. Box 1889, Coeur d'Alene, Idaho 83814, Telephone: (208) 667-2561, ext. 356.

Dated: December 3, 1979.

Martin J. Zimmer,

District Manager.

[FR Doc. 79-38196 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

December 5, 1979.

The Forest Service filed application N-6453 on May 8, 1972 for a withdrawal to extend the boundary of the Toiyabe National Forest to include the following described lands, which shall become subject to all laws and regulations applicable to said national forest. The lands will be segregated from all forms of appropriation under the public land laws excluding the mining laws and mineral leasing laws.

Mount Diablo Meridian

T. 12 N., R. 19 E.,
Sec. 4, W½ of Lots 1 and 2 of NE¼, NW¼SE¼;
Sec. 22, NW¼, N½SW¼, SE¼ (fractional);
Sec. 23, SW¼SW¼;
Sec. 26, Lot 5.
T. 13 N., R. 19 E.,
Sec. 4, Lots 1 and 2 of NE¼, SE¼;
Sec. 9, NE¼NE¼, W½NE¼, NW¼SE¼;
Sec. 15, SW¼;
Sec. 16, SE¼NE¼, E½SE¼;
Sec. 21, E½E½;
Sec. 22, NW¼;
Sec. 28, E½, S½SW¼;
Sec. 33, N½, SW¼, W½SE¼.
T. 14 N., R. 19 E.,
Sec. 3;
Sec. 4, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, SE¼;
Sec. 9, E½;
Sec. 10, N½;
Sec. 16, W½E½.
T. 15 N., R. 19 E.,
Sec. 2, Lot 1 of NW¼, E½ of Lot 2 of NW¼, SW¼;
Secs. 3, 4, 8, 9, those portions lying south and east of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
Sec. 10;
Sec. 11, W¼;
Sec. 14, W½, exclusive of patented M.S. 38;
Sec. 15, exclusive of patented M.S. 38;
Sec. 16;
Sec. 17, NE¼, N½NW¼, that portion lying southeast of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line, NE¼SW¼, S½SW¼, SE¼;
Sec. 20, SW¼;
Sec. 21, S½SW¼;
Sec. 22, NE¼, S½;
Sec. 23, W½;
Sec. 27;
Sec. 28, SE¼;
Sec. 29, NE¼, N½NW¼;
Sec. 33, NE¼, NW¼SE¼;
Sec. 34, N½, N½SW¼, SE¼SW¼, SE¼.
T. 16 N., R. 19 E.,
Sec. 34, SE¼, that portion lying south and east of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
Sec. 35, SE¼SW¼, N½SW¼, SW¼SW¼, that part south of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

The areas described aggregate approximately 12,110 acres of public and patented lands in Ormsby and Douglas Counties. Of these lands of the following are public lands:

Mount Diablo Meridian

T. 12 N., R. 19 E.,
Sec. 23, SW¼SW¼;
Sec. 26, Lot 5.
T. 13 N., R. 19 E.,
Sec. 15, SW¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼.
T. 15 N., R. 19 E.,
Sec. 10, NE¼NE¼, S½SE¼;
Sec. 11, NW¼NW¼;
Sec. 14, W½NW¼, exclusive of patented M.S. 38, SW¼;
Sec. 15, NE¼NE¼, exclusive of patented M.S. 38, W½NE¼;
Sec. 27, W½NE¼.
T. 16 N., R. 19 E.,
Sec. 35, N½SW¼, SW¼SW¼, that part south of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

The areas described aggregate approximately 1,133 acres.

The following described nonpublic lands will be excluded from the Toiyaba National Forest, and the boundary of said forest will be adjusted accordingly:

Mount Diablo Meridian

T. 12 N., R. 19 E.,
Sec. 9, E½NE¼.
T. 16 N., R. 19 E.,
Sec. 35, N½SE¼, that part lying north of hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

The areas described aggregate 87 acres in Douglas and Ormsby Counties.

A notice of the proposed withdrawal was published in the **Federal Register** on July 27, 1972, Volume 37 No. 145, page 15021, Document No. 72-11649.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below within 40 days from the date of publication of this notice. Upon determination by the State Director that a public hearing will be held, a notice will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of the Land Management within the 40–day period allowed.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Managment Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All correspondence in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, Reno, NV 89509.

Charles E. Hancock,

Acting Chief, Division of Technicol Services.

[FR Doc. 79-38192 Filed 12-12-78; 8:45 am]

BILLING CODE 4310-84-M

Area Managers, Roswell District; Redelegation of Authority

1. Pursuant to the authority contained in Part III section 3.1 of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to Area Managers, Roswell District, within their areas of responsibility, authority to take all actions on the matters listed in Part III section 3.2(b), 3.3(b), 3.3(d), 3.6(m), 3.6(n), section 3.7(a) (1), (2), and (3), 3.7(b), 3.7(c), 3.7(d), 3.7(e), 3.7(f), 3.8(a), section 3.9(g) material other than forest products not exceeding $5,000 in value and issue free use permits for materials other than forest products not exceeding $5,000 in value, section 3.9(m), 3.9(o), and 3.9(z).

2. All previously published orders of redelegation pursuant to the authority of Bureau Order 701, as amended which pertain to the Area Managers, Roswell District, and which are inconsistent with this order are hereby cancelled and superseded.

3. Effective date. This redelegation will become effective December 15, 1979.

James H. O'Connor,

District Manoger.

December 1, 1979.

Approved: November 30, 1979.

Arthur W. Zimmermann,

State Director.

[FR Doc. 79-38198 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

Coal Lease Applications W-49338 and W-58095 Land in Carbon County, Wyo.; Request for Public Comment

December 5, 1979.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

For lease offering W–49338, the coal resource to be evaluated consists of coal recoverable by surface mining methods from only bed #77 in Section 20 and from the Hanna No. 5 bed in Section 6, and any overlying beds, in the following described land located north of Hanna, Wyoming:

T. 23 N., R. 81 W., 6th P.M. (Six miles north of Hanna),
Sec. 20, W½E½NW¼NE¼, W½NW¼NE¼, N½NW¼.

The estimated total strippable reserves are 877,000 tons. The coal quality is as follows: Btu—11,257 per pound; Sulfur—1.05 percent and Ash—9.74 percent. The #77 coal bed averages 19 feet thick.

T. 22 N., R. 81 W., 6th P.M. (Two miles north of Hanna),
Sec. 6, Lots 1 through 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All).

The estimated total strippable reserves are 4.2 million tons. The coal quality is as follows: Btu—10,800 per pound; Sulfur—.65 percent and Ash—9.5 percent. The Hanna No. 5 bed averages 17 feet thick. Containing 734.86 Acres.

For lease offering W—58095, the coal resource to be evaluated consists of coal recoverable by surface mining methods from only beds #60 and #61 in Section 8 and beds #60, #61, #62, #63, #64 and #65 in Section 20, and any overlying beds, in the following described land located approximately thirteen miles north of Hanna, Wyoming:

T. 23 N., R. 83W., 6th P.M.,
Sec. 8, all.
Sec. 20, all.

Containing 1,280.00 Acres.

The estimated total strippable reserves are 4.1 million tons. The coal quality is as follows: Btu—10,166 per pound; Sulfur—.57 percent and Ash—8.8 percent. The coal beds average from four to five feet thick.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Information so marked will not be available to the public if it meets exemptions in the Freedom of Information Act. Comments should be sent to both the State Director Wyoming, Bureau of Land Management, P.O. Box 1828 Cheyenne, Wyoming 82001, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than January 12, 1980.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerols Operotions.

[FR Doc. 79-38194 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69594]

Wyoming; Application

November 29, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Panhandle Eastern Pipe Line Company of Brighton, Colorado filed an application for a right-of-way to

construct a 4 inch pipeline and related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 12 N., R. 94 W.,
Sec. 18, SE¼NE¼, NE¼SE¼.

The proposed pipeline will transport natural gas from the Martin Federal #1–18 Well located in the NE¼ of section 18 to a point of connection with an existing pipeline located in the SE¼ of section 18, all within T. 12 N., R. 94 W., Sweetwater County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming, 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-38195 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Systems of Records; Annual Publication

Federal agencies are required by the Privacy Act of 1974 to give annual notice of records they maintain. In 1977 a complete compilation of notices was published on April 11 (42 FR 18968), and last year a completely updated supplement was published on October 23, 1978 (43 FR 49480). This notice includes a complete publication of those notices published between October 24, 1978 and November 15, 1979.

This document fulfills the annual notice requirements of the Privacy Act of 1978. For further information contact Warren Dahlstrom, Privacy Act Officer, on (202) 343–6669.

William L. Kendig,

Deputy Assistant Secretary.

December 6, 1979.

New Record Systems (October 24, 1978 to November 15, 1979)

Personnel Correspondence Files—Interior, Office of the Secretary, OS/99 [Federal Register, Vol. 43 No. 206, Tuesday, October 24, 1978; Page 49579]

Integrated Records Management System—Interior, Bureau of Indian Affairs, BIA–25 [Federal Register, Vol. 44 No. 208, Thursday, October 25, 1979; Page 61464]

Revised Record Systems (October 24, 1978 to November 15, 1979)

Hunting and Fishing Survey Records—Interior, Fish and Wildlife Service, FWS–6 [Federal Register, Vol. 44 No. 32, Wednesday, February 14, 1979; Page 9633]

Claims—Interior, Bureau of Reclamation, LBR–5 [Federal Register, Vol. 44 No. 86, Wednesday, May 2, 1979; Page 25703]

Transferred Records Systems

National Mine Health and Safety Academy Records—Interior MESA–11, has been transferred to the Department of Labor by Public Law 96–38 Supplemental Appropriation Act of 1979 dated July 25, 1979. The National Mine Health and Safety Academy will be under the management of the Mine Safety and Health Administration, Department of Labor.

SYSTEM NAME:

Personnel Correspondence Files—Interior, Office of the Secretary; OS/99.

SYSTEM LOCATION:

Office of the Secretary, Office of Congressional and Legislative Affairs, Division of Congressional Services, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have corresponded directly or indirectly through Members of Congress with the Office of Congressional and Legislative Affairs concerning personnel and employment matters within the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence files in alphabetical order by individuals names which may contain applications, résumés, or other personal materials in support of their reason of inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 43 U.S.C. 1457; and Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use is to maintain a temporary record of the personal interest of the subject of the correspondence. Usually the correspondence is advising the constituent of the status of his or her application for a position with the Department, or advising of the current availability of opportunities, or of the procedures the applicant must undergo in order to be eligible for Federal work within the Department. These records are maintained alphabetically by calendar year basis and are destroyed after the yearly file has become 2 years old. The applications submitted may be provided at the subject's wishes to other personnel authorities within the Department for current consideration should there be possible opportunities or vacancies of possible interest to the applicant.

Disclosures outside the Department of the Interior may be made (1) to a Federal agency so that the agency may respond to an inquiry from the named individual, (2) to the U.S. Department of Justice when related to litigation of anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in metal file cabinets in locked rooms.

RETRIEVABILITY:

Filing system maintained on yearly basis in alphabetical name order.

RETENTION AND DISPOSAL:

Filing system maintained on calendar year basis and the 2d yearly file is destroyed December 31 at the end of the 2d year.

SYSTEM MANAGER(S) AND ADDRESS:

Congressional Liaison Officer, Office of the Secretary, Office of Congressional and Legislative Affairs, 18th and C Streets NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Same as above. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63 for submission requirements.

CONTESTING RECORD PROCEDURES:

Same as above. See 43 CFR 2.71 for submission requirements.

RECORD SOURCE CATEGORIES:

Correspondence or documents signed within the Office of the Secretary, Office of Congressional and Legislative Affairs, or presented to the Office in person by constituents and this material became a record of the interview or visit, etc.

SYSTEM NAME:

Integrated Records Management System—Interior BIA–25.

SYSTEM LOCATION:

(1) All Area and Agency Offices Listed Below:

Agency, Location, and Contact

Billings Area Office Computer, Area Director.
Billings Area Office, Billings, MT, Area Director.
Flathead Agency, Ronan, MT, Superintendent.
Flathead IRR Project, St. Ignatius, MT, Project Engineer.
Northern Cheyenne Agency, Lame Deer, MT. Superintendent.
Crow Agency, Crow Agency, MT, Superintendent.
Blackfeet Agency, Browning, MT, Superintendent.
Fort Belknap Agency, Harlem, MT, Superintendent.
Fort Peck Agency, Poplar, MT, Superintendent.
Rocky Boy Agency, Box Elder, MT, Superintendent.
Wind River Agency, Fort Washakie, WY, Superintendent.

Aberdeen Area Office

Ft. Berthold Agency, New Town, ND. Superintendent.
Turtle Mountain Agency, Rolla, ND (Belcourt), Superintendent.
Lower Brule Agency, Lower Brule, SD, Superintendent.

Portland Area Office

Yakima Agency, Toppenish, WA, Superintendent.
Northern Idaho Agency, Lapwai, ID, Superintendent.
Wapato IRR Project, Wapato, WA, Project Engineer.
Denver—Bureau of Mines—Computer, ADP Manager.
Aberdeen, Lower Brule Agency, Reliance, SD. Superintendent.
Albuquerque, Southern Pueblos Agency, Albuquerque, NM, Superintendent.
Anadarko, Anadarko Agency, Anandardo, OK, Superintendent.
Muskogee, Tahlequah Agency, Tahlequah, OK, Superintendent.
Phoenix, Pima Agency, Sacaton, AZ, Superintendent.
Window Rock, Eastern Navajo Agency, Crownpoint, NM, Superintendent.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indian and Indian Tribal groups that are owners of real property held in trust by the Government, individuals or groups that are potential or actual lessees of that property, individuals who have been assigned interests of any in Indian Tribes, Pueblos or corporations, and individual Indians who have money accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Land description, current ownership, dower and life estate interest, information on all types of leases or other land uses including grazing, farming, minerals mining, timber and business, etc. Information on individuals including name, address, aliases, sex, date of birth, tribal membership and blood quantums, etc. General ledgers showing deposits and withdrawals from Indian accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 151, 25 U.S.C. 392, 25 U.S.C. 415, and 25 U.S.C. 163.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

The primary uses of the records are: (a) To control individual Indians money accounts and disclose to them the status of those accounts. (b) Identification of individual Indians and Indian Tribal groups with interest in lands held in trust. (c) Control of leases on Indian trust lands and real property, and collection and distribution of lease income. (d) Bill individual owners or lessees for irrigation. (e) Determination of eligibility of individuals to participate in or enjoy benefits from an interest in a tribal group. (f) Lists of approved enrollees used to distribute funds or income, or as a base to gather census or ownership data for planning purposes. Disclosures outside the Department of the Interior may be made. (1) To the Tribe, band, Pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder. (2) To a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (4) To the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files, computer readable media, input forms and computer printouts. Computer: mag tape and disk piles.

RETRIEVABILITY:

(a) Indexed by name, identification numbers, family numbers, lease numbers, tract numbers, etc. (b) Retrieved by manual search or computer inquiry.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Permanent records are retrieved. Closed or inactive records are transferred to GSA storage. Prior information on mag tape erased as updated information is added to the system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Real Property Management, 316 N. 26th St., Billings, MT 59101.

NOTIFICATION PROCEDURE:

System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the request seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Enrollees or claimants. Birth, marriage and death certificates, and family and tribal histories. Owners and lessees. Titles, deeds probates, all types of land

and water rights and usages documents. Individual Indians, depositors in the accounts and claimants against the accounts.

SYSTEM NAME:

Hunting and fishing Survey Records—Interior, FWS–6

SYSTEM LOCATION:

Division of Program Plans, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contains days of participation and expenditures of individuals participating in hunting, fishing and nonconsumptive wildlife activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended; the Fish and Wildlife Act of 1956 (16 U.S.C. 741a–7421); the Federal Aid in Wildlife and Fish Restoration Acts of 1937 and 1950, as amended, 16 U.S.C. 777–777k, 669–669i.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSE OF SUCH USES:

The primary use of the records is the development of statistical analyses to assist State and Federal governments in managing wildlife resources. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape

RETRIEVABILITY:

Indexed by identification number.

SAFEGUARDS:

Maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

For each survey that uses this system, the records will be maintained until summary analyses are completed, after which the names and addresses will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Program Plans, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

Interior/LBR–5

SYSTEM NAME:

Claims—Interior. Reclamation—5.

SYSTEM LOCATION:

(1) Washington Office Manager Bureau of Reclamation, U.S. Department of the Interior, Washington, DC 20240. (2) Reclamation offices numbered 3(a through i), 4(a through i), 5(a through i). 6(a through i), 7(a through k), 8(a through h), and 9(a, c, e, f) in Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed Tort, Federal Employee, or Irrigation Claims, and claims under the Teton Dam Disaster Assistance Act, Public Law 94–400, 90 Stat. 1211.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records concerning claims—including the claims and supporting information submitted by the claimant, information developed concerning the claim and a record of the disposition of the claim after processing of the claim is complete.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Federal Tort Claims Act, 28 U.S.C. 240–2680, (2) military personnel and civilian employees Claims Act, 31 U.S.C. 240–243. (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriations Act, Public Law 93–393, 88 Stat. 782, (4) (Annual Public Works Appropriation Act of 1976, Public Law 94–180, 89 Stat. 1035, (5) Act of July 12, 1976, 90 Stat. 889, and (6) Teton Dam Disaster Assistance Act, Public Law 94–400, 90 Stat. 1211.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to analyze the facts and circumstances surrounding each accident, (b) for compilation of statistical data, (c) adjudicating tort, appropriation act, and employee claims. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State, or local agencies where necessary to obtain information relevent to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit; (6) to Auditors from Office of the Inspector General, U.S. Department of Agriculture, Soil Conservation Service (SCS). Agricultural Stabilization and Conservation Service (ASCS) and Farmers Home Administration (FHA). Department of Housing and Urban Development, Army Corps of Engineers, and Federal Disaster Assistance Administration to ascertain whether benefits to individuals were duplicated by the several agencies involved in disaster programs; (7) to Department of Treasury (IRS) and State Department of Revenue and Taxation relative to furnishing information as necessary for compensation for loss of salary or icome; (8) to Small Business Administration, Farmers Home Administration and Department of Housing and Urban Development when related to loans secured through these agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Complete file maintained in manual form in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

In accordance with approved Retention and Disposal Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Paperwork and Records Management Branch, U.S. Department of the Interior, Bureau of Reclamation, Washington, DC 20240.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification above. See 43 CFR 2.60.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 27.1.

RECORD SOURCE CATEGORIES:

Claimant. Investigations conducted by Reclamation offices and contractors, offices of the Department of the Interior State or local government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

[FR Doc. 79-38263 Filed 12-12-79; 8:45 am]

BILLING CODE 4310-10-M

INTERNATIONAL TRADE COMMISSION

[225-1]

Competitive Status of Certain Benzenoid Chemical Imports From Switzerland and the European Community

AGENCY: United States International Trade Commission.

ACTION: Notice is hereby given that the United States International Trade Commission has modified its preliminary determinations with respect to lists of benzenoid chemicals and products notified to the United States by Switzerland and the European Community for the purpose of reviewing the U.S. customs treatment accorded each chemical or product during 1976, 1977, and 1978, pursuant to investigation No. 225-1, initiated September 18, 1979 (44 FR 55442, September 26, 1979).

The Annex to this notice is a supplementary list of chemicals and products which should be added to the lists which appeared in 44 FR 66082, November 16, 1979, and 44 FR 67736, November 27, 1979.

WRITTEN SUBMISSIONS: Interested parties are invited to comment on the Commission's preliminary determination of chemicals and products appearing on the list. Written comments on this supplementary list should be submitted by December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Cappuccilli, Office of Industries ((202) 523-0490) or Mr. Holm Kappler, Office of Nomenclature, Valuation, and Related Activities ((202) 523-0362), United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: December 10, 1979.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

Annex

Chemicals or products which were not valued on the basis of American selling price and for which a more appropriate and representative rate of duty exists in section 223 of the Trade Agreements Act of 1979.

