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federal register

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

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

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

federal register

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Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

FORM 1-FR, FREEDOM OF INFORMATION ACT, AND GOVERNMENT IN THE SUNSHINE ACT

Adoption of Form and Rules Changes

AGENCY: Commodity Futures Trading Commission.

ACTION: Final Rules and Amendments to Form.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is adopting a revised Form 1-FR to be used for complying with the financial reporting requirements of § 1.10 of the Commission's regulations. In addition, the Commission is amending its rules under the Freedom of Information Act ("FOIA") (5 U.S.C. 552) concerning those portions of the Form 1-FR that will not generally be made public or released. Finally, the Commission is amending its rules under the Government in the Sunshine Act (5 U.S.C. 552b) with respect to closing Commission meetings to the public and withholding from the public certain information concerning the portions of the Form 1-FR that will not generally be made public or released. The amendments are intended to implement the provisions of the revised minimum financial regulations which were recently adopted by the Commission (43 FR 39956, September 8, 1978).

EFFECTIVE DATE: March 27, 1979.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTAL INFORMATION: The Commission adopted new minimum financial requirements on August 29, 1978,[1] which, among other things, amended the reporting requirements for futures commission merchants (FCMs) and changed the formula used to determine whether a futures commission merchant meets the Commission's minimum financial requirements. The preamble to the rules stated that the Commission would publish for comment proposed revisions in Form 1-FR reflecting the changes in the regulations. On December 7, 1978 the Commission published the proposed amendments for public comment (43 FR 57284, December 7, 1978). The Commission received nine comment letters from FCMs and self-regulatory organizations. The Commission considered all of these comments before adopting the amended Form 1-FR and amended §§ 145.5(d)(1)(i) and 147.3(b)(4)(i)(A) of the regulations. The new Form 1-FR is set forth below. The following is a summary of the changes in Form 1-FR:

1. The "Statement of Financial Condition" has been changed to provide the information needed to compute adjusted net capital, but otherwise requires information similar to that previously required to be filed on the "Statement of Financial Condition";

2. The "Statement of the Computation of Minimum Capital Requirements" has been revised but requires information similar to that required by existing schedules 1 and 2, "Determination Of Adequacy of Capital Position in Meeting Minimum Capital Requirements" and "Charges Against Unadjusted Working Capital;"

3. The "Statement of Income (Loss)" is new;

4. The "Statement of Changes in Financial Position" is new;

5. The "Statement of Changes in Ownership Equity" is new;

6. The "Statement of Changes in Liabilities Subordinated to the Claims of General Creditors" is new;

7. The "Schedule Of Segregation Requirements and Funds In Segregation" for customers' commodity futures accounts has been amended but requires similar information to that previously required to be filed on schedule 3;

8. The "Schedule of Segregation Requirements and Funds In Segregation" for commodity option accounts is new; and

9. The revised Form 1-FR will no longer require the information previously required to be included on schedules 4 through 9.

[1] The regulations were published on September 8, 1978 at 43 FR 39956.

Explanation and Discussion of Certain Portions of the Form 1-FR (Including Where Appropriate, Comments Thereon)

GENERAL

The Commission believes that the form, when read in conjunction with the minimum financial regulations which have previously been adopted, does not require an elaborate explanation. However, certain items do require a brief explanation.

Certain exchanges already use data processing to facilitate their financial surveillance of their members, and the boxes next to each line are to assist any computerization of the information obtained from the form.

The heading of each page of the Form 1-FR includes a space for a firm identification number. The Commission specifically requested comment on which identification number should be used when reporting to the Commission on Form 1-FR. Only one commentator responded to this request, stating that the Commission should use the taxpayer identification number. The Commission finds that a taxpayer identification number would provide the Commission with a unique identification number while not adding another identification number to the already growing list of identification numbers each firm must have. Therefore, the taxpayer identification number is to be used when completing the form.

The Statement of Financial Condition and the Statements of Income (Loss), Changes in Financial Position, Changes in Ownership Equity, and Changes in Liabilities Subordinated to Claims of General Creditors filed in connection with the certified reports need not be filed in Form 1-FR format if the independent public accountant determines such format would be inconsistent with generally accepted accounting principles for the financial statements of the applicant or registrant. If such a determination is made, the Statement of Financial Condition must be presented in a format which is as consistent as possible with Form 1-FR and a reconciliation must be provided which reconciles the Statement of Financial Condition to the Statement of the Computation of the Minimum Capital Requirements pursuant

to § 1.17 of the Commission's regulations.

As was indicated in the FEDERAL REGISTER notices which accompanied the proposed and adopted amendments to § 1.17,[2] the Commission staff and representatives of the Securities and Exchange Commission (SEC) have initiated cooperative efforts in connection with their respective financial regulations to eliminate duplicative financial regulation of FCMs which are also registered brokers or dealers. In addition, the SEC has proposed for comment[3] amendments to its regulations (17 CFR 240.15c3-1) which, if adopted as proposed could provide the requisite uniformity to permit the Commission to allow those FCM's which are also registered with the SEC as securities broker-dealers to comply with the Commission's financial reporting requirements by simply filing copies of the SEC's FOCUS[4] report with the self-regulatory organizations and the CFTC. Until the SEC adopts rules which provide the requisite uniformity (at which time the Commission would propose an amendment to Section 1.10 of its regulations (17 CFR 1.10)), any FCM which is also a broker-dealer must file a Form 1-FR with the Commission. Until Section 1.10 is amended, merely filing a copy of the FOCUS report will not be acceptable.

Certain portions of the Form 1-FR require the FCM to furnish either details of securities-related items or the FOCUS report. The FOCUS report can be submitted for these purposes at this time, but the FOCUS report cannot be filed in lieu of the Form 1-FR at this time.

SPECIFIC COMMENTS

The Commission's basic philosophy in revising the Form 1-FR is that if additional details or breakdown of line items appeared to be unnecessary, they would not be required. The Commission has taken this approach in an effort to minimize costs of the FCMs in preparing the Form.

Certain sections of the Form 1-FR require an FCM which is also a broker-dealer to attach details or the FOCUS Report. One commentator suggested that the Form 1-FR should specify which FOCUS Report is to be attached. The form has been amended to indicate that Part II of the FOCUS Report should be attached.

Securities brokers or dealers will be able to attach the FOCUS Report instead of including details of securities items on the Form 1-FR, computer input would come from two source documents (the Form 1-FR and the FOCUS Report). One self-regulatory organization stated, "* * * from a computer input viewpoint, * * * it is more efficient to work with one source document." The Commission believes that including line items for all of the items which are solely related to the securities broker-dealers would greatly expand the Statement of Financial Condition and could be confusing for those FCMs that are not in the securities industry. Thus, the Commission believes that the potential advantage, *i.e.*, facilitating computer input, of including additional details on the face of the Form 1-FR is outweighed by the potential disadvantages.

A self-regulatory organization commented that there should be a breakdown between the current and noncurrent ("accounting definition") portion of assets and liabilities on the Statement of Financial Condition. The industry audit guide for the brokerage industry adopted by the American Institute of Certified Public Accountants states.

> It should be noted that * * * (The Statement of Financial Condition contains) * * * no separation of assets and liabilities as between current and non-current. For the typical brokerage concern such a distinction has little meaning and requires arbitrary decisions which might be misleading * * * Thus, for the typical brokerage concern it is believed that appropriate description of the assets (such as distinguishing clearly between marketable and not readily marketable investments) and liabilities without arbitrary distinction between current and non-current is the most meaningful presentation. However, if the brokerage concern diversifies to a substantial degree into non-financial business, such a distinction may be appropriate.

The Commission appreciates the fact that many FCMs are engaged in businesses other than the brokerage business where a breakdown between current and non-current might be appropriate, but the Commission believes a form which forced all FCMs to distinguish between current and non-current could lead to arbitrary distinctions which could be misleading. Therefore, the Commission has decided not to require a breakdown between current and non-current assets and liabilities on the Form 1-FR.

A self-regulatory organization commented that, to aid in the analysis of the FCM customer segregated accounts, a specific breakdown between cash deposited and securities deposited with clearing organizations should be provided. The Commission agrees with this comment and has amended line #2 (receivables from and deposits with clearing organizations) on the Statement of Financial Condition to include a parenthetical disclosure of the market value of customer segregated securities deposited with clearing organizations.

A commentator stated that the line #4 (advances on cash commodities) on the Statement of Financial Condition should be divided into advances to shippers and advances made against cash commodities. In addition, the commentator stated that advances made against cash commodities should be further divided between those against deliverable commodities and those against any other type of collateral. At present, the Commission does not believe that this is necessary.

One self-regulatory organization stated that line #5 (receivables from non-customers) on the Statement of Financial Condition should be expanded to include a separate line item for loans to partners or officers. The self-regulatory organization believes that this would distinguish these insider loans from other loans the firm may have. The Commission believes that this comment has merit and expanded line #5 of the Statement of Financial Condition to include a separate line for debit and deficit general partners' accounts.

One self-regulatory organization commented that it may be useful to expand the "other receivables and advances" category on the Statement of Financial Condition to include a separate line item for loans and advances to employees or associated persons of the firm. The Commission agrees with this comment and line #6 of the Statement of Financial Condition has been changed accordingly.

One commentator stated that there should be separate line items for the cash value of life insurance, commissions receivable, and income tax refunds or receivables. The Commission has added taxes receivable as a separate item to line #6 on the Statement of Financial Condition. Commissions receivable should be included within the receivables from customers or non-customers, if appropriate. The Commission does not believe that the "cash value of life insurance" necessitates a separate line item on the Form 1-FR.

A commentator asked if line #6b on the Statement of Financial Condition (receivables from affiliates) is the current portion of receivables from affiliates and line #15 (investments in and receivables from affiliates and subsidiaries) is the non-current portion. To avoid confusion, the Commission has eliminated receivables from affiliates from line #6 on the Statement of Financial Condition. All investments in and receivables from affiliates and subsidiaries should be included in line #15 on the Statement of Financial Condition.

As proposed, the Statement of Financial Condition of the Form 1-FR

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[2] 42 FR 27163 (May 26, 1977), 43 FR 15076 (April 10, 1978), 43 FR 39956 (September 8, 1978).

[3] 44 FR 1754 (January 8, 1979).

[4] Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934.

makes provision for doubtful accounts for receivables from customers, receivables from non-customers, and other receivables and advances. A commentator pointed out the the Form makes no provision for an allowance for doubtful accounts for receivables from other FCMs and brokers. The Statement of Financial Condition has been amended to include such an allowance.

Another commentator suggested that inventories held for resale should be separated from other inventory. The commentator also suggested that inventories which are covered should be shown separately from inventory which is not covered. The commentator states that this would prove helpful for analytical purposes and for the verification of the capital computation. The Commission does not believe it is necessary to distinguish between inventory held for resale and other inventory. However, the Commission has broken down inventories between those that are covered and those that are not covered on the face of the Statement of Financial Condition.

Another commentator stated that line #11, upon which an FCM must list securities borrowed under subordination agreements and partners' individual and capital securities accounts, should be broken down into securities borrowed under subordination agreements, and partners' individual and capital securities accounts on the Statement of Financial Condition. The commentator stated that this would distinguish between these two apparently unrelated figures. The Commission does not agree that this breakdown is needed and, therefore, has not changed the form.

Several self-regulatory organizations commented that the disclosure of the market value of an FCM's exchange memberships would provide useful information in the overall evaluation of the firm's financial condition. The Commission agrees and has amended line #14 on the Statement of Financial Condition accordingly.

One self-regulatory organization recommended that advances drawn against bills of lading and advances on cash commodities be separated. The Commission does not see the need for this additional breakdown. The same self-regulatory organization also pointed out that there was no specified place to report the current portion of notes, mortgages, and other payables not due within 12 months of the date of the Statement of Financial Condition, and space for this information has been provided. This self-regulatory organization also stated that it believed it was necessary to have a breakdown of cash versus secured demand notes, insider versus outsider loans, and equity versus non-equity loans. The Commission does not believe that this is necessary because the self-regulatory organization would have a copy of all subordinated loans of the FCM.

One commentator stated that the excess of liabilities of a sole proprietor which have not been incurred in the course of business as an FCM over the assets not used in the business should be a line item. The Commission does not believe that this item will occur with sufficient frequency to warrant a separate line on the Statement of Financial Condition.

Several commentators thought the title used to reflect the charges to net capital on the Statement of the Computation of the Minimum Capital Requirements was misleading. They suggested that the title be changed to "Charges to Net Capital" from the proposed title of "Adjusted Net Capital Charges." The title has been changed accordingly to eliminate any possible ambiguity.

Item number 14 on the Statement of the Computation of Minimum Capital Requirements requires that the "undermargined account charge" should be computed upon the amount in each account required to meet the maintenance margin requirements less current margin calls. Several commentators thought that this could be interpreted to permit the firm to offset the amount in each account required to meet maintenance margin by the total of all current margin calls outstanding. This was not the intent of the rule and, therefore, item number 14 has been changed to make it clear that in computing the undermargined account charge that only current margin calls outstanding for each particular account may be offset against the amount required in each account to meet maintenance margin requirements. In other words, this charge must be computed on an account by account basis.

One commentator pointed out that a space was needed in the Deductions from Total Liabilities section of the Statement of the Computation of the Minimum Capital Requirements to deduct certain deferred items in accordance with § 1.17(c)(4)(iv) of the regulations. The Commission agrees and has amended the Statement of the Computation of the Minimum Capital Requirements accordingly.

A commentator questioned if the line #4A (interest earned on investments of customers' regulated commodity futures and options funds) on the Statement of Income (Loss) should include all interest earned on all funds in segregation including the excess funds in segregation which belong to the FCM. The FCM should include all interest earned on investment of customer funds including interest on excess funds in segregation on line 4A of the Statement of Income.

Two commentators stated that the form should have a space provided where the firm could reflect anticipated future changes in ownership equity or subordinated loans within the next six months. They argue that this information would help the self-regulatory organizations anticipate financial problems and assist in the surveillance of FCMs. The Commission agrees and has added a supplemental question to the Statement of Changes in Ownership Equity which requires the FCM to furnish details of withdrawals or maturity of ownership equity or liabilities subordinated to the claims of general creditors anticipated during the six-month period following the date of the Statement of Financial Condition.

Amendments to Commission Rule 145.5

The Freedom of Information Act ("FOIA"), 5 U.S.C. 552, basically requires that upon request, the Commission must make its records available to the public unless the records fall within the exemptions set forth in the FOIA. Section 552(b)(4) of the FOIA provides that "trade secrets and commercial or financial information obtained from a person and privileged or confidential" are exempt from mandatory public disclosure. Rule 145.5(d)(1)(i) of the Commission's rules under the FOIA, 17 CFR § 145.5(d)(1)(i), provides that certain of the information submitted to the Commission on and submitted with the old Form 1—FR is to be treated as nonpublic.[5] The Commission is now amending Rule 145.5(d)(1)(i) to take account of the existence of the old and new Forms 1-FR among the Commission's records for purposes of the FOIA.

In order to assure continued nonpublic treatment to appropriate portions of the old Forms 1-FR, associated with the minimum financial requirements in effect prior to December 20, 1978, which forms will remain part of the Commission's records for some time and may be subject to FOIA requests, the Commission has determined to adopt its proposed rule

[5] In certain instances, some of the information on the nonpublic portions of Form 1-FR may also be subject to general protection from public disclosure under Section 8(a) of the Commodity Exchange Act if it "would separately disclose the business transactions or market positions of any person and trade secrets or names of customers." As such, that information would be entitled to be withheld from disclosure under the FOIA pursuant to the exemption for matters specifically exempted from disclosure by a statute which requires withholding from the public. See Section 552(b)(3) of the FOIA, 5 U.S.C. 552(b)(3), and the Commission Rule 145.5(c) thereunder, 17 CFR 145.5(c).

with a modification to retain the current wording of Rule 145.5(d)(1)(i) with respect to the old Forms 1-FR. This portion of the amended rule is now designated as § 145.5(d)(1)(i)(A).

Under § 145.5(d)(1)(i)(B) of the amended rule, the following portions of the new Form 1-FR which are required to be filed pursuant to § 1.10 of the Commission's regulations will be treated as nonpublic provided that the procedure set forth in § 1.10(g) of the Commission's regulations is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and related footnote disclosures thereof and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations.[6]

The instructions to Form 1-FR inform the applicant or registrant of the Commission's responsibilities in general and under the Freedom of Information Act and the applicant's or registrant's rights under the Commission's Freedom of Information Act rules. It is the Commission's policy that exempt records generally will be withheld from disclosure under the Freedom of Information Act. However, irrespective of this policy and of whether a person petitions the Commission for confidential treatment, the Commission has an obligation to determine whether its records are publicly available. In each case, the Commission examines the records subject to a request for access in order to determine their availability. If a determination is made that the records are nonpublic since they fall within one of the FOIA exemptions, they normally will not be disclosed. As stated above, a person who has submitted information and has accompanied the submission with a petition for confidential treatment will receive notice and appeal rights during the normal decision-making process by the Commission staff and the Commission itself as to disclosure or withholding of materials pursuant to the Freedom of Information Act. See 17 CFR 145.9. Those considering a petition are reminded of the requirement in Rule 145.9(i) that a petitioner intend in good faith to aid the Commission in any proceeding that might be brought to compel the Commission to disclose the information.

The Commission received two comments on its proposed amendment to its FOIA rule. One commentator stated that the instruction portion of the proposed Form 1-FR discussing nonpublic treatment of certain portions was not clear and also suggested a blank petition for confidential treatment be incorporated into the form. With regard to the first point, the Commission has decided to amend the instruction to clarify that the procedure for obtaining nonpublic treatment of certain portions of the form pursuant to § 1.10(g) of the minimum financial rules is to be accomplished by separately binding the public portions of the form. The Commission believes that the instructions, with this clarification, are sufficiently clear. As for the suggestion that a blank form petition be incorporated into the form, the Commission believes that that is not feasible or necessary. Petitions for confidential treatment may be based on various grounds, see § 145.9(a) of the Commission's rules, and may request confidential treatment for varying lengths of time. There is enough variation among petitions so that the Commission believes their drafting should best be left to individual petitioners. The instructions summarize the right to petition for confidential treatment and the notification and appeal rights that follow therefrom. Registrants or applicants who supply information on the form which they believe to be sensitive are referred to the terms of the Commission's FOIA Rule 145.9 for full details of filing a petition for confidential treatment.

The second comment received by the Commission related to the petitioning procedure under Rule 145.9, and suggested that time deadlines, such as the time for appeal by a petitioner to the Commission of a denial of his petition should run from the date of receipt of telegram notice thereof rather than the date of transmission by the Commission's Office of Public Information. The Commission believes that in light of the short time deadlines provided in the FOIA for agency response to requests for records and the normally expeditious means of notification employed—by telegram—the five business day appeal time should continue to run from the date of transmission of the telegram. The Commission's experience has been that the five business day period is sufficient to enable a petitioner to determine whether or not to appeal a staff denial of a petition.