Chemical name/product	Representative period (month/year)	TSUS item number and column 1 rate of duty in section 223			
		Existing rate		More appropriate rate	
		TSUS item	Rate	TSUS item	Rate
Acid Black 211	5/77-5/78	409.66	30.7%	409.62	23.0%
Acid Blue 82	4/76-4/77	409.66	30.7%	409.62	23.0%
Acid Blue 83	8/76-8/77	409.66	30.7%	409.62	23.0%
Acid Blue 280	7/77-7/78	409.66	30.7%	409.62	23.0%
Acid Blue 312	7/77-7/78	409.66	30.7%	409.62	23.0%
Acid Brown 12	9/76-9/77	409.66	30.7%	409.62	23.0%
Acid Green 9	8/77-8/78	409.66	30.7%	409.62	23.0%
Acid Green 112	7/77-7/78	409.66	30.7%	409.62	23.0%
Acid Orange 92	1/76-7/77	409.66	30.7%	409.62	23.0%
Acid Orange 135	3/77-3/78	409.66	30.7%	409.62	23.0%
Acid Red 52	10/77-10/78	409.66	30.7%	409.62	23.0%
Acid Red 213	10/76-10/77	409.66	30.7%	409.62	23.0%
Acid Red 347	1/76-1/77	409.66	30.7%	409.62	23.0%
Acid Red 380	1/76-1/77	409.66	30.7%	409.62	23.0%
Acid Red 394	12/77-12/78	409.66	30.7%	409.62	23.0%
Acid Red 396	12/77-12/78	409.66	30.7%	409.62	23.0%
Acid Yellow 35	12/77-12/78	409.66	30.7%	409.62	23.0%
Acid Yellow 72	1/77-1/78	409.66	30.7%	409.62	23.0%
Acid Yellow 98	12/77-12/78	409.66	30.7%	409.62	23.0%
Acid Yellow 195	12/77-12/78	409.66	30.7%	409.62	23.0%
Acid Yellow 227	11/77-11/78	409.66	30.7%	409.62	23.0%
Basic Blue 120	7/77-7/78	409.74	30.9%	409.70	22.6%
Basic Yellow 77	10/77-10/78	409.74	30.9%	409.70	22.6%
Direct Yellow 134	12/77-12/78	409.82	28.6%	409.78	23.8%
Disperse Blue 26:1	12/77-12/78	409.90	27.8%	409.86	22.5%
Disperse Orange 32	5/77-5/78	409.90	27.8%	409.86	22.5%
Disperse Orange 42	7/77-7/78	409.90	27.8%	409.86	22.5%
Disperse Red 185	12/76-12/77	409.90	27.8%	409.86	22.5%
Disperse Red 167	9/77-9/78	409.90	27.8%	409.86	22.5%
Disperse Red 279	11/77-11/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 44	8/77-8/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 58	10/77-10/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 204	12/77-12/78	409.90	27.8%	409.86	22.5%
Dyes Containing, by weight, 24.2% Acid Yellow 135, 21.7% Acid Orange 51, and 54.1% Acid Blue 113 [1]	12/77-12/78	409.66	30.7%	409.62	23.0%
Dyes containing, by weight, 10.1% Acid Yellow 64, 11.6% Acid Orange 51, 26.3% Acid Blue 113, 50.5% Acid Black 172, and 1.5% Acid Green 25 [1]	12/77-12/78	409.66	30.7%	409.62	23.0%
Dyes containing, by weight, 12.7% Disperse Yellow 1, 32.3% Disperse Orange 1, 19.8% Disperse Blue 35, and 35.2% Disperse Blue 3 [1]	12/77-12/78	409.90	27.8%	409.86	22.5%
Dyes containing, by volume, 39.0% Disperse Yellow 39, 28.0% Disperse Orange 25, and 33.0% Disperse Violet 27 [1]	12/77-12/78	409.90	27.8%	409.86	22.5%

Annex—Continued

Chemicals or products which were not valued on the basis of American selling price and for which a more appropriate and representative rate of duty exists in section 223 of the Trade Agreements Act of 1979.

Chemical name/product	Representative period (month/year)	TSUS item number and column 1 rate of duty in section 223			
		Existing rate		More appropriate rate	
		TSUS item	Rate	TSUS item	Rate
Dyes containing, by weight, 89.4% Disperse Violet 27 and 10.6% Disperse Green 9 [1]	12/77–12/78	409.90	27.8%	409.86	22.5%.
Dyes containing, by weight 67.7% Disperse Blue 35, 14.2% Disperse Yellow 1, and 18.1% Disperse Orange 1 [1].	12/77–12/78	409.90	27.8%	409.86	22.5%.
Dyes containing, by volume, 74.3% Disperse Blue 285, 18.0% Disperse Brown 19, and 7.7% Disperse Yellow 126 [1].	12/77–12/78	409.90	27.8%	409.86	22.5%.
Dyes containing, by weight, 71.0% Reactive Yellow 85 and 29.0% Reactive Orange 13 [1]	12/77–12/78	410.88	27.8%	410.04	20.5%.
Dyes containing, by weight, 50.0% Reactive Red 120 and 50.0% Reactive Yellow 84 [1].	12/77–12/78	410.88	27.8%	410.04	20.5%.
Dyes containing, by weight, 50.0% Reactive Blue 74 and 50.0% Reactive Blue 63 [1].	12/77–12/78	410.08	27.8%	410.04	20.5%.
Dyes containing, by weight, 66.7% Reactive Orange 12 and 33.3% Reactive Red 32 [1]	12/77–12/78	410.08	27.8%	410.04	20.5%.
Dyes containing, by weight, 57.9% Reactive Blue 13 and 42.1% Reactive Black 41 [1].	12/77–12/78	410.08	27.8%	410.04	20.5%.
Pigment Yellow 113	12/77–12/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 153	11/77–11/78	410.32	31.3%	410.28	20.4%.
Reactive Blue 6	7/76–7/77	410.08	27.8%	410.04	20.5%.
Reactive Blue 38	3/76–3/77	410.08	27.8%	410.04	20.5%.
Reactive Blue 167	3/77–3/78	410.08	27.8%	410.04	20.5%.
Reactive Blue 170	3/77–3/78	410.08	27.8%	410.04	20.5%.
Reactive Orange 3	8/76–8/77	410.08	27.8%	410.04	20.5%.
Reactive Orange 89	12/77–12/78	410.08	27.8%	410.04	20.5%.
Reactive Red 10	4/74–4/77	410.08	27.8%	410.04	20.5%.
Reactive Red 30	8/76–8/77	410.08	27.8%	410.04	20.5%.
Reactive Red 44	10/76–10/77	410.08	27.8%	410.04	20.5%.
Reactive Red 49	8/76–8/77	410.08	27.8%	410.04	20.5%
Reactive Red 80	5/77–5/78	410.08	27.8%	410.04	20.5%.
Reactive Yellow 42	11/77–11/78	410.08	27.8%	410.04	20.5%
Reactive Yellow 125	6/77–6/78	410.08	27.8%	410.04	20.5%.
Reactive Yellow 135	12/77–12/78	410.08	27.8%	410.04	20.5%.
Solvent Blue 56	8/76–8/77	410.00	28.0%	409.96	19.9%
Solvent Green 27	12/77–12/78	410.00	28.0%	409.96	19.9%
Solvent Red 89	8/76–8/77	410.00	28.0%	409.96	19.9%.
Solvent Red 100	1/76–1/77	410.00	28.0%	409.96	19.9%.
Solvent Red 129	8/77–8/78	410.00	28.0%	409.96	19.9%.
Solvent Red 162	6/77–6/78	410.00	28.0%	409.96	19.9%.
Solvent Violet 24	12/77–12/78	410.00	28.0%	409.96	19.9%
Vat Blue 67	2/76–2/77	410.16	32.9%	410.12	20.9%.
Vat Red 32	12/77–12/78	410.16	32.9%	410.12	20.9%.
3-Amino-4-chloro-alpha-phenyl-3-pyridazinone.	7/77–7/78	408.22	1.7¢/lb + 15.1%	408.21	1.7¢/lb + 12.6%
4-Amino-2-(N,N-diethylamino) toluene hydrochloride.	8/77–8/78	404.88	1.7¢/lb + 18.8%	404.84	1.7¢/lb + 12.4%.
1-Amino-8-hydroxynaphthalene 3,6,-disulfonic acid.	1/77–1/78	404.88	1.7¢/lb + 18.8%	404.84	1.7¢/lb + 12.4%.
2,4-Bis (n-octylthio)-6-(4-hydroxy-3,5-di-tert-butylamino) 1,3,5-triazine.	9/76–9/77	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
2 sec-Butyl-4-tert-butyl-6-(benzotriazol-2-yl) phenol.	9/76–9/77	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl) delta ^{2} 1,3,4-oxadiazolin-5-one	8/76–8/77	408.22	1.7¢/lb + 15.1%	408.21	1.7¢/lb + 12.6%
2-tert-Butyl-4-metnyl-6-(5-chlorobenzotriazol-2-yl phenol.	11/77–11/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
4-(4-Chloro-2-methylphenoxy) butyric acid	6/76–7/77	408.22	1.7¢/lb + 15.1%	408.21	1.7¢/lb + 12.6%.

Annex—Continued

Chemicals or products which were not valued on the basis of American selling price and for which a more appropriate and representative rate of duty exists in section 223 of the Trade Agreements Act of 1979.

Chemical name/product	Representative period (month/year)	TSUS item number and column 1 rate of duty in section 223			
		Existing rate		More appropriate rate	
		TSUS item	Rate	TSUS item	Rate
Chloropromazine	12/78–12/77	412.34	1.7¢/lb + 41.5%	412.30	1.7¢/lb + 12.6%.
P-Chloropyrazolone	7/77–7/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
6-Chloro-2-toluidine-4-sulfonic acid	9/77–9/78	404.88	1.7¢/lb + 18.8%	404.84	1.7¢/lb + 12.4%
p-Cyanophenyl acetate	11/77–11/78	405.60	1.7¢/lb + 20.5%	405.56	1.7¢/lb + 12.7%.
4,4-Diaminobenzanilide	2/77–2/78	405.32	1.7¢/lb + 18.1%	405.28	1.7¢/lb + 12.4%.
Dibenzcarbinol	8/76–8/77	405.08	1.7¢/lb + 15.6%	404.92	1.7¢/lb + 12.2%.
2,4-Di-tert-butyl-6-(5-benzotriazol-2-yl) phenol	11/77–11/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl) phenol.	8/77–8/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
2,5-Dichloroaniline	8/77–8/78	404.88	1.7¢/lb + 18.8%	404.84	1.7¢/lb + 12.4%
Di(2,2,6,6-tetramethyl-4-hydroxypiperidine) sebacate.	11/77–11/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
Ethyl-(2-dimethylaminoethyl) aniline	12/77–12/76	404.88	1.7¢/lb + 18.8%	404.84	1.7¢/lb + 12.4%.
N-Ethyl-N-(2-methoxycarbonylethyl)aniline.	12/77–12/78	405.08	1.7¢/lb + 15.6%	404.92	1.7¢/lb + 12.2%
Etymenazine chlorhydrate	12/76–12/77	411.56	1.7¢/lb + 22.8%	411.52	1.7¢/lb + 12.5%.
1,6-Hexane-diol-bis (3,5-di-butyl-4-hydroxyphenyl)-propionate.	12/77–12/78	404.46	1.7¢/lb + 17.9%	404.40	1.7¢/lb + 12.5%.
N,N'-Hexamethylene bis-(3,5-di-tert-butyl-4-hydroxyhydrocinnamamide.	11/77–11/78	405.32	1.7¢/lb + 18.1%	405.28	1.7¢/lb + 12.4%.
2-Methyl-5-ethylpyridine	7/77–8/78	406.40	1.7¢/lb + 16.2%	404.36	1.7¢/lb + 12.4%.
2,4-methylcarboxypyrazolic acid	8/76–8/77	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
2-Methylmercaptobenzimidazole	12/77–12/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
2,4-Methylpyrazolic acid	1/76–1/77	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
Methyl phenylpyrazolone	10/77–10/78	406.40	1.7¢/lb + 16.2%	406.36	1.7¢/lb + 12.4%.
Tamoxilen citrate	12/77–12/78	412.48	1.7¢/lb + 21.7%	412.42	1.7¢/lb + 13.6%.
2,5-Xylidine	11/77–11/78	404.88	1.7¢/lb + 18.8%	404.84	1.7¢/lb + 12.4%.

[1] The named percentages are subject to a tolerance of plus or minus 2 percentage points.

[FR Doc. 79-38151 Filed 12-12-79; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL ENDOWMENT FOR THE HUMANITIES

Humanities Panel Advisory Committee; Meeting

December 7, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506, in the room adjacent to 905, from 9 a.m. to 5:30 p.m. on January 7, 8, 14, 15, 17, and 18, 1980.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for projects beginning after May 1, 1980.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, DC 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 79-38204 Filed 12-12-79; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Advisory Committee; Meetings

December 7, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1. Date: January 7, 1980. Time: 8:30 a.m. to 5:30 p.m. Room: 1023. Purpose: To review state humanities committee applications in all of the fields of the humanities submitted to the National Endowment for the Humanities for projects beginning after March 1, 1980.
2. Date: January 7, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314 Purpose: To review NEH Fellowships, Category C applications in History submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.
3. Date: January 8 and 9, 1980. Time: 9:00 a.m. to 5:30 p.m. Room 1023–1025. Purpose: To review Pilot applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.
4. Date: January 10 and 11, 1980. Time: 8:30 a.m. to 5:30 p.m. Room: 807. Purpose: To review state humanities committee applications in all of the fields of the humanities submitted to the National Endowment for the Humanities for projects beginning after March 1, 1980.
5. Date: January 9, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1130. Purpose: To review NEH Fellowships, Category C applications in Philosophy submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.
6. Date: January 10 and 11, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1023–1025. Purpose: To review Pilot applications submitted to the National Endowment for the Humanties for grants to educational institutions and non-profit organizations.
7. Date: January 18, 1980. Time: 9:00 a.m. 5:30 p.m. Room: 1st Floor Conference Room. Purpose: To review NEH Fellowships, Category C applications in Art submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980.
8. Date: January 23, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314 Purpose: To review NEH Summer Stipend applications in English Literature: Restoration to the Present submitted to the National Endownment for the Humanities for projects beginning after June 1, 1980.

Because the proposed meetings will consider financial information and

disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, date January 15, 1979, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

If you desire more specific information, contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79–38205 Filed 12–12–79; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

National Science Foundation College Faculty Conferences

December 5, 1979.

The Conference Report on the NSF Authorization Act for the fiscal year beginning October 1, 1979 empowers the Foundation to establish a pilot series of college faculty conferences at a cost of approximately $400,000. Because of the limited funding level and the tightness of a schedule that calls for the conferences to be held in the summer of 1980, it has been decided to forgo a general solicitation of proposals for the FY 1980 competition. Instead, the Foundation has requested professional scientific societies in the general fields in which it has been active in providing support to recommend areas in their respective fields appropriate for conference treatment and to suggest the names of individuals who might prepare proposals for such conferences. Proposals submitted by the January 14, 1980 deadline by any otherwise eligible organization will be considered by the Foundation without prejudice. Any organization, public or private, having access to the requisite resources (facilities and scientific expertise) necessary to achieve the conference objectives is an eligible organization.

Given the funds available, it is anticipated that the Foundation will be able to support eight conferences, or one in each of the following areas: Social Sciences; Behavioral Sciences; Life Sciences; Earth Sciences; Chemical Sciences; Physical Sciences; Engineering Sciences; and the Mathematical and Computer Sciences.

Program guidelines and additional information concerning the conferences may be obtained by contacting Dr. Michael M. Frodyma at (202) 282–7191.

Michael M. Frodyma,

Director, Faculty Oriented Programs, Division of Scientific Personnel Improvement.

[FR Doc. 79–38140 Filed 12–12–79; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–2061—Source Material License No. STA–583]

Concerning Approval of a Plan to Decommissioning of Rare Earths Facility, West Chicago, Ill., by Kerr-McGee Chemical Corp.; Availability of Stabilization Plan and Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of the Proposed Action—Kerr-McGee proposes to decommission the Rare Earths Facility located in West Chicago, Illinois. The proposed plan involves demolition of the existing buildings, removal of building rubble and contaminated soil to an adjacent disposal site, and stabilization of building rubble, contaminated soil, ore tailings and ore residues on the disposal site. A source material license, No. STA–583, is currently in effect for the Rare Earths Facility. An application for renewal of STA–583 was submitted by Kerr-McGee on July 20, 1979.

2. Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of a detailed environmental statement pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to amending a source material license if the amending of that license may result in actions which significantly affect the quality of the human environment. Amending source material license No. STA–583 to authorize stabilization activities will result in such actions. The U.S. Nuclear Regulatory Commission is, therefore, preparing an environmental impact statement to support future licensing action.

3. The principal alternatives currently planned to be considered include alternative sites for disposal of building rubble, ore tailing and residues, alternative stabilization designs, and the alternative of no licensing action.

4. The draft environmental impact statement is expected to be available to the public for review and comment in May 1980.

5. The licensee's stabilization plan and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Copies of the stabilization plan are also being provided to the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 South Second Street, Room 315, Springfield, Illinois 62706, and the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois 60606.

Questions about the proposed action, or draft environmental impact statement, and any written comments should be directed to W. A. Nixon, U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, 396–SS, Washington, D.C. 20555, phone (301) 427–4510.

Dated at Silver Spring, Maryland, this 6th day of December, 1979.

For the Nuclear Regulatory Commission.

W. T. Crow,

Section Leader, Uranium Process Licensing Section, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79–38190 Filed 12–12–79; 8:45 am]

BILLING CODE 7590–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 79–50]

Safety Recommendation Letter and Responses; Availability

Aviation Safety Recommendations

A–79–89 and 90.—Engine malfunctions and failures related to fuel line vapor problems in Cessna 200-series aircraft have been under investigation by the National Transportation Safety Board. In a recommendation letter issued December 4 to the Federal Aviation Administration, the Safety Board notes that FAA's Engineering and Manufacturing District Office, which is responsible for oversight of Cessna Aircraft Company, and Cessna Aircraft Company personnel have been fully aware of the Board's concern about this problem for some time.

The Safety Board also notes that Cessna recently issued service letters containing checklists and procedures on this subject to operators of Cessna 200-series aircraft. Additionally, FAA issued an Airworthiness Directive, No. 79–15–01, effective July 26, 1979, making the

provisions of a portion of Cessna's service letters mandatory. Nevertheless, the Board finds, no action has been taken by Cessna or the FAA Central Region to institute hardware changes to correct this problem. The Board is concerned about the lack of timely and adequate corrective action to eliminate fuel system problems that have been identified and believes that FAA should take immediate action to eliminate the potentially unsafe condition on these aircraft.

Board investigation of these Cessna 200-series aircraft engine malfunctions revealed that they frequently are caused by fuel vapor buildup in the aircraft and engine fuel system. Vapor generation in fuel systems is normal, but if it is not properly purged, or if vapor generation becomes excessive, fuel vapor will build up, restrict fuel flow, and may cause intermittent engine operation or complete loss of power. In some cases, the engine-driven fuel pump may cavitate, with an immediate total power loss.

The Safety Board is aware that there is a difference of opinion between the FAA and Cessna regarding compliance of the Cessna 200-series aircraft with Civil Air Regulation 3.446 and Federal Aviation Regulation 23.975. Nevertheless, the Safety Board believes that the Cessna 200-series aircraft fuel systems should be modified to prevent the type of vapor problems evidenced. The vapor return line from the engine-driven fuel pump should be routed in a manner so as to provide positive vapor venting into the fuel tank—a typical practice in other fuel-injected general aviation aircraft, including twin-engine Cessna aircraft. Accordingly, the Safety Board recommends that FAA:

Require the redesign of the Cessna 200-series aircraft fuel system to incorporate a separate means to route fuel vapor from the pump or reservoir to the fuel tanks, and require the retrofit of the new system on existing Cessna 200-series aircraft. (A–79–89)

As an interim measure, issue an Airworthiness Directive to require the inspection of: (1) the forward fuel supply line for proper bend radius and tube diameter in the bend; and (2) the fuel lines inside the engine compartment for proper separation from exhaust system components or other heat sources of all Cessna 200-series airplanes, and the correction of all deficiencies found in those installations. (A–79–90)

Both of the above recommendations have been designated "Class II, Priority Action."

Responses to Safety Recommendations

Aviation

A–79–72.—The Federal Aviation Administration on November 30 responded to a recommendation issued September 7 following investigation of the November 9, 1978, crash of a Beechcraft B19 at Gurney, Ill. The recommendation asked FAA to amend 14 CFR Part 23 to require that fuel selector valves incorporate devices that prevent movement to "off" positions without separate lever-release action by the pilot. (See 44 FR 53319, September 13, 1979.)

FAA concurs with the Board's recommendation and will include a proposal for fuel selector valves in the Engine Review notice of proposed rulemaking. FAA anticipates that the proposal will be published sometime in the first quarter of 1980. Also, FAA will propose that the design of the selector valve must preclude travel through an "off" position when changing tanks.

Marine

M–78–34.—In a response to this recommendation, forwarded December 14, 1978, the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, indicated that a validation was being conducted of wave forecasts for the Great Lakes (43 FR 60677, December 28, 1978). On November 30 NOAA advised the Safety Board that the validation study has been completed and has been published in the October 1979 Monthly Weather Review, a journal of the American Meteorological Society. A reprint of the paper is attached to NOAA's letter. Recommendation M–78–34 was developed following investigation of the sinking of the SS EDMUND FITZGERALD in Lake Superior on November 10, 1975.

Pipeline

P–72–53.—The American Gas Association on November 9 responded to the Safety Board's request of August 4, 1978, for reconsideration of this recommendation, developed as a result of investigation of the Washington Gas Light Company natural gas explosion, Annandale, Va., March 24, 1972. The recommendation asked AGA to study the flow of gas through various construction fill media and recommend methods and types of fill to be used in the installation of underground utility lines.

The Safety Board's August 4 letter took note of AGA's earlier response which related the findings of a task group recommending that no further research be initiated toward the end of controlling underground migration of gas. This finding came from a survey of a number of member companies, many of whom were concerned that the limiting of gas migration might cause large volumes of gas to become trapped underground and that leak detection would be hampered.

The Board noted that recommendation P–72–53 was developed as a result of the National Bureau of Standards tests at the accident site in Annandale shortly after the accident. Those tests showed that the leaking gas was actually led to adjacent buildings through the loosely backfilled trenches for utility connections. The gas then passed through the basement wall material, and there was accumulation of a large volume of gas in a confined space. The Board stressed the fact that large buildups of gas in confined spaces are dangerous, whether underground or in buildings, and through its recommendation the Board was optimistic that AGA would be able to develop, through material selection or method regulation, a means to control the lateral underground migration while allowing for a relative ease of vertical migration to create a situation where the gas could be detected near the pipeline and dissipation into the atmosphere would occur. With these ideas in mind, the Board asked AGA's Distribution Construction and Maintenance Committee of the Operating Section to reconsider this recommendation as a service to gas pipeline operation safety.

In reply to the Safety Board's request, AGA on November 9 forwarded a copy of the committee's report. The report indicates that the committee believes that gas migration cannot be properly controlled by backfill type. More important control items are the installation and maintenance of the facility along with cathodic protection systems and leak survey monitoring. Prompt emergency action is also important. Committee members were asked to fill out a questionnaire; 19 responses were listed. The companies represented by the 19 responders now operate 11,659,000 existing services. These companies will install about 148,000 new services and replace about 130,000 existing services annually. Any change in current practices would affect about 2 percent of the total services annually. Of the responders, 32 percent would support research into backfill only with reservations; 68 percent would not support the research at all.

The committee report also indicates that current construction and maintenance practices should be recognized as efforts beyond code

requirements to minimize gas migration. Examples are: (1) Complete sealing of pipe entry into building, (2) above-ground building entry of service or fuel lines, and (3) more than minimum required leak survey frequency.

P–76–9.—On November 30 the Research and Special Programs Administration, U.S. Department of Transportation, responded to the Safety Board's October 31, 1979, reqest for an update of the Materials Transportation Bureau's activities relative to recommendation P–76–9 issued April 19, 1976, as a result of Board investigation and analysis of the massive, low-order gas explosion which demolished one wall of a 25-story building in New York City on April 22, 1974. The recommendation asked DOT to determine the availability, the practicability, and the state-of-the-art in manufacture of excess flow valves for use on low-pressure gas distribution systems, and, based upon the results of these findings, to amend 49 CFR Part 192 to incorporate the use of these valves in commercial buildings.

The Board's October 31 letter notes that MTB responded to P–76–9 on July 30, 1976, by stating:

> The recent contract study completed for OPSO on "Rapid Shutdown of Failed Pipeline Systems and Limiting of Pressure to Prevent Pipeline Failures Due to Overpressure" included a review of the state-of-the-art for rapid shutdown of failed distribution systems. Excess flow valves were considered in that review. Our preliminary evaluation of the report indicates that excess flow valves may be a practical safety device for certain situations. Upon completion of our evaluation, which is expected by January 1977, we will know whether or not a notice of proposed rulemaking should be issued on the subject of excess flow valves or other means of shutting down a low pressure distribution system. At that time, we will advise you of our plans for regulatory action.

The Board accepted the response and held P–76–9 in an open status pending the complete evaluation of the rapid shutdown study. On October 30, 1978, the MTB informed the Board that review of the study had been completed and made the following statement regarding excess flow valves:

> * * * we have determined that the study results are not sufficiently conclusive to support proposed regulations concerning use of excess flow valves (or devices) on new or repaired gas distribution services. The Study indicated that experience with excess flow devices show that they could improve safety by reducing accident effects in service line ruptures. However, the study indicated potential problems with the devices which needed further study, i.e., "possible fouling of those devices over long periods of time due to accumulation of foreign matter and the potential for false closure." The study report recommended "further research and development * * * to minimize the false closure problem."

On December 29, 1978, the Safety Board made the following statement to MTB:

> Even though the report was not conclusive as to the use of excess flow valves, the report did list a recommendation for development of a regulation for the installation of excess flow valves in certain situations. Since this study was completed four years ago, a large number of excess flow valves have been used by the industry on a voluntary basis. Manufacturers have conducted extensive testing and research to improve the operational sensitivity and to perfect the application of these valves.
>
> We believe that the industry survey portion of your "Rapid Shutdown" study should be continued and enhanced so that data on the recent experience gained by manufacturers of these devices could be assembled and analyzed. This data would provide information sufficient to follow through with the recommended regulatory action.

The Safety Board's October 31, letter expressed interest in what further action has been taken by RSPA on this recommendation. Was further research or development planned or carried out? Was the industry surveyed for further information on current design, manufacture, and use of excess flow valves?

In answer to the Safety Board's question about further research or development, RSPA's November 30 letter indicates that MTB has reviewed the contract study, "Rapid Shutdown of Failed Pipeline Systems and Limiting of Pressure to Prevent Pipeline Failure Due to Overpressure." also, the contract report, "Study on Current Practices, Technologies, Problems, and Recommendations Relating to the Overall Safety of Gas Distribution Systems," was reviewed. that study, completed by AMF Inc. for MTB in 1976, also considered excess flow valves and concluded, as did the "Rapid Shutdown" study, that while the excess flow valves are a potentially beneficial safety device for the gas distribution industry, they do still have disadvantages. RSPA lists these problems noted by the gas industry concerning the excess flow devices in the AMF Inc. research:

- •False closures and sticking in the closed position when a new service is turned on; repairs in these cases can involve excavation of the street to replace or remove the device.
- •The proper flow setting must be selected so that seasonal flow increases or addition of appliances to the service do not trip the valve. Thus, there is a tendency to select the equipment for larger flows to preclude false closures. In these cases, small leaks or partial breaking of service lines may not trip the valve.
- •There is a lack of information concerning the ability of equipment to sit quiescent for many years and still be operable under the proper conditions. The effects of aging, contamination, and other factors must be checked by trial use. Aging may cause the device not to work or could cause the device to be more susceptible to pressure fluctuations or street vibrations while contamination may stop a valve from seating properly or be incapable of being reset.

With regard to the industry survey to obtain further information on current design, manufacture, and use of excess flow valves, RSPA plans to hold a conference with some of the major manufacturers in January 1980 to solicit their views regarding the problems cited in the contract reports. Particular attention will be devoted to those manufacturers identified in the technical studies including Continental Industries, Inc. (Autovalve); UMAC (Donkin Flow Limitor); Scientific Controls, Inc. (Marotta Flow-Fuses); Mueller Company (Gas Phuse); Follet Valves, Inc. (Follet Safety Valve); and industry technical groups. RSPA says it will seek information about how the problems discussed above may be overcome as well as recent innovations and improvements in the design and operation of the excess flow valves which would enhance their reliability and serviceability in gas distribution performance.

Railroad

R–79–14 through 28.—Letter of October 121 from the Federal Railroad Administration is in response to recommendations issued last March 20 in connection with the Safety Board's report No. NTSB–SEE–79–2, "Safety Effectiveness Evaluation—Review of the Federal Railroad Administration's Hazardous Materials Program and the Applicable Track Safety Standards." (See 44 FR 18749, March 29, 1979.)

Recommendation R–79–14 urged FRA to select and install a railroad safety expert as Associate Administrator for Safety, assuring that he has the authority commensurate with his responsibility for the railroad safety program. FRA reports that on February 26, 1979, Joseph W. Walsh became FRA's Associate Administrator for Safety, bringing with him 33 years of railroad and railroad union experience. FRA notes that Administrator Sullivan is "confident that Mr. Walsh is the competent professional needed for this key position and as such has delegated to Mr. Walsh authority commensurate with his rsponsibility."

In response to R–79–15, which recommended that FRA change the organization so that the lines of

authority are compatible with the functional requirements of the various organizational elements of the Office of Safety, FRA notes that the Safety Board stated that the entire field inspection force, which is responsible for the everyday compliance activities, reports through Regional Directors of Railroad Safety to Regional Administrators, who in turn, report directly to the Administrator. Further, the Safety Board pointed out that this organizational structure is a major deterrent to successful safety programs, citing the lack of a direct line of authority and the indirect lines of communications as major deterrents to success. FRA says it realized that this problem existed and, 3 months prior to issuance of the Safety Board's report, redrafted the organizational structure. Regional Administrator positions are being abolished and the Regional Directors of Railroad Safety are now reporting directly to the Associate Administrator for Safety.

Recommendation R–79–16 asked FRA to develop a data base that will allow the definition and rating of railroad safety problems, particularly those problems related to the derailment of hazardous materials. FRA notes that the Safety Board warned in its report that the Transportation System Center (TSC) work is jeopardized by the inadequacy of the FRA and Materials Transportation Bureau data which are being used. To alleviate this problem, the recommendation of the DOT Hazardous Materials Task Force, "that a centralized hazardous materials information system be established within the Department to collect and analyze hazardous materials program information," was adopted. The Research and Special Programs Administration, with funding from the modal administrations, is used in the Department's planning, regulatory and compliance efforts. FRA reports that TSC has already begun interviewing and surveying the various users.

Recommendation R–79–17 asked FRA to develop and document a track safety program based on risk as indicated by a comprehensive safety analysis which will include: Desired level of safety (risk) to be achieved; program goals and objectives based on that level; and criteria by which the success of the program will be measured. In response, FRA states that its Track Safety Program is based on the premise that every reasonable effort should be made to prevent the death or injury to railroad employees and the general public. The recent General Inquiry into the revision of the track safety standards revealed a consensus among participants, including industry representatives and the Safety Board, that all track should be "maintained and made safe for the passage of all types of trains." (See Statement of Elmer Garner, NTSB, Docket No. RSSI–78–5, Transcript pg. 11.) Neither the Safety Board nor the industry, FRA states, would differentiate between track in densely populated areas and track in undeveloped areas or between track used to transport hazardous materials and track used exclusively for the transportation of coal or grain. FRA has recognized that immediate compliance objectives must be selected with more care if loss of life and property is to be minimized.

Further in connection with R–79–17, FRA states that it is impractical to insist that "program goals and objectives be based on that (near perfect) level" of safety. Rather, program objectives must be based on risks identified to be most critical in relation to the *possibility* of derailment and the potential *consequences* of derailment. FRA further states that once identified, compliance objectives are achieved by programs of inspection, the assessment of civil penalties and/or the issuance of emergency orders.

In FY 1978, FRA received funding for a comprehensive cost-benefit evaluation of the railroad safety program including track. In December 1977, TSC began working on the Hazard Analysis and Priority Determination System. This system will improve FRA's ability to determine and measure the factors believed to cause accidents providing the ability to rank the severity of safety problems. Alternative safety countermeasures will be analyzed. Countermeasures will be implemented, based largely on cost/benefit analysis, FRA stated. This analysis will enable the Office of Safety to develop a System Safety Plan by the end of 1980.

With respect to R–79–18, which called on FRA to insure that selective upgrading of those sections of track with the worst derailment records to a condition which will not cause derailments, FRA reports that its field personnel receive accident data in order to determine those sections of track with the worst derailment records—an important consideration when establishing inspection priorities. Through FRA's enforcement program, remedial action is taken by the carriers to bring the track into compliance.

Recommendation R–79–19 urged FRA to immediately revise the track safety standards to eliminate the subjectivity, incompatibility, vagueness, and unenforceability; the requirements should be made more explicit to insure detection and correction of all combinations of track conditions which cause derailments. In response, FRA reports undertaking a complete review of the Track Safety Standards with three primary objectives: (1) All requirements which are burdensome and unessential for safe track are to be eliminated; (2) all requirements which cannot be justified or sufficiently clarified for enforcement purposes by existing data or research will be eliminated until further information becomes available; and (3) knowledge gained from research, data collection, and experience is to be used to strengthen and clarify the remaining requirements. However, it is FRA's conclusion that the basic premise of the original standards is sound. The philosophy enunciated when the standards were introduced is still applicable to any changes proposed in the near future. FRA will again set forth minimum necessary requirements for safe track rather than a comprehensive list of all potential hazardous conditions. It is still the railroads, not FRA, which remain directly responsible for finding and correcting all unsafe track conditions.

In responding to R–79–29, which called for insurance that the Automated Track Inspection Program includes goals and objectives and measurable criteria for program evaluation, FRA states that it is aware of the need to provide headquarters-based support systems to assist in the evaluation of priorities in the track safety program and assure effective use of resources. One such program is the Automated Track Inspection program (ATIP), which has been functioning as an integral part of the FRA compliance effort for over 2 years. During that time, FRA states that substantially all trackage used for passenger service has been surveyed, and followup inspections have been conducted. The ATIP vehicles have also been employed to diagnose track geometry deficiencies on many lines which carry large tonnages of hazardous materials. The surveys and conventional walking inspections have identifed numerous conditions which, if left uncorrected, would have resulted in major transportation accidents. Obviously, the benefits achieved by these efforts are not amenable to ready quantification. Nevertheless, additional efforts are underway to assess costs and benefits and to formulate a ranking system for regulatory and compliance priorities. As discussed in reference to FRA's response to recommendation R–79–17, above, in FY 1978, FRA received funding for a comprehensive cost-benefit evaluation of the railroad safety

program, including track, and, in December 1977, TSC began working on the Hazard Analysis and Priority Determination System. FRA says this analysis will enable the office of Safety to develop a System Safety Plan by the end of 1980.

In response to R–79–21, which recommended that FRA determine through an independent study why some States have been unable or unwilling to join in the existing State Participation Program and implement a productive program as contemplated by the Federal Railroad Safety Act of 1970 in which the States are true partners, FRA reports sending out questionnaires to all States and conducting followup interviews with State officials to determine why many States are unable or unwilling to participate in the rail safety program. This review determined that the major areas of conflict between FRA and the States have been with inspector qualifications and the desirability of expanding State participation into investigation and surveillance activities under the older railroad safety statutes. Legislative and funding problems have also kept some States from joining the program. FRA reports that, unfortunately, the States as a group were not able to provide human resources of the quality required in the early years of the decade. Instead, persons with technical expertise had to be recruited or trained. The low salary schedules of many States made recruitment of individuals meeting FRA-established qualifications difficult. FRA notes that the Safety Board is in agreement with FRA that expansion of the State Participation Program into additional areas of inspection would be premature and inadvisable. FRA, in turn, agrees with the Safety Board that this is not to say that at some future time the program should not be expanded when the track and freight car safety programs are perfected.

Recommendation R–79–22 asked FRA to determine in cooperation with the Interstate Commerce Commission the feasibility of establishing hazardous materials routes to bypass populous areas, and, if hazardous materials routing is operationally feasible, require that the track on those routes be maintained at a minimum of Class 4 condition. FRA reports that under the Hazard Analysis/Priority Determination study, FRA has determined the high hazardous materials flow corridors throughout the United States. Through use of FRA's Railroad Network Model and the Waybill Statistics program, FRA has also located the hazardous materials movements by railroad. The data has also been disaggregated by category of hazardous materials and has been combined with population density information along rail routes in order to assess the current and future exposure and risk associated with the rail transportation of hazardous materials. FRA is studying the feasibility of rerouting hazardous materials shipments. Part of the feasibility study will involve one or more case studies of hazardous materials shippers. FRA believes that track maintained to the standards for a particular class should be safe for the passage of all trains without distinction as to whether or not they handle hazardous materials. At the General Safety Inquiry with respect to Track Safety Standards, held by FRA on November 15 and 16, 1978, all witnesses who addressed this question, including those representing the Safety Board, responded by favoring or endorsing this policy.

In response to R–79–23, which urged FRA to maintain the schedule for owners to complete the head shield and insulation program, FRA reports that the retrofit program for DOT Specifications 112 and 114 tank cars was accelerated in July 1978. The accelerated program required installing shelf couplers by December 31, 1978, head shields on cars carrying anhydrous ammonia and liquefied flammable gas by December 31, 1979, and insulation or insulation and steel jackets on the cars carrying flammable gases by December 31, 1980. FRA reports that on July 1, 1979, the retrofit status was as follows:

Total number of cars	17,493	.....
Shelf couplers applied	17,475	(99.9%)
In shop for couplers and heavy repairs	18	(0.1%)
Cars with completed "A retrofit (shelf couplers)	639	(100%)
Cars subject to "S" retrofit (shelf couplers and head shields)	2,424	.....
Completed as of 1 July 79	1,698	(70.0%)
Cars subject to "T" retrofit (shelf couplers, head shields and spray on insulation)	1,786	.....
Completed as of 1 July 1979	634	(35.5%)
Cars subject to "J" retrofit (shelf couplers, ½" steel jacket headshield and ⅛ steel jacket barrel encapsulating insulation)	12,644	.....
Completed as of 1 July 79	5,787	(45.8%)
In shops as of 1 July 79	675	(5.4%)
Weekly retrofit capacity	125	(1.0%)

FRA reports that adequate progress is being made on both the "S" and "J" retrofits. Most of the remaining 900 anhydrous ammonia tank cars requiring head shields have been equipped during this summer. More than adequate capacity exists to equip the remainder during the fourth quarter of 1979. Likewise, based on a minimum of 110 "J" cars retrofitted each week during 1979 (actual capacity is closer to 120 cars), over 70 percent of the tank cars scheduled for this retrofit are not completed (65 percent completion is required). FRA notes that the "T" retrofit still presents difficulties. Material shortages and application problems are causing car owners to change their plans from "T" to "J" retrofitting. Since the "J" retrofitters have some third and fourth quarter, 1979, shop space as well as additional shop space in 1980, any additional "J" retrofitting that needs to be done because of changed retrofit elections from "T" to "J" can be accomplished.

Recommendation R–79–24 asked FRA to determine, in cooperation with the Inter-Industry Task Force, what additional cost-effective steps, based on risk-ranking results, can be taken to make tank cars more resistant to hazardous materials releases in derailments. In response, FRA reports working closely with the AAR/Railway Progress Institute Tank Car Safety Research Project to improve tank cars by making them more resistant to hazardous materials releases in derailments. Improved bottom outlet designs are being tested. These designs will lessen the chance of outlet breakage and resulting lading loss.

In answer to R–79–25, which recommended that FRA determine the ultimate safety effect of allowing the indiscriminate lowering of main track classifications instead of maintaining the track at original intended class, FRA states its belief that the safety level of a given segment of track is a function of two factors: (1) The nature and magnitude of the loads imposed on the track by a train, and (2) the ability of the track to withstand those loads at the time of the passage of the train while providing a stable guideway for that train. The first factor is greatly influenced by train speed; the second is simply described as the condition of the track. Neither is influenced by the speed at which trains previously operated, or the previous condition of the track. Safety should not be affected by lowering of main track classification, FRA stated. A study of the relationship between train loading, train speeds, and track conditions is reflected in the revised Track Safety Standards published in a notice of proposed rulemaking on September 6, 1979.

With respect to R–79–26, which recommended that FRA, in cooperation with the Interstate Commerce Commission, develop railroad economic and safety policies which are compatible, FRA refers to its statement from the Secretary's "A Prospectus for Change in the Freight Railroad Industry," published in October 1978, that ". . . the large increase in the train accident rate that can be attributed to defects in way or structure, compared with other causes, provides clear

evidence of an undermaintained and deteriorating rail plant." FRA notes that the worsening financial codition of the rail industry is the result of a variety of causes not all of which are within the industry's control. Government support for the development of rights-of-way for other modes has had a direct effect on the competitive capability of the rail mode. Also Government taxation, rising interest rates and increasing railroad retirement contributions have added directly to the industry's financial difficulties. These problems comprise an institutional environment for the railroad industry that has impeded its ability to respond to change. The net effect has been deteriorating levels of service and profit. FRA notes that much of the responsibility for resolving these problems falls upon the railroad, industry, both management and labor, but part of the responsibility also falls upon Federal and State governments. Governmental actions have been very much a part of the environment of the transportation industry. There is an urgent need for consideration of whether Government policies toward the transportation sector, including programs of financial assistance, are even-handed, fair and adequate.

With further reference to R–79–26, FRA notes that DOT has comprehensively reviewed rail regulatory policy. Federal regulation has constrained industry's ability to adjust rates, merge corporate entities, provide new services and abandon obsolete facilities and services. The "Railroad Deregulation Act of 1979" was submitted to Congress on March 23, 1979. The Administration's legislation, prepared by DOT, seeks to reform the economic regulation of railroads to foster the development and maintenance of a healthy, efficient private freight transportation system, with a maximum reliance on competitive forces in the transportation market place. The Senate's version of the "Railroad Deregulation Act of 1979" (S. 796) was introduced by Senator Cannon (D-Nev.) on March 27, 1979. H.R. 4570, also cited as the "Railroad Deregulation Act of 1979," was introduced in the House on June 21, 1979, by Representative Staggers (D-W. Va.).

Recommendation R–79–27 asked FRA to revise the policies at the Transportation Test Center to insure that the data which is developed is analyzed systematically and published. FRA states, "Current procedures for analyzing, publishing and distributing data from tests at the Transportation Test Center (TTC) are not sufficiently timely. FRA is seeking to obtain a computer at TTC to reduce reliance on contractors and to expedite the analysis of test results."