Amendments to Commission Rule 147.3

The Government in the Sunshine Act, 5 U.S.C. 552b, basically requires that Commission meetings be open to public observation and certain information pertaining to meetings be disclosed to the public unless a meeting is likely to focus on a matter exempt from the openness requirements of the Act. Section 552b(c)(4) of that Act provides that Commission meetings or portions of meetings which are likely to "disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential" may be closed and that certain information with respect thereto may be withheld from the public.

Rule 147.3(b)(4)(i)(A) of the Commission's rules under that Act, 17 CFR 147.3(b)(4)(i)(A), permits the closing of Commission meetings or portions of meetings and the withholding from the public of certain information with respect thereto when such meetings or portions of meetings are likely to involve discussions of certain nonpublic information submitted to the Commission on and submitted with the old Form 1-FR.[7] The Commission is now amending Rule 147.3(b)(4)(i)(A) to take account of the old and new Forms 1-FR which may be considered during Commission meetings.

In order to assure that the nonpublic portions of the old Forms 1-FR, associated with the minimum financial requirements in effect prior to December 20, 1978, will continue to constitute a basis for closing Commission meetings or portions of meetings and withholding from the public information pertaining thereto, the Commission has determined to adopt its proposed rule with a modification to retain the current wording of Rule 147.3(b)(4)(i)(A) with respect to the old Forms 1-FR. This portion of the amended rule is now designated as § 147.3(b)(4)(i)(A)(1).

Under § 147.3(b)(4)(i)(A)(2) of the amended rule, the following portions of Form 1-FR which are required to be filed pursuant to § 1.10 of the Commission's regulations will constitute a basis for closing Commission meetings or portions of meetings and withholding from the public information pertaining thereto provided that the procedure set forth in § 1.10(g) of the Commission's regulations is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of

[6] Section 1.10(g) requires that the other portions of the Form 1-FR be bound separately in order that nonpublic treatment be accorded to the portions listed in the text.

[7] In certain instances, some of the information on the nonpublic portions of the Form 1 FR may also be subject to general protection from public disclosure under Section 8(a) of the Commodity Exchange Act if it "would separately disclose the business transactions or market positions of any person and trade secrets or names of customers." As such, that information would constitute a basis for closing Commission meetings or portions of meetings and withholding from the public certain information with respect thereto pursuant to the exemption for matters specifically exempted from disclosure by a statute which requires withholding from the public. See Section 552b(c)(3) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(3), and the Commission Rule 147.3(b)(3) thereunder, 17 CFR 147.3(b)(3).

Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and related footnote disclosures thereof and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations.

EFFECTIVE DATE

The Commission, in accordance with 5 U.S.C. 553(d)(3), finds good cause for making the revised form and rule amendments effective less than 30 days following publication in the FEDERAL REGISTER. The amendments to Form 1-FR and the Commission's regulations under the Freedom of Information Act and the Government in the Sunshine Act are being made in connection with the new minimum financial rules adopted by the Commission which became effective December 20, 1978. Many FCMs must file a Form 1-FR in compliance with the new rules prior to the expiration of the next 30 days. Compliance will be made easier for the FCMs if the new Form 1-FR is available as soon as possible. The postponement of effective date for 15 days will permit distribution of the new forms to FCMs.

The amendments to Parts 145 and 147 should become effective concurrently with the effective date of the new Form 1-FR to insure that nonpublic treatment is accorded to certain information required to be contained therein.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act ("Act"), the Commission hereby amends Parts 1, 145 and 147 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. By amending Form 1-FR to read as follows:

FORM 1-FR – GENERAL INSTRUCTIONS

This form contains the financial statements and schedules which are required to be filed by each futures commission merchant or applicant thereof in accordance with the Commission's regulations. These instructions, and any other instructions issued from time to time, must be used in preparing this form and constitute part of this form.

The heading of each page includes a space for the FCM's employer identification number. Use the employer identification number (EIN) assigned by the Internal Revenue Service.

The references in these instructions and on the financial statements and schedules to §§ 1.3, 1.10, 1.12, 1.16, 1.17, 1.18, 1.20-1.30 and 1.31, are to the Commission's regulations contained in 17 CFR Chapter I. The references to §§ 240.15c3-1 and 240.15c3-3 are to the Securities and Exchange Commission's regulations contained in 17 CFR Chapter II. The references to the FOCUS Report are to the Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II.

Before completing this form, the applicant or registrant should be familiar with the following sections of the Commission's regulations:

(1) 1.3—Definitions.

(2) 1.10—Application for registration and filing financial reports (futures commission merchants).

(3) 1.12—Maintenance of minimum financial requirements by futures commission merchants.

(4) 1.16—Qualifications and reports of accountants (if this report is required to be certified by an independent public accountant).

(5) 1.17—Minimum financial requirements—futures commission merchants.

(6) 1.18—Records for and relating to financial reporting and monthly computation (futures commission merchants).

(7) 1.20 through 1.30—Customers' money, securities, and property (commodity futures customer segregation).

(8) 32.6—Commodity option transactions segregation.

The terms "current assets," "liabilities," "net capital," "adjusted net capital," and "aggregate indebtedness" are all defined terms. The definitions of these terms may be found in § 1.17 of the Commission's regulations.

Section 1.10(d) of the Commission's regulations describes the required contents of these financial reports as follows:

(d) *Contents of financial reports.* (1) Each form 1-FR filed pursuant to this § 1.10 which is not required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) A statement of financial condition as of the date for which the report is made; (ii) a statement of changes in ownership equity for the period between the date of the most recent statement of financial condition filed with the Commission (or the beginning of the fiscal quarter immediately following the effective date of this rule but in no event more than 90 days after such effective date) and the date for which the report is made; (iii) a statement of the computation of the minimum capital requirements pursuant to § 1.17 and a schedule of segregation requirements and funds on deposit in segregation, as of the date for which the report is made; and (iv) in addition to the information expressly required, such further material information as may be necessary to make the required statements and schedules not misleading.

(2) Each form 1-FR filed pursuant to this § 1.10 which is required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) A statement of financial condition as of the date for which the report is made; (ii) statements of income (loss), changes in financial position, changes in ownership equity and, changes in liabilities subordinated to claims of general creditors, for the period between the date of the most recent certified statement of financial condition filed with the Commission (or the beginning of the fiscal year immediately following the effective date of this rule but in no event more than 1 year after such effective date) and the date for which the report is made: *Provided*, That for an applicant filing pursuant to paragraph (a)(2) of this section the period must be the year ending as of the date of the statement of financial condition; (iii) a statement of the computation of the minimum capital requirements pursuant to § 1.17 and a schedule of segregation requirements and funds on deposit in segregation, as of the date for which the report is made; (iv) appropriate footnote disclosures and (v) in addition to the information expressly required, such further material information as may be necessary to make the required statements not misleading.

(3) The statements required by paragraphs (d)(2)(i) and (d)(2)(ii) of this section may be presented in accordance with generally accepted accounting principles in the certified reports filed as of the close of the registrant's fiscal year pursuant to paragraph (b)(2) of this section or accompanying the application for registration pursuant to paragraph (a)(2) of this section, rather than in the format specifically prescribed by these regulations: *Provided*, The statement of financial condition is presented in a format as consistent as possible with the Form 1-FR and a reconciliation is provided reconciling such statement of financial condition to the statement of the computation of the minimum capital requirements pursuant to § 1.17. Such reconciliation must be certified by an independent public accountant in accordance with § 1.16.

(4) Attached to each form 1-FR filed pursuant to this § 1.10 must be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the form 1-FR is true and correct. If the applicant or registrant is a sole proprietorship, then the oath or affirmation must be made by the proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer or chief financial officer.

The financial statements and schedules must be prepared in conformity with generally accepted accounting principles (except where otherwise indicated by the regulations) applied on a basis consistent with that of the preceding report. The financial statements and schedules must include, in the basic statements, schedules or accompanying footnotes, all informative disclosures which are necessary to make the required statements and schedules not misleading. The applicant or registrant must report all data after proper accruals have been made for income, expenses and unrecorded liabilities; adequate reserves have been provided; and any other necessary adjustments have been made for the report to be on the accrual basis of accounting. If no response is made to an item or subdivision thereof, it will indicate a representation that the applicant or registrant has nothing to report.

This form, with the exception of the Statement of Income (Loss), the Statement of Changes in Ownership Equity, the Statement of Changes in Financial Position, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement, all footnote disclosures thereof and the accountant's report on material inadequacies filed under § i 16(c)(5) of the Commission's regulations: *Provided*, The procedure set forth in § 1.10(g) of the Commission's regulations for separate binding of

other portions of this form is followed, is considered by the Commission as a public record and will be available for inspection by any interested person. Copies will be available for public inspection at the Commission's office in which the form was filed. Under the provisions of the Freedom of Information Act, (5 U.S.C. 552) the Commission may disclose to third parties portions of the "nonpublic" information listed above under the following circumstances: (1) In connection with matters in litigation; (2) in connection with Commission investigations; (3) where the information is furnished to regulatory, self-regulatory and law enforcement agencies to assist them in meeting responsibilities assigned to them by law; (4) where disclosure is required under the Freedom of Information Act; and (5) in other circumstances in which withholding of such information appears unwarranted. If the applicant or registrant files a petition for confidential treatment of this information, Commission Rule 145.9 affords the applicant or registrant with notice and a right to appeal any Commission staff decision to disclose this information pursuant to a request for information under the Freedom of Information Act. In addition, if the applicant or registrant believes that the placing of any other information submitted on or with this form in the Commission's public files would constitute an unwarranted invasion of the applicant's or registrant's personal privacy or would reveal sensitive business information, the registrant or applicant may petition the Commission to treat such other information as nonpublic pursuant to Rule 145.9 in response to requests under the Freedom of Information Act.

This form must be based upon the applicant's or registrant's accounting records. All accounting records, schedules and other memoranda which support amounts shown on the financial statements and schedules must be retained in accordance with § 1.31 of the Commission's regulations.

[6351-01-C]

FORM 1-FR

Name of Registrant or Applicant	Firm Employer ID NO.
Address of Principal Place of Business	Name of Person to Contact Concerning This Report
	Telephone No. of Contact __(___)_____
(City) (State) (Zip Code)	

1. Report for the period beginning _____ and ending _____.

2. Name of Designated Self-Regulatory Organization supervising registrant _____

3. If an audited report, identify independent public accountant expressing an opinion thereon:

   NAME _____

   ADDRESS _____
   (Number and Street)

   _____
   (City) (State) (Zip Code)

4. Check here if registrant carries customer commodity options accounts. ☐

5. Check here if this is a consolidated report and, if so, list on a separate schedule the names of the subsidiaries or affiliates consolidated in this report. ☐

The futures commission merchant, or applicant for registration thereof, submitting this Form and its attachments and the person whose signature appears below represent that, to the best of their knowledge, all information contained therein is true, correct and complete. It is understood that all required items, statements and schedules are integral parts of this Form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted. It is further understood that any intentional misstatements or omissions of facts constitute Federal Criminal Violations (see 18 U.S.C. 1001).

Signed this _____ day of _____ 19___.

Manual signature _____

Please check: ☐ Sole Proprietor ☐ Chief Financial Officer

☐ General Partner ☐ Chief Executive Officer

FCM: / Firm Employer ID NO.

FORM 1-FR

STATEMENT OF FINANCIAL CONDITION

AS OF ___/___/___

Assets

	Current	Non-Current	Total
1. Cash:			
A. Cash	$		$
B. Cash segregated for the benefit of commodity futures and option customers			
C. Other restricted cash		$	
2. Receivables from and deposits with clearing organizations:			
A. Securities transactions			
B. Commodities:			
i. Customer segregated (including market value of securities of $_____)			
ii. Customer not segregated			
iii. Noncustomer & firm			
3. Receivables from other futures commission merchants and brokers:			
A. Customer accounts:			
i. Segregated			
ii. Non-segregated			
B. Noncustomer & firm accounts			
C. Securities transactions (attach details or the FOCUS report)			
D. Allowance for doubtful accounts	( )		( )
4. Receivables from customers:			
A. Securities accounts:			
i. Receivable			
ii. Allowance for doubtful accounts	( )	( )	( )
B. Commodity futures and options accounts:			
i. Debit and deficit accounts regulated			
ii. Debit and deficit accounts non-regulated			

iii. Allowance for doubtful accounts	( )	( )	( )
5. Receivables from noncustomers and proprietary accounts:			
A. Securities accounts (attach details or the FOCUS report)			
B. Commodity futures and options accounts:			
i. Debit and deficit accounts noncustomer .			
ii. Debit and deficit general partners . . .			
iii. Allowance for doubtful accounts	( )	( )	( )
6. Other receivables and advances:			
A. Merchandising			
B. Taxes receivable			
C. Insurance claims			
D. Dividends and interest . .			
E. Notes receivable			
F. Advances on cash commodities			
G. Receivables from employees and asso- . . . ciated persons			
H. Other (itemized here or on a separate page)			
I. Allowance for doubtful accounts	( )	( )	( )
7. Securities purchased under agreement to resell			
8. Inventories of securities-readily marketable, at market value:			
A. Owned			
B. Customers owned in segregation			
C. Investment of segregated funds			
9. Inventories of cash commodities, raw materials, work in progress and finished goods			
A. Covered			
B. Not covered			
10. Securities owned not readily marketable at estimated fair value			

11.	Securities borrowed under subordination agreements and partners individual and capital securities accounts at market value			
12.	Secured demand notes (market value of collateral $ — safety factor charges applicable to such collateral $).			
13.	Guarantee deposits with and stock in clearing organizations (at cost)			
14.	Exchange memberships (market value $) at cost			
15.	Investments in and receivables from affiliates and subsidiaries			
16.	Plant, property, equipment and capitalized leases (at cost net of accumulated depreciation and amortization of $) . . .			
17.	Other assets:			
	a. Prepaid expenses and deferred charges			
	b. Miscellaneous (itemized here or on a separate page)			
18.	Total Assets	$	$	$

FCM: / Firm ID NO:

FORM 1-FR

STATEMENT OF FINANCIAL CONDITION

AS OF ___/___/___

Liabilities & Ownership Equity

Liabilities	A.I. Liabilities	Non A.I. Liabilities	Total
19. Bank loans payable:			
A. Secured	$	$	$
B. Unsecured			
20. Securities sold under repurchase agreement			
21. Payable to clearing organizations:			
A. Securities accounts			
B. Commodities accounts:			
i. Customer segregated			
ii. Customer non-segregated			
iii. Noncustomer & firm			
22. Payable to other futures commission merchants or brokers:			
A. Payables relating to securities transactions (attach details or the FOCUS report)			
B. Payables relating to commodities transactions:			
i. Customer segregated			
ii. Customer non-segregated			
iii. Noncustomer & firm			
23. Payable to customers:			
A. Securities accounts			
B. Commodities accounts:			
i. Regulated futures			
ii. Regulated options			
iii. Non-regulated			
24. Payable to non-customers:			
A. Securities accounts			
B. Commodities accounts:			
i. General partners (not included in capital)			
ii. Other non-customers			
25. Securities sold not yet purchased at market value--including arbitrage			

26. Accounts payable, accrued liabilities and expenses:
   A. Drafts payable . . . . .
   B. Accounts payable . . . . .
   C. Income taxes payable . . . .
   D. Deferred income taxes . . .
   E. Accrued expenses and other liabilities . . . . .
   F. Salaries, wages and commissions payable . . . . .
   G. Advances against commodities
   H. Notes, mortgages and other payables due within twelve months of the date of this statement (See item 27)
   I. Other (itemize here or on a separate page) . . . . .

27. Notes, mortgages and other payables not due within twelve months of the date of this statement:
   A. Unsecured . . . . .
   B. Secured . . . . .

28. Liabilities subordinated to claims of general creditors:
   A. Subject to a satisfactory subordination agreement . . .
   B. Not subject to a satisfactory subordination agreement . .

29. Total Liabilities . . . . . $ $

Ownership Equity

30. Sole proprietorship . . . . .

31. Partnership:
   A. Partnership contributed and retained capital . . . . .
   B. Additional capital per partnership agreement (equities in partners trading accounts, etc.)

32. Corporation:
   A. Preferred stock . . . . .
   B. Common stock . . . . .
   C. Additional paid in capital .
   D. Retained earnings . . . . .
   E. Sub-total . . . . .
   F. Less capital stock in treasury ( )

33. Total Ownership Equity . .

34. Total Liabilities and Ownership Equity $

FCM: / Firm Employer ID NO.

FORM 1-FR

STATEMENT OF THE COMPUTATION OF THE MINIMUM CAPITAL REQUIREMENTS

AS OF __/__/____

Net Capital

1. Current Assets - Item 18* . . . . . $

2. Adjustments to current assets:
   A. Segregated assets (to the extent liabilities are deducted in 4(B) below)** . . . . . $
   B. Increase (decrease) to clearing organization stock to reflect margin value . . . . . .
   C. Total deductions . . . . . ( )
   D. Net current assets . . . . . $

3. Total liabilities - Item 29* . . . . . .

4. Deduct:
   A. Liabilities subject to satisfactory subordination agreements - Item 28A* . . .
   B. Equities in customers commodity accounts **:
      i. futures . . . . . .
      ii. options . . . . . .
   C. Certain deferred income tax liability (See regulation 1.17(c)(4)(iv))
   D. Long term debt pursuant to regulation 1.17(c)(4)(v) .
   E. Total deductions . . . . . ( )
   F. Adjusted liabilities. . . . . .

5. Net capital . . . . . $

Charges to Net Capital

6. Excess of advances paid on cash commodity contracts over 95% of the market value of commodities covered by such contracts . . . . . $

7. Five percent (5%) of the market value of inventories covered by open futures contracts or commodity options (no charges applicable

*References are to item numbers on the Statement of Financial Condition.
** Item #2A must equal the total of Items #4Bi and #4Bii.

to inventories registered as deliverable on a contract market and which are covered by futures contracts) . . . . . | | |

8. Twenty percent (20%) of the market value of uncovered inventories . . . . . | | |

9. Ten percent (10%) of the market value of commodities involved in fixed price commitments and forward contracts which are covered by open futures contracts or commodity options. . . . . | | |

10. Twenty percent (20%) of the market value of commodities involved in fixed price commitments and forward contracts which are not covered by open futures contracts or commodity options. . . . . | | |

11. Charges as specified in §240.15c3-1(c)(2)(vi)and (vii) (or for securities brokers or dealers only §240.15c3-1(f)) against securities:

(A) Securities owned:

	Assets Market Value	Charge
(a) Bankers' acceptances, certificates of deposit, & commercial paper	$	
(b) U.S. and Canadian government obligations		
(c) State and Municipal government obligations . .		
(d) Corporate obligations . .		
(e) Stocks and warrants		
(f) Arbitrage		
(g) Other securities		
(h) Other (list)		
(i) Total (a) - (h)	$	

(B) Investment of segregated funds . . . . . | | |

(C) Subordinated securities borrowings . . . . . | | |

(D) Total (A), (B) & (C). . . . . | | |

12. Charges on securities options as specified in §240.15c3-1, Appendix A. . . . . | | |

13. Charges against open contractual commitments as specified in §240.15c3-1(c)(2)(viii). . . . . | | |

*References are to item numbers on the Statement of Financial Condition.