Recommendation R–79–28 asked that FRA require that all trains with placarded loaded tank cars of the 112A and 114A types not equipped with the required shelf couplers and tank head protection, which are loaded with liquefied flammable gases and other liquids or toxic compressed gases, operate at a speed 10 mph less than the maximum speeds authorized for those trains on classes 3, 4, 5, and 6 track. FRA notes that an assessment of the relative safety of any hazardous materials shipment must also consider other operating conditions including train makeup, track handling, and terrain. FRA notes that its retrofit program, requiring tank head protection as indicated in answer to recommendation R–79–23, is well along. It would be highly impractical if not impossible for carriers to make a distinction in freight train speed based on remaining nonequipped cars, FRA stated. In addition, the time involved in amending regulations would be such that essentially all cars will be equipped by the time such an amendment would become fully effective. The measures required of the carriers by FRA Emergency Order 5 regarding 112A and 114A type tank cars not yet equipped with tank head protection have been highly effective, and FRA believes the situation is under the best practicable control possible at this time.

Note.—Copies of recommendation letters issued by the Safety Board, response letters, and related correspondence are available free of charge. All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

December 10, 1979.

[FR Doc. 79–38201 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–58–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

December 10, 1979.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitve reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*)

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have

comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

New Forms

Food and Nutrition Service
Study of Menu Choice, Food Production and Costs of School feeding program
Single time
School food service directors, 2,000 responses, 500 hours
Charles A. Ellett, 395–5080

Food Safety and Quality Service
Consumer Comprehension of U.S.D.A. Grades
Single time
Natl. probability samp. main purchsr., hshlds food items, 1,200 responses, 200 hours
Charles A. Ellett, 395–5080

Revisions

Farmer's Home Administration
*Request for Statement of Debts and Collateral
FMHA 440–32
On occasion
Description not furnished by agency, $60,000 responses, 10,000 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

Revisions

Bureau of the Census
Plastics Products
MA–30D
Annually
Manufacturers of plastics products, 1,800 responses, 1,800 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Adult Mattresses and Matching Foundations
MA–25E
Annually
Bedding manufacturers, 150 hours, 150 responses,
Off. of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Farm Machinery and Lawn and Garden Equipment (shipments)
MA–5A
Annually
Manufacturers of farm machinery and equipment, 1,000 responses, 1,000 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Reinstatements

Bureau of the Census
Broadwoven Fabrics (Gray)
MQ–22T
Quarterly
Manufacturers of broadwoven fabrics, 2,000 responses, 6,000 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Softwood Plywood
MA–24H
Annually
Plywood manufacturers, 180 responses, 180 hours
Off. of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195

Revisions

Departmental and Other
*Claim for Exemption From Submission of Certified Cost or Pricing Data
DD 633–7
On occasion
Contractors, 4,000 responses, 2,000 hours
Richard Sheppard, 395–3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245–7488

New Forms

Office of the Secretary
Financial Management Systems and Procedures Survey
OS–23–79
Single Time
Universities, hospital, research institutes, 500 responses, 250 hours
Richard Eisinger, 395–3214

Revisions

Alcohol, Drug Abuse and Mental Health Administration
*Inventory of Mental Health Facilities
ADM 25–1
Other (See SF–83)
Mental health facilities, 2,180 responses, 1,090 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Center for Disease Control
*Guillain-Barre Syndrome Surveillance
Other (see SF–83)
Neurologists, 1,000 responses, 167 hours
Richard Eisinger, 395–3214

Extensions

Center for Disease Control
*Consent, Release, and History Form
On occasion
Next of kin of underground coal miners, 600 responses, 100 hours
Richard Eisinger, 395–3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New Forms

Policy Development and Research
Measurement of Respondent Burden
Single time
700 Households in Phila., Pa., 700 responses, 667 hours
Arnold Strasser, 395–5080

Revisions

Administration (Office of Ass't Sec'y)
*Mortgagee's Certification and Application for Interest Reduction Payments
HUD–3111 and 3197
Monthly
Mortgagees 6,660 responses, 2,100 hours
Arnold Strasser, 395–5080

Community Planning and Development
Certificate of Financial Settlement (N.D.P.)
HUD–6282
On occasion
Local public agencies w/neighborhood development programs, 25 responses, 75 hours
Arnold Strasser, 395–5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Revisions

Offices, Boards, Division
Civil Litigation Project: Screener Questionnaire
Single time
Households in five Federal judicial districts, 5,000 responses, 1,750 hours
Off. of Federal Statistical Policy & Standard, 673–7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

Revisions

Bureau of Labor Statistics
Job Openings Pilot Survey and Monthly Report on Labor
Turnover
DL–1219, BLA–3115
On occasion
Non-agr. establ., 604,840 responses, 83,570 hours
Off. of Federal Statistical Policy & Standard, 673–7974

Extensions

Labor Management and Service Administration
*Eligibility Data Form
LMSA 1010
Other (see SF–83)
Vet., Reservists, nat'l guard mem., examinees & rejectees, 3,500 responses, 875 hours
Arnold Strasser, 395–5080

DEPARTMENT OF TRANSPORTATION

Acency Clearance Officer—Bruce H. Allen—426–1887

Reinstatements

National Highway Traffic Safety Administration
*On the Road Fuel Economy Survey
HS–435
Annually
Owners of 77, 78, 79 passenger cars; 77 light trucks, 46,000 responses 2,300 hours
Steed, Diane K., 395–3176

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632–0084

Reinstatements

Investor's Report
AID 1520–10
Monthly
Investors in aid housing guaranty loans, 1,320 responses, 1,320 hours
C. Louis Kincannon, 395–3772

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245–3064

New Forms

Notification of Hazardous Waste Activity
Single time
Generators, transpor. treaters storers & disposers of H.W. 210,100 responses, 315,150 hours
Edward H. Clarke, 395–5867

Comment Form Calendar of Federal Regulations [1]
Single time
All users of calendar, 7,500 responses, 1,875 hours
Edward H. Clarke, 395–5867

[1] The office of Management and Budget has approved this form prior to the usual 10 day time allotted for clearance, because it is important for the Regulatory Council to obtain comments quickly in order to incorporate those comments in the next edition of the Calendar of Federal Regulations.

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

Agency Clearance Officer—Roy A. Nierenberg—456–6286

New Forms

Report on Company Organization—(pay) [2]
CO–1 (pay)
Single time
Large companies, private sector, 1,100 responses, 550 hours
Arnold Strasser, 395–5080

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

Agency Clearance Officer—C. Foster Knight—395–5770

New Form

National Environmental Survey
Single time
Adults in lower 48 States, 1,500 responses, 750 hours
Edward H. Clarke, 395–5867

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4693

Revisions

*Employee Registration (railroad employees)[3]
CER–1
On occasion
Railroad employees/railroad employers, 96,000 responses, 16,000 hours
Barbara F. Young, 395–6132

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

New Forms

Evaluation of Domiciliary Program, Wood, WI
Single time
VA domiciliary patient-mem., 725 responses, 1,087 hours
Richard Eisinger, 395–3214

[2] This form was previously submitted for clearance (page 63604 of the **Federal Retister** of November 5, 1979) and returned by OMB to the Council for resolution of some issues raised by public comment. Subsequently, Council and OMB representatives met and agreed that immediate clearance of the form is necessary to establish the ground rules for pay monitoring at the beginning of the second year of the President's anti-inflation program. In returning the prior request without action, OMB had raised questions about the administration of the pay standards during the second program year. The Council's response indicated that 6 CFR 706.21 establishes a need for companies to determine their organizational structure for the second program year at the start of the year. Although the pay standards for the second year may be changed, "it is unlikely that there will be any changes in the Council's administrative procedures about company organization for compliance with the pay standards."

Accordingly, the Council on Wage and Price Stability's request for clearance of form CO–1 (Pay) has been approved for use.

[3] This revised application has been approved for use to allow the Railroad Retirement Board to meet the deadline for compliance with Statistical Policy Directive No. 15.

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–38255 Filed 12–12–79; 8:45 am]

BILLING CODE 3110–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1735]

Virginia; Declaration of Disaster Loan Area

Greensville and Sussex Counties and adjacent counties within the State of Virginia constitute a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Greensville.....	Abnormally heavy rainfall during planting season followed by drought in the summer.	Spring and summer of 1979.
Sussex.....	Abnormally heavy rainfall during planting season followed by drought in the summer.	Spring and summer of 1979

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 4, 1980, and for economic injury until the close of business on September 4, 1980, at: Small Business Administration, District Office, Federal Building—Room 3015, 400 North Eighth Street, Richmond, Virginia 23240, or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 4, 1979.

A. Vernon Weaver,

Administrotor.

[FR Doc. 79–38122 Filed 12–12–79; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice CM–8/250]

Fine Arts Committee; Notice of Meeting

The Fine Arts Committee of the Department of State will hold its Fall meeting on Friday, January 18, 1980 at 2:00 p.m. in the John Quincy Adams State Drawing Room. The meeting will last approximately until 3:30 p.m.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in May 1979, the announcement of all gifts and loans from January 1, 1979 to December 31, 1979, as well as a report on the status of the architectural

improvements in the Lounges of the Diplomatic Reception Rooms. Also on the agenda will be a report on the fund raising dinner held September 19, 1979.

The meeting is open to the public. The public may take part in the discussion as long as time permits and at the discretion of the Chairman. Because of Department of State security requirements, anyone wishing to attend the meeting should telephone the Fine Arts Office by Monday, January 14, 1980, telephone (202) 632–0298 to make arrangements to enter the building.

Dated: December 3, 1979.

Clement E. Conger,

Chairman, Fine Arts Committee.

[FR Doc. 79–38138 Filed 12–12–79; 8:45 am]

BILLING CODE 4710–01–M

[Public Notice CM–8/251]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Ocean Affairs Advisory Committee will meet at 2:00 PM on Tuesday, January 8, 1980 in Room 1205 of the Department of State, Washington, D.C.

At this meeting, officers responsible for Antarctic Affairs in the Department of State will discuss key issues and problems involving the Antarctic in the context of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson. As access to the Department of State is controlled, persons wishing to attend the January 8 meeting should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees to Room 1205.

The Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Wednesday, January 9, 1980 at the National Academy of Sciences Building, 22nd and "C" Streets, NW. in sessions which will not be open to the public. These sessions will be devoted to the discussion of classified material under 5 U.S.C. 552b(c)1 and 5 U.S.C. 552b(c)(9)(B). The disclosure of classified material and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in future negotiations. The purpose of these discussions will be to elicit views concerning the further development of Antarctic mineral resource policies and to review ongoing Antarctic marine living resource negotiations. Other matters and issues relating to Antarctica which were considered at the Tenth Antarctic Treaty Consultative Meeting will also be reviewed. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12065.

Requests for further information on the meetings should be directed to R. Tucker Scully or Lisle Rose of OES/OPA, Room 5801, Department of State. They may be reached by telephone on (202) 632–3262.

Bruce L. Smith,

Executive Secretary.

[FR Doc. 79–38139 Filed 12–12–79; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

State Applications for Authority To Acquire Hardship and Protective Buying Parcels—Approval Authority

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) is providing notice that the authority to approve requests for the acquisition of parcels of land in cases of hardship or protective buying has been redelegated to Regional Federal Highway Administrators.

FOR FURTHER INFORMATION CONTACT: Mr. William Bynum, Acquisitions Branch, 202–426–0134, or Ms. Marguerite L. Price, Office of the Chief Counsel, 202–426–0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: In extraordinary cases or emergency situations a State highway department may request and the Federal Highway Administrator may approve Federal participation in the acquisition of a particular parcel or a limited number of particular parcels of land within the limits of a proposed highway project prior to completion of processing of a final environmental impact or related statement. This extraordinary procedure may be used only where it is necessary to alleviate particular hardship to a property owner, on his request, in contrast to others because of an inability to sell his property, or to prevent imminent development and increased costs of a parcel which would tend to limit the choice of highway alternatives.

The acquisition of parcels of land under this procedure is permitted under an existing FHWA regulation (23 CFR 712.204(d)) and is referred to as either hardship acquisition or protective buying depending upon the reason for the acquisition. Additional restraints on the use of this procedure are contained in § 712.204(d).

The existing procedure was issued on May 25, 1977 (42 FR 26651), in response to rulings issued by the U.S. District Court and the U.S. Court of Appeals for the District of Columbia Circuit in the case of *National Wildlife Federation* v. *Snow*, 561 F. 2d 227 (D.C. Cir. 1976), on remand, *National Wildlife Federation* v. *Tiemann*, C.A. No. 1270–73 (D.D.C. Feb. 18, 1977), aff'd, Civil No 77–1562 (D.C. Cir. September 12, 1978). These rulings criticized the procedures previously in effect and led to a significant tightening in the requirements for Federal approval of requests for hardship acquisition and protective buying.

Prior to issuance of the first court ruling in 1976, the authority to approve requests for hardship acquisition and protective buying had been delegated to the Regional Federal Highway Administrators. Following the 1976 court ruling, this authority was reserved to the FHWA Headquarters Office in Washgington, D.C., until such time as all further court action had been concluded. (42 FR 5774, Jan. 31, 1977). The final decree was issued by the District Court on February 18, 1977, and an appeal brought by the National Wildlife Federation concerning that decree was dismissed on September 12, 1978.

In light of the final court decree, the dismissal of the appeal, and agency experience in operating under the revised procedures since 1977, the FHWA has determined that it is appropriate to restore the previous delegation of authority for approval of hardship acquisition and protective buying requests. Accordingly, that authority has been redelegated to the regional offices of the FHWA.

Issued on: December 6, 1979.

John S. Hassell, Jr.

Deputy Administrator.

[FR Doc. 79–37987 Filed 12–12–79; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-79-24]

Great Western Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Great Western Railroad (GWR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. (64a(e)). That petition requests that the GWR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The GWR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-24, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before January 18, 1980, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary. 49 CFR 1.49(d).

Issued in Washington, D.C. on December 6, 1979.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-38169 Filed 12-12-79; 8:45am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administraton

[Docket No. 79-15; Notice 3]

Heavy Truck Safety Panel; Public Meeting

AGENCY: National Highway Traffic Safety Administration.

This notice announces a public meeting of the Heavy Truck Safety Panel in Room 2230 of the Department of Transportaion Headquarters (Nassif) Building at 9:00 a.m. on January 22, 1980. The purpose of this meeting is to review the problems, issues, and possible actions in the area of truck safety that were presented to the panel at a Heavy Truck Safety Meeting held on September 10 and 11, 1979, and to recommend a set of priority actions for the the Government, manufacturers, carriers, and unions. The panel is comprised of representatives of the Government, manufacturers, carriers and labor organizations.

A Summary of Comments has been prepared using (1) testimony presented by speakers at the meeting in September, (2) items contained in Docket 79-15, Heavy Truck Safety Meeting, and (3) suggestions and concerns expressed by the public on a special telephone line installed for the September meeting. This summary will be used by the panel members as a source document to develop a set of recommended actions by the Government, manufacturers, carriers, and unions to remedy the safety problems cited by the participants at the public meeting. The panel will be presented with a multitude of proposals by various panel members for improving heavy truck safety and the major task of the group is to arrange these issues/actions in order of priority so that the NHTSA, BMCS, manufacturers, and carriers can factor these deliberations into their respective heavy truck safety programs.

Both the Transcript of Proceedings and the Summary of Comments of the Heavy Truck Safety Meeting are available to the public and can be obtained from the NHTSA Docket Section (Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590). The Docket Section is open to the public between the hours of 8 a.m. and 4 p.m.

Members of the public are invited to develop their set of issues/actions that should be considered by the Government, manufacturers, and carriers and transmit them to Docket 79-15. These will not be discussed at the meeting but will be considered by NHTSA in its planning for rulemaking and will be available for review by manufacturers, carriers, and the public. The public is invited to attend this meeting of the panel as observers but only limited space for 75 is available.

FOR FURTHER INFORMATION CONTACT:

Mr. Anees Adil, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2715).

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on December 10, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-38144 Filed 12-12-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 79-321]

Ohaus Scale Corp.; Recordation of Trade Name

On October 25, 1979, there was published in the Federal Register (44 FR 61491) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Ohaus Scale Corporation. The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than January 14, 1980. No responses were received in opposition to the application.

The name "Ohaus Scale Corporation" is hereby recorded as the trade name of Ohaus Scale Corporation, a corporation organized under the laws of the State of New Jersey, located at 29 Hanover Road, Florham Park, New Jersey 07932, when applied to weighing apparatus, including balances, scales, weights and containers and accessories for same, manufactured in the United States. No foreign company, parent or subsidiary company is authorized to use the trade name.

Dated: December 7, 1979.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 79-38228 Filed 12-12-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 153]

Assignment of Hearings

December 7, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-10254F, Carolina Coach Company, Safety Transit Lines, and Moore Brothers Transportation Company -V- E.S. Charter Service, Inc., now being assigned for hearing January 28, 1980 (2 days) at Raleigh, NC, location of hearing room will be designated later.

MC-143702 (Sub-No. 5F), All Freight Systems, Inc., now assigned for hearing December 10, 1979 (2 days) at Kansas City, MO is postponed indefinitely.

MC-44735 (Sub-No. 40F), Kissick Truck Lines, Inc., now assigned for hearing on December 11, 1979 (2 days) at Dallas, TX, is postponed to December 13, 1979 (1 day) at Dallas, TX in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC-140829 (Sub-No. 182F), Cargo Contract Carrier Corp., now assigned for hearing on December 10, 1979 at Chicago, IL, is canceled and dismissed.

MC-106647 (Sub-No. 45F), Clark Transport Company, Inc., transferred to Modified Procedure.

MC-116254 (Sub-No. 233F), Chem Haulers, Inc., transferred to Modified Procedure.

MC-52460 (Sub-No. 232F), Ellex Transportation, Incorporated, now assigned for hearing on January 8, 1980 (1 day) at Dallas, TX, is canceled and reassigned to January 8, 1980 (2 days) at Fort Worth, TX, in Room No. 600—4th Floor, 411 West 7th Street, Neil P. Anderson Bldg.

MC-118130 (Sub-No. 96F), South Eastern Xpress, Inc., now assigned for hearing on January 9, 1980 (1 day) at Dallas, TX, is canceled and reassigned for January 9, 1980 (1 day) at Fort Worth, TX, in Room No. 600—4th Floor, 411 West 7th Street, Neil P. Anderson Bldg.

MC-133095 (Sub-No. 202F), Texas Continental, Express, Inc., now assigned for hearing on January 10, 1980 at Dallas, TX, is canceled and reassigned for January 10, 1980 (2 days) at Fort Worth, TX, in Room No. 600—4th Floor, 411 West 7th Street, Neil P. Anderson Bldg.

MC-107064 (Sub-No. 131F), Steere Tank Lines, Inc., now assigned for hearing on January 16, 1980 (3 days) at Dallas, TX, is canceled and reassigned for January 16, 1980 (3 days) at Fort Worth, TX, in Room No. 600—4th Floor, 411 West 7th Street, Neil P. Anderson Bldg.

MC-108340 (Sub-No. 34F), Haney Truck Line, transferred to Modified Procedure.

FD 28934, Chicago and North Western Transportation Company Construction and Operation of a Line of Railroad in Niobrara and Goshen Counties, WY and in Sioux and Scotts Bluff Counties, NE, and No. FD 29066, Chicago and North Western Transportation Company-Construction, now being assigned for Prehearing Conference on January 8, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC-4491 (Sub-No. 13F), Great Coastal Express, Inc., now being assigned for hearing on February 4, 1980 (2 Weeks), at New York, NY, in a hearing room to be designated later

MC-22301 (Sub-No. 27F), Sioux Transportation Company, Inc., now being assigned for hearing on February 26, 1980 (9 Days), at Chicago, IL, in a hearing room to be designated later.

MC-141969 (Sub-No. 10F), Noble Transport, Inc., now being assigned for hearing on January 22, 1980 (9 Days), at Los Angeles, CA, in a hearing room to be designated later.

MC 146609 F, Delta Express, Inc., now being assigned for hearing on January 21, 1980 (1 Day), at New York, NY, in a hearing room to be designated later.

MC-144122 (Sub-No. 44F), Carretta Trucking, Inc., now being assigned for hearing on January 22, 1980 (1 Day), at New York, NY, in a hearing room to be designated later.

MC-130536 F, Merrill Lynch Relocation Management, Inc., now being assigned for hearing on January 23, 1980 (3 Days), at New York, NY, in a hearing room to be designated later.

MC-119657 (Sub-No. 23F), George Transit Line, Inc., Transferred to Modified Procedure.

AB 43 (Sub-No. 58F), Illinois Central Gulf Railroad Company Abandonment Near New Holland and Havana, in Logan and Mason Counties, IL, now being assigned for hearing on February 4, 1980 (1 Week), at Havana, IL, in a hearing room to be designated later.

AB 1 (Sub-No. 76F), Chicago and North Western Transportation Company Abandonment in LaCrosse and Trempeauleau Counties, WI, now being assigned for hearing on February 4, 1980 (1 Week), at LaCrosse, WI, in a hearing room to be designated later.

MC-142941 (Sub-No. 35F), Scarborough Truck Lines, Inc., now being assigned for hearing on February 20, 1980 (1 Day), at Salt Lake City, UT, in a hearing room to be designated later.