14.	Undermargined commodity futures accounts -- amount in each account required to meet maintenance margin requirements less the amount of current margin calls in that account		
	(A) Customer accounts		
	(B) Noncustomer accounts		
	(C) Omnibus accounts		
15.	Uncovered open futures contracts in proprietary accounts -- percentage of margin requirements applicable to such contracts		
	Less: equity in proprietary accounts not otherwise includable in adjusted net capital . .	( )	
16.	Amount of any commodity option premiums used to increase adjusted net capital where registrant or applicant is a taker of a commodity option.		
17.	Amount of any commodity option premium which has not been previously recognized as income by a grantor of commodity options	( )	
18.	Ten percent (10%) of the market value of commodities which are the subject of commodity options carried long by the applicant or registrant which has value and such value increased adjusted net capital (this charge is limited to the value attributed to such options)		
19.	Five percent (5%) of all unsecured receivables from unregistered futures commission merchants or securities brokers or dealers		
20.	Secured demand note deficiency		
21.	For securities brokers or dealers all other deductions specified in §240.15c3-1.		
22.	Total Charges		( )
23.	Adjusted Net Capital		$

*References are to item numbers on the Statement of Financial Condition.

Basic Computation

24. Minimum adjusted net capital required: enter the greater of 6 2/3% of Aggregate Indebtedness, Item 29*, or $50,000 ($100,000 for an FCM who is not a member of a designated self-regulatory organization after June 30, 1979) . . . . . $_____ ☐

25. Adjusted net capital -- Item 23 this statement . . . . . _____ ☐

26. Excess net capital . . . . . $_____ ☐

27. Enter the greater of $75,000 ($150,000 for an FCM who is not a member of a designated self-regulatory organization after June 30, 1979) or 8 1/3% of Aggregate Indebtedness -- Item 29* (If amount on line 25 is less than the amount on line 27, the applicant or registrant must immediately notify its designated self-regulatory organization and the Commission and commence filing monthly statements of its financial condition pursuant to Regulation 1.12) . . . . . $_____ ☐

Alternative Computation

28. If registrant has elected to report its financial condition in accordance with Regulation 1.17(g), enter the greatest of lines A, B, or C: . . . . . $_____ ☐

A. Enter $50,000 ($100,000 after June 30, 1979, if registrant is not a member of a designated self-regulatory organization) . . $_____ ☐

B. Enter 4% of the amount of funds required to be segregated for commodity futures and options customers . . . . . $_____ ☐

C. If a securities broker-dealer, enter 4% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (attach the computation of Exhibit A to SEC Rule 15c3-3) . . . . . $_____ ☐

29. Adjusted net capital -- Item 23 this statement . . . . . $_____ ☐

30. Excess net capital . . . . . $_____ ☐

*References are to item numbers on the Statement of Financial Condition.

31. Enter the greatest of $75,000 ($150,000 for an FCM who is not a member of a designated self-regulatory organization after June 30, 1979) or 6% of funds required to be segregated for commodity futures and options customers, or, for securities broker-dealers, enter 6% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (if the amount on line 29 is less than the amount on line 31, the applicant or registrant must immediately notify its designated self-regulatory organization and the Commission and commence filing monthly statements of its financial condition pursuant to Regulation 1.12) . . . . . $_____ [ ]

*References are to item numbers on the Statement of Financial Condition.

FCM:	Firm Employer ID NO.

FORM 1-FR

STATEMENT OF INCOME (LOSS)

FOR THE PERIOD FROM _____ THROUGH _____

Revenues

1.	Merchandising activities:		
	A. Net Sales	$	
	B. Cost of goods sold	( )	
	C. Gross income from sales		$
2.	Commissions & brokerage:		
	A. Commodity futures transactions		
	B. Commodity options transactions		
	C. Security transactions		
	D. Security options transactions		
3.	Firm trading accounts:		
	A. Realized commodity futures and options		
	B. Unrealized commodity futures and options		
	C. Realized security and security options		
	D. Unrealized security and security options		
4.	Interest & dividends:		
	A. Interest earned on investments of customers' regulated commodity futures and options funds..		
	B. Other interest and dividends		
5.	Income from other security broker-dealer activities		
6.	Other income (itemize material amounts here or on a separate page)		
7.	Total Revenue		$

Expenses

8.	Commissions & brokerage:	
	A. Commodity transactions	
	B. Security transactions	
9.	Employee compensation and benefits (exclusive of commissions)	
10.	Occupancy and equipment rental	
11.	Advertising and promotional activities	

12. Communications . . . . . _____

13. Bad debt expense:
    A. Commodity accounts . . . . . _____
    B. Security accounts . . . . . _____
    C. Merchandising . . . . . _____
    D. Other . . . . . _____

14. Interest . . . . . _____

15. Other expenses (itemize material amounts here or on a separate page) . . . . . _____

16. Total Expenses . . . . . $_____

17. Income (Loss) Before Income Taxes and Items Below . . . . . _____

18. Income tax expense . . . . . _____

19. Minority interest in income of consolidated subsidiaries . . . . . _____

20. Equity in earnings of unconsolidated subsidiaries less applicable tax . . . . . _____

21. Income (loss) before extraordinary items . . . . . _____

22. Extraordinary gains (loss), less applicable tax . . . . . _____

23. Cumulative effect of changes in accounting principles, less applicable tax . . . . . _____

24. Net Income (Loss) . . . . . $_____

STATEMENT OF CHANGES IN FINANCIAL POSITION

The statement may be in any format which is relevant, but must be in accordance with generally accepted accounting principles.

FCM:	Firm Employer ID NO .

FORM 1-FR

STATEMENT OF CHANGES IN OWNERSHIP EQUITY

FOR THE PERIOD FROM _____ THROUGH _____

1. Total ownership equity as previously reported . . . . . .$_____ ☐
2. Net income (loss) for period . . . . . _____ ☐
3. Other additions to capital (explain below) . . . _____ ☐
4. Dividends . . . . . .( ) ☐
5. Other deductions from capital (including partner and proprietary withdrawals) (Explain below) . . . . . ( ) ☐
6. Balance -- to agree with Item 33 on the current Statement of Financial Condition . . . .$_____ ☐

Date	Explanation	Addition (Deduction) Amount
		$

SUPPLEMENTAL QUESTION

Do the amounts reported as ownership equity or liabilities subordinated to the claims of general creditors include any amounts expected to be withdrawn or maturing within the next six months? YES ☐ NO ☐. If yes, furnish a statement giving full particulars.

FCM:	Firm Employer ID NO:

FORM 1-FR

STATEMENT OF CHANGES IN LIABILITIES

SUBORDINATED TO THE CLAIMS OF GENERAL CREDITORS

PURSUANT TO A SATISFACTORY SUBORDINATION AGREEMENT

FOR THE PERIOD FROM _____ THROUGH _____

1. Total subordinated borrowings as previously reported. . . . . .$_____
2. Increases (Explain below) . . . . . _____
3. Decreases (Explain below) . . . . . (_____)
4. Balance -- to agree with Item 28A on the current Statement of Financial Condition . . . . . .$_____

Date	Explanation	Amount Increase (Decrease)
		$

FCM: / Firm Employer ID NO.

SCHEDULE OF SEGREGATION REQUIREMENTS AND FUNDS

IN SEGREGATION AS OF ___/___/___/___

CUSTOMERS' REGULATED COMMODITY FUTURES ACCOUNTS

SEGREGATION REQUIREMENTS

1. Net ledger balance:
   A. Cash . . . . . $
   B. Securities (at market) . . . . . .
2. Net unrealized profit (loss) in open futures contracts . . . . . .
3. Net equity (deficit) (Total of 1 and 2) . . . . . .
4. Add accounts liquidating to a deficit and accounts with debit balances with no open trades . . . . . .
5. Amount required to be segregated (Total of 3 and 4) . . . . . $

FUNDS ON DEPOSIT IN SEGREGATION

6. Deposited in segregated funds bank accounts:
   A. Cash . . . . . $
   B. Securities representing investments of customers' funds (at market) . . . . . .
   C. Securities held for customers in lieu of cash margins (at market) . . . . . .
7. Margins on deposit with clearing organizations of contract markets:
   A. Cash . . . . . .
   B. Securities representing investments of customers' funds (at market) . . . . . .
   C. Securities held for customers in lieu of cash margins (at market) . . . . . .
8. Settlement due from (to) contract market clearing organizations . . . . . .
9. Net equities with other FCMs . . . . . .
10. Segregated funds on hand:
    A. Cash . . . . . .
    B. Securities representing investments of customers' funds (at market) . . . . . .
    C. Securities held for customers in lieu of cash margins (at market) . . . . . .
11. Total amount in segregation (Total of 6 through 10) . . . . . $
12. Excess (insufficiency) funds in segregation (11 minus 5) . . . . . $

FCM:	Firm Employer ID NO.

FORM 1-FR

SCHEDULE OF SEGREGATION REQUIREMENTS AND

FUNDS IN SEGREGATION AS OF

__/__/____

COMMODITY OPTIONS ACCOUNTS

1. Amount required to be segregated in accordance with Commission regulation 32.6 . . . . . $_____

2. Funds in segregation
   A. Cash . . . . . $_____
   B. Securities (at market) . . . . . _____
   C. Total of A and B . . . . . _____

3. Excess funds in segregation (3 minus 2) . . . . . $_____

AUTHORITY: Sections 4b, 4f, 4g, 5a, 8a and 17 of the Commodity Exchange Act (7 U.S.C. §§6b, 6f, 6g, 7a, 12a, and 21, as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 et seq.).

[6351-01-M]

PART 145—COMMISSION RECORDS AND INFORMATION

2. In § 145.5, paragraph (d)(1)(i) is amended to read as follows:

§145.5 Nonpublic matters.

* * * * *

(d) * * *

(1) * * *

(i)(A) Certain information on Form 1-FR required to be filed pursuant to 17 CFR 1.10 (as in effect prior to December 20, 1978) and Schedules 1, 2, 4, 5, 6, 7, 8, and 9 thereto; and

(B) The following portions, and footnote disclosures thereof, of the Form 1-FR required to be filed pursuant to 17 CFR 1.10 (effective on and after December 20, 1978): *Provided,* The procedure set forth in 17 CFR 1.10(g) is followed: The Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and the accountant's report on material inadequacies filed under 17 CFR 1.16(c)(5);

* * * * *

(5 U.S.C. 552; sec. 2(a)(11), Commodity Exchange Act (7 U.S.C. 4a(j)))

PART 147—OPEN COMMISSION MEETINGS

3. In § 147.3, paragraph (b)(4)(i)(A) is amended to read as follows:

§ 147.3 General requirement of open meetings; grounds upon which meetings may be closed.

* * * * *

(b) * * *

* * * * *

(4) * * *

(i) * * *

(A)(*1*) Certain information on Form 1-FR required to be filed pursuant to 17 CFR 1.10 (as in effect prior to December 20, 1978) and Schedules 1, 2, 4, 5, 6, 7, 8 and 9 thereto; and

(*2*) The following portions, and footnote disclosures thereof, of the Form 1-FR required to be filed pursuant to 17 CFR 1.10 (as effective on and after December 20, 1978): *Provided,* The procedure set forth in 17 CFR 1.10(g) is followed: The Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors Pursuant to a Satisfactory Subordination Agreement and the accountant's report on material inadequacies filed under 17 CFR 1.16(c)(5);

* * * * *

(5 U.S.C. 552b; sec. 2(a)(11) of the Commodity Exchange Act (7 U.S.C. 4a(j)).

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

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-7402 Filed 3-9-79; 8:45 am]

[6351-01-M]

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

Delegation of Authority to the Director of the Division of Trading and Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is delegating to the Director of the Division of Trading and Markets, and to such members of the Commission staff acting under his direction as he may designate from time to time, the authority to perform certain functions reserved to the Commission under the recently adopted requirements for futures commission merchants in §§ 1.10, 1.12, 1.16, and 1.17 of the Commission's regulations (43 FR 39956 *et seq.*, September 8, 1978).

The new requirements provide for the Commission to exercise discretion and to take action in several areas with respect to accounting procedures and reporting requirements. The delegation will benefit futures commission merchants and relieve burdens on the Commission's time on matters which are not of a policymaking nature.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTAL INFORMATION: The requirements for futures commission merchants ("FCM's") recently promulgated by the Commission reserve to the Commission the discretion to act in certain situations, and to perform certain functions with respect to accounting procedures and reporting requirements. The delegation of authority to the Director of the Division of Trading and Markets for certain of the Commission's functions under §§ 1.10, 1.12, 1.16, and 1.17 will permit functions which are not policymaking in nature to be carried out without imposing on the valuable time of the Commission members, thus benefiting FCM's and the public. This delegation reserves to the Commission the right to revoke the authority delegated at any time and specifically empowers the Director of the Division of Trading and Markets to submit matters to the Commission for its consideration when appropriate.

The minimum financial regulations were designed to place significant responsibility for monitoring the financial integrity of futures commission merchants with self-regulatory organizations. It was also the Commission's desire to develop a uniform minimum financial rule for use throughout the futures industry (see 42 FR 27168 (May 26, 1977)). To accomplish these objectives, the Commission gave extensive authority under the new minimum financial requirements to the self-regulatory organizations. At the same time, consistent with the objective that there be uniformity, the Commission retained the authority for interpretation of the regulations and the authority to grant or deny relief from certain sections of the rules.

In addition to the Commission's desire to keep interpretations of the regulations and the granting or denial of certain exclusions from the regulations uniform throughout the industry, it was necessary that the Commission retain sole authority to administer certain sections of the minimum financial regulations to permit it to carry out its oversight responsibilities. In selecting these sections, the Commission did not wish to impede the development of vigorous, comprehensive self-regulatory programs. Therefore, it sought generally to limit its own involvement to exceptional circumstances which had the greatest potential impact on customers of FCM's. It made these decisions after carefully considering the possible demands on its staff. The Commission recognizes that comprehensive financial regulation of members will be a new endeavor for most of the self-regulatory organizations and the minimum financial regulations contain a number of requirements which will be novel for all such organizations. Nonetheless, as the Commission and the self-regulatory organizations gain experience with the enforcement and interpretation of these regulations, it is the Commission's desire that additional responsibility be delegated to the self-regulatory organizations.

Extensions of Time

The Commission has the authority to grant extensions of time, where appropriate, for filing quarterly financial reports (Form 1-FR) or special financial reports (Form 1-FR and/or such other financial information if called for under § 1.10(b)(4) or § 1.12(b)).[1] The Commission also has the authority to grant an extension of time for filing certified financial statements for any year.[2] In both situations, the Commission has ten calendar days following receipt of the request within which to either (1) grant or deny the request; or (2) indicate that a specified amount of additional time is needed to analyze the request. The rules set forth detailed criteria for the contents of such requests. The attached regulation delegates authority to the Director of the Division of Trading and Markets for the performance of this function.

Filing of Forms

Two provisions of the minimum financial requirements relate to forms to be filed with the Commission. A sole proprietor who is an FCM, and each natural person who is a general partner, officer, director or branch office manager of an FCM (or applicant therefor), or one who performs similar functions, is required to submit current biographical information on a Form 8-R upon request by the Commission.[3] If an FCM falls below the level of adjusted net capital established in the Commission's early warning system, the Commission can designate a financial statement (other than a Form 1-FR) for the FCM to file in the time period required.[4] These functions are being delegated to the Director of the Division of Trading and Markets.

Changes in FCM Elections

Section 1.10(e)(1) provides that a change in the elected fiscal year of an FCM must be approved by the Commission. Section 1.10(e)(2) provides that if an FCM wishes to change its election to file its Form 1-FR for each calendar quarter in lieu of each fiscal quarter Commission approval may be required.[5] The Commission must also approve a change in the election of the minimum net capital standard which an FCM will observe.[6] These are situations calling for a technical decision relating to the facts of a particular FCM, with no overriding policy concerns present. Accordingly, a delegation of authority in this area is appropriate.

Discretion To Grant Exemptions From Rules

The Commission has broad discretion to grant exemptions from the rules in three areas: Certified financial reporting requirements;[7] the debt-equity requirement;[8] and the withdrawal of equity capital requirement.[9] The Commission's determination whether to exercise discretion in these areas will necessarily depend upon the facts and circumstances of each situation, measured against the standards set forth. Commission consideration of each and every case is unnecessary.

Compliance With Minimum Financial Requirements

An FCM (or applicant therefor) must affirmatively demonstrate to the satisfaction of the Commission or the designated self-regulatory organization ("DSRO")[10] compliance with the minimum financial requirements of § 1.17. An applicant for FCM registration must demonstrate compliance before registration will be granted, and a registered FCM must be able to demonstrate compliance at all times. 17 CFR 1.17(a)(3). If the FCM is unable to do so, it must transfer all customer accounts and cease doing business as an FCM until compliance can be demonstrated. 17 CFR 1.17(a)(4). Ordinarily, such an FCM could trade for liquidation purposes only, unless otherwise directed by the Commission or the DSRO. *Id.* If an FCM is not in compliance, or is unable to demonstrate compliance, with the minimum financial requirements, the Commission or the DSRO has discretion to allow an FCM up to 10 business days to achieve compliance with the minimum financial requirements, if the FCM immediately demonstrates to the satisfaction of the Commission or the DSRO the ability to achieve compliance. *Id.* Section 1.17(a) (3) and (4) enable the Commission or the DSRO to monitor compliance with the minimum financial requirements and to take quick action to safeguard customer accounts when an FCM cannot meet the requirements. The functions in § 1.17(a) (3) and (4) are being delegated.

Subordination Agreements

The Commission has reserved several functions with respect to subordination agreements. Section 1.17(h)(3)(vi) requires the Commission or DSRO to determine if subordination agreements meet the requirements set forth in § 1.17(h) and, thus, are acceptable. An FCM seeking approval of a subordination agreement must file it with the Commission "at least 10 days prior to the proposed execution date of the agreement or at such other time as the Commission for good cause shall accept such filing" (17 CFR 1.17(h)(3)(vi)). The Commission must give its prior written consent to a reduction of the unpaid principal amount of a secured demand note agreement,[11] and prior written consent of the Commission is also required before any prepayment under a subordination agreement can occur.[12]

The Commission and the DSRO acting together may allow debt with a maturity date of 1 year or more to be treated as a substitute for a satisfactory subordination agreement for a period of up to 30 days.[13]

Section 1.17(c)(6)(vi) permits debt which is effectively subordinated to the claims of creditors but which is not designated as a satisfactory subordination agreement to be excluded from aggregate indebtedness if the

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[1] 17 CFR 1.10(f).
[2] 17 CFR 1.16(f).
[3] 17 CFR 1.10(a)(1).
[4] 17 CFR 1.12(b).
[5] An FCM can elect to file its Form 1-FR for each calendar quarter in lieu of each fiscal quarter without Commission approval if this election is made concurrently with the filing of a Form 1-FR by an applicant for FCM designation which is unregistered at the time, or if it is made by a registered FCM within 90 days after the effective date of § 1.10. 17 CFR 1.10(e)(2).
[6] 17 CFR 1.17(g).
[7] 17 CFR 1.16(f)(3). Under the rule, the Commission also has authority to grant extensions of time and to impose specified terms and conditions when granting exemptions or extensions. *Id.*
[8] 17 CFR 1.17(d). There is already an automatic 90-day exemption period in the rule. The Commission may, upon request of an FCM (or applicant therefor), grant in the public interest or for the protection of investors an additional exemption beyond the 90-day period. *Id.*
[9] 17 CFR 1.17(e). The FCM (or applicant therefor) must request exemption from this regulation. The Commission is to consider the public interest and the protection of non-proprietary accounts. *Id.*
[10] This term means a self-regulatory organization of which a futures commission merchant is a member or, if the futures commission merchant is a member of more than one self-regulatory organization and such futures commission merchant is the subject of an approved plan under § 1.52, then a self-regulatory organization delegated the responsibility by such a plan for monitoring and auditing such futures commission merchant for compliance with the minimum financial and related reporting requirements of the self-regulatory organizations of which the futures commission merchant is a member, and for receiving the financial reports necessitated by such minimum financial and related reporting requirements from such futures commission merchant. (17 CFR 1.3(ff)). A self-regulatory organization ("SRO") is defined as a contract market (as defined in 17 CFR 1.3(h)), or a registered futures association under section 17 of the Commodity Exchange Act. (17 CFR 1.3(ee)).
[11] 17 CFR 1.17(h)(2)(vi)(C). This applies only to those FCMs who are not members of a DSRO. *Id.*
[12] 17 CFR 1.17(h)(2)(vii). This applies in all cases, and the DSRO must also give prior written approval. *Id.*
[13] 17 CFR 1.17(h)(4).

debt is effectively subordinated to creditors' claims by other than customers of the FCM (or applicant therefor) prior to such subordination. That paragraph also authorizes the Commission or the DSRO to approve other subordinations by customers.

Every subordination agreement will present unique factual circumstances requiring a decision based on the detailed criteria set forth in § 1.17(h). Therefore, the functions of the Commission in § 1.17 relating to subordination agreements discussed above are being delegated.

CONSOLIDATION OF SUBSIDIARIES OR AFFILIATES

Consolidation of subsidiaries or affiliates requires Commission approval.[14] The consolidation approval process requires an opinion of the FCM's counsel containing specific information to demonstrate to the satisfaction of the Commission and the DSRO certain facts relating to the distribution of assets. 17 CFR 1.17(f)(2)(ii). This approval function is being delegated.

FUNCTIONS THAT THE COMMISSION WILL NOT DELEGATE BY THIS REGULATION

The Commission is not delegating its responsibility under sections 1.10(g), 1.17(j)(3) and 1.52 (17 CFR 1.10(g), 17 CFR 1.17(j)(3) and 17 CFR 1.52) to the Director of the Division of Trading and Markets. Section 1.10(g) provides for the nonpublic treatment of certain financial information contained in the reports filed on Form 1-FR. Section 1.17(j) defines "cover" for purposes of § 1.17. Section 1.52 requires Commission approval of the minimum financial and related reporting requirements of self-regulatory organizations ("SRO's") (see n. 10) for all its members who are registered FCMs. It also provides for the designation of one SRO, when an FCM is a member of more than one SRO, as the supervising authority with respect to financial requirements, if the Commission approves such a plan.

Pursuant to authority in Sections 2a(11) and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j) and 12a(5) (1976), the Commission hereby amends Part 140 of Chapter I of Title 17 of the Code of Federal Regulations by adding a new § 140.91 to read as follows:

§ 140.91 Delegation of authority to the Director of the Division of Trading and Markets.

(a) The Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his direction as he may designate from time to time:

(1) All functions reserved to the Commission in § 1.10 of this chapter, except for those relating to nonpublic treatment of reports set forth in § 1.10(g) of this chapter;

(2) All functions reserved to the Commission in § 1.12 of this chapter;

(3) All functions reserved to the Commission in § 1.16 of this chapter; and

(4) All functions reserved to the Commission in § 1.17 of this chapter, except for those relating to non-enumerated cover cases set forth in § 1.17(j)(3) of this chapter.

(b) The Director of the Division of Trading and Markets may submit any matter which has been delegated to him under paragraph (a) of this section to the Commission for its consideration.

The foregoing rule shall be effective immediately. The Commission finds that the rule relates solely to agency practice and procedure and that notice of proposd rulemaking and opportunity for public participation are not required. The foregoing is in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553.

Issued in Washington, D.C., on March 6, 1979, by the Commission.

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-7296 Filed 3-9-79; 8:45 am]

[14] 17 CFR 1.17(f)(2)(ii).

[6450-01-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. RM78-23; Order No. 10-B]

PART 154—RATE SCHEDULES AND TARIFFS

Interstate Pipeline Recovery of State of Louisiana First Use Tax

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: This final rule amends the procedures, established in Order No. 10 (43 FR 45553, October 3, 1978), and No. 10-A (43 FR 45553, December 28, 1978) for recovery of the Louisiana First Use Tax by interstate natural gas pipelines. The rule sets forth the rate treatment and accounting procedures to be followed until a final and non-appealable court determination of the constitutionality of the Louisiana First Use Tax is made.

DATES: This final rule is effective as of March 2, 1979.

FOR FURTHER INFORMATION CONTACT:

William Topping, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Phone: 202-275-4822.

On August 28, 1978, the Commission issued Order No. 10[1] which amended § 154.38 of its regulations promulgated pursuant to the Natural Gas Act, by adding a new paragraph (18 CFR § 154.38(h)). On December 20, 1978 the Commission issued Order No. 10-A[2] which modified Order No. 10, amended paragraph (h), and requested comments. Paragraph (h), as amended, establishes procedures governing pipeline recovery of the State of Louisiana First Use Tax on Natural Gas.[3]

Under Paragraph (h), as amended by order No. 10-A, pipelines are permitted to collect the First Use Tax, subject to refund, pursuant to a temporary tracking mechanism similar to a purchased gas adjustment clause. In order to establish the tracking provision, pipelines are required to pay the First Use Tax under protest and to challenge the constitutionality of the tax by instituting an action for recovery of the amount paid under protest in accordance with La. Rev. Stat § 47: 1576. Paragraph (h) also requires that during the pendency of litigation, pipelines must hold in escrow all funds collected. If the First Use Tax is found unconstitutional by a final and non-appealable court order, pipeline customers would receive the escrowed funds plus earnings on those funds, and the pipelines would receive such amounts of tax payments plus interest as are refunded by the State of Louisiana. If the First Use Tax is found constitutional by a final and non-appealable court order, then the pipeline would receive the escrowed funds plus the earnings on those funds.

Although Order N0.10-A was made effective upon issuance, the Commission solicited written comments from interested persons.[4] Included within

[1] 43 FR 45553 (October 3, 1978) (The October 3rd FEDERAL REGISTER citation includes the August 28th Order as corrected by Errata notice of September 15, 1978).

[2] 43 FR 60438 (December 28, 1978).

[3] 1978 La. Sess. Law Serv. 482 (Act No. 294), to be codified as La. Rev. Stat. §§ 47:1301-47:1307. Hereinafter referred to as "First Use Tax."

[4] The Commission has received comments from the Interstate Natural Gas Association of America (INGAA), Transcontinental Gas

Footnotes continued on next page

several of these comments were applications for rehearing and reconsideration of Order No. 10-A.[5]

In response to the issues raised by the comments and applications for rehearing, the Commission is modifying Order No. 10-A and amending § 154.38. Order No. 10-A is being modified to allow pipelines to select either an escrow account procedure or a corporate undertaking procedure. A pipeline which selects the corporate undertaking procedure, however, must agree to certain conditions to protect the pipeline's customers' funds. These conditions will be discussed in detail below.

I. Issues

The comments and applications for rehearing generally raised three issues: [6]

(1) Whether the escrow account requirement is necessary if Louisiana law provides for recovery of all First Use Tax payments upon a final and non-appealable court determination that the tax is invalid.

(2) Whether Order No. 10-A unlawfully requires pipelines to bear the risk of loss in the event that the First Use Tax is determined to be invalid and the State of Louisiana fails to return all funds paid by the pipelines.

(3) Whether Order No. 10-A unlawfully deprives pipelines of their right to recover, pursuant to section 4 of the Natural Gas Act, interest costs associated with the First Use Tax.

II. Establishment of the Corporate Undertaking Procedure

The Commission in Order No. 10 and in Order No. 10-A concluded that "present Lousiana law may not permit pipelines to recover all protested amounts paid." [7] The Commission determined that some additional procedures were necessary to protect pipeline customers' funds. The result was establishment of an escrow account which protects all funds collected from the pipelines customers.

Many of the comments filed by the pipelines suggested that the Commission was in error regarding its understanding of Louisiana law. Transco stated that the "State of Louisiana must refund any payments made under protest if the First Use Tax is ultimately determined to be unlawful, thus making the procedural devices prescribed in Order No. 10-A unnecessary." [8] Texas Gas stated *"There is no reasonable legal basis for this assumption."* [9] Michigan Wisconsin stated: "Michigan Wisconsin and its Louisiana counsel have studied the Louisiana statutes, * * * and believe that the State of Louisiana has an absolute obligation to refund all amounts of tax collected, if the tax is held invalid." [10] Several of the comments included legal opinions from various legal counsel from Louisiana that concluded that an adequate and complete remedy existed under Louisiana state law. [11] Furthermore, W. J. Tauzin, one of the authors of the First Use Tax legislation, and William J. Guste, Attorney General of the State of Louisiana, submitted comments stating that an adequate and complete remedy exists under Louisiana state law.

Although the opinions before us conclude that Louisiana would make full refunds, the Commission is constrained to conclude that there may not be an adequate remedy under Louisiana state law to permit pipelines to recover protested amounts paid if the First Use Tax is found unconstitutional. [12] However, since most of the pipelines believe that an adequate and complete remedy exists under Louisiana state law, the Commission has decided to modify Order No. 10-A, and to amend the regulation promulgated therein to allow pipelines to choose either the escrow account procedure or a corporate undertaking procedure.[13] Selection of the escrow account procedure or the corporate undertaking procedure will occur only at the time a pipeline applies for tracking of the First Use Tax, and after an initial selection of either method, a pipeline will not be permitted to change its selection.[14]

Under the corporate undertaking procedure a pipeline will be able to collect the tax, subject to refund, pursuant to the tracking mechanism established in Order Nos. 10 and 10-A, if the pipeline complies with the following conditions which have been established to protect the pipeline customers' funds:

(1) A pipeline *voluntarily* agrees to refund, within 60 days of the issuance of a final and non-appealable court order, those payments made on that portion of the First Use Tax found to be invalid, together with corresponding interest at the refund interest rate under Louisiana law, but not less than 6%. A pipeline voluntarily makes this agreement even if the State of Louisiana does not refund those funds plus interest to the pipeline.

(2) A pipeline shall take all legal action necessary to enforce contract provisions which could required the other contracting party to pay the First Use Tax. Since most pipelines have emphatically stated that Louisiana must refund all payments made under protest if the First Use Tax is ultimately determined to be unlawful, most pipelines should have no problem accepting and complying with the first condition.[15]

Further, although Order No. 10-A required pipelines to pay the First Use Tax under protest and to challenge

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Footnotes continued from last page

Pipe Line Corporation (Transco), Texas Gas Transmission Corporation (Texas Gas), Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle), United Gas Pipe Line Company and Sea Robin Pipeline Company (United), Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company (Tennessee), Texas Eastern Transmission Corporation (Texas Eastern), Northern Natural Gas Company (Northern), Columbia Gas Transmission Corporation (Columbia), W. J. Tauzin, Louisiana House of Representatives, and William J. Guste, Jr., Attorney General, State of Louisiana.

[5] Transco, United, and Natural filed applications for rehearing and reconsideration of Order No. 10-A. On February 21, 1979 the Commission granted the pipelines' applications for rehearing of Order No. 10-A for the purpose of further consideration.

[6] See Section IV, Miscellaneous Comments, for additional issues which have been raised solely in the comments of one party.

[7] Order No. 10 at 2; Order No. 10-A at 9-12. This conclusion was supported by Tennessee Gas Pipeline in its Application for Rehearing of Order No. 10 p. 3. Tennessee stated that Louisiana's enactment of the First Use Tax Trust Fund (1978 La. Sess. Law Serv. 480 (Act No. 293), to be codified as La. Rev. Stat. § 47:1351), specifically La. Rev. Stat. § 47:1351(D), may have effectively repealed the protective escrow and refund provisions of La. Rev. Stat. § 47:1576. Tennessee concluded that "there is no assurance that the funds remaining in the escrow fund will be adequate to refund the total First Use Taxes paid." Although Tennessee filed comments on Order No. 10-A, it did not further discuss this conclusion.

[8] Transco, Application for Rehearing and Reconsideration of Order No. 10-A at p. 2.

[9] Order No. 10-A Comments of Texas Gas Transmission Corporation at p. 2.

[10] Michigan Wisconsin, Comments at p. 4.

[11] Transco received a legal opinion from the law firm of Oliver & Wilson; Texas Gas received a legal opinion from the law firm of Jones, Walker *et al.*, and Southern Natural Gas Company received a legal opinion from Liskow & Lewis. All three are law firms practicing in Louisiana.

[12] We do not denigrate the legal opinions on this matter which have been placed in the record of this proceeding. We simply conclude that these opinions do not definitively answer the question of whether there is an adequate remedy at state law, and that, given the substantial sums involved, additional procedures are required to ensure that interstate consumers will receive full and prompt refunds if the law is found unconstitutional.

[13] Several pipelines, including Tennessee, Natural Michigan Wisconsin, and Texas Gas stated that a corporate undertaking would adequately protect the pipeline customers' funds.

[14] See Section VI, *infra*, for a discussion of the filing dates for tracking and selection of procedures.

[15] In *City of Cleveland, Ohio* v. *FPC*, 525 F. 2d 845, 850 footnote 37 (D.C. Cir. 1976) the Court of Appeals for the District of Columbia Circuit allowed full recovery of taxes paid, even if the tax could not be recovered in full from the state, because the company agreed to make a full refund.

the constitutionality of the tax by instituting an action for recovery of the amount paid under protest in accordance with La. Rev. Stat. § 47:1576, it was silent as to other legal remedies available to the pipelines to decrease their liability for the First Use Tax. Numerous contracts to which pipelines are a party contain provisions which could require the producer or gatherer selling natural gas to an interstate pipeline to pay the First Use Tax.[16] For example, it appears that in 15% of the cases the producer is still the owner at the processing stage,[17] and is, therefore, potentially liable for the First Use Tax.[18] In many other cases, the contract may require the producer or gatherer selling natural gas to an interstate pipeline to reimburse the pipeline for all costs (including any taxes) incurred as a result of extracting natural gas liquids; again, absent § 47: 1303: C.,[19] the producer may be liable for the First Use Tax imposed for any "Use" which occurs as a result of such processing.[20] A pipeline would be imprudent if it did not assert its legal rights through enforcement of its contracts. The Commission therefore finds the second condition appropriate for the corporate undertaking procedure, and will also adopt it as a condition for the escrow account procedure.

III. Retention of the Escrow Account Procedure

For those pipelines which do not believe that Louisiana law provides a complete and adequate remedy at law for recovery of the First Use Tax, the Commission is retaining the escrow account as an alternative to the corporate undertaking. The Commission has decided to modify the escrow account procedure to include the same "legal action" language as adopted in the undertaking procedure. Under this new requirement, a pipeline is required to take all legal action necessary to enforce contract provisions which could require the other contracting party to pay the First Use Tax.

Many comments attempted to distinguish the cases which were cited in Order No. 10-A [21] to support the Commission's determination that the ratepayers should not bear the cost of a tax which is ultimately found to be unconstitutional. Legal precedent, including the cases cited in Order 10-A, support the Commission's conclusion that the pipeline customers should not bear the cost of an unconstitutional tax which is unrecoverable from the taxing state.

Many of the comments suggested that, under the escrow procedure of Order No. 10-A, pipelines would be subject to potential losses because the cost of borrowing money would not be offset by the interest accrued in the escrow fund [22] or by the interest refunded from Louisiana.[23] The Commission agrees that the costs of borrowing will possibly not be completely offset. It is unclear, however, to what extent pipelines will incur losses. The Comments by Northern briefly discusses the impact of the Federal income tax deduction on interest paid on amounts borrowed to pay the First Use Tax. The Federal income tax deduction apparently decreases the potential losses of a pipeline.[24] Michigan Wisconsin suggests that, through litigation, Louisiana's 6% interest rate on refunds could possibly be increased.[25] This would also decrease any potential losses by a pipeline. The Commission therefore defers any determination on this issue until the conclusion of litigation when the Commission will be able to determine more accurately the interaction of various variables which could affect any possible losses by the pipelines through their borrowing of funds. The Commission however, does want to make clear, that at the time it does make its determination on this issue, it may find that any losses are properly allocated to the stockholders of the pipelines.

IV. Miscellaneous Comments

Tennessee requests that the tracking provisions of Order No. 10-A be modified to provide continuation of the tracking of the First Use Tax beyond a final court determination and until the pipeline's next general section 4 rate increase takes effect. The Commission shall deny Tennessee's request. At the time a pipeline's tracking provision terminates pursuant to the provisions of this order, a pipeline is free to make a general section 4 rate filing if it believes that termination of the tracking provision will cause the pipeline to earn less than a just and reasonable rate of return on its jurisdictional business.