MC-115523 (Sub-No. 176F), Clark Tank Lines, a Corporation, now being assigned for hearing on February 21, 1980 (2 Days), at Salt Lake City, UT, in a hearing room to be designated later.

MC-145980 (Sub-No. 2F), H. C. Cook & Bobby Joe Cook, d/b/a Cook Trucking, now being assigned for hearing on February 25, 1980 (1 Week), at Casper, WY, in a hearing room to be designated later.

MC-1515 (Sub-No. 258F), Greyhound Lines, Inc., a California Corporation, now assigned for continued hearing on January 8, 1980 (4 Days), at Atlanta, GA, in a hearing room to be designated later.

MC-124211 (Sub-No. 262M1F), Hilt Truck Line, Inc., now assigned for hearing on January 14, 1979 (1 week) at New York, NY, will be held in Room E-2222, Federal Building, 27 Federal Plaza.

MC-144963 (Sub-No. 1F), W. E. Battles, d/b/a Jobbers Freight Service, now assigned for hearing on January 21, 1980 (2 days) at Boise, ID, will be held in the City Hall, The Les Bois Room, 150 North Capitol.

MC-135874 (Sub-No. 144F), Ltl Perishables, Inc., now assigned for hearing on January 15, 1980 (2 days) at St. Paul, in Room No. 584, Federal Bldg. & U.S. Courthouse, 316 North Robert St., St. Paul, MN.

MC-135874 (Sub-No. 145F), Ltl Perishables, Inc., now assigned for hearing on January 17, 1980 (2 days) at St. Paul, MN, in Room No. 584, Federal Bldg. & U.S. Courthouse, 216 North Robert St.

MC-146314 (Sub-No. 1F), G & T Trucking Co., now assigned for hearing on January 21, 1980, (1 week) at St. Paul, MN, in Room No. 584, Federal Bldg. & U.S. Courthouse, 316 North Robert St.

MC-769993 (Sub-No. 28F), Express Freight Lines, Inc., now assigned for Hearing on January 15, 1980 (2 days) at Milwaukee, WI in Court Room 254, Federal Bldg. & Courthouse, 517 East Wisconsin Avenue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38174 Filed 12-12-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and

facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision by which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dimissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statment or note that dual operations are or may be involved we find, preliminarily an in the absence of the issue being raised by a petitioner, that the proposed dual operations ar consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 227

Decided: November 26, 1979.

By the Commission, Review Board Number 1. Members Carleton, Joyce, and Jones.

MC 1334 (Sub-26F), filed May 31, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: Robert R. Digby, P.O. Box 6849, Phoenix, AZ 85005. Transporting *such commodities* as are dealt in or used by manufacturers of fire retardant chemicals, from Phoenix, AZ, to points in the United States (except AK and HI.) (Hearing site: Phoenix AZ.)

MC 1334 (Sub-27F), filed May 31, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: Robert R. Digby, P.O. Box 6849, Phoenix, AZ. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Salt Lake City, UT, and Naturita, CO, from Salt Lake City over Interstate Hwy 15 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 163, then over U.S. Hwy 163 to junction UT Hwy 46, then over UT Hwy 46 to CO–UT State line and then over CO Hwy 90 to Naturita, and return over the same route, serving all intermediate points in CO. (Hearing site: Naturita, CO.)

MC 1824 (Sub-97F), filed May 24, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918 16th St., N.W., Washington, DC 20006. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), serving points in Cecil, Washington, Frederick, Carroll, Harford, Baltimore, Montgomery, Prince Georges, Howard, Anne Arundel, Calvert, St. Marys and Charles Counties, MD, as off-route points in connection with applicant's presently authorized regular route between Baltimore, MD, and Pittsburgh, PA. (Hearing site: Washington, DC.)

MC 4405 (Sub-606F), filed June 1, 1979. Applicant: DEALERS TRANSIT, INC.,

P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *pumps, valves,* and *parts,* for pumps and valves, from the facilities of Bingham-Willamette, Inc., at or near Portland, OR, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Portland, OR.)

MC 14215 (Sub-48F), filed June 14, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting *sand and gravel insulating materials,* (except in bulk), from Philadelphia, PA, to points in IL, IN, KY, OH, WV, and the Lower Peninsula of MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 42405 (Sub-39F), filed May 23, 1979, previously published in the **Federal Register** issue of October 30, 1979. Applicant: MISTLETOE EXPRESS SERVICE, a corporation, P.O. Box 25614, Oklahoma City, OK 73125. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives), moving in express service, over regular routes, (1) between Little Rock, AR, and Fordyce, AR, over U.S. Hwy 167, (2) between Springdale, AR, and Alpena, AR, over AR Hwy 68, (3) between Harrison and Conway, AR, over U.S. Hwy 65, (4) between junction U.S. Hwys 65 and 62, and junction U.S. Hwys 63 and 61, from junction U.S. Hwys 65 and 62 over U.S. Hwy 62 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 61, and return over the same route, (5) between Little Rock, AR, and Piggott, AR, from Little Rock over U.S. Hwy 67 to Corning, AR, then over U.S. Hwy 62 to Piggott, and return over the same route, (6) between Walnut Ridge, AR, and Paragould, AR, over AR Hwy 25, (7) between Piggott, AR, and Caruthersville, MO; from Piggott over U.S. Hwy 62 to junction AR Hwy 139, then over AR Hwy 139 to junction AR Hwy 90, then over AR Hwy 90 to junction MO Hwy 84, then over MO Hwy 84 to Caruthersville, and return over the same route, (8) between Caruthersville, MO, and junction County Hwy U and Interstate Hwy 55, over County Hwy U, (9) between junction Interstate Hwy 55 and MO Hwy 84, and Memphis, TN, over Interstate Hwy 55, (10) between Piggot, AR, and Forrest City, AR, over AR Hwy 1, (11) between Brinkley, AR, and Jonesboro, AR, over AR Hwy 39, (12) between Blytheville, AR, and West Memphis, AR: from Blytheville over U.S. Hwy 61 to junction AR Hwy 77, then over AR Hwy 77 to West Memphis, and return over the same route, (13) between Bald Knob, AR, and Marion, AR, over U.S. Hwy 64, (14) between Little Rock, AR, and Memphis, TN, (a) over Interstate Hwy 40, and (b) over U.S. Hwy 70, (15) between Tecumseh, OK, and junction OK Hwy 3E and OK Hwy 39: from Tecumseh over U.S. Hwy 270 to junction OK Hwy 9A, then over OK Hwy 9A to junction OK Hwy 39, then over OK Hwy 39 to junction OK Hwy 3E, and return over the same route, (16) between junction OK Hwy 58 and U.S. Hwy 270, and junction OK Hwy 58 and U.S. Hwy 60, over OK Hwy 58, (17) between Canton, OK and junction OK Hwy 51 and U.S. Hwy 270, over OK Hwy 51, and (18) between Jonesboro, AR, and Blytheville, AR, over AR Hwy 18, in (1) through (18) above serving all intermediate points. (Hearing site: Memphis, TN.)

Note.—This republication includes route 18.

MC 49304 (Sub-33F), filed May 31, 1979. Applicant: BOWMAN TRUCKING CO., INC., P.O. Box 6, Stephens City, VA 22655. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *salt,* from Baltimore, MD, to points in VA on and north of U.S. Hwy 60 and points in WV on and east of U.S. Hwy 220. (Hearing site: Washington, DC.)

MC 61445 (Sub-13F), filed June 15, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Avenue, Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting (1) *cranes, personnel hoists, material hoists, and (2) parts and accessories for cranes and hoists,* between points in NY, NJ, PA, DE, MD, WV, VA, NC, SC, and DC. (Hearing site: Washington, DC.)

MC 74164 (Sub-7F), filed June 13, 1979. Applicant: WEST FARMS EXPRESS, INC., 1095 Close Ave., New York, NY 10472. Representative: David A. Malat (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, on the one hand, and, on the other, points in Fairfield, Hartford, Litchfield, Middlesex, and New Haven Counties, CT. (Hearing site: New York, NY, or Newark, N.J.)

MC 96165 (Sub-14F), filed June 15, 1979. Applicant: T. DEL FARNO TRUCKING CO., a corporation, 30 Lockbridge St., Pawtucket, RI 02860. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting (1) *steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers,* and *pile extractars,* (2) *parts* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture, installation, dismantling and distribution of the commodities in (1) and (2) above, (except in dump or tank vehicles), between the facilities of L. B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in NY, CT, MA, RI, ME, NJ, NH, and VT. (Hearing site: Providence, RI, or Washington, DC.)

MC 106644 (Sub-282F), filed June 14, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Lois C. Parker III, P.O. Box 916, Atlanta, Georgia 30301. Transporting *iron and steel articles,* between facilities of Muskogee Iron Works, at or near Muskogee, OK, on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 107515 (Sub-1260F), filed June 15, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting (1) *appliances,* and (2) *equipment and parts* used in the manufacuture and distribution of appliances, from the facilities of the Tappan Company, at or near (a) Murray, KY, (b) Nashville, TN, and (c) Dalton, GA, to points in the United States (except AK, HI, WA, OR, NV, UT, CO, WY and MT). (Hearing site: Columbus, OH.

Note.—Dual operations may be involved.

MC 111045 (Sub-171F), filed May 31, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L.W. Fincher (same address as applicant). Transporting *chemicals,* in bulk, from Selma, AL, to points in MS. (Hearing site: Montgomery, AL.)

MC 111274 (Sub-45F), filed June 11, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *cantract carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *lumber and lumber mill praducts,* from

ports of entry on the international boundary line between the United States and Canada, in ND and MN, to points in WI, IL, IN, MO, KS, and IA, under continuing contract(s) with Manitoba Forestry Resources Ltd., of Winnipeg, Manitoba, Canada. (Hearing site: Springfield or Chicago, IL.)

MC 112184 (Sub-68F), filed June 14, 1979. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Road, Newbury, OH 44065. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tomato paste*, in bulk, from the facilities of Hunt-Wesson Foods, Inc., at or near (a) Perrysburg, OH, (b) Bridgeton, NJ, and (c) Davis and Oakdale, CA, to points in the United States (except AK and HI), under continuing contract(s) with Hunt-Wesson Foods, Inc., of Fullerton, CA (Hearing Site: Columbus, OH.).

Note.—Dual operations may be involved.

MC 112304 (Sub-191F), filed May 24, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: Fred Schmits (same address as applicant). Transporting (1) *mochinery*, (2) *ottochments ond ports*, for machinery, and (3) *materials, equipment, ond supplies* used in the manufacture and assembly of the commodities in (1) above, (except commodities in bulk), between Manitowoc, WI, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, LA, ME, MA, MI, MS, MO, NH, NJ, NY, NC, OK, RI, SC, TN, TX, and VT, and (4) *materials, equipment ond supplies* used in the building, repair, and outfitting of marine vessels, (except commodities in bulk) from points in AL, AR, CT, DE, FL, GA, LA, ME, MA, MI, MS, MO, NH, NJ, NY, OK, RI, SC, TN TX, and VT, to Sturgeon Bay, WI. (Hearing site: Washington, DC.)

MC 116325 (Sub-82F), filed June 15, 1979. Applicant: JENNINGS BOND d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Jennings Bond (same address as applicant). Transporting (1) *food* and (2) *materiols, equipment, ond supplies* used in the manufacture and distribution of *food* (except commodities in bulk), between points in Randolph County, IL, Perry County, MO, and Mississippi County, AR, on the one hand, and, on the other, points in the United States (except Ak and HI). (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 119315 (Sub-27F), filed June 11, 1979. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting (1) *glass fibers, gloss fiber products, insulation, and insuloting materials*, and (2) *materials equipment ond supplies* used in the manufacture and installation of the commodities named in (1) above, between Vienna, WV, Defiance, OH, Etowah, TN, Elkhart, Richmond, and Alexandria, IN, and points in Lucas County, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, SC, OH, PA, RI, TN, VT, VA, WV, and WI. (Hearing site: Columbus, OH.)

MC 126514 (Sub-59F), filed June 1, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers and processors of photographic equipment (except commodities in bulk), (a) from Rochester, NY, to Oak Brook, IL, Chamblee, GA, San Ramon, Whittier, and Hollywood, CA, and Dallas, TX; (b) from Windsor, CO, to Dayton, NJ, and San Ramon and Whittier, CA; and (c) between Windsor, CO, and Rochester, NY, restricted to the transportation of traffic originating at and destined to the facilities of Eastman Kodak Company. (Hearing site: Buffalo, NY.)

MC 133405 (Sub-10F), filed June 15, 1979. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 353, Waldorf, MD 20601. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *molt beveroges*, from Merrimack, NH, St. Louis, MO, Tampa, FL, and Houston, TX, to Alexandria, VA, points in Loudoun, Fairfax, Arlington, Prince William, Stafford, Caroline, King George, and Spotsylvania Counties, VA, and points in MD. (Hearing site: Washington, DC.)

MC 133604 (Sub-7F), filed June 14, 1979. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. 11th St., Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *meats, meot products ond meot byproducts, and articles distributed by meot-pocking houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificotes*, 61 M.C.C. 209 and 766, and (2) *foodstuffs* (except the commodities in (1) above), from the facilities of (A) Geo. A. Hormel & Co., at (a) Algona and Ft. Dodge, IA, to points in AL, FL, LA, MS, NC, SC, and TN, and (b) Ottumwa, IA, to points in LA, and (B) Geo. A. Hormel & Co., at Knoxville, IA, and Carriage House, at Ames, IA, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 133684 (Sub-31F), filed June 15, 1979. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting (1) *molt beveroges*, and (2) *moterials* and *supplies* used in the manufacturing and distribution of malt beverages, between Portland, OR, on the one hand, and, on the other, points in WA, ID, WY, UT, CO, AZ, and NM. (Hearing site: Seattle, WA.)

MC 134405 (Sub-78F), filed June 15, 1979. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *petroleum naphtha*, in bulk, in tank vehicles, from Wynnewood, OK, to points in IL and IA. (Hearing site: Oklahoma City, OK.)

MC 134775 (Sub-14F), filed March 16, 1979, previously noticed in the Federal Register issues of August 2, 1979 as MC 134755 (Sub–176F), and November 23, 1979 as MC 13755 (Sub-14F). Applicant: GUNTER BROS., INC., 19060 Frager Rd., Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *air corgo contoiners, landing geor, fuselage foiring components, and interior oircraft furnishings*, from Kent, WA, to points in the United States (except AK and HI), under continuing contract(s) with Heath Tecna Corporation, of Kent WA. (Hearing site: Seattle, WA.)

Note.—This republication corrects the docket number.

MC 134755 (Sub-194F), filed June 14, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *frozen foodstuffs*, between Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, CO, GA, KS, LA, MS, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Monument Distribution

Warehouse, Inc. at Indianapolis, IN. (Hearing site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 135154 (Sub-3F), filed March 22, 1979, previously published in the FR of August 9, 1979 as MC 29990 Sub-14F. Applicant: BADGER LINES, INC., 3109 West Lisbon Ave., Milwaukee, WI 53208. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *malt beverages*, from the facilities of C. Schmidt & Sons, Inc., at Cleveland, OH, to points in IL, and those points in IN located in the Chicago, IL, commercial zone. This republication indicates the correct docket and sub number, and that the application may have dual operations involved. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 135454 (Sub-27F), filed June 6, 1979. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Representative: John F. O'Donnell, 60 Adams Street, Milton, MA 02187. Transporting *such commodities* as are dealt in by manufacturers of glass, chinaware, plastics, and metal products, between points in NJ and PA, on the one hand, and, on the other, points in Chautauqua County, NY, restricted to the transportation of traffic originating at or destined to the facilities of Anchor Hocking Corporation. (Hearing site: Syracuse, NY.)

MC 138875 (Sub-206F), filed June 14, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting (1) *brick and tile*, and (2) *masonry materials and supplies* (except commodities in bulk), from points in MS, OH, OK, PA, TX, and VA, to points in ID, OR, and WA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-207F), filed June 14, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting (1) *brick and tile*, and (2) *masonry materials and supplies* (except commodities in bulk), from points in CA to points in Malheur County, OR, and ID. (Hearing site: Boise, ID, and Washington, DC.)

MC 138875 (Sub-208F), filed June 14, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *(1) brick and (2) masonry supplies* (except commodities in bulk), from points in CO, to points in MT, NV, UT, and WY. (Hearing Site: Boise, ID, or Washington, DC.)

MC 143634 (Sub-3F), filed June 4, 1979. Applicant: WILLIAM CAMPBELL, 611 Old Toll Rd., Madison, CT 06443. To operate as a *cantract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wire fencing, fence posts, gates*, and *wire cloth* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, between points in MA, CT, NY, NJ, PA, OH, IN, and IL, under continuing contract(s) with Gilbert & Bennett Mfg. Co., of Georgetown, CT. (Hearing site: Hartford, CT, or New York, NY.)

MC 145054 (Sub-21F), filed June 14, 1979. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York Street, Denver CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver CO 80264. Transporting *absarbents*, in bags, from Taft and McKittrick, CA, to points in CO and UT. (Hearing site: Denver CO.)

Note.—Dual operations may be involved.

MC 146674 (Sub-3F), filed May 21, 1979, previously published in the **Federal Register** issue of October 23, 1979 as MC 141832 Sub 2F. Applicant: K.I.T. MOTOR EXPRESS, INC., 1228 Highland Avenue, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street, NW., Suite 501, Washington, DC 20036. Transporting (1) *electrical transfarmers, transformer parts, pale line hardware, pale line material, electrical appliances, and electrical equipment*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of McGraw Edison Company, at or near (a) Zanesville, OH, (b) Canonsburg and East Stroudsburg, PA, (c) Bloomfield, NJ, (d) Olean, NY, (e) Macomb, IL, (f) Vicksburg, MS, (g) Nacogdoches, TX, and (h) Visalia, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Louisville, KY, or Washington, DC.)

Note.—Dual operations may be involved. This republication indicates the correct docket and sub number.

MC 146964F, filed May 3, 1979, previously published in the **Federal Register** issue of September 20, 1979. Applicant: RELIABLE TRUCK LINES, INC., Route 13, Laurel, DE 19956. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *canned gaads*, from the facilities of KMC Foods, Inc., at or near (a) Queen Anne, MD, (b) Milton, DE, and (c) Cheriton, VA, to points in AL, CT, WV, DE, IL, IN, KY, LA, MA, ME, MI, MD, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VT, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

Note.—This republication shows the correct docket number as MC–146964F, instead of MC–147175F.

Volume No. 232

Decided: November 27, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman. Member Eaton not participating.

The following twelve (12) applications involve authority to transport *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk), from the facilities of Nekoosa Papers Inc., in Little River County, AR. All applications were filed June 14, 1979.

(1) MC 70557 (Sub-14F*). Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. To points in FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

(2) MC 71593 (Sub-37F). Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. To points in AZ, CA, CO, CT, DE, IL, IN, MD, ME, MA, MI, MN, NV, NH, NJ, NY, OH, OR, PA, RI, UT, VA, VT, WA, WI, and DC.

(3) MC 114274 (Sub-66F). Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. To points in CT, DE, IA, IL, IN, MA, MD, MI, MN, NE, NH, NJ, NY, OH, PA, RI, VA, and WI.

(4) MC 140665 (Sub-57F). Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. To points in AZ, CA, CO, IA, ID, IL, IN, KY, MI, MN, MO, MT, NE, NV, OH, OR, UT, WA, WI, and WY.

(5) MC 142364 (Sub-16F). Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. To points in AZ, CA, ID, IL, IN, IA, KY, MI, MN, MO, MD, NM, OH, PA, SD, TN, and WI.

(6) MC 144622 (Sub-84F*). Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72209. To points in AZ, CA, CO, FL, ID, IL, IN, MO, OH, OR, TX, and WA.

(7) MC 144858 (Sub-10F*). Applicant: DENVER SOUTHWEST EXPRESS, INC.,

P.O. Box 9799, Little Rock, AR 72219. To points in AL, AZ, CA, CT, IL, IN, IA, MD, MI, MO, NJ, NY, OH, OR, PA, RI, WA, AND WI.

(8) MC 145152 (Sub-89F). Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. To points in CA, CO, DE, FL, GA, IL, IN, IA, KY, MI, MD, MO, NC, NJ, NY, OH, PA, SC, TN, TX, VA, WV, and WI.

(9) MC 145441 (Sub-42F). Applicant: ACB TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. To points in AZ, CA, OR, and WA.

(10) MC 146078 (Sub-7F*). Applicant: CAL-ARK, INC., P.O. Box 394, Malvern, AR 72104. To points in AZ, CA, CT, ID, MA, ME, NH, NJ, NY, OH, OR, PA, RI, VT, and WA.

(11) MC 146402 (Sub-4F*). Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. To points in DE, IL, IN, KY, MD, NJ, NY, OH, PA, WV, WI, those in AL and MS on and north of U.S. Hwy 80, those in IA and MO on and east of U.S. Hwy 61, those in MI on and south of MI Hwy 21, and those in TN on and west of Interstate Hwy 24.

(12) MC 146890 (Sub-11F*). Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. To points in CT, IL, IN, KY, MA, MD, MI, NJ, NY, OH, PA, and RI. Representative for all applicants above: John Duncan Varda, 121 South Pinckney St., Madison, WI 53703. (Hearing site: Chicago, IL, or Washington, DC) *Dual operations may be involved.