Michigan Wisconsin requests: a waiver of Order No. 10-A, or an authorization in the Regulations to deviate from April 1 as a "first adjustment" date, to the extent necessary to allow Michigan Wisconsin to eliminate the April 1 interim rate adjustment and simply have its first rate increase be effective on May 1, 1979, which pursuant to the tracker, would recover 13 months of estimated tax payments over the succeeding 12-month period.[26]

The Commission will accept Michigan Wisconsin's request, but Michigan

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[16] Many of these contracts have been incorporated into certificates of public convenience and necessity issued by this Commission and the Federal Power Commission. While the Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat 3350, eliminates the requirement that producers obtain certificates for sale of natural gas which was not committed or dedicated to interstate commerce on or before the date of enactment (NGPA § 601(a)(1)(A)) and removes certain classes of committed or dedicated gas from the regulatory structure of the Natural Gas Act (NGPA § 601(a)(1)(B)), many existing sales of natural gas, which are subject to the First Use Tax, remain subject to the regulatory structure of the Natural Gas Act, which provides in Section 7, 15 U.S.C. § 717f, that the contracts and certificates for such sales may not be amended without prior Commission approval. Furthermore, under the NGPA, the Commission has the authority to determine whether costs of processing natural gas to remove liquids may be recovered from the purchasers of the processed gas and passed on to consumers. NGPA § 110(a)(2).

[17] Representative Tauzin, Verbatim Draft Transcript of Hearing on the First Use Tax before the Senate Revenue and Fiscal Affairs Committee on June 26, 1978 at 3.

[18] The First Use Tax provides that "Use" is defined as (§ 47:1302(8)):

The sale; the transportation in [Louisiana] to the point of delivery at the inlet of any processing plant; the transportation in [Louisiana] of unprocessed natural gas to the point of delivery at the inlet of any measurement of storage facility; transfer of possession or relinquishment of control at a delivery point in [Louisiana]; processing for the extraction of liquifiable component products or waste materials; use in manufacturing; treatment; or other ascertainable action at a point within [Louisiana].

The First Use Tax further provides that it is "deemed a cost associated with uses made by the owner in preparation of marketing of the natural gas." § 47: 1303: C.

[19] La. Rev. Stat. § 47: 1303: C. provides in pertinent part:

Any agreement or contract by which an owner of natural gas at the time a taxable first use occurs claims a right to reimbursement of refund of such taxes from any other party in interest, other than a purchaser of such natural gas, is hereby declared to be against public policy and unenforceable to that extent.

[20] In this proceeding, the Commission, although it doubts the validity of the First Use Tax, is not attempting to determine the validity of that statute; it is merely requiring the pipelines to take all legal action necessary to enforce contract provisions which could require the other contracting party to pay the First Use Tax. This requirement does not contradict the above provisions of the First Use Tax, but simply protects the conttractual rights of the pipelines and their customers while the constitutionality of the First Use Tax is being contested.

[21] See Order No. 10-A mimeo p. 8-9. The cases cited were *NAACP* v. *FPC*, 425 U.S. 662, 666 (1976); *Tennessee Natural Gas Line, Inc.* v. *FPC*, 221 F.2d 531 (D.C. Cir. 1954); *City of Cleveland, Ohio* v. *FPC*, 525 F.2d 845, 850 (D.C. Cir. 1976); *Panhandle Eastern Pipe Line Co.*, 13 F.P.C. 53, 103 (1954); and *El Paso Natural Gas Co.* 13 F.P.C. 421, 436 (1954).

[22] Order No. 10-A stated that if the First Use Tax were found valid, the First Use Tax payments and the costs of borrowing would "[B]e offset by the funds in the escrow account plus the earnings on those funds." Mimeo p. 20.

[23] Order No. 10-A stated that if the First Use Tax was found invalid, "The interest refunded by the State of Louisiana will offset costs of borrowing money." Mimeo p. 28.

[24] Northern Comments at p. 7 footnote 1.

[25] Michigan Wisconsin, Comments at p. 5.

[26] Michigan Wisconsin, Comments at p. 9.

Wisconsin will not be allowed carrying charges on any deferred collection of the First Use Tax.

Michigan Wisconsin also requests that a provision be added to the regulation allowing pipelines to collect from their customers any attorney fee charges which Louisiana may force the pipelines to pay if the pipelines contest the First Use Tax and it is ultimately found constitutional. In a recent decision, *South Central Bell Telephone Company* v. *Traigle*,[27] The Louisiana Supreme Court held that an additional 10% of that portion of a contested tax which is held valid would be assessed against a taxpayer who paid the tax under protest in accordance with La. Rev. Stat. § 47:1576.[28] Michigan Wisconsin notes that "[T]he attorney fees will not be paid over [the collection] period, but only (if at all) at the end of the litigation * * *" [29] The Commission therefore defers any determination on this issue until the end of litigation, at which time the Commission will be able to make its decision in light of the actual details of a Louisiana court opinion. The Commission does want to make clear, that at the time it does make its determination on this issue, the Commission may find that the 10% lawyer fee charge is properly allocated to the stockholders of the pipelines.

V. Filing Dates

Order No. 10-A required pipelines to submit applications for tracking on or before March 1, 1979. Since the tracking provisions have not been modified in this order, pipelines should not need additional time to file the tracking provisions. However, the Commission is modifying the March 1 filing date and is allowing pipelines to file their applications for tracking on or before March 15, 1979. Pipelines will also be required to make their selection of the escrow account procedure or the corporate undertaking procedure on or before March 15, 1979. Two weeks should be a sufficient time to make a selection.

Order No. 10-A required the establishment of an escrow agreement but did not establish a date for the submission of this agreement or for the submission of a certificate attesting to the fact that an agreement had been executed.[30] Pipelines which select the escrow account procedure shall submit these documents on or before March 15, 1979. Pipelines which select the corporate undertaking procedure shall submit an undertaking, as established in this order, on or before March 15, 1979.

VI. Summary

For the reasons stated above, Order No. 10-A is modified in response to the applications for rehearing of Order No. 10-A and the comments on Order No. 10—A. The applications for rehearing are denied except as provided in this order. Since this order responds to the issues raised in the comments and the applications for rehearing, the Commission denies the request by the Interstate Natural Gas Association of America for oral argument.

VII. Effective Date

The Commission is making these amendments effective upon the date of issuance of this order upon a finding that good cause exists to proceed without compliance with the effective date provisions of 5 U.S.C. 553. On April 1, 1979, pipelines become subject to the First Use Tax. Before pipelines can reflect the First Use Tax in their rates, pipelines must submit applications for tracking the tax, select either the escrow procedure or the corporate undertaking procedure, and the Commission must review these trackers to ensure that they comply with this regulation. Since the regulation must be effective within sufficient time for the Commission's analysis to occur, the Commission finds that good cause exists to make these amendments effective upon issuance of this order.

VIII. Findings

(1) The Commission's prior orders, Order Nos. 10 and 10-A, should be clarified and amended consistent with this order.

(2) Oral argument would not be of benefit to this Commission in its determination of this rule.

(3) Good cause exists to allow waiver of the first adjustment date for Michigan Wisconsin, and to allow Michigan Wisconsin to have its first rate increase effective May 1, 1979, with recovery of 13 months of tax payments over the succeeding 12-month period.

(4) In view of the purpose, intent, and effect of the amendments, good cause exists for making them effective as of the date of issuance of this order.

(Natural Gas Act (15 U.S.C. 717 c, f, o); Administrative Procedure Act (5 U.S.C. 553); Department of Energy Organization Act, (42 U.S.C. 7101, *et seq.*); and E.O. 12009, (42 FR 46267))

In consideration of the foregoing, the Commission hereby orders that:

(A) Except as provided in this order, the applications for rehearing filed by all parties in this proceeding are denied;

(B) The request for oral argument by the Interstate Natural Gas Association of America is denied;

(C) The Commission's Order Nos. 10 and 10-A are clarified and amended consistent with this order;

(D) Waiver of this first adjustment date of § 154.38(h) is granted for Michigan Wisconsin to the extent necessary to allow Michigan Wisconsin to have its first rate increase effective May 1, 1979, with recovery of 13 months of tax payments over the succeeding 12-month period. Michigan Wisconsin will not be allowed carrying charges on any deferred collection of the First Use Tax.

(E) Waiver of the notice requirements for the initial filing is granted.

(F) Part 154, Chapter I of Title 18, The Code and Federal Regulations, is amended as set forth below, to become effective as of the date of issuance of this order.

1. Section 154.38 is amended by revising paragraph (h) to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(h) *Pipeline recovery of the State of Louisiana First Use Tax.* (1) Except as provided in subparagraphs (h) (2), (3), (4), (5) and (6) of this section, no pipeline shall be permitted to reflect the costs attributable to the Louisiana First Use Tax in general section 4 rate applications prior to the date the tax is determined to be valid and constitutional by a final and nonappealable court order.

(2) Should a pipeline be required to pay the Louisiana First Use Tax during the pendency of litigation challenging the constitutionality of that tax, the pipeline will be permitted to collect the tax subject to refund if on or before March 15, 1979, it submits an application for tracking which is accompanied by an affidavit signed by an authorized representative stating that the applicant will undertake the procedures set out in La. Rev. Stat. § 47:1576. Upon completion of this requirement the Commission shall waive the filing requirements of § 154.63 and the provision of § 154.38(d)(3) of its regulations in order to permit the pipeline to reflect the tax in its rate by adjusting its rates, to become effective April 1, 1979, subject to refund, to reflect the estimated effect of the Louisiana First Use Tax. The initial

[27] Case No. 62011, Supreme Court of Louisiana on certiorari to the Court of Appeal, First Circuit, East Baton Rouge Parish, Louisiana, December 15, 1978.

[28] The Supreme Court relied on its interpretation of La. Rev. Stat. § 47:1512 which states:

"The collector is authorized to employ private counsel to assist in the collection of any taxes, penalties or interest due under this Sub-title, or to represent him in any proceeding under this Sub-title. If any taxes, penalties or interest due under this title are referred to an attorney at law for collection, an additional charge for attorney fees, in the amount of ten per centum (10%) of the taxes, penalties and interest due, shall be paid by the tax debtor.

[29] Michigan Wisconisn Comments at p. 8.

[30] See 18 CFR 250.12.

amount to be tracked by the pipeline from April 1 through the date of its first adjustment date under the temporary tracking provision shall be based upon volumes estimated to be subject to the Louisiana First Use Tax during that period. The initial rate adjustment shall be calculated on the estimated total system sales for that same period. In order to continue to collect the tax subject to refund, pipelines must, on or before May 30, 1979, submit such evidence as the Commission shall require in order to determine whether the procedures set out in La. Rev. Stat. § 47:1576 have been complied with. Coincident with filing the initial rate adjustment, pipelines shall file temporary tracking provisions to provide for semiannual rate adjustments to coincide with their semiannual PGAC adjustments. The tracking provisions shall include deferred accounting provisions through use of Account 186, Miscellaneous Deferred Debits, but no carrying charges will be permitted on balances accrued in the deferred account. Pipelines which have elected to recover changes in purchased gas costs through general section 4 rate cases pursuant to § 154.38(d)(4)(ix) may establish a tracking provision, which generally follows the PGA regulation, with any two semiannual adjustment dates which are six months apart. Pipelines shall keep accurate accounts of all amounts received under this paragraph, specifying when, by whom, and in whose behalf such amounts are paid.

(3) At the time a pipeline submits its application for tracking, which must be on or before March 15, 1979, it shall select either the escrow procedure or the corporate undertaking procedure.

(4) If a pipeline selects the escrow procedure, all funds collected under this paragraph will be held in escrow pursuant to § 250.12, and subject to refund during the pendency of litigation.

(5) If a pipeline selects the corporate undertaking procedure—

(i) The pipeline will collect the funds subject to refund. A pipeline voluntarily agrees to refund, within 60 days of the issuance of a final and non-appealable court order, those payments made on that portion of the First Use Tax found to be invalid, together with corresponding interest at the refund interest rate under Louisiana law, but not less than 6% per annum. A pipeline voluntarily makes this agreement recognizing that it will not be released from this obligation even if the State of Louisiana does not refund the tax payments plus interest to the pipeline.

(ii) The pipeline company shall file, on or before March 15, 1979, an undertaking with the Secretary of this Commission to comply with the terms of this paragraph signed by a responsible officer of the company evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon the purchasers under the rate schedules to be made effective by motion of the company, and in conformity to the model undertaking below.

AGREEMENT AND UNDERTAKING OF [COMPANY] TO COMPLY WITH THE TERMS AND CONDITIONS OF § 154.38(H) OF THE COMMISSION RULES AND REGULATIONS UNDER THE NATURAL GAS ACT IN RESPECT TO [COMPANY'S] MOTION TO ALLOW RECOVERY OF THE LOUISIANA FIRST USE TAX

In conformity with the requirements of § 154.38(h) of the Commission's rules and regulations under the Natural Gas Act [Company] hereby agrees and undertakes to comply with the terms and conditions of said paragraph of the Commission's rules and regulations and has caused this agreement and undertaking to be executed and sealed in its name by its officers thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this —— day of ——, 1979.

[Company]

By:————————

Attest:

————————

(iii) If the pipeline company, acting in conformity with the terms and conditions of the undertaking required by this paragraph, makes the refunds as may be required by Order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(6) Under both the escrow procedure and the corporate undertaking procedure, pipelines shall take all legal action necessary to enforce contract provisions which could require the other contracting party to pay for the First Use Tax.

(7) Should a final and non-appealable court order find the tax to be valid, the Commission shall by order terminate the temporary Louisiana First Use Tax tracking provisions, provide for a final surcharge to clear the balance in the deferred account, and shall terminate the escrow account in the case of funds held in escrow pursuant to subparagraph (4) of this paragraph. The tax thereafter shall be recovered through general section 4 rate filings.

(8) Should a final and non-appealable court order find the tax to be invalid, in whole or in part, the Commission shall by order—

(i) For those funds held in escrow, terminate the tracking provisions, terminate the escrow account, and provide for an immediate refund of those payments made on that portion of the tax found to be invalid plus the corresponding proceeds, including interest earned by the pipeline on the payments held in escrow.

(ii) For those funds collected pursuant to the corporate undertaking, terminate the tracking provisions, and provide that the pipelines shall refund, within 60 days of the issuance of the court order, those payments made on that portion of the tax found to be invalid, together with corresponding interest at the refund interest rate under Louisiana law, but not less than 6% per annum. Pipelines shall make these refunds even if the State of Louisiana does not refund the tax payments plus interest to the pipelines.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7293 Filed 3-9-79; 8:45 am]

[6450-01-M]

SUBCHAPTER I—OTHER REGULATIONS UNDER THE NATURAL GAS POLICY ACT OF 1978

[Docket No. RM79-13]

PART 281—NATURAL GAS CURTAILMENT

Interim Curtailment Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Promulgation of an Interim Curtailment Rule.

SUMMARY: The Federal Energy Regulatory Commission is promulgating an interim natural gas curtailment rule in order to implement section 401 of the Natural Gas Policy Act of 1978 (NGPA). The rule is applicable to natural gas delivered for the period April 1, 1979 through October 31, 1979. Interstate pipelines are required to adjust their curtailment plans, to the maximum extent practicable, in order to prevent curtailment of deliveries of natural gas for essential agricultural uses or for high-priority uses.

EFFECTIVE DATE: April 1, 1979.

FOR FURTHER INFORMATION CONTACT:

MaryJane Reynolds, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4331.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

On January 10, 1979, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking wherein an interim curtailment rule was proposed pursuant to section 401 of the NGPA. A hearing was held in Washington, D.C. on the

proposed rule on January 26, 1979. The Commission is in this order issuing its final Interim Curtailment Rule.

Section 401 of the NGPA seeks to assure that natural gas required for essential agricultural uses will not be curtailed unless curtailment is necessary to protect the needs of certain high-priority users. Section 401 requires the interaction of three agencies of the Federal Government: the Department of Energy (DOE), the Department of Agriculture (USDA), and the Commission.

Section 401(a) provides that not later than 120 days after the date of enactment of the NGPA the Secretary of Energy shall prescribe and make effective a rule which provides that no curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for any of the enumerated high-priority and essential agricultural users. Section 401(c) states that the Secretary of Agriculture shall certify to the Secretary of Energy and to the Commission the natural gas requirements for essential agricultural uses in order to meet the requirements of full food and fiber production. The Secretary of Agriculture transmitted his rule containing this certification to the Commission on February 27, 1979.

The Commission must implement those rules so that, to the maximum extent practicable, no curtailment plan of an interstate pipeline results in curtailment of deliveries of natural gas for any essential agricultural use, unless such curtailment does not reduce the quantity of natural gas delivered for such use below the use requirement specified by the Secretary of Agriculture or such curtailment is necessary in order to meet the requirements of high-priority users, as that term is defined in section 401(f)(2) of the NGPA.

THE AGRICULTURE RULE

By a rule effective March 1, 1979, the Secretary of Agriculture certified to the Secretary of Energy and the Commission the natural gas requirements of essential agricultural uses in order to meet the requirements of full food and fiber production (7 CFR Part 2900). The agriculture rule is designated as an interim rule, to be superseded by a permanent rule upon the publication by the USDA of a Final Environmental Impact Statement.

Section 401(c) of NGPA directs the Secretary of Agriculture to certify to the Secretary of Energy and the Commission either persons or classes of essential agricultural users. The Secretary of Agriculture has elected to certify classes of essential agricultural uses, designated by utilization of Standard Industrial Code (SIC) classifications.

Similarly, pursuant to section 401(c) of NGPA, the Secretary of Agriculture must certify use requirements for natural gas, either as volumes or percentages of use. The Secretary has generally chosen to certify percentages of use rather than designating specific volumes for each such user.

The requirements of essential agricultural users which utilize natural gas on-farm for agricultural production or which consume 300 Mcf or less of natural gas on a peak day were certified by the Secretary of Agriculture to be 100% of current requirements. The requirements of other essential agricultural users were certified to be the highest actual volume of natural gas used during the applicable period of the most recent three years (updated annually) which has the highest corrected volume. Use volumes would be corrected to include amounts of process and feedstock gas not used because of curtailment or plant shutdown. Alternatively, the certified volumetric requirement would be the maximum volume of gas the user would be entitled to purchase under the interstate pipeline's curtailment plan in effect on March 1, 1979, if these volumes are higher than the corrected volumes determined under the three-year rule.

The agriculture rule also permits an essential agricultural user limited to the higher of its highest gas use for the most recent three-year period (corrected as indicated above) or its curtailment plan entitlement, to seek an exception from the Secretary of Agriculture if the process and feedstock requirements of the user exceed the computed volume by twenty-five percent or more. Finally, the agriculture rule states that the volumetric requirements of essential agricultural users certified by the Secretary of Agriculture are not necessarily limited to the maximum contracted volume of the user.

B. SUMMARY OF COMMENTS AND OF REVISIONS OF COMMISSION RULE

On January 10, 1979, the Commission issued its notice of proposed rulemaking to implement section 401 on an interim basis. The Commission determined to issue an interim rule terminating on October 31, 1979 because implementation of the rule on a permanent basis will require data collection during the summer of 1979.