Note.—This republication indicates the correct origin point, and the correct destinations in (2), (3), (7), and (10).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38175 Filed 12-12-79, 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28799 (Sub-No. 1)]

St. Louis Southwestern Railway Co.—Purchase (Portion)—William M. Gibbons, Trustee of the Property of Chicago, Rock Island Pacific Railroad Co., Debtor

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of availability of final environmental impact statement (FEIS) prepared in above-entitled proceeding.

SUMMARY: The FEIS prepared in the above-entitled proceeding has been completed. However, due to a backlog in the Commission's printing office, printed copies will not be available until December 21, 1979. On that day interested persons may obtain a printed copy of the FEIS by inquiring at Room 5377, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, D.C. Printed copies of the FEIS will in any case be served on parties of record through the mails. On December 14, 1979 a limited number of xerox copies of the FEIS will be available in Room 5377 to those persons who expect to cross-examine the Commission's environmental witnesses at hearings to be held on the FEIS on January 8, 1980.

FOR FURTHER INFORMATION CONTACT: Carole Dawkins or Steve Botts, Energy and Environment Branch, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423. Tel. (202) 275-7916.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-38172 Filed 12-12-79, 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29144; Service Order No. 1411]

St. Louis Southwestern Railway Co.—Temporary Authority—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee), Between Santa Rosa, N. Mex., and St. Louis, Mo.

Decided: December 6, 1979.

Applicants (SSW and its corporated parent, SPT) granted emergency authority under 49 U.S.C. § 11123 to operate temporarily Rock Island's "Tucumcari line" without government subsidization. Directly related to Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289 (1979) and 44 FR 56343 (October 1, 1979), in which the Commission—finding Rock Island "cashless" within the meaning of 49 U.S.C. § 11125(a)(1)—ordered directed service by the Kansas City Terminal Railway Company over Rock Island Lines pursuant to 49 U.S.C. § 11125 and subject to government reimbursement under section 11125(b)(5).

T. Scott Banister, John L. Bishop, Martin Cassell, William M. Gibbons, Gary A. Laakso, D. K. McNear, Nicholas G. Manos, Martha Martell, Thormund A. Miller, Cyndi Strecker, and Herbert A. Waterman, for applicants

Michael W. Blaszak, John O'B. Clarke Jr., Vernon E. Coe, Robert J. Cooney, James P. Daley, Louis T. Duernick, Stuart F. Gassner, Mark M. Hennelly, William P. Higgins, Peter W. Hohenhaus, Mark A. Kalafut, R. K. Knowlton, Leon Leighton, Gordon P. MacDougall, C. M. McIntosh, Paul J. Miller, Milton E. Nelson Jr., Eldon S. Olson, Harold A. Ross, Lawrence R. Samuels, C. Barry Schaefer, William A. Thie, and Dennis W. Wilson, for protestants.

Frank S. Farrell, Nicholas P. Moros, and James R. Walker, for burlington Northern Inc. (neutral).

On September 22, 1979, a petition was filed by St. Louis Southwestern Railway Company (SSW)—and its corporate parent Southern Pacific Transportation Company (SPT)—seeking "temporary authority" to operate over a certain rail line of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI").[1]

The involved RI line extends from Santa Rosa, NM, to St. Louis, MO, via Kansas City, KS/MO, a total distance of 965.2 miles. This line consists of two main segments: the "Kansas City Segment," extending from Santa Rosa to Kansas City via Tucumcari, NM; and the "St. Louis Segment," extending from Kansas City to St. Louis. Additionally, SPT seeks to operate the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles. Collectively, we shall refer to the entire line as either the Santa Rosa/St. Louis line, the Golden State Route, or simply the Tucumcari line.

For the reasons discussed below, we believe SPT's petition should be conditionally granted, although not on the jurisdictional basis sugested in its petition, but rather under 49 U.S.C. 11123.

Procedural Matters

On September 27, 1979, the Commission served a notice inviting comments on SPT's petition from interested persons by October 12, 1979. By the October 12 deadline, thirteen comments and a number of letters had been filed with the commission. In addition, three comments were filed late, and two pleadings were filed in opposition to one of those comments. We shall treat the three late-filed pleadings as "petitions for leave to intervene"a under Rule 70 of our *General Rules of Practice. See* 49 CFR § 1100.70 (1978). Further, a reply was filed by SPT.

The Interventions—Of the three late-filed comments, two supported SPT's application and one opposed it. The two suporting comments were submitted by Anamax Mining Company (filed October 15, 1979) and the Iowa Department of Transportation (Iowa DOT) (filed October 17, 1979). The one

[1] Unless otherwise indicated, all references to SPT shall embrace SSW and vice-versa.

comment opposing the application was submitted by the Kansas City Terminal Railway Company (KCT) (filed October 19, 1979).

No parties object to our treating the late comments of Iowa DOT and Anamax as petitions for leave to intervene under Rule 70. As these late comments would not unduly broaden the issues or otherwise hinder our consideration of the matters involved in this proceeding, they shall be received for substantive consideration pursuant to Rule 70.

However, two parties (SPT and RI) object to KCT's late-filed comment. In a telegram (filed October 22, 1979), RI challenged the contentions made in KCT's late comment. In a telegram (filed October 23, 1979), SPT urged the Commission to reject KCT's late-filed comment and to consider SPT's temporary authority application without reference to KCT's pleading.

Under Rule 70(e), leave to intervene will be granted "on averments reasonably pertinent to the issues already presented and which do not unduly broaden them." *See* 49 CFR § 1100.70(e). Since the averments presented by KCT—the "directed rail carrier" (DRC) under Directed Service Order No. 1398 (discussed below)—are clearly pertinent to the issues involved in the instant application and would not unduly broaden the issues, leave to intervene shall be granted. All other arguments against granting leave to intervene are irrelevant under Rule 70(e). Thus, SPT's request that we reject KCT's late-filed pleading is denied.

As RI's challenge goes to the weight rather than the admissibility of KCT's evidence, we need not pass on it here. Rather, we shall consider it as appropriate in reviewing KCT's evidence.

The Comments—Of the letters filed in response to our September 27 notice, a substantial number favored granting SPT's application for temporary operating authority over RI's Tucumcari line. Of the sixteen timely and late-filed replies, the following parties took the following positions regarding SPT's application:[2]

Support

- RI
- Iowa Department of Transportation (Iowa DOT)*
- Anamax Mining Company (Anamax)*
- Liberal, KS, Chamber of Commerce (Liberal)

Oppose

- Missouri-Kansas-Texas Railroad Company (MKT)
- Missouri Pacific Railroad Company (Mopac)
- Union Pacific Railroad Company (UP)
- Atchison, Topeka & Santa Fe Railway Company (Santa Fe)
- Norfolk & Western Railway Company (N&W)
- Chicago & North Western Transportation Company (CNW)
- Railway Labor Executives Association (RLEA)
- Brotherhood of Locomotive Engineers (BLE)
- John W. McGinness, Illinois legislative director of United Transportation Union (McGinness)
- Jointly, Brotherhood of Maintenance-of-Way Employees (BMWE), Brotherhood of Railroad Signalmen (BRS), Brotherhood of Railway and Airline Clerks (BRAC), International Association of Machinists and Aerospace Workers (IAM), and United Transportation Union (UTU)(collectively "Unions").
- Kansas City Terminal Railway Company (KCT)*

Neutral

- Burlington Northern, Inc. (BN)

The views of these parties shall be addressed as appropriate throughout this decision.

SPT's "TA" Application

Background—SPT's "temporary authority" (TA) application grows out of RI's recent financial and operational difficulties. On August 28, 1979, RI employees went on strike over certain wage issues. Although RI's management attempted to continue essential rail service, it soon became apparent that transportation needs were surpassing the limited ability of RI's management to meet those needs.

Accordingly, on September 20, 1979, President Carter invoked section 10 of the Railway Labor Act (45 U.S.C. § 160) to establish an Emergency Board to intervene in the RI labor dispute. However, the President's action failed to end the strike by September 22, 1979, and SPT filed its petition for temporary operating authority on that date in an effort to resume essential services over RI's Tucumcari line. SPT has an interest in preserving the viability of the Tucumcari line since it has filed an application in Finance Docket No. 28799 (discussed below) to purchase that line.

Mootness—Since the filing of SPT's application RI employees have returned to work and most essential service on RI lines has been restored under the terms of the Commission decision in Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (September 26, 1979) and 44 FR 56343 (October 1, 1979). In DSO No. 1398, we directed KCT to provide service as a "directed rail carrier" (DRC) under 49 U.S.C. § 11125 over safe RI lines.[3]

While directed service has afforded a temporary answer to RI's problems, it is not a long-range solution nor even an ideal short-range one. *Id.*, 360 I.C.C. at 293. By the terms of 49 U.S.C. 11125(b)(1), directed service may not last more than 240 days, at most. Directed service creates a significant drain on the Federal treasury, the managerial resources of the DRC, and the governmental agencies involved in implementing it.

Accordingly, we conclude that SPT's TA application has not been mooted by the issuance of our directed service orders to KCT.

Requested Relief—As noted above, SPT's petition was styled an "application for temporary authority" to operate RI's Tucumcari line. SPT relies on a number of provisions of the Interstate Commerce Act (49 U.S.C. Subtitle IV) as supporting our jurisdiction to grant its application for rail "temporary authority" (TA): 49 U.S.C. 10101(a), 10321(a), 11349 and 10928. We find it unnecessary to consider whether these provisions provide the requisite authority, because we have concluded that we have authority to grant the application under another section of the Act, 49 U.S.C. 11123.

Under Rule 2 of our *General Rules of Practice*, we are obliged to construe our rules liberally so as to secure a "just, speedy, and inexpensive determination of the issues presented." *See* 49 CFR 1100.2 (1978). Regardless of the title of the application or the statutory provisions expressly relied on by the applicant, Rule 2 requires us to look beyond the form of the pleading to its substance in rendering our decision. Accordingly, we shall treat SPT's petition as one for authority under the two provisions of the Act which

[2] Late pleadings are identified with an asterisk (*).

[3] This authority was recently extended by us in DSO No. 1398 (Sub-No. 1), decided November 30, 1979. In that decision, we extended directed service for 90 days under 49 U.S.C. § 11125(b)(1), with a partial reduction in the number of lines to be operated under directed service. While KCT was reinstated as DRC over the remaining directed service system, we specifically invited interested rail carriers to apply for temporary operating authority, without government subsidization, over portions of the RI system. We also expressed our willingness selectively to discontinue directed service over those portions of the RI system as to which temporary operating authority may be granted.

empower us to order certain rail operations under emergency conditions:

- 49 U.S.C. 11123 [formerly 49 U.S.C. 1(15)]; and
- 49 U.S.C. 11125 [formerly 49 U.S.C. 1(16)(b)].

Section 11123(a)(2) authorizes the Commission—in emergency situations—to "take action during the emergency to promote service . . . regardless of the ownership (as between carriers) of a locomotive, car, or other vehicle" on such terms of compensation as the carriers agree upon or, failing agreement, upon such terms of compensation as the Commission finds reasonable. Section 11123(a)(4) authorizes the Commission, in emergency situations, to direct the movement of rail traffic under appropriate permits (*e.g.*, service orders). Section 11125—the "directed service" statute—empowers the Commission, under specified circumstances, to direct the handling, routing and movement of an impaired carrier's traffic, and to direct its distribution over the lines of the impaired carrier by another rail carrier.

We shall now consider whether SPT's application warrants approval under any of the foregoing provisions.

49 U.S.C. 11123(a)(2)

Overview—Section 11123(a)(2) provides, in pertinent part, as follows:

> (a) When the Interstate Commerce Commission considers that a shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in a section of the United States, the Commission may—
>
> . . . . . .
>
> (2) take action during the emrgency to promote service in the interest of the public and of commerce regardless of the ownership (as between carriers) of a locomotive, car, or other vehicle on terms of compensation the carriers establish between themselves subject to subsection (b)(2) of this section.

The key element of section 11123(a)(2) for present purposes is the finding of an "emergency." If it can be said that an emergency of the type contemplated by the statute exists here, then we may take such action as is necessary to promote service in the interests of public welfare and interstate commerce. For the reasons stated below, we believe a section 11123 "emergency" exists here, and warrants our granting SPT emergency authority temporarily to operate RI's Tucumcari line.

Emergency—To meet the threshold jurisdictional test under section 11123, we must first find that "a shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in a section of the United States." *See* 49 U.S.C. 11123(a). We believe this criterion is fully satisfied here.

We should at the outset note the Commission's broad Congressional mandate under 49 U.S.C. 11123 (formerly 49 U.S.C. 1(15)). As the courts have consistently held:

> The only test for the exercise of this power, as outlined by Congress, was the "opinion" of "the Commission" as to the existence, at the time, of the type of emergency contemplated by the statute.

See *United States* v. *Southern Railway Co.*, 364 F. 2d 86, 93 (5th Cir 1966), *cert. denied* 386 U.S. 1031 (1967); *accord, Baltimore & Ohio Railway Co.* v. *United States*, 298 U.S. 349 (1936) and *United States* v. *Thompson*, 58 F. Supp. 213, 215 (E.D. Mo. 1944).

Moreover, the type of "emergency" referred to in section 11123(a) has been interpreted by the courts as being significantly broader than the ordinary definition of "emergency." As one court has stated it, the statute refers not simply to ordinary emergencies but to "legislative emergencies," which encompass situations far beyond:

> The commonplace meaning of "an unforeseen combination of circumstances which calls for immediate action." Legislative emergencies are those situations where the common good or public interest is legislatively declared to be paramount to individual interests. Common knowledge tells us that legislative action effective immediately has, on legion occasions, been adopted to correct an adverse public interest situation of long standing.

See *Daugherty Lumber Co.* v. *United States*, 141 F. Supp. 576, 580–81 (D. Or. 1956) (three-judge court); cited with approval in *United States* v. *Southern Railway Co., supra*, 364 F. 2d 86.

In view of the statutory scheme behind section 11123(a), the courts have generally deferred to the Commission's administrative expertise in determining whether or not an "emergency" of the type envisioned in section 11123(a) exists. Relying on our expertise in the rail area, we find that an emergency within the meaning of section 11123 exists here and that the emergency requires us to grant SPT emergency authority temporarily to operate RI's Tucumcari line.

RI's present financial difficulties may be characterized as severe at best. As we fully outlined in the RI directed service order, the bankrupt RI is currently suffering from a cash position so poor as to make its continuing operation impossible within the meaning of 49 U.S.C. 11125(a)(1). *See* DSO No. 1398, *KCT—Operate—CRI&P, supra*, 360 I.C.C. at 290–292 and 316–323, which we hereby incorporate by reference.

Since the Rock Island's collapse, we have relied upon our powers under section 11125 and have ordered the Kansas City Terminal Railroad to provide directed service over nearly all of the Rock Island's lines. This course of action has been successful in preventing severe economic dislocations for thousands of shippers and in providing a breathing space for the development of long-range solutions to the problems of shippers who have no practical alternatives.

The most serious drawback to the continuation of directed service for compensation, however, is its enormous costs. As of December 1, 1979 we have advanced to the KCT over $34 million; we estimate the costs of continued directed service to be in excess of $13 million a month, assuming the continuation of service over nearly the entire RI System. Indeed, recent Commission calculations indicate directed service is costing and will continue to cost an average subsidy of $450 per carload handled by the KCT, the present directed carrier.[4]

The grant of authority to SP over the Tucumcari Line, we believe, will reduce the drain on the Federal Treasury. While we have no way to calculate this savings precisely, such a conclusion is dictated by several factors. First, the entire RI system runs at a sizable deficit and we have no reason to believe that the Tucumcari Line has any greater revenue-generating capacity than any other part of the RI system. In fact, the RI's sale of this line would indicate a contrary conclusion.

Secondly, no heavy maintenance has been done on this line in 5 years which means that operations on this line are more costly than on other parts of RI, many of which have been adequately maintained. Furthermore, the failure of the RI to maintain this line properly indicates at least the belief of RI management that the line was not profitable.

Thirdly, under section 11125 directed service, the directed carrier receives 6

[4] The calculation is based on the following data. For the three months of December 1979 through February 1980, the Commission's Bureau of Accounts estimates the cost of directed service at $13.7 million per month. For the period of directed service through November 20, 1979, traffic was down 40 percent from 1978 levels and this pattern is expected to continue. During the three months of December 1978 through February 1979, RI handled an average of 50,259 carloads per month. Reducing this figure by 40 percent suggests an average of 30,000 carloads per month this winter, for an average cost of $457 per carload. In 1978, the average freight revenue received by RI per car handled was only $506 (*i.e.*, freight revenues of $392 million divided by 774,000 carloads). Thus, in continuing directed service, the Commission would nearly be matching, dollar for dollar, the sums actually paid by users.

percent of the revenue generated as a guaranteed profit. *See* 49 CFR Part 1126 (1978). Consequently, even if the Tucumcari Line were marginally profitable, which we doubt, its operation by the KCT for compensation would continue to be a drain upon the Federal Treasury.

In such a situation, we see no reason to continue to expend government funds to alleviate the emergency situation created by the collapse of the RI when we can achieve the same result at no expense to the taxpayer. Congress has indicated its reluctance to expend funds for directed service and has instructed the Commission to use such funds sparingly, only to provide service which is essential. *See* 125 Cong. Rec. H–10548 (November 9, 1979) (Conference Report on H.R. 4440). We believe our action in granting this application complies with that Congressional mandate. We also note that no other carrier has offered to provide service over this line at no compensation.

Accordingly, we find that a grant of SPT's temporary authority application is necessary to deal with the emergency and promote service in the interest of the public and of commerce.

49 U.S.C. 11123(a)(4)—In addition to our authority under 49 U.S.C. 11123(a)(2), we have authority to meet a section 11123–type emergency under 49 U.S.C. 11123(a)(4), which reads in pertinent part as follows:

> (a) When the Interstate Commerce Commission considers that a shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in a section of the United States, the Commission may—
>
> * * * * *
>
> (4) give direction for . . . movement of traffic under permits.

The key issue here, as in section 11123(a)(2), is whether a section 11123(a) emergency exists. For the reasons stated above, we find that such an emergency does and will continue to exist. Moreover, for the reasons described below, we conclude that we also have jurisdiction under section 11123(a)(4), as well as section 11123(a)(2), to grant SPT's petition for temporary operating authority.

Jurisdiction to Grant SPT's Requested Relief under section 11123—Certain protestants contend that we lack jurisdiction under 49 U.S.C. 11123 to direct SPT to move traffic over RI's Tucumcari Line. We disagree.

Upon finding a section 11123-type emergency, section 11123(a)(2) expressly authorizes us to "take action . . . to promote service" and section 11123(a)(4) clearly authorizes us to "give directions for . . . movement of traffic under permits." Protestants primarily rely on *Peoria Ry. Co.* v. *United States*, 263 U.S. 528 (1924), in arguing that section 11123 [formerly 49 U.S.C. 1(15)] cannot be used to authorize SPT to operate RI's Tucumcari Line. We must reject this argument.

The *Peoria* case is clearly distinguishable from the present situation. The issue in *Peoria* was simply whether section 1(15) authorized the Commission to direct one carrier to provide a transportation service ("switching services") for another carrier. Finding switching services to be a "transportation service" not fairly inferable from section 1(15)'s car service language, the Supreme Court held that the Commission had overstepped its authority in ordering switching services under section 1(15) without prior notice and hearing. Speaking of sections 1(15) and 1(16), the Court stated:

> None of these provisions grants in terms power to require the performance of a transportation service.
>
> * * * * *
>
> Transportation Act 1920 evinces, in many provisions, the intention of Congress to place upon the Comission the administrative duty of preventing interruptions in traffic. But there is no general grant of emergency power to that end; and the detail in which the subjects of such power have been specified precludes its extension to other subjects by implication. [*Id.* at 532, 534–35.]

In this case, in contrast, the Commission is not directing one, unwilling, carrier to provide transportation services for another carrier, but is simply authorizing a willing carrier to use the facilities of another (and willing) carrier; we are merely exercising the express statutory authority conferred upon us by section 11123 to take action to promote service and to direct the movement of traffic upon a finding of emergency. Accordingly, *Peoria* is no impediment to our action here. Indeed, language in the *Peoria* decision strongly supports our authority here, because the Court explained that the purpose of former section 1(15) (now section 11123) was to make "instrumentalities" of transportation, including "[c]ars and locomotives . . . *tracks* and *terminals* . . . available in emergencies to a carrier other than the owner . . ." *Id.*, 236 U.S. at 533–534 (emphasis supplied). Moreover, as various courts have recognized, the *Peoria* decision:

> Is confined to a declaration that the emergency powers conferred by Congress on the Commission did not include power to require a terminal carrier to *switch* by its own engines and over its own tracks freight cars which were tendered by and for another connecting carrier. [Emphasis added]

See *United States v. Southern Railway Company*, 364 F. 2d 86, 95 (5th Cir. 1966), *cert. denied* 386 U.S. 1031 (1967). Indeed, the Supreme Court itself has recognized the limited applicability of the *Peoria* decision. As Justice Douglas stated for the Court in *ICC v. Oregon Pacific Industries, Inc.*, 420 U.S. 184, 189 (1975):

> As we have noted, *Peoria & P.U.R. Co., supra*, emphasized that the car service authority extends to the "use" of cars and not to a "transportation service," but there the issue was whether one carrier was bound to perform *switching* services for another carrier. [Emphasis added]

We therefore conclude that we have jurisdiction under section 1123 direct SPT to move traffic over RI's Tucumcari line.[5]

SPT's Authority Under Section 11123(a)

In view of the continuing emergency on RI's Tucumcari line, we shall grant SPT's request for emergency authority temporarily to operate RI's Tucumcari line. The authorization shall be in the form of an appropriate service order under 49 U.S.C. § 11123(a). SPT's offer to provide service over this line will ensure affected shippers of reliable service by a carrier genuinely interested in preserving the viability of the line. Moreover, it will reduce the burdens associated with directed service over the remaining RI lines, such as the drain on DRC resources, the cost to the taxpayers, and the administrative burden on the government agencies overseeing directed service. Grant of the application will also make more cars and locomotives available on other parts of the Directed Service System.

Accordingly, we shall issue an appropriate service order authorizing SPT to operate RI's Tucumcari line, effective at 12:01 a.m. (central time (CT) on the 7th day after the service date of this decision. SPT shall immediately notify this Commission and all parties to this proceeding, in writing, of the date on which it commences operations over RI's Tucumcari line. The service order shall remain in effect until either: (1) SPT's purchase application regarding the Tucumcari line (Finance Docket No. 28799) is decided by the Commission (and the courts, should it be appealed); or (2) the Commission finds the emergency is over.

[5] Our finding of jurisdiction is supported by a review of some of our prior service orders under section 11123. Particularly relevant are Service Order No. 1390, *Chicago, Milwaukee, St. Paul & Pacific Railroad Co. [MILW] and Consolidated Rail Corp. [Conrail]*, 44 FR 46278 (August 7, 1979), and Service Order No. 1394, *Providence & Worcester Company [PW]—Authorized to Operate Over Tracks of Warwick Railway Company [WRWK]*, 44 FR 48693 (August 20, 1979). These cases illustrate that the Commission may find a transportation emergency requiring action under section 11123 where service over a given line is in danger of ending, whether due to track deterioration or a railroad's economic difficulties, and shippers would be substantially adversely affected by such cessation of service.

In fashioning a service order, we believe certain conditions ae necessary. In operating over the Tucumcari line, SPT shall use its own cars and operational equipment, so as not to drain RI's existing stocks. In operating the Tucumcari line, SPT will not be restricted to only SPT freight car equipment, but rather shall have full access to the national car fleet under current car service rules and orders.

For car distribution purposes, SPT shall be considered the "home road" on its portion of RI's Tucumcari line, and KCT shall be considered the "home road" on those portions of RI's Tucumcari line which it must traverse in order to provide service over the remaining directed-service system (essentially between Herington and Kansas City).

Further, we shall require SPT to hire RI employees necessary to the performance of the authorized operations, except to the extent that KCT believes certain employees are essential to the continuation of other RI operations. SPT shall pay the RI employees so hired at 1979 wage rates on a current basis, and these employees shall be entitled to all the employee protective conditions established in DSO No. 1398 and DSO No. 1398 (Sub-No. 1). *See* SPT's TA application, at 10.

As for rates, we authorize SPT to seek changes in existing RI rates and charges involving the Tucumcari line in accordance with 49 U.S.C. 10762. SPT is authorized to act on behalf of RI in all matters pertaining to the establishment of rates, routes, and divisions applicable to RI's Tucumcari line. On the date SPT's operations commence, KCT's authority over such rates, routes and divisions is rescinded to the extent necessary to effectuate the authority granted to SPT above. *Also see* ordering paragraph 3, below.

Any rehabilitation, operational, or other costs related to the operations authorized herein shall be the sole liability of SPT, and shall not in any way be deemed a liability of the United States Government.

Any operational difficulties encountered in performing the authorized operations shall be resolved by SPT and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

There may be some administrative problems to resolve regarding joint operations between SPT and KCT between Herington and Kansas City. Accordingly, we shall direct an allocation of expenses to be made. We believe this could best be done (1) on a "traffic-handled" basis as to those costs related to general overhead (*e.g.*, train dispatching, signals, maintenance of track, etc.), and (2) on an "out-of-pocket cost" basis as to actual train operations (*e.g.*, crew costs, fuel, etc.). Difficulties will be resolved by the Railroad Service Board. The cost of accounting functions related to these matters shall be the responsibility of SPT.

49 U.S.C. 11125

Having found jurisdiction to grant SPT's application under 49 U.S.C. 11123(a), there is no need for us to consider SPT's application under 49 U.S.C. 11125, the directed-service statute.

We should, however, note that directed service under section 11125 remains an option available to us, should difficulties arise under the service order authorized above. We particularly note KCT's warning that it may be disinclined to continue its role as DRC, if SPT is authorized to operate RI's Tucumcari line. *See* KCT's late-filed comment. If such a situation were to arise, we will consider ordering SPT to operate the entire Rock Island under an appropriate directed service order.

Relationship With F.D. No. 28799

Prejudgment Issue—As noted earlier, SPT's TA application involves the same RI line which SPT is seeking to purchase under 49 U.S.C. 11343–44. The purchase application was filed on December 29, 1978, and has been designated Finance Docket No. 28799 (Sub-No. 1, *et. al.*), *St. Louis Southwestern Railway Company—Purchase (Portion)—William M. Gibbons, Trustee of the Property of Chicago, Rock Island & Pacific Railroad Company Debtor.* A final decision in F.D. No. 28799 is statutorily required within 6 months of the close of the evidentiary record.

Protestants allege that approval of SPT's TA applicaiton will adversely affect the proceeding in F.D. No. 28799 by "prejudging" the major issues and depriving the parties in that proceeding of due process. We cannot agree.

We fail to see how a grant of SPT's request to operate temporarily RI's Tucumcari line could prejudge the issues in F.D. No. 28799. The criteria in deciding the permanent and TA applications are entirely different. In F.D. No. 28799, consideration must be given to all the pertinent statutory criteria established by 49 U.S.C. 11343–47. However, in F.D. No. 29144, the only major issue is the transportation emergency resulting from RI's financial dilemma, and the need for extraordinary measures to meet the emergency.

We are not convinced that our decision to grant SPT's request to operate temporarily the Tucumcari line would create a *fait accompli* which will prejudge the proceeding in F.D. 28799. A brief look at the motor carrier area is instructive. Under 49 U.S.C. 11349, we are expressly authorized to grant TA's to motor and water carriers in purchases, controls, mergers, or similar acquisitions under 49 U.S.C. 11343–44. Such TA's may remain in effect pending the final disposition of the application for permanent authority. Yet, no one contents that the grant of a TA to a motor or water carrier improperly prejudges the application for permanent authority. Similarly, our action in authorizing SPT to operate temporarily RI's Tucumcari line under 49 U.S.C. 11123 does not improperly prejudge SPT's application for permanent authority in F.D. No. 28799.

Indeed, we fail to see what conceivable action SPT could take during its temporary emergency operation of RI's Tucumcari line tht would later compel us to grant its purchase application in F.D. No. 28799. We hereby put SPT on notice that any investment it makes in the Tucumcari line during the temporary operation period is at its own risk, and will not be a factor in our determination of whether to grant or deny its purchase application in F.D. 28799. Further, we will not permit SPT to rely on the fact of its temporary operation as a basis for seeking approval of its purchase application in F.D. 28799.

Consolidation—Certain protestants urge us to consolidate SPT's TA application with its purcahse application, so that the record in this proceeding may include all the evidence adduced in F.D. No. 28799. We must reject this suggestion.

As noted above, the issues in the two proceedings are entirely different. In this proceeding, the issue is the need for emergency rail service in RI's operational territory. In F.D. No. 28799, the issues extend to all the statutory criteria reflected in 49 U.S.C. 11343–47. Thus, there is no need in the TA application to consider the evidence necessary to decide the purchase application.

Moreover, in view of the emergency nature of the situation confronting us in the TA application, there is no time to consolidate the two proceedings and to review all the evidence adduced in the purchase application before rendering our decision in the instant proceeding.

Effect on DSO No. 1398

"Skimming" Argument—Certain protestants argue that, if SPT is authorized to operate RI's Tucumcari line, the cost (particularly the cost to the Federal Government) of directed service under DSO No. 1398 will increase. This argument is based on the contention that the Tucumcari line is one of RI's more profitable lines, and that removal of this line from KCT's directed-service system will leave KCT with a greater

proportion of unprofitable lines. This, in turn, would allegedly increase the cost to the taxpayers of subsidizing the remaining directed-service lines.

This "skimming" argument rests on the assumption that RI's Tucumcari line is a profitable one, or at least one of its better lines. However, the evidence on this point is conflicting. While certain protestants contend that the Tucumcari line is profitable, data currently available to the Commission makes this contention questionable. But for its interest in keeping the line viable pending the conclusion of its purchase proceeding in F.D. No. 28799, even SPT would apparently hve no interest in operating the line. Thus, it seems questionable whether any "skimming" would result from permitting SPT to operate RI's Tucumcari line.

Moreover, even if removal of the Tucumcari line from the directed-service system were to skim some revenues from directed-service operations, this loss would be offset by related reductions in directed-service expenses. Removal of the Tucumcari line from the system would reduce rehabilitation costs, result in fewer employees to pay, and generally reduce related operating expenses. Further, since SPT would not be using RI cars, locomotives or other operating equipment in providing service over the Tucumcari line, KCT's inventory of such materials and supplies would actually be increased, thus enhancing its revenue-generating capacity.

Finally, even if some skimming were demonstrable, we would not be inclined to deny a carrier's request to operate a portion of the RI system on a noncompensated basis, unless the drain on the remaining directed-service system was substantial. No such showing has been made here. As we stated in *KCT—Operate—CRI&P, supra*, 360 I.C.C. at 298, the issuance of a directed-service order does not preclude interested carriers from filing petitions to operate portions of the RI system on a noncompensated basis under 49 U.S.C. 11123 or 11125. On the contrary, we encourage such petitions as one of the least costly and most viable ways of providing essential rail service to former RI shippers.

Operational Difficulties—Certain protestants further allege that a grant of operating authority to SPT over RI's Tucumcari line would be operationally unworkable. We disagree.

As principal trouble spots, protestants point to the need for joint operations by SPT and KCT between Herington and Topeka, KS, and by SPT, KCT and UP between Topeka and Kansas City. Moreover, protestants note that SPT would have to share the Armourdale Yard in Kansas City with KCT, thus increasing congestion there. Further, protestants assert that "complex difficulties" would arise regarding such matters as car supply, rolling stock, divisions, and switching movements. *See, e.g.*, Santa Fe comment, at 12–14; UP comment, at 3–6; KCT comment, at 3. Accordingly, they urge us to deny SPT's application on the ground that it would create insurmountable operational difficulties.

While some operational difficulties may arise from SPT's operation of the Tucumcari line, we are not convinced of their magnitude. In view of the limited traffic volume which has moved over this line during the directed-service period, it seems unlikely that a mere change in carriers could "dangerously disrupt" KCT's directed-service operations. Further, since SPT would operate the Tucumcari line at its own expense and risk, it would have a strong interest in minimizing operational difficulties on the line. This interest in the line's viability would be buttressed by SPT's continuing desire to purchase the Tucumcari line. Indeed, SPT's operation and likely upgrading of the line and related facilities may actually improve conditions on the line, to the benefit of all involved, including KCT. At a minimum, SPT's temporary operation of the Tucumcari line would enhance KCT's ability to provide directed service, by permitting KCT to concentrate its attention and resources on other segments of the directed-service system, rather than addressing the need to remedy poor track conditions on the Tucumcari line.

Thus, rather than the spectre of hopeless confusion which certain protestants have alleged will result from permitting SPT to operate the Tucumcari line, we believe our action here will result in few, if any, significant operational problems.

In the event any operational problems should develop, however, we shall direct SPT and any adversely affected entities to seek a negotiated solution to such problems. Where these parties are unable to solve such problems on their own, we shall instruct the Commission's Railroad Service Board to develop an equitable solution.

Effects on SPT's Competitors

Revenue Diversions—Certain protestants allege that SPT's operation of the Tucumcari line will result in substantial diversions of revenue from SPT's competitors. These diversions, it is asserted, will have disastrous consequences on SPT's competitors and, in turn, on their ability to provide rail service. We are not persuaded that these alleged diversions warrant denial of SPT's emergency service.

To begin with, the question of diversion is immaterial to the application before us. In deciding whether to authorize emergency operations under 49 U.S.C. 11123(a), the only material issue is whether the Commission finds that "a shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in a section of the United States." *See* 49 U.S.C. 11123(a). In situations arising under section 11123(a), we are concerned only with whether emergency conditions exist and what action is necessary to preserve essential service. Questions of revenue diversion and the like—while appropriate to proceedings for permanent authority under 49 U.S.C. 11343–44—are not compelling reasons for denying the emergency relief required under section 11123.

Further, even assuming that the issue of diversion was material in section 11123 settings, we would still be unpersuaded that the alleged diversions here warrant denial of SPT's temporary authority application. Viewing the record as a whole, we are not convinced that SPT will be able to divert significant amounts of revenue in the limited period of its operation of the Tucumcari line under section 11123. As noted above, traffic on this line during the directed-service period has been relatively low in volume. Moreover, significant portions of the line are in need of substantial rehabilitation, which SPT must perform before the line's quality and profitability can be improved. Indeed, SPT may well lose money operating the Tucumcari line under emergency authority. Additionally, protestants' allegations of diversion are generally based on evidence adduced in F.D. No. 28799, which evidence looks to SPT's permanent acquisition and operation of the line, not SPT's temporary operation of the line.

Accordingly, we do not believe an emergency service order should be withheld on the basis of protestants' allegations of revenue diversion.

Labor Matters

We shall condition our approval of SPT's application upon the requirement that SPT afford affected employees appropriate protection.

Hiring of RI Employees—In operating the Tucumcari line, SPT shall hire those RI employees necessary to the performance of the authorized operations, except to the extent that KCT believes certain employees are essential to the performance of directed-service operations. RI employees hired by SPT to perform operations over the Tucumcari line shall cease to be the responsibility of KCT (or other RI operator) and shall become the responsibility of SPT for the duration of SPT's emergency operations over the Tucumcari line. RI employees so hired

by SPT shall be paid by SPT at 1979 wage rates on a current basis, and shall be entitled to all the employee protective conditions established in DSO No. 1398 and DSO No. 1398 (Sub-1).

Employee Protective Conditions.—Any employees terminated or furloughed by SPT or the DRC as a direct result of SPT's emergency operation over the Tucumcari line shall be afforded, by SPT, the employee protective conditions established in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979) (*New York Dock II*).

Other Matters

Preservation of the Estate—During the period of its emergency operation of the Tucumcari line, SPT shall be fully responsible for preserving the value of that line, which is part of the RI estate. Accordingly, SPT shall have an affirmative duty to perform that degree of maintenance and upkeep as is necessary to avoid deterioration to the Tucumcari line and related facilities.

Reporting Requirements—To assist us in monitoring SPT's operation of RI's Tucumcari line we shall require SPT to file that data regarding operations over the Tucumcari line which RI would have otherwise filed in ordinary circumstances.

Traffic Reports—To further assist us in monitoring SPT's operation of the Tucumcari line, SPT shall file monthly a traffic report identifying: (1) the number of carloads transported over the Tucumcari line daily; (2) the total gross revenue for those carloads; and (3) RI's normal portion of the total gross revenue. These traffic reports shall be submitted to the Commission (see offices listed below) once a month at the end of each calendar month.

Conclusion

For the foregoing reasons, we conclude that SPT should be authorized under 49 U.S.C. 11123(a) to perform emergency operations over RI's Tucumcari line, in accordance with the terms and conditions stated above.

We find:

(1) There presently exists an emergency requiring immediate action in RI's service territory, within the meaning of 49 U.S.C. 11123(a), which warrants our directing SPT to move traffic over RI's Tucumcari line under 49 U.S.C. 11123(a).

(2) This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

(3) Any findings made elsewhere in this decision but not specifically enumerated here are hereby expressly adopted.

49 CFR 1033.1411, St. Louis Southwestern Railway Company—Authority To Operate Over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Santa Rosa, NM, and St. Louis, Mo.

Operations Under 49 U.S.C. 11123(a)

It is ordered: (1) *Entry*—SSW is authorized to enter upon and operate FI's Tucumcari line for the purpose of moving traffic under this service order. *See* 49 U.S.C. 11123(a).

(a) The entry shall occur on this order's effective date (see below) and shall continue until this order's expiration date (see below), unless modified or extended by this Commission.

(b) SPT shall immediately notify this Commission and the parties to this proceeding, in writing, of the date it commences operations over RI's Tucumcari line.

(2) *Cars and Equipment*—In operating over the Tucumcari line, SPT shall use its own (and national car fleet) cars and operational equipment.

(3) *Applicable Rates*—We authorize SPT to seek changes in existing RI rates and charges involving the Tucumcari line in accordance with 49 U.S.C. § 10762. SPT is authorized to act on behalf of RI in all matters pertaining to the establishment of rates, routes and divisions applicable to RI's Tucumcari line. SPT shall preserve existing joint rates and through routes.

(4) *Payments by SPT*—SPT shall pay to all other carriers amounts received by the former but due to the latter for the latter's service, for per diem, and for events occurring during the period this service order is in effect, in accordance with established procedures for the settlement of interline transactions and accounts.

(5) *Hiring of RI Employees*—In operating the Tucumcari line, SPT shall hire those RI employees necessary to the performance of the authorized operations, except to the extent that KCT believes certain employees are essential to the continuation of other RI operations.

(a) RI employees hired by SPT to perform operations over the Tucumcari line shall cease to be the responsibility of KCT and shall become the responsibility of SPT for the duration of SPT's emergency operations over the Tucumcari line.

(b) RI employees so hired by SPT shall be paid by SPT at 1979 wage rates on a current basis, and shall be entitled to all the employees protective conditions established in DSO No. 1398 and DSO No. 1398 (Sub-No. 1).

(c) Any employees terminated or furloughed by SPT or the DRC as a direct result of SPT's emergency operation over the Tucumcari line shall be afforded, by SPT, the employee protective conditions established in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979) *(New York Dock II)*.

(6) *SPT's Liability for Costs*—Any rehabilitation, operational or other costs related to the operations authorized herein shall be the sole liability of SPT, and shall not in any way be deemed a liability of the United States Government.

(7) *Operational Difficulties*—Any operational difficulties encountered in performing the authorized operations shall be resolved by SPT and any other affected party through negotiated settlement or, failing agreement, by the Commission's Railroad Service Board. The Board may, in its discretion, certify to the entire Commission any matters referred to it.

(8) *49 U.S.C. 11125*—We reserve the right to consider SPT's petition in F.D. No. 29144 as a request for a noncompensated directed service order under 49 U.S.C. § 11125, should circumstances so warrant.

(9) *Preservation of RI Estate*—During its emergency operation of the Tucumcari line, SPT shall be fully responsible for preserving the value of that line, which is part of the RI estate. Accordingly, SPT shall have an affirmative duty to perform that degree of maintenance and upkeep as is necessary to avoid deterioration to the Tucumcari line and related facilities.

(10) *Reporting Requirements*—SPT shall file with the commission that data regarding operations over the Tucumcari line which RI would otherwise have filed in ordinary circumstances.

(11) *Traffic Reports*—SPT shall file with the Commission, on a monthly basis a traffic report identifying: (a) the number of carloads transported over the Tucumcari line daily; (b) the total gross revenue for those carloads; and (c) RI's normal portion of the total gross revenue. These traffic reports shall be submitted to the Commission once a month at the end of each calendar monthly.

General Provisions

(12) *Petitions to Intervene*—The late-filed replies, which we have decided to treat as petitions for leave to intervene, are granted.

(13) *Commission Filings*—All documents filed in this proceeding should refer to "Finance Docket No. 29144/Service Order No. 1411" and shall be sent to the following Commission offices in the Commission's headquarters building at 12th and Constitution Avenue, NW, Washington, DC 20423:

- Office of the Secretary (Room 2215) (original; for filing in docket)
- Section of Finance (Room 5417), Office of Proceedings (3 copies)

• Section of Rail Services Planning (Room 7375), Office of Policy and Analysis (3 copies)
• Railroad Service Board (Room 7115), Bureau of Operations (3 copies)
• Bureau of Accounts (Room 6133) (3 copies)

(14) *Applicability*—The provisions of this decision shall apply to intrastate, interstate, and foreign traffic.

(15) *Enumeration*—All requirements specified in this decision but not specifically enumerated in these ordering paragraphs shall be followed as though specifically enumerated.

(16) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(17) *Service on Parties*—This decision shall be served upon all the parties in this proceeding (Finance Docket No. 29144), in DSO No. 1398, and in Finance Docket No. 28799 (Sub-No. 1).

(18) *Notice to Public*—Notice of this decision shall be given to the general public by: (a) depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) filing a copy with the Director, Office of the Federal Register.