During the interim period each interstate natural gas pipeline will, where necessary, provide relief from curtailment to high-priority users and essential agricultural users in accordance with a new tariff provision which this rule directs that the pipeline file. This tariff provision is analogous to the existing life and property tariff provisions that pipelines have filed pursuant to 18 CFR 2.78(a)(4) of the Commission's rules of practice and procedure. This emergency relief mechanism has in the past been used to grant relief from curtailment which would have resulted in danger to life, health, and physical property. In drafting the present rule, the Commission drew on this experience so that during this interim period, interstate pipelines may provide relief from curtailment to high-priority users and essential agricultural users under a mechanism with which they are familiar and which they have successfully utilized in the past. Tariff sheets filed by pipelines to implement the interim rule may incorporate by reference appropriate provisions of the interim rule.

Section 4 of the Natural Gas Act requires interstate pipelines to file tariff sheets reflecting any change in their curtailment plans. In compliance with the direction of Congress to carry out the intent expressed in section 401 to the "maximum extent practicable" (section 401(a)), the Commission has determined to make the rule effective April 1, 1979, rather than March 9, 1979. The April 1, 1979 effective date of the interim rule is required to provide adequate time for submission of tariff sheets, comment, and analysis and action upon the tendered tariff sheets.

The rule proposed for comment reflected the initial proposal of the Secretary of Agriculture and the perceived need to apply an alternative fuel test in a reasonably practicable manner. The Interim Final Rule of the Department of Agriculture is different from that initial USDA proposal with respect to certification of volumetric requirements. The Commission has been impressed by the many comments it received to the effect that the initial proposal by the Commission would not take account of the impacts of past curtailments and that it failed to reflect Congressional intent with respect to evaluation of the economic practicability and reasonable availability of alternative fuels. Therefore, the final rule incorporates by reference the Secretary of Agriculture's certifications. The Commission believes that this change brings into harmony the various rules required to implement section 401 for the interim period.

Under our January 10, 1979 notice of the proposed rule, the maximum volume of gas which could be delivered to the essential agricultural user was the lesser of the volumes the user would receive under the presently effective curtailment plan or the user's highest volume of gas in calendar years 1976, 1977 and 1978. There were many comments to the effect that the proposed rule would not take into account the possibility that an agricul-

tural user of natural gas might have been curtailed in the past and enforced to resort to fuel that did not meet the alternative fuel test established in section 401. There are also comments respecting a conflict among USDA and Commission resposibilities. These issues have been resolved in the interim final rule by referencing the Secretary of Agriculture's certification.

Interstate pipelines are required to meet the supply deficiencies of essential agricultural users up to the lesser of the amount of the volumetric requirement certified by the Secretary of Agriculture or the amount of natural gas the pipeline is obligated to supply under the applicable contract between the pipeline and the customer. For customers served by a local distribution company the local distribution company may call upon their interstate pipeline suppliers to meet supply deficiencies of essential agricultural users up to the lesser of the volumetric requirements certified by the Secretary of Agriculture or the total obligation specified in the contract between the local distribution company and the pipeline. For a customer served by more than one interstate pipeline, the deficiencies will be served in proportion to deliveries by those pipelines in the corresponding period of 1978.

The contractual entitlement for an essential agricultural user shall not be diminished because the essential agricultural user's contract with its direct interstate pipeline supplier is on an interruptible basis or because all or part of the local distributor's contract with any of its interstate pipeline suppliers is on an interruptible basis.

An essential agricultural user will first evaluate the volume of natural gas it estimates the user will require for high-priority users and essential agricultural uses for a particular curtailment period and will subtract from those requirements its available gas supply from all sources, including intrastate and self-help sources available to serve such uses for the same period. If the available supply for a particular curtailment period is less than the requirements for that period, the high-priority user or essential agricultural user can attribute the deficiency to its direct suppliers by dividing (i) the volume such direct supplier supplied to the eligible end-user for the corresponding curtailment period of 1978 by (ii) the sum of the volumes supplied the user by all such direct suppliers during the curtailmant period.

The local distribution company shall make the computation for residential and small commercial customers and attribute deficiencies among its direct interstate pipeline suppliers. The local distribution company shall utilize the same method of attribution as described above for its other high-priority uses and essential agricultural uses. To the extent that supply increases, it is the responsibility of the end-user or the local distribution company to recalculate the supply deficiency.

Interstate pipelines will receive requests for adjustments of curtailment levels from their direct sale customers or their local distribution companies on behalf of high-priority users or essential agricultural users in order to correct supply deficiencies. Interstate pipelines, subject to certain exceptions, are instructed to grant the adjustments up to the lesser of the supply deficiency or the supply obligation. The interstate pipeline's supply obligation to direct high-priority users is limited to the high-priority users' requirements in the presently effective curtailment plan of the interstate pipeline. The interstate pipeline's supply obligation to direct essential agricultural users is limited to the requirements certified by the Secretary of Agriculture as long as those requirements do not cause a direct end-user to exceed its contractual entitlement with the interstate pipeline or a local distribution company to exceed its contractual entitlement with the interstate pipeline. In either case, contract entitlement would be determined without regard to contract conditions which permit deliveries to be interrupted under certain circumstances.

An interstate pipeline will reduce volumes delivered under an adjustment when (1) the reduction in deliveries necessary to effect the adjustment would cause the curtailment of another essential agricultural user or high-priority user, or (2) the adjustment would reduce injection into storage by the interstate pipeline or any of its customers except to the extent that the Commission determines upon complaint that the storage is not necessary to serve high-priority uses and essential agricultural uses. No adjustment may be granted if the interstate pipeline's records contain information which conflicts with statements of the local distribution company or direct sale customer.

The limitations on adjustments to curtailment plans which would reduce deliveries to essential agricultural users or high-priority users reflect the statutory mandate in section 401(a). The provisions that adjustments be altered if they would reduce pipeline or customer storage for high-priority or agricultural uses reflects the DOE Rule and is in response to the comments of numerous pipelines concerned with the normal filling of storage reservoirs during the summer season.

The Commission's rule provides filing requirements to insure that the interstate pipeline will have sufficient data to examine when it considers the request for waiver. The subsequent notice of adjustments by the Commission will insure that all customers and the Commission staff will be able to analyze whether the adjustment complies with this rule.

The proposed interim rule provided for remedy if the Commission determined that a willful and knowing violation of the regulations took place. The final interim rule more closely tracks the Natural Gas Act by providing for a remedy whenever the Commission determines that a violation of this regulation has occurred. Since the tariff filing contemplated herein is pursuant to section 4 of the Natural Gas Act, remedial action pursuant to section 20 of the Natural Gas Act can be initiated upon potential violation of the Natural Gas Act. The question of knowledge and belief is a matter for a trier of fact.

Some comments argued that the proposed termination date should be eliminated so that if the permanent rule is not promulgated by the intended date, this rule would continue. The Commission has decided not to accept this suggestion. In connection with the proposed permanent rule for implementation of section 401, RM79-15, the Commission asked whether the proposed effective date should be postponed. Should it be decided in that proceeding not to implement the permanent rule on November 1, 1979, the Commission will then address the question of what interim curtailment arrangements should be used to implement section 401 beyond the scheduled termination date of this rule.

This decision to retain a fixed expiration date reflects Commission concern that the interim rule promulgated herein, while adequate for the next summer season, might not be adequate during next winter's heating season. Should the Commission decide not to implement the permanent rule by November 1, 1979, or if it is not possible, as now planned, to implement the permanent rule on certain pipeline systems, it might be reasonable to extend the effectiveness of this rule with appropriate modifications; alternatively it might be preferable to develop a different interim procedure. When and if it becomes necessary to re-examine this issue, the Commission will reopen this proceeding or hold a new proceeding to determine a rule for the next winter heating season. However, that issue is at best premature and may never arise.

This interim rule is a contingency plan. It will only come into effect if there is a threat of curtailment of a high-priority user or an essential agricultural user. If a distributor or an interstate natural gas pipeline, as appro-

priate, can serve the agricultural or high-priority requirements there will be no need to request relief under this rule. If gas supplies are as now anticipated, they should be sufficient so that agricultural requirements can be met without the need to resort to the provisions of this rule for relief. The agricultural sector consumes large volumes of natural gas during the summer period. If the gas supply and demand balance should be different than anticipated, the provisions of this rule will be available to protect essential agricultural users from curtailment.

The Commission agrees with the many commentators who emphasized that the agricultural sector is dynamic and its needs for natural gas are constantly shifting. The agricultural community has been subject to curtailments in the past but, even so, it has been able to increase production. The Commission intends that its section 401 program, consisting of several components of which this rule is one, provide access to natural gas supplies adequate to assure that agriculture continues to be able to expand its productivity. The Commission's proposed direct purchase plan for agricultural users, Docket No. RM79-18, would, if adopted, insure the availability of natural gas for new or expanded uses of natural gas.

A major issue attendant to implementation of the USDA, DOE rule, Commission interim and Commission permanent rules pursuant to section 401 is what provision, if any, should be made for agricultural load-growth. The Secretary of Agriculture's rule certifying essential agricultural use of natural gas, which is embodied in this rule, permits certain types of load-growth. The Commission's rule reflects its present belief that the USDA definition represents a reasonable resolution of the load-growth issue for the period April 1, 1979 to November 1, 1979. The Commission in its rule has removed any impediment, under interstate pipeline curtailment plans, to receipt of the certificated volumes. However, volumetric limitations in contracts between interstate pipelines and their direct customers or local distribution companies remain applicable (but without regard to certain contract provisions permitting interruptions by the pipeline). Certification requirements under section 7 of the Natural Gas Act, of course, remain unaffected. Moreover, the Commission recognizes that the amount, if any, of load-growth which should be permitted is a vital issue in the ongoing rulemaking for the permanent rule under section 401. By its action in this interim rule the Commission does not intend to prejudge the result for the permanent rule.

Many comments in this proceeding argued that Congress intended that all essential agricultural users on USDA's list shall have access to natural gas from interstate pipelines at rolled-in prices to meet all requirements. Those advancing this interpretation of section 401 would not distinguish among demands of long-established users, new demands, expanded demands, requirements currently being met by intrastate pipelines, requirements met by direct purchases or any other type of agricultural requirement.

Other comments, however, assert that section 401 does not provide for unlimited agricultural access to pipeline system supplies. It has been pointed out that section 401(a) specifies what a "curtailment plan of an interstate pipeline" may not do.

The legislative history is cited by some commentators as pertinent here. The House provision as originally passed stated that the specification of essential agricultural uses "may allow for additional amounts necessary in cases in which production capacities are expanded or in cases in which new production facilities are added." A comparable provision in the bill passed by the Senate stated that the requirement of essential agricultural uses would apply "(for present or expanded capacity) and new plants." As finally enacted into law the purpose of this section is to insure full food and fiber production, however, the bill contains no comparable provision allowing for the expanded uses or new uses of natural gas.

Another reason advanced in some comments for believing that Congress did not intend such expansion of access is its instructions about limiting revisions of pipeline curtailment plans and avoiding updating base periods. Section 401 of NGPA appears to contemplate revision of curtailment priorities within presently effective curtailment plans. The Congress was cognizant of the potentially disruptive effect on curtailment plans of a major shift in curtailment policy and thus the conference report states:

> For purposes of implementing this section, the Commission is instructed to reopen curtailment plans that are already in effect under the Natural Gas Act only to the extent necessary to adjust those plans to bring them into conformity with the new curtailment priority schedule. The conferees were concerned that these changes not burden the Commission with lengthy proceedings which might throw existing curtailment plans into disarray. Therefore, the conference agreement includes the term "to the maximum extent practicable" to assure that the Commission has the necessary flexibility in implementing any changes. For example, the conferees do not intend the reopening of curtailment plans for this limited purpose to result in adoption of a new base year for curtailment purposes. [1]

[1] S. Rep. 95-1126, 95th Cong. 2d Sess. 113.

Some comments hold that to reflect requirements of all agricultural uses that are not presently included in pipeline curtailment plans would seem to require some reopening of those plans. These parties contend that the legislative history indicates that this was not the intent of Congress. Additionally, section 605 of the Public Utility Regulatory Policies Act of 1978 (PURPA), which requires that revisions in base periods not penalize local distribution companies by reducing these requirements where the reduction is due to conservation measures, was cited. The joint statement report on this section states:

> A change in a curtailment plan which does not require an updating of the base period data, such as the revisions required in Title IV of the Natural Gas Policy Act of 1978 would not trigger the application of this section.

Another troublesome question concerns the Natural Gas Act requirement that curtailment plans be found to be just and reasonable. One party contended that a curtailment plan giving some users 100 percent of current requirements while others were held to some fixed volume would be unduly preferential the thus would not satisfy this standard.

One comment asserted that elimination of base periods for agriculture would result in substantial shifts in the consumption pattern to natural gas. It cited a report which found that in SIC Code 20, food and kindred products, 28.9 million barrels of fuel oil and 3.3 million tons of coal were used. It was asserted that elimination of base periods for agriculture could result in these needs being shifted to natural gas which would not only adversely affect existing natural gas users but substantially increase the overall demand for natural gas and result in deepening curtailments.

Most interstate pipelines curtail according to base period data collected in the past. These base periods have not been updated and thus do not reflect new customers, attrition, conservation, or any other changes that may have occurred since the close of the base period. Nevertheless, many local distribution companies have been attaching new customers, in several end-use categories, for some time. The additional customers are not reflected in interstate pipeline curtailment plans, thus their needs have been served by local distribution companies out of their own sources of supply. There are numerous impacts possible from including these consumers in pipeline base period data.

The Commission recognizes that this is a vital issue, particularly in the permanent rule and intends to address the controversy in that proceeding. In that connection, the Commission will

reconsider the comments on this matter provided in this docket. Parties may submit additional data, views and arguments on this issue in the proceedings on the permanent rule, if they wish.

The comments of certain pipelines suggested that an exemption from the filing of the tariff provision contemplated herein be included in the rule. Such an exemption provision is not necessary. Section 502(c) of the NGPA and the Commission's regulations under the Natural Gas Act provides the mechanism for such a waiver request. Any requests by pipelines for waiver of the filing of the tariff provision should be accompanied by a filing of the tariff provision.

Pursuant to § 154.51 the Commission has determined that good cause exists to waive § 154.22 of the Commission regulations to permit the filing of tariff sheets to become effective with less than 30 days' notice.

C. Section-by-Section Summary of the Interim Rule

The Commission's interim rule adds a new Part 281, Subpart A, to the Commission's rules and regulations under Title 18 of the Code of Federal Regulations.

PURPOSE (§ 281.101)

This section states that it is the purpose of the new Subpart A of Part 281 to provide that the curtailment plans of interstate pipelines do not, to the maximum extent practicable, cause curtailment of deliveries of natural gas for essential agricultural uses and for high-priority uses.

PPLICABILITY (§ 281.102)

Section 281.102 provides that subpart A applies to deliveries during the period April 1, 1979, through October 31, 1979, of natural gas sold by an interstate pipeline, if the pipeline is curtailing its deliveries of natural gas to direct sales customers or local distribution companies to such an extent that the direct sales customers or indirect sales customers are experiencing or will experience a supply deficiency for high-priority uses or essential agricultural uses.

DEFINITIONS (§ 281.103)

This section defines terms used in subpart A. The following definitions are included:

"Eligible end-user" is defined as a high-priority user or an essential agricultural user.

"Essential agricultural use" is defined as any use of natural gas which is certified by the Secretary of Agriculture as an "essential agricultural use" under section 401(c) of the NGPA, as identified in 7 CFR Parts 2900 *et. seq.*

"Essential agricultural user" is a person who uses natural gas for an essential agricultural use.

"High-priority use" is any use of natural gas which qualifies the user as a high-priority user.

"High-priority user" means any person who uses natural gas in a residence, in a small commercial establishment, in a school or a hospital, or for minimum plant protection when operations are shut down, for police protection, for fire protection, in a sanitation facility, or for certain other emergency situations. This definition is identical to that in the DOE rule.

"Indirect sale customer" of an interstate pipeline means an eligible end-user served by a local distribution company served by an interstate pipeline.

This section also defines "curtailment period," "direct sale customer," "residence," "small commercial establishment," "hospital," "school," and "local distribution company."

TARIFF FILING REQUIREMENTS (§ 281.104)

Section 281.104 requires interstate pipelines to file tariff sheets which allow for the granting of adjustments to the otherwise applicable provisions of their curtailment plans to carry out the new subpart A. The tariff sheets must be filed not later than march 16, 1979, with a proposed effective date of April 1, 1979.

ADJUSTMENT: GENERAL RULE (§ 281.105)

Section 281.105(a) authorizes a direct sale customer to request an adjustment from each of its direct interstate pipeline suppliers to satisfy its direct supply deficiencies for essential agricultural uses and high-priority uses. Subject to the limits of § 281.108, the interstate pipeline must adjust its currently effective curtailment plan to provide for delivery to the direct sale customer of volumes of natural gas which do not exceed the lesser of the direct supply deficiency or the direct supply obligation. The rules for determining supply deficiency and supply obligation are found in §§281.106 and 281.107, respectively.

Under § 281.105(b), an indirect sale customer (other than a residential user or a small commercial establishment may ask each of its local distribution company suppliers to request an adjustment from each of the interstate pipeline suppliers of such local distribution company to satisfy the indirect sale customer's indirect supply deficiencies (attributed to each of its interstate pipeline suppliers in accordance with § 281.106(e)). Subject to § 281.108, the local distribution company may receive an adjustment in the currently effective curtailment plan of each of its interstate pipeline suppliers providing for delivery to the local distribution company of volumes of natural gas which do not exceed the lesser of the aggregate attributed indirect supply deficiencies of all of these indirect customers or the pipeline's indirect supply obligation on account of these customers.

A local distribution company may under § 281.105(c) request an adjustment from each of its direct interstate pipeline suppliers to satisfy the indirect supply deficiencies of its residential and small commercial establishment customers for high-priority uses. Subject to § 281.108, each such interstate pipeline shall adjust its currently effective curtailment plan to provide for delivery to the local distribution company of volumes of natural gas which do not exceed the lesser of the sum of the indirect supply deficiencies of such customers or the pipeline's indirect supply obligations with respect to such customers.

Finally, provision is made for recalculation of supply deficiency, if there is a significant change in the supplies available to a direct sales customer or local distribution company.

CALCULATION OF SUPPLY DEFICIENCIES (§ 281.106)

Section 281.106 sets forth the method by which the various supply deficiency calculations are made by eligible end-users and by local distribution companies.

END USERS

Under paragraph (b) of this section, an eligible end-user computes its total supply deficiency as (i) the estimated volume of natural gas required by the eligible end-user for a particular curtailment period to satisfy such users high-priority uses or its essential agricultural uses, minus (ii) the estimated volume of natural gas available to the eligible end-user from all sources and for the same period to meet its high-priority uses and essential agricultural uses. Eligible end-users attribute their total supply deficiency in accordance with § 281.106(e) among all interstate pipeline direct suppliers and its local distribution company direct suppliers. Direct supply deficiency is that part of the total deficiency attributed to an interstate pipeline direct supplier. Indirect supply deficiency is that part of the total deficiency attributable to a local distribution company direct supplier. (See below for explanation of attributable indirect deficiency).