(19) *Effective Date*—This decision and service order shall be effective at 12:01 a.m. (CT) on the 7th day after the service date of this decision. SPT shall immediately notify the Commission, in writing, of the date it commences operations over RI's Tucumcari line.

(20) *Expiration Date*—Unless modified by the Commission, this decision and service order shall remain in effect until either: (a) SPT's purchase application regarding the Tucumcari line (Finance Docket No. 28799) is decided by the Commission (and the courts, should it be appealed); or (2) the Commission finds the emergency is over.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Chairman O'Neal concurring in the result. Vice Chairman Stafford dissenting. Commissioner Clapp dissenting. Commissioner Christian not participating. Commissioner Alexis would have required all transit arrangements, already entered into, to be protected.

Agatha L. Mergenovich,
Secretary.

Chairman O'Neal, Concurring in the Result

I share the concerns of the minority about prejedgment of Southern Pacific Transportation Company's application for permanent acquisition of the Tucumcari line. But this is an extraordinary situation. I do not see any viable alternative for continuing service over this important Rock Island rail line following the additional 90 days of directed service by the Kansas City Terminal Company. I doubt that it's possible for any purchase of the Tucumcari line by one or another of the competing railroads to be accomplished within that 90 days. I even doubt the possibility that the statutory maximum of 180 days would be adequate if such time were available. It is not available because of the Congressional limit on appropriations and because of the Congressional mandate to use conservatively any directed service at government expense.

Vice Chairman Stafford, Dissenting

I would deny the so-called "temporary authority" application filed by SPT. The majority's decision, in my judgment, suffers legal flaws and a naivety as to certain practical considerations.

Legally, and as the majority concedes, SPT's "TA application" has no specific basis in law. At best, we are dealing with implied powers under the Interstate Commerce Act (Act), or as a layman would call it—"bootstrapping."

The most blatant example of the implied powers argument is found in the decision's analogy to the water and motor carrier TA statutes. First of all, it is a general principle of statutory construction that the specific prevails over the general or, in other words, the granting of specific powers (in this case to water and motor carriers) precludes implying the same powers (to rail carriers) relying on general provisions of the Act. Moreover, in the case of water and motor carriers any infusion of assets by the acquiring carrier into the vendor are generally readily retrievable if the permanent application is denied. That is, it is axiomatic that a water or motor carrier does not need improved "roadbed"; betterments will be in new trucks and barges, all readily sellable if the permanent transaction fails. Yet, SPT is going to expend considerable funds in improving the Rock's roadbed. I fail to see how SPT is going to retrieve rail, ties and ballast, etc. if the permanent application is denied, and therefore any analogy with water and motor temporary operations is meaningless.

The reliance on section 11123 of the Act [formerly section 1(15)] is a tenuous one. The present factual situation is not "clearly distinguishable" from the *Peoria* case. Indeed, a strong argument can be made that since the Supreme Court specifically found terminal switching services to be outside the scope of 1(15), obviously directions over *1,000 miles of railroad* is also outside the scope of section 1(15).

Another legal problem is the majority's insistence on finding a remedy at law for SPT. Simple due process requires, in my view, that all parties have ample opportunity to know under what theory of law the proceeding is based. Here the rules have been shifted in the "middle of the game"; at a minimum we should entertain further argument from the some 13 protestants as to the validity of section 1(15).

The most important legal problem is the issue of prejudging the SPT permanent application. As discussed, *supra*, the SPT will unquestionably be placing considerable sums of money into the 1,000 mile roadbed. In my view, this fact alone injects a definite element of bias and prejudice into the permanent application proceeding. That proceeding is hotly contested with almost every western and midwestern railroad opposing the application. To date, 75 days of hearing have taken place with 489 exhibits. At least several days, if not weeks, of hearing remain. Yet, as a practical matter, the considerable monies expended by SPT, combined with SPT actually operating the line, will make it virtually impossible for the Commission to deny the permanent application.

From a practical standpoint, there are several problems with the decision. For one, it is not clear whether operation of the Santa Rosa-St. Louis line temporarily by SPT will save the Government anything at all in terms of KCT directed service funds. In other words, there is considerable disagreement whether the line is "profitable". I must assume it is, as otherwise the SPT would not operate it voluntarily with no government backing. Therefore, the SPT is taking probably the only profitable part of the Rock Island. The conclusion is inescapable that this "skimming" means the costs of KCT directed service will increase. In any event, the line's profitability and consequent financial effects on the Rock Island estate (and of course the taxpayer) need considerable more study.

Another problem left unanswered by the majority is simply this: what happens to other railroads once SPT assumes operations? SPT is entering a substantial new market, but at who's expense? I find it unconscionable that absolutely no consideration has been given to the adverse impacts on other railroads. A possible scenario is the bankruptcy of two or three marginal railroads in the mid-west. How such bankruptcies will help the taxpayer—not to mention shippers and communities in these lines—escapes me.

Moreover, we should not forget that KCT has been doing a relatively good job. My view of directed service has always been twofold: (1) to provide essential services on an interim basis (2) to assure a relative degree of maintaining the respective competitive relationships between the rail carriers. KCT, as a neutral switching company jointly owned by most of the midwest carriers, has accomplished these goals.

A final point needs to be stated, i.e., the question of transit rates. The decision ignores the issue of transit rates and indeed seems to encourage the SPT to ignore existing Rock Island transit rates. Thousands of grain shippers have relied on Rock Island transit rates in marketing their product. A typical situation, for example, would involve a Haviland elevator transporting grain to the Gulf via transit at Hutchinson, Kansas. The shipper has relied on a through rate, as distinguished from the much higher "flat rates." To now force the shipper to pay flat rates will result in an unfair and unjust penalty to the shipper. In certain instances, the flat rates will be double the through transit rates. I shudder to think what this will cost the midwest economy.

Commissioner Clapp, Dissenting

I would not grant SPT's temporary authority application in any form. I am concerned about prejudgment of SPT's application for permanent acquisition of the Tucumcari line. Consequently, I would not grant any authority in the nature of a TA to a railroad competing with others for permanently authority unless it is absolutely necessary for the continuation of service in a particular area. Under the circumstances, with KCT operations in place for another 90 days, I would not now substitute SPT's services for KCT's on the basis of an existing "emergency."

[FR Doc. 79-38176 Filed 12-12-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 241
Thursday, December 13, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., December 18, 1979.

PLACE: 2033 K Street, NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: CFTC Reparations System.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2427-79 Filed 12-11-79; 3:18 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:30 a.m., December 18, 1979.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Budget and enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2428-79 Filed 12-11-79; 3:18 pm]

BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11:00 a.m. on Monday, December 10, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appontive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

A memorandum and resolution re: Final regulations (12 CFR 304.4 and new Part 349) implementing the reporting requirements of Title VIII (Correspondent Accounts) and Title IX (Disclosure of Material Facts) of the Financial Institutions Regulatory and Interest Rate Control Act of 1978; and

A memorandum and resolution re: Amendments to Parts 303 and 304 of the Corporation's rules and regulations—Model agreement governing pledge of assets by foreign banks.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: December 10, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2418-79 Filed 12-11-79; 12:02 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 11:30 a.m. on Monday, December 10, 1979, the Corporation's Board of Directors determined, on motion of Director John G. Heimann (Comptroller of the Currency), seconded by Chairman Irvine H. Sprague, concurred in by Director William M. Issac (Appointive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, New York (Case No. 44,162-L); and

Recommendation regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, New York (Legal Division memorandum dated December 6, 1979); and

Notice of acquisition of control: Ennis State Bank, Ennis, Texas.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: December 10, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2419-79 Filed 12-11-79; 12:02 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 17, 1979, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of Security Pacific National Bank, Los Angeles, California, and Inyo-Mono National Bank, Bishop, California.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Chapman and Cutler, Chicago, Illinois, in connection with the liquidation of The Drovers' National Bank of Chicago, Chicago, Illinois.

Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.

Wildman, Harrold, Allen, Dixon & McDonnell, Memphis, Tennessee, in connection with the liquidation of North Point State Bank, Arlington Heights, Illinois.

Sidley & Austin, Chicago, Illinois, in

connection with the liquidation of The Drovers' National Bank of Chicago, Chicago, Illinois.

Chapman and Cutler, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.

Sidley & Austin, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.

Patterson & Patterson, Whitfield, Manikoff, Ternan and White, Bloomfield Hills, Michigan, in connection with the receivership of Birmingham Bloomfield Bank, Birmingham, Michigan.

Schumann, Hession, Kennelly and Dormet, Jersey City, New Jersey, in connection with the liquidation of First State Bank of Hudson County, Jersey City, New Jersey.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

Feldstein, Gelpi, Hernandez & Castillo, Old San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico (two memorandums).

Atkinson, Mueller & Dean, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Schall, Boudreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Meredith, Donnell & Edmonds, Corpus Christi, Texas, in connection with the liquidation of First State Bank & Trust Co., Rio Grande City, Texas.

Meredith, Donnell & Edmonds, Corpus Christi, Texas, in connection with the liquidation of South Texas Bank, Houston, Texas.

Pryor, Cashman, Sherman & Flynn, New York, New York, in connection with the receivership of Amerian Bank & Trust Company, New York, New York.

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Parsons, Canzona, Blair & Warren, Red Bank, New Jersey, in connection with the liquidation of The Bank of Bloomfield, Bloomfield, New Jersey.

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,160–L— The First State Bank of Tuscola, Tuscola, Texas.

Case No. 44,173–L—Winona State Bank, Winona, Texas.

Memorandum and Resolution re: Delegations of Authority.

Memorandum and Resolution re: Final Rule Deleting Parts 301, 305, 306, 325 and Sections 330.13, 330.14; Proposal to Revise Part 339.

Memorandum re: Changes in FDIC Regulations to amend delegations of authority, to amend the definition of "phantom" bank merger, and to correct an error in a prior publication.

Memorandum and Resolution re: Amendments to FDIC's Regulations Governing Disclosure of Information (12 CFR Part 309).

Memorandum re: Budget of Administrative Expenses for Budget Year 1980.

Memorandum re: Budget of Liquidation Expenses for Budget Year 1980.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Audit Report: Review of EDP Services Provided to DBS by DMSFS dated September 10, 1979.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located 550–17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 10, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–2420–79 Filed 12–11–79; 12:02 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 17, 1979, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

The D'Arbonne Bank and Trust Company, a proposed new bank, to be located at 406 Water Street, Farmerville, Louisiana, for Federal deposit insurance.

Michigan Bank—Midland, a proposed new bank, to be located at 1000 South Saginaw Road, Midland, Michigan, for Federal deposit insurance.

Beaver State Bank, a proposed new bank, to be located at the intersection of Hall Boulevard and Watson Street, Beaverton, Oregon, for Federal deposit insurnace.

Bank of Baroda, Bombay, India, a United States branch of a foreign bank, located at One Park Avenue, New York, New York, for Federal deposit insurance.

Israel Discount Bank Ltd., Tel Aviv, Israel, two United States branches of a foreign bank, located at 511 Fifth Avenue, New York, New York, and 1350 Broadway, New York, New York, for Federal deposit insurance.

Bank Hapoalim B.M., Tel Aviv, Israel, a United States branch of a foreign bank, located at 3 Penn Center Plaza, Philadelphia, Pennsylvania, for Federal deposit insurance.

Mississippi River Bank, a proposed new bank, to be located at 112 Belle Chasse Highway North, Belle Chasse, Louisiana, for Federal deposit insurance.

American Bank and Trust Company, Inc., a proposed new bank, to be located at 880 Corporate Drive, Lexington, Kentucky, for Federal deposit insurance.

Allied Nederland Bank, a proposed new bank, to be located at the northeast corner of 29th Street and F. M. Highway 365, Nederland, Texas, for Federal deposit insurance.

Allied Mission Bend Bank, a proposed new bank, to be located in the Mission Bend Shopping Center at the southwest corner of Bellaire Boulevard and State Highway 6, Unincorporated Harris County, Texas, for Federal deposit insurance.

Michigan Bank—Livingston, a proposed new bank, to be located at 218 East Grand River Avenue, Brighton, Michigan, for Federal deposit insurance.

The Scott County Bank, a proposed new bank, to be located on the east side of Highway 71B approximately 300 feet south from its intersection with Highway 80 in Waldron, Arkansas, for Federal deposit insurance.

Great American Bank, a proposed new bank, to be located at 1801 Century Park East, Los Angeles, California, for Federal deposit insurance.

The Trust Company of New Jersey, Jersey City, New Jersey, a State member bank, for Federal deposit insurance coincident with its withdrawal from the Federal Reserve System.

Applications for consent to establish branches:

Israel Discount Bank of New York, New York, New York, for consent to establish a foreign branch in George Town, Grand Cayman, Cayman Islands.

Citizens State Bank of New Jersey, Lacey Township (P.O. Forked River), New Jersey, for consent to establish a branch at the intersection of Route 9 and Beach Boulevard, Lacey Township, New Jersey.

Application for consent to merge and exercise trust powers:

International Central Bank, Newport Beach, California, an insured State nonmember bank, for consent to merge with International Trust Corporation, Newport Beach, California, a noninsured financial corporation, under the charter and title of

International Central Bank; and for consent to exercise trust powers.

Application for consent to add a subordinated capital note to the bank's capital structure and for advance consent to the retirement thereof:

Citizens State Bank of New Jersey, Lacey Township (P.O. Forked River), New Jersey.

Notices of acquisition of control:

Bank of Granite, Granite, Oklahoma.
Washington Bank and Trust Company. Franklinton, Louisiana.

Request for exemption pursuant to section 348.4(b)(3) of the Corporation's rules and regulations entitled "Management Official Interlocks":

The Ashford Bank, Houston, Texas.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.
Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts.
Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Memorandum re: Possible Conflicts of Interest in Connection With Attorneys Fees to Directors, Trustees, Officers or Stockholders.

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier denial of a request for records.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,148-L—Franklin National Bank, New York, New York.
Case No. 44,149-L—Franklin National Bank, New York, New York.
Case No. 44,151-L—Franklin National Bank, New York, New York.
Case No. 44,152-L—Franklin National Bank, New York, New York.
Case No. 44,154-NR—United States National Bank, San Diego, California.
Case No. 44,156-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.
Case No. 44,157-NR—United States National Bank, San Diego, California.
Case No. 44,163-L—Franklin National Bank, New York, New York.
Case No. 44,164-L—Southern National Bank, Birmingham, Alabama.
Case No. 44,165-L—Franklin National Bank, New York, New York.
Case No. 44,170-L—Skyline National Bank, Denver, Colorado.
Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illionois.
Memorandum re: State Bank of Clearing, Chicago, Illinois.
Memorandum re: Guaranty Bank and Trust Company and Gateway National Bank of Chicago, Chicago, Illinois.
Memorandum re: Livingston State Bank, Livingston, New Jersey.
Memorandum re: First State Bank & Trust Co., Rio Grande City, Texas.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 10, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2421-79 Filed 12-11-79; 12:02 pm]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, December 18, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Personnel, Audit Policy—Materiality thresholds.

* * * * *

DATE AND TIME: Thursday, December 20, 1979 at 10 a.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings; correction and approval of minutes; certifications.

1980 election and related matters; presidential monthly status report; candidate debate regulations; delegate selection regulations.

Public notice to banks; consultant's report on audit process (Part II).

Appropriations and budget; pending legislation; classification actions; routine administrative matters.

MATTERS TO BE CONSIDERED IN EXECUTIVE SESSION. Closed to the public: Compliance, Personnel, Audit Policy—Materiality thresholds.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-2426-79 Filed 12-11-79; 3:18 pm]

BILLING CODE 6715-01-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

December 10, 1979.

TIME AND DATE: 10 a.m., Tuesday, December 18, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Ora Mae Coal Company, KENT 79-263-D (Petition for Interlocutory Review).
2. Consolidation Coal Company, VINC 77-132-P, IBMA 78-3.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-2425-79 Filed 12-11-79; 3:18 pm]

BILLING CODE 6820-12-M

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 70061, December 5, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, December 10, 1979.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added: Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees. (This matter was originally announced for a meeting on December 3, 1979.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: December 10, 1979.

Theodore E. Allison,

Secretary of the Board.

[S-2415-79 Filed 12-10-79; 4:12 pm]

BILLING CODE 6210-01-M

10

NATIONAL CONSUMER COOPERATIVE BANK.

Meeting of the Board of Directors.

TIME AND DATE: 10 a.m. Monday, December 17, 1979 and, if necessary it shall continue at 10 a.m., Tuesday, December 18, 1979.

PLACE: Room 4121, Main Treasury Building, 15th Street & Pennsylvania Avenue NW., Washington, D.C.

STATUS: Portions of the meeting shall be open to observers, other portions may be closed. Matters to be considered:

Portions Open to the Public:

1. Approval of Agenda.
2. Approval of Summary of Minutes of Board Meeting of November 15, 1979.
3. Oral briefing by the acting President on Administrative and Legislative Issues.
4. Discussion of Projected 2nd Quarter Fiscal Year 1980 Budget.
5. Report of Ad Hoc Presidential Search Committee.
6. Oral briefing on Public Participation Meetings.
7. Report by General Counsel on the Relationship Between the National Consumer Cooperative Bank and the Office of Self-Help Development and Introduction of Outside Counsel.
8. Consideration and approval of Sunshine and Conflict of Interest Regulations.
9. Consideration and approval of Proposed Policies and Regulations: (a) Credit and Lending Committee, (b) Self-Help Committee, and (c) Personnel and Management Committee.

Portions Closed to the Public

1. Interviews of Prospective Presidential Candidates.

CONTACT PERSON FOR MORE INFORMATION: Marcia Kaptur, Office of the Secretary at 202/376–0886.

John Comerford,
Acting President.

[S–2416–79 Filed 12–11–79, 9:47 am]

BILLING CODE 4810–25–M

11

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–79–45]

TIME AND DATE: 9 a.m., Monday, December 17, 1979.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Closed under Exemption 9B of the Government in the Sunshine Act.

MATTER TO BE CONSIDERED:

A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Discussion of Board strategy for public hearing on commuter aviation safety to be held beginning January 28, 1980.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

December 11, 1979.

[S–2423–79 Filed 12–11–79: 2:07 pm]

BILLING CODE 4910–58–M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–79–46]

TIME AND DATE: 9 a.m., Thursday, December 20, 1979.

PLACE: NTSB conference room 8 A, B, C, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Aircraft Accident Report—American Airlines, Inc., McDonnell-Douglas DC–10–10, N110AA, Chicago-O'Hare International Airport, Chicago, Illinois, May 25, 1979.
2. Recommendation to the Federal Aviation Administration re actions to correct deficiencies pertinent to the American Airlines DC–10 accident at Chicago, Illinois, May 25, 1979.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

December 11, 1979.

[S–2424–79 Filed 12–11–79: 2:07 pm]

BILLING CODE 4910–58–M

13

POSTAL RATE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 70062, December 5, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE CLOSED MEETING: 2 p.m., December 6, 1979.

CHANGES IN THE MEETING: Meeting date and time changed to 9:30 a.m., December 13, 1979. Meeting remains closed pursuant to 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, 202–254–5614.

[S–2417–79 Filed 12–11–79: 12:02 pm]

BILLING CODE 7715–01–M

14

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, December 5, 1979.

CHANGES IN THE MEETING: Additional item. The following additional item will be considered at the closed meeting scheduled for Tuesday, December 11, 1979, at 10:00 a.m.:

Administrative proceeding of an enforcement nature.

The following item will not be considered at the above closed meeting.

Litigation matter.

The following additional item will be considered at a closed meeting scheduled for Wednesday, December 12, 1979 following the 10 a.m. open meeting:

Settlement of an injunctive action.

The following item will not be considered at the above meeting:

Legislative matter bearing enforcement implications.

In addition, the following closed meeting was held on Friday, November 16, 1979 at 2 p.m. The subject matter of the closed meeting was:

Legislative and regulatory matters bearing enforcement implications.

Chairman Williams and Commissioners, Loomis, Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George G. Yearsich at (202) 272–2178.

December 10, 1979.

[S–2422–79 Filed 12–11–79: 2:07 pm]

BILLING CODE 8010–01–M

15

COUNCIL ON ENVIRONMENTAL QUALITY

December 11, 1979.

TIME AND DATE: 11:30 a.m., Thursday, December 20, 1979.

PLACE: Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Old business.
2. Report on recent changes and improvements in public access to the Upgrade environmental information system.
3. Status report by HCRS on River and Trail initiatives in President's Environmental Message.
4. Briefing on status of agencies' NEPA procedures.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III, (202) 395–4616.

[S–2429–79 Filed 12–11–79: 4:17 pm]

BILLING CODE 3125–01–M

Reader Aids

Federal Register

Vol. 44, No. 241

Thursday, December 13, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

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523-3517	Privacy Act Compilation

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE. As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

65701 11–14–79 / False information and criminal activity by nonimmigrants

INTERIOR DEPARTMENT

Geological Survey—

53686 9–14–79 / Oil and gas and sulphur operations in the Outer Continental Shelf

61886 10–26–79 / Oil and gas and sulphur operations in the Outer Continental Shelf

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing December 12, 1979