LOCAL DISTRIBUTION COMPANIES

Under paragraph (c), a local distribution company computes a total supply deficiency for all its residential and small commercial customers as the volume of natural gas the residen-

tial and small commercial customers will require, for a particular curtailment period, to satisfy residential and small commercial uses, minus the volume of natural gas the local distribution company estimates it will deliver to such eligible end-users in the same period. Local distribution companies attribute total supply deficiencies for these customers in accordance with § 281.106(e) among all its interstate pipeline direct suppliers. An indirect supply deficiency for residential and small commercial uses is the deficiency so attributed to a particular direct interstate pipeline.

Under § 281.106(c)(2), a local distribution company attributes the indirect supply deficiencies of each of its eligible end-users among all the interstate pipelines which are direct suppliers of the local distribution company. The attributable indirect supply deficiency of an interstate pipeline is the indirect supply deficiency of an eligible end-user attributed to that pipeline.

ATTRIBUTION

Section 281.106(e) contains the rules for attribution of supply deficiencies to particular suppliers. If an eligible end-user (other than a residential user or a small commercial establishment) receives natural gas from more than one direct supplier (that is, directly from more than one interstate pipeline or local distribution company served by an interstate pipeline), the fraction of such end-user's total supply deficiency attributable to each such direct supplier shall be determined by dividing (i) the volume such direct supplier supplied to the eligible end-user for the corresponding curtailment period of 1978 by (ii) the sum of the volumes supplied by all such direct suppliers of the eligible end-user during that curtailment period. If a local distribution company is directly supplied by more than one direct supplier, the fraction of the total supply deficiency for its residential and small commercial users and the indirect supply deficiency of its eligible end-users which is attributable to a particular direct supplier shall be determined by dividing (i) the volume such direct supplier supplied during the corresponding curtailment period of 1978 by (ii) the sum of the volumes supplied by all direct suppliers to the local distribution company during that curtailment period.

CALCULATION OF SUPPLY OBLIGATIONS BY INTERSTATE PIPELINES (§ 281.107)

Section 281.107 sets forth the method by which an interstate pipeline calculates its direct and indirect supply obligations.

HIGH-PRIORITY SUPPLY OBLIGATION

Direct high-priority supply obligation, calculated by an interstate pipeline for a curtailment period with respect to a direct sale customer, is equal to the maximum volume of natural gas the direct sale customer would be entitled to purchase for high-priority use under that interstate pipeline's currently effective curtailment plan.

Indirect high-priority supply obligation, calculated by an interstate pipeline for a curtailment period with respect to all high-priority users which are direct customers of a local distribution company, is equal to the maximum volume of natural gas that the local distribution company would be entitled to purchase under the pipeline's currently effective curtailment plan on account of all the high-priority uses of such customers to the extent such uses were part of the local distributions company's requirements included in such curtailment plan.

ESSENTIAL AGRICULTURAL SUPPLY OBLIGATION

(1) *Direct.* The direct essential agricultural supply obligation of an interstate pipeline for a curtailment period with respect to an essential agricultural user which is a direct sale customer is lesser of:

(i) The volume certified by the Secretary of Agriculture as essential agricultural volumetric requirements and calculated under 7 CFR 2900.4; or

(ii) The volume which may be delivered by the interstate pipeline to the direct sale customer without causing the interstate pipeline to violate any provision in any contract to which the interstate pipeline is a party, except those contract provisions which may otherwise restrict delivery because of supply or capacity shortage of the interstate pipeline.

(2) *Indirect.* The indirect essential agricultural supply obligation of interstate pipeline for a curtailment period to a local distribution company with respect to all essential agricultural users which are direct customers of the local distribution company is the lesser of:

(i) The sum of the volumes certified by the Secretary of Agriculture as essential agricultural volumetric requirements for all such essential agricultural users calculated under 7 CFR 2900.4; or

(ii) The volumes which may be delivered by the interstate pipeline to the local distribution company without causing the interstate pipeline to violate any provision of any contract to which the interstate pipeline is a party, except those contract provisions which may otherwise restrict delivery because of supply shortage or capacity of the interstate pipeline.

ADJUSTMENTS BY INTERSTATE PIPELINES (§ 281.108)

This section provides that where an adjustment is granted under this subpart, the interstate pipeline will deliver the volumes determined under § 281.105, from system supplies. Deliveries are to be reduced upon recalculation of supply deficiency under § 281.106(f).

Paragraphs (b) and (c) contain limits on the pipeline's obligation to make deliveries pursuant to adjustments. Pipelines must reduce volumes delivered under adjustments, in an equitable manner, in certain cases where such adjustments would otherwise result in (1) a direct or indirect supply deficiency; (2) a downstream interstate pipeline's inability to meet direct and indirect high-priority supply obligations; or reduction of deliveries reasonably necessary for injection into storage by the interstate pipeline or by any of its customers (except where such storage is not reasonably necessary to serve high-priority uses or essential agricultural uses).

Paragraph (c) deals with inconsistent information in pipeline records.

FILINGS AND NOTICE (§ 281.109)

This section contains filing requirements for end-users, local distribution companies, and interstate pipelines.

NOTICE, COMPLAINT AND REMEDY (§ 281.110)

This section contains procedures by which direct sales customer or local distribution company may file a complaint, and obtain remedy, of a violation of this subpart.

EXTRAORDINARY RELIEF (§ 281.111)

Under this section, an end-user or other person may obtain extraordinary relief under the Commission's existing rules.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 stat. 3350; Department of Energy Organization Act, Public Law 95-91, E. O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 281, Subpart A, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, shall read as set forth below.

By the Commission.

KENNETH F. PLUMB,
Secretary.

Part 281, Subpart A, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, reads as follows:

PART 281—NATURAL GAS CURTAILMENT

Subpart A—Interim Curtailment Rule

AUTHORITY: Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 stat. 3350; Department of Energy Organization Act, Pub. L. 95-91, E. O. 12009, 42 FR 46267).

Subpart A—Interim Curtailment Rule

§ 281.101 Purpose.

The purpose of this subpart is to implement, on an interim basis, section 401 of the NGPA in order to provide that for the period April 1, 1979, through October 31, 1979, the curtailment plans of interstate pipelines do not, to the maximum extent practicable, cause curtailment of deliveries of natural gas for essential agricultural uses and for high-priority uses.

§ 281.102 Applicability.

This subpart applies to deliveries during the period April 1, 1979, through October 31, 1979, of natural gas sold by an interstate pipeline, if the pipeline is curtailing its deliveries of natural gas to direct sales customers or local distribution companies to such an extent that the direct sales customers or indirect sales customers are experiencing or will experience a supply deficiency for high-priority uses or essential agricultural uses.

§ 281.103 Definitions and cross references.

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

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

(2) "Direct sale customer" means an eligible end-user which purchases natural gas directly from an interstate pipeline and consumes such natural gas for a high-priority use or an essential agricultural use.

(3) "Eligible end-user" means a high-priority user or an essential agricultural user.

(4) "Essential agricultural use" means any use of natural gas which is certified by the Secretary of Agriculture as an "essential agricultural use" under section 401(c) of the NGPA, as identified in 7 CFR Parts 2900, *et seq.*

(5) "Essential agricultural user" means a person who uses natural gas for an essential agricultural use.

(6) "High-priority use" means any use of natural gas which qualifies the user as a high-priority user.

(7) "High-priority user" means any person who uses natural gas:

(i) In a residence;

(ii) In a small commercial establishment;

(iii) In a school or a hospital; or

(iv) For minimum plant protection when operations are shut-down, for police protection, for fire protection, in a sanitation facility, or for emergency situations (including environmental emergencies) where supplemental deliveries of natural gas may be requested under 18 CFR 2.78(a)(4) to forestall irreparable injury to life or property.

(8) "Indirect sale customer" of an interstate pipeline means an eligible end-user served by a local distribution company served by an interstate pipeline.

(9) "Residence" means a dwelling using natural gas predominantly for residential purposes such as space heating, air conditioning, hot water heating, cooking, clothes drying, and other residential uses and includes apartment buildings and other multi-unit buildings.

(10) "Small commercial establishment" means any establishment (including institutions and local, state and Federal Government agencies) engaged primarily in the sale of goods or services where natural gas is used:

(i) In amounts of less than 50 Mcf on a peak day and

(ii) For purposes other than those involving manufacturing or electric power generation.

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

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

(13) "Local distribution company" means a local distribution company served directly by an interstate pipeline.

(b) *Cross references.*—(1) *Supply deficiency.* For rules for calculating supply deficiency, see § 281.106.

(2) *Supply obligation.* For rules for calculating supply obligation, see § 281.107.

§ 281.104 Tariff filing requirements.

(a) Each interstate pipeline shall file tariff sheets which allow for the granting of adjustments to the otherwise applicable provisions of its curtailment plan to the extent necessary to supply the essential agricultural users or high-priority uses of its direct sale customers and its indirect sale customers. The tariff sheets shall provide for granting adjustments in accordance with this subpart and shall be filed not later than March 16, 1979, with a proposed effective date of April 1, 1979.

§ 281.105 Adjustment: General rule.

(a) *Direct sale customer.* A direct sale customer may request an adjustment from each of its direct interstate pipeline suppliers to satisfy its direct supply deficiencies for essential agricultural uses and high-priority uses. Subject to § 281.108, the direct sale customer shall receive an adjustment to the interstate pipeline's currently effective curtailment plan to provide for delivery to the direct sale customer of volumes of natural gas which do not exceed the lesser of the direct supply deficiency or the direct supply obligation (determined under § 281.106(b) and § 281.107(a)(2), respectively).

(b) *Indirect sale customer.* An indirect sale customer (other than a residential user or a small commercial establishment) may ask each of its local distribution company suppliers to request an adjustment from each of the interstate pipeline suppliers of such local distribution company to satisfy the indirect sale customer's indirect supply deficiencies. The local distribution company shall attribute the indirect supply deficiency to its interstate pipeline suppliers in accordance with § 281.106(e). Subject to § 281.108, the local distribution company may receive an adjustment in the currently effective curtailment plan of each of its interestate pipeline suppliers providing for delivery to the local distribution company of volumes of natural gas which do not exceed the lesser of the sum of the attributed indirect supply deficiencies of all of such customers or the indirect supply obligation with respect to such customers (determined under §§ 281.106(c)(2) and 281.107(a)(2), respectively).

(c) *Local distribution companies.* A local distribution company may request an adjustment from each of its direct interstate pipeline suppliers to satisfy the indirect supply deficiencies of its residential and small commercial establishment customers for high-priority uses. Subject to § 281.108, the local distribution company may re-

ceive an adjustment to each such interstate pipeline's currently effective curtailment plan which provides for delivery to the local distribution company of volumes of natural gas which does not exceed the lesser of the sum of the indirect supply deficiencies of such customers or the indirect supply obligations with respect to such customers (determined under § 281.106(c)(1)(ii) and § 281.107(a)(2), respectively).

(d) *Subsequent notification.* If there is a change in the available supplies a direct sales customers or local distribution company used to calculate its supply deficiency, it shall recalculate its supply deficiency as required by § 281.106(f). If the supply deficiency decreases, the direct sales customer or local distribution company shall immediately notify the interstate pipeline suppliers of any decreased supply deficiency. (The documents required in § 281.109 shall be mailed within 3 days of such notification.) If the supply deficiencies increase, an additional adjustment may be requested in accordance with this subpart.

§ 281.106 Calculation of supply deficiencies.

(a) *Scope.* This section sets forth the method by which:

(1) An eligible end-user calculates a total supply deficiency, a direct supply deficiency, and an indirect supply deficiency; and

(2) A local distribution company calculates:

(i) An indirect supply deficiency for its residential and small commercial customers; and

(ii) An attributable indirect supply deficiency for its other customers which are eligible end-users.

(b) *Calculation by an eligible end-user.* (1) *Total supply deficiency.* An eligible end-user shall compute its total supply deficiency as:

(i) The estimated volume of natural gas required by the eligible end-user for a particular curtailment period to satisfy such user's high-priority uses or its essential agricultural uses, minus

(ii) The estimated volume of natural gas available to the eligible end-user from all sources and for the same period to meet its high-priority uses and essential agricultural uses.

(2) *Attribution of total supply deficiency to direct and indirect supply deficiencies.* (i) The eligible end-user shall attribute its total supply deficiency in accordance with paragraph (e) of this section among all interstate pipeline direct suppliers and its local distribution company direct suppliers. The direct supply deficiency is that part of the total deficiency attributed under paragraph (e) of this section to an interstate pipeline direct supplier.

(ii) The indirect supply deficiency is that part of the total deficiency attributable under paragraph (e) of this section to a local distribution company direct supplier.

(c) *Calculation by local distribution companies.*—(1) *Residential and small commercial customers.* (i) The local distribution company shall compute a total supply deficiency for all its residential and small commercial customers as:

(A) The volume of natural gas the residential and small commercial customers will require, for a particular curtailment period, to satisfy residential and small commercial uses, minus

(B) The volume of natural gas the local distribution company estimates it will deliver to such eligible end-users in the same period.

(ii)(A) The local distribution company shall attribute the total supply deficiency in subdivision (i) of this subparagraph in accordance with paragraph (e) of this section among all its interstate pipeline direct suppliers.

(B) The indirect supply deficiency for residential and small commercial uses is that part of the total supply deficiency attributed under paragraph (e) of this section to a particular direct interstate pipeline supplier of the local distribution company.

(2) *Other customers which are eligible end-users.* (i) A local distribution company shall attribute under paragraph (e) of this section the indirect supply deficiencies of each of its eligible end-users (calculated under paragraph (b)(2) of this section) among all the interstate pipelines which are direct suppliers of the local distribution company.

(ii) That part of the indirect supply deficiency of an eligible end-user which the local distribution company attributes to a particular interstate pipeline supplier is the attributable indirect deficiency of such interstate pipeline.

(d) *Inconsistency with supplier records.* If the local distribution company's records contain information which conflicts with the indirect supply deficiency of a particular eligible end-user, the local distribution company may not request an adjustment on behalf of such eligible end-user.

(e) *Attribution*—(1) *Definition.* For purposes of this section, "direct supplier" means, with respect to an end-user, an interstate pipeline or local distribution company which directly supplies such end-user, and, with respect to a local distribution company, an interstate pipeline which directly supplies such local distribution company.

(2) *Eligible end-users.* If an eligible end-user (other than a residential user or a small commercial establishment) receives natural gas from more than one direct supplier, the fraction of such end-user's total supply deficiency (calculated under paragraph (b)(2) of this section) attributable to each such direct supplier shall be determined by dividing (i) the volume such direct supplier supplied to the eligible end-user for the corresponding curtailment period of 1978 by (ii) the sum of the volumes supplied by all such direct suppliers of the eligible end-user during that curtailment period.

(3) *Local distribution companies.* If a local distribution company is directly supplied by more than one direct supplier, the fraction of the total supply deficiency for its residential and small commercial users and the indirect supply deficiency of its eligible end-users (both calculated under paragraph (c) of this section) which is attributable to a particular direct supplier shall be determined by dividing (i) the volume such direct supplier supplied during the corresponding curtailment period of 1978 by (ii) the sum of the volumes supplied by all direct suppliers to the local distribution company during that curtailment period.

(f) *Recalculation of volumes.* (1) To the extent there is a change in available supplies used to calculate a supply deficiency under this section, the eligible end-user or the local distribution company shall recalculate the supply deficiency under this section.

(2) An interstate pipeline at any time may require any local distribution company or direct sales customer, and a local distribution company at any time may require any eligible end-user, to recalculate supply deficiency for which such company, customer or user is eligible to receive an adjustment under this subpart.

§ 281.107 Calculation of supply obligations by interstate pipelines.

(a) *In general.*—(1) *Scope.* This section sets forth the method by which an interstate pipeline calculates its direct and indirect high-priority supply obligations and its direct and indirect essential agricultural supply obligation.

(2) *Direct and indirect supply obligation.* (i) Direct supply obligation is the sum of direct high-priority supply obligation and direct essential agricultural supply obligation.

(ii) Indirect supply obligation is the sum of indirect high-priority supply obligation and indirect essential agricultural supply obligation.

(b) *High-priority supply obligation.*—(1) *Direct high-priority supply obligation.* The direct high-priority supply obligation is calculated by each interstate pipeline for a particular curtailment period with respect to a particular high-priority user which is a direct sale customer. The high-priority direct supply obligation is equal to the

maximum volume of natural gas the direct sale customer would be entitled to purchase for high-priority use under that interstate pipeline's currently effective curtailment plan.

(2) *Indirect high-priority supply obligation.* The indirect high-priority supply obligation is calculated by each interstate pipeline for a particular curtailment period to a local distribution company with respect to all high-priority users which are indirect sales customers and is equal to the maximum volume of natural gas that the local distribution company would be entitled to purchase under that interstate pipeline's currently effective curtailment plan on account of all the high-priority uses of such customers, which uses were part of the local distribution company's requirements included in such curtailment plan.

(c) *Essential agricultural supply obligation.*—(1) *Direct essential agricultural supply obligation.* The direct essential agricultural supply obligation of an interstate pipeline for a particular curtailment period with respect to an essential agricultural user which is a direct sale customer of the interstate pipeline is the lesser of:

(i) The volume certified by the Secretary of Agriculture as essential agricultural volumetric requirements and calculated under 7 CFR 2900.4; or

(ii) The volume which may be delivered by the interstate pipeline to the direct sale customer without causing the interstate pipeline to exceed any volumetric limitations set out in the contract between the interstate pipeline and such direct sale customer (without regard to any contract provision which would otherwise restrict delivery because of supply or capacity shortage of the interstate pipeline).

(2) *Indirect essential agricultural supply obligation.* The indirect essential agricultural supply obligation of an interstate pipeline for a particular curtailment period to a local distribution company with respect to all essential agricultural users which are direct customers of the local distribution company is the lesser of:

(i) The sum of the volumes certified by the Secretary of Agriculture as essential agricultural volumetric requirements for all such essential agricultural users calculated under 7 CFR 2900.4; or

(ii) The volumes which may be delivered by the interstate pipeline to the local distribution company without causing the interstate pipeline to violate any volumetric limitations set out in the contract between the interstate pipeline and the local distribution company (without regard to any contract provision which would otherwise restrict delivery because of supply shortage or capacity of the interstate pipeline).

§ 281.108 Adjustments by interstate pipelines.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, if an adjustment requested under this subpart is granted, in whole or in part, the interstate pipeline shall deliver, from system supplies, up to the volumes determined under § 281.105.

(2) The interstate pipeline shall reduce deliveries of natural gas under an adjustment immediately upon notification under § 281.105(d) of the reduced volume for which the eligible end-user or local distribution company is eligible.

(b) Any tariff filing under § 281.104 shall contain a provision under which the interstate pipeline will reduce volumes delivered under adjustments under this subpart, in an equitable manner, if such adjustments would otherwise result in the reduction of deliveries of natural gas.

(1) To a direct sale customer or local distribution company to any level which would cause a direct or indirect supply deficiency;

(2) To an interstate pipeline customer in volumes which the interstate pipeline supplier determines is necessary for its downstream interstate pipeline to meet direct and indirect high-priority supply obligations imposed by this subpart; or

(3) Which the interstate pipeline determines is reasonably necessary for injection into storage by the interstate pipeline or by any of its customers except to the extent the Commission upon complaint, determines that such storage is not reasonably necessary to serve high-priority uses or essential agricultural uses.

(c) *Inconsistent information contained in supplier records.* If an interstate pipeline's own records contain information which directly conflict with the statements made by a local distribution company or direct sale customer under § 281.109, it may not adjust its currently effective level of curtailment for such local distribution company or direct sale customer, in accordance with this subpart.

§ 281.109 Filings and notice.

(a) *Eligible end-users and local distribution companies.* (1) Any request for an adjustment made by an eligible end-user or local distribution company shall be in writing and shall set forth all calculations made in accordance with § 281.106.

(2) The request shall be accompanied by a statement that:

(i) The numbers used in such calculation are accurate;

(ii) The calculation was made in accordance with the provisions of this subpart; and

(iii) The intended actual end-use of the natural gas for which adjustment is requested.

(3) The request shall include a statement by each eligible end-user (other than residential users or small commercial establishments) and each local distribution company that the volumes for which adjustment is requested will be used only for a high-priority use or essential agricultrual use.

(4) Statements under paragraphs (a) (2) and (3) of this section shall be signed by a responsible official of the requesting party. Such official shall swear or affirm that the statements are true to the best of his information, knowledge and belief.

(b) *Interstate pipeline.* (1) Each interstate pipeline which makes deliveries of natural gas pursuant to an adjustment under this subpart shall file a statement with the Commission indicating:

(i) The name of the direct sale customer, the volume and the end-use of natural gas delivered under this subpart; and

(ii) The name of the local distribution company customer, its high-priority users and essential agricultural users, the respective volumes and the end-use of natural gas delivered under this subpart. Use by residential users and small commercial establishments may be aggregated.

(2) The filing shall be made within 48 hours of the commencement of deliveries and shall include a copy of the information submitted by the local distribution company or direct sale customer under paragraph (a) of this section.

§ 281.110 Notice, complaint, and remedy.

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

(b) *Complaint.* Any direct sale customer or local distribution company aggrieved by any alleged violation of this subpart may file, within 45 days of notice, a complaint pursuant to § 1.6 of this chapter.

(c) *Remedy.* If the Commission determines that a violation of this subpart has occurred, it shall take whatever action it deems appropriate in the circumstances. Such action may include, payback in kind or in dollars by the person benefiting from the violation.

§ 281.111 Extraordinary relief.

If an interstate pipeline rejects a request for adjustment under § 281.108 or if a local distribution company does not request an adjustment on behalf of an eligible end-user, the person aggrieved by such action may file a request for relief from curtailment under § 1.7 of the Commission Regula-

tions. The request shall contain the information required in § 2.78(b) of the Commission Regulations.

[FR Doc. 79-7297 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. RM79-9]

PART 286—ADMINISTRATIVE PROCEDURES

Final Regulations Providing For Stay of Final or Interim Rules Issued Under the NGPA

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Amendment to a Final Rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its final rule which provided a procedure for stay of interim regulations promulgated pursuant to the Natural Gas Policy Act of 1978 (NGPA). The amendment expands the rule so that it will encompass applications for stay of final rules issued pursuant to the NGPA.

EFFECTIVE DATE: March 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Alexander M. Peters, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4311.

BACKGROUND

On December 4, 1978, the Federal Energy Regulatory Commission (Commission) promulgated a rule, Docket No. RM79-9, which provided a procedure for stays of interim regulations promulgated pursuant to the Natural Gas Policy Act of 1978 (NGPA) 43 FR 57598 (December 8, 1978). While some of the regulations promulgated pursuant to the NGPA remain as interim rules, the Commission has begun promulgation of final rules under the NGPA. The Commission believes the stay procedure should be applicable to final rules, as well as interim rules. Accordingly, the Commission is amending its regulations governing stay procedures so that they are applicable to final rules.

FINDINGS AND CONCLUSIONS

The Commission has determined that the amendment to the regulation should be effective immediately. Inasmuch as the regulation is procedural, the requirement for notice, comment and publication 30 days prior to the effective date does not apply. The final regulation is effective March 1, 1979, without prior notice and comment and without publication 30 days prior to the effective date.

(Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, Natural Gas Policy Act of 1978, Pub. L. 95-621, Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.)

Part 286, Subchapter I of Chapter I of Title 18, Code of Federal Regulations, is amended as set forth below.

By the Commission.

KENNETH F. PLUMB,
Secretary.

Part 286 of Subchapter I of Chpater I of Title 18 of the Code of Federal Regulations is amended by adding in the appropriate place the word "final." The regulation will read as follows:

PART 286—ADMINISTRATIVE PROCEDURES

§ 286.101 Application for stay.

(a) *General rule.* Any person who believes that any provision of a final or interim regulation issued under the Natural Gas Policy Act of 1978 is unlawful as applied to such person may file an application for stay.

(b) *Content of application.* • • •

(3) The factual and legal basis for applicant's contention that the final or interim regulation is unlawful.

• • • • • •

[FR Doc. 79-7300 Filed 3-9-79; 8:45 am]

[1505-01-M]

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 803—REVIEW OF PROJECTS

Water Conservation Policy and Standards for the Susquehanna River Basin

Correction

In FR Doc. 79-4567 appearing at page 8867 in the issue for Monday, February 12, 1979, the heading should have appeared as set forth above.

[1505-01-M]

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart C—Basic Computation of Benefits and Lump Sums

Correction

In the correction to FR Doc. 78-36344 appearing at page 12418 in the issue for Wednesday, March 7, 1979, in the second column on page 12418, the bracket in the heading was printed "[Regulation No. 4]" and should be corrected to read "[Regulations No. 4]".

[6560-01-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[FRL 1073-5; FAP 8H5179/T43]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Glyphosate

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

ACTION: Final rule.

SUMMARY: This rule amends food and feed additive regulations related to the experimental use of the plant growth regulator glyphosate in sugarcane molasses. The regulations were requested by Monsanto Co. This rule will permit the marketing of sugarcane molasses while further data is collected on the subject plant growth regulator.

EFFECTIVE DATE: Effective March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, DC 20460 (202/755-7013).

SUPPLEMENTARY INFORMATION: On May 5, 1978, the EPA announced (43 FR 19449) that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, had filed a food additive petition (FAP 8H5179). This petition proposed that 21 CFR 193.235 and 561.253 be amended by the establishment of regulations permitting combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in sugarcane molasses resulting from application of the herbicide to growing sugarcane in a proposed experimental program with a tolerance limitation of 0.15 part per million (ppm). This figure was incorrect, and should have read 15 ppm. The regulations were proposed in accordance with an experimental use permit (524-EUP-45) that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). No comments were received by the Agency in response to this notice of filing.

For purposes of clarification, the Agency has determined that the regulation should specify that the residues result in sugarcane molasses from "plant growth regulator" use of the sodium salt of glyphosate rather than "herbicide" use.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the plant growth regulator may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the plant growth regulator may result in sugarcane molasses from the agricultural uses provided for in the experimental use permit, the feed and food additive regulations should be established and should include a tolerance limitation.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rabbit acute oral toxicity study with a median lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw), a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 90-day dog feeding study with an NOEL of 2,000 ppm, two rabbit teratology studies with an NOEL of 30 milligrams (mg)/kg bw/day (highest dosage), a two-year dog feeding study with an NOEL of 300 ppm, a three-generation rat reproduction study with an NOEL of 100 ppm, an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed), a two-year rat feeding study with an NOEL of 100 ppm, a hen neurotoxicity study (negative at 7.5 g/kg bw), a mouse dominant lethal study (negative at 10 mg/kg bw) (highest dosage), a host-mediated mutagenicity assay (negative), an Ames test (negative), and a Rec-assay mutagenicity test (negative).

Desirable studies that are lacking or to be repeated are teratology studies, an 18-month mouse oncogenicity study, an oncogenicity study in a second mammalian species, the dominant lethal mouse study, the Ames test, and the Rec-assay mutagenicity test. The teratology studies on hand together with the reproduction study showed glyphosate has a low potential for showing adverse effects on reproduction. The lifetime rat and mouse studies provide adequate assurance that glyphosate has a relatively low oncogenic potential. In a letter of August 29, 1978, the petitioner agreed to perform the above studies and to remove the proposed uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for glyphosate residues at levels ranging from 15 ppm to 0.1 ppm. Food additive tolerances in connection with experimental programs have been previously established for residues of glyphosate in potable water and sugarcane molasses at 0.1 ppm and 2 ppm, respectively. Feed additive tolerances for residues of glyphosate have previously been established in dried citrus pulp at 0.4 ppm and soybean hulls at 20 ppm. A feed additive regulation (21 CFR 561.253) has also been established for residues of glyphosate in sugarcane molasses at 2 ppm in connection with an experimental program. A food additive tolerance (21 CFR 193.235) has been established for residues of glyphosate in palm oil at 0.1 ppm.

The established tolerances contribute about 8.9% to the acceptable daily intake (ADI), which is 0.05 mg/kg bw/day. The ADI is based on the NOEL of 100 ppm (5 mg/kg bw/day) in the most sensitive species (rat) for which chronic toxicity data are available using a 100-fold safety factor. The proposed tolerances will contribute an additional 4.6% of the ADI. The established tolerances will utilize 13.4% of the ADI. Pending tolerances will utilize an additional 4.5% of the ADI. The total of all established and pending tolerances for glyphosate will utilize 17.9% of the ADI. The maximum permissible intake (MPI) for a 60-kg man is 3 mg/day. The established tolerances for residues of glyphosate (40 CFR 180.364) in the kidney and liver of cattle, goats, hogs, horses, poultry, and sheep are adequate to cover secondary residues resulting from the proposed uses, and there is no reasonable expectation of residues in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep (except kidney and liver).

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved because no detectable levels are present in raw agricultural commodities, nor does it pose a hazard to the applicator.

The metabolism of glyphosate is adequately understood, and an adequate analytical method (gas chromatography using a phosphorus-specific flame photometric detector) is available for enforcement purposes. No other considerations are involved in establishing the proposed tolerances. (A related document establishing a temporary tolerance for residues of glyphosate on sugarcane appears elsewhere in today's FEDERAL REGISTER.)

Thus, it is concluded that the plant growth regulator may be safely used in accordance with the provisions of the experimental use permit. The plant growth regulator is considered useful for the purpose for which tolerances are sought. Therefore, the regulations establishing tolerances of 15 ppm in sugarcane molasses by amending 21 CFR 193.235 and 561.253 are being promulgated. Accordingly food and feed additive regulations are established as set forth below.

Any person adversely affected by this regulation may, on or before April 11, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St., SW, Washington, DC 20460. Such objections should be submitted and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 12, 1979, 21 CFR 193.235 and 561.253 are amended as set forth below.

(Section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c)(1)]).

Dated: February 22, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

1. Part 193, Subpart A, § 193.235, is amended by revising paragraphs (b) and (c) to read as follows:

§ 193.235 Glyphosate.

* * * * *

(b) A tolerance of 15 parts per million is established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in sugarcane molasses, resulting from application of the plant growth regulator sodium sesqui salt of glyphosate to growing sugarcane in accordance with the provisions of an experimental use permit that expires March 5, 1981.

(c) Residues in potable water and sugarcane molasses not in excess of 0.1 part per million and 15 parts per million, respectively,* * *.

* * * * *

2. Part 561, § 561.253, is revised to read as follows:

§ 561.253 Glyphosate.

(a) A tolerance of 15 parts per million is established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in sugarcane molasses, resulting from application of the plant growth regular sodium sesqui salt of glyphosate to growing sugarcane in accordance with an experimental use permit that expires March 5, 1981.

(b) Residues in sugarcane molasses not in excess of 15 parts per million resulting from the use described in paragraph (a) of this section remaining after expiration of the experimental program will not be considered to be actionable if the plant growth regulator is legally applied during the term of and in accordance with provisions of the experimental use permit and feed additive tolerance.

(c) Monsanto Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

(d) Tolerances are established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in the following processed feeds when present therein as a result of application of this herbicide to growing crops:

Feed:	*Parts per million*
Citrus pulp, dried	0.4
Soybean hulls	20

[FR Doc. 79-7399 Filed 3-9-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-5236]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquistion or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Louisiana	Rapides Parish	Woodworth, village of	220260	Feb. 28,1979, emergency.	Mar. 26, 1976.
Mississippi	Monroe	Unincorporated areas	280275	....do	Jan. 13, 1978.
Vermont	Washington	Marshfield, village of	500113-A	Feb. 22, 1978, emergency.	Sept. 20, 1974 and Sept. 13, 1977.
California	Amador	Jackson, city of	060448	Mar. 2, 1979 emergency.	June 25, 1976.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Iowa	Webster	Unincorporated areas	190831-A	do	Aug. 2, 1977.
Vermont	Addison	Mokton, town of	500167	do	Jan. 24, 1975.
Colorado	Archuleta	Unincorporated areas	080273	July 23, 1975, emergency, Jan. 3, 1979, regular, Jan. 17, 1979, suspended, Mar. 1, 1979, reinstated.	July 5, 1977.
Virginia	Pittsylvania	Chatham, town of	410114-B	June 10, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended, Mar. 1, 1979, reinstated.	May 31, 1974 and June 4, 1976.
Idaho	Lewis	Unincorporated areas	160215	Feb. 28, 1979, emergency.	
Colorado	Mineral	do	080284	Mar. 5, 1979, emergency.	
Arkansas	Pulaski	Unincorporated areas	050179-A	Mar. 6, 1979, emergency.	Oct. 25, 1977.
Do	Saline	Shannon Hills, city of	050573 New	do	
Georgia	Burke	Midville, city of	130024-A	do	July 11, 1975 and July 21, 1978.
Do	Thomas	Unincorporated areas	130401	do	Feb. 3, 1978.
Kansas	Nemaha	do	200237	do	July 5, 1977.
Do	Rush	Rush Center, city of	200312	do	Nov. 22, 1974.
Louisiana	Grant Parish	Montgomery, town of	220256	do	Sept. 19, 1975.
Michigan	Genesee	Davison, township of	260664	do	Oct. 21, 1977.
Mississippi	Clarke	Pachuta, village of	280219-A	do	Nov. 8, 1974 and Sept. 8, 1978.
Pennsylvania	Pike	Dingman, township of	421964	do	Feb. 14, 1975.
Tennessee	Greene	Unincorporated areas	470345	do	Dec. 2, 1977.
Do	Sullivan	do	470181	do	Dec. 30, 1977.
Maine	Somerset	Mercer, town of	230176-A	Mar. 1, 1979, emergency.	Jan. 31, 1975 and Sept. 24, 1976.
Colorado	Adams	Unincorporated areas	080001-A	Mar. 1, 1978, suspension withdrawn.	Mar. 1, 1979.
Connecticut	New Haven	Beacon Falls, town of	090072-B	do	May 3, 1974 and Oct. 22, 1976.
Florida	Palm Beach	West Palm Beach, city of	120229-B	do	Oct. 31, 1979.
Illinois	DuPage	Naperville, city of	170213-B	do	Apr. 12, 1974 and Jan. 3, 1975.
Indiana	Hendricks	Plainfield, town of	180089-B	do	Feb. 1, 1974 and Sept. 26, 1975.
Kansas	Dickinson	Solomon, city of	200077-B	do	Jan. 9, 1974 and Dec. 12, 1975.
Massachusetts	Plymouth	Brockton, city of	250261-B	do	June 28, 1974 and June 11, 1976.
Do	Hampden	Wilbraham, town of	250154-B	do	May 17, 1974 and Aug. 2, 1977.
Minnesota	Dakota	Farmington, city of	270104-C	do	July 22, 1975 and June 4, 1976.
Do	Stearns	Unincorporated areas	270546-A	do	Mar. 1, 1979.
New Jersey	Bergen	Waldwick, borough of	340078-B	do	Jan. 9, 1974 and Aug. 6, 1976.
New York	Onondaga	DeWitt, town of	360973-B	do	Mar. 22, 1974 and June 4, 1976.
Oregon	Linn and Marion	Idanha, city of	410162-B	do	Aug. 30, 1974 and Jan. 9, 1976.
Do	Marion	Mill City, city of	410143-B	do	Dec. 17, 1973 and Dec. 24, 1976.
Do	Lincoln	Siletz, city of	410132-A	do	Dec. 7, 1973 and Mar. 19, 1976.
Do	do	Stayton, city of	410170-B	do	Jan. 23, 1974.
Do	Lincoln	Toledo, city of	410133-C	do	Sept. 14, 1973 and Mar. 29, 1974.
Do	Marion	Woodburn, city of	410172-B	do	May 24, 1974 and Apr. 30, 1976.
Do	Lincoln	Yachats, city of	410135-A	do	Nov. 1, 1974.
Pennsylvania	Erie	Erie, city of	420449-B	do	June 21, 1974 and Dec. 5, 1975.
Utah	Emery	Orangeville, city of	490064-B	do	June 7, 1974 and Dec. 12, 1975.
Virginia	Goochland	Unincorporated areas	510072-A	do	Feb. 21, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

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

Issued: March 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7195 Filed 3-9-79; 8:45 am]

[4210-01-M]

[Docket No. 5235]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With No Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line 800-424-8872.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial non-subsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.8 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
Illinois	Cook	Village of Skokie	Feb. 14, 1979.
California	Los Angeles	City of Norwalk	Feb. 19, 1979.
California	Los Angeles	City of Cerritos	Feb. 20, 1979.
California	Los Angeles	City of Inglewood	Feb. 20, 1979.
Pennsylvania	Somerset	Borough of New Centerville	Feb. 20, 1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: March 2, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7194 Filed 3-9-79; 8:45 am]

[4810-25-M]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Supervisory Responsibility

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department is amending the regulation relating to enforcement responsibilities for financial recordkeeping and reporting of currency and foreign transactions. The amendment returns the supervision of these activities to the executive level position that had the responsibility prior to June 14, 1977.

EFFECTIVE DATE: March 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stankey, Jr., Adviser to the Deputy Assistant Secretary (Enforcement), Department of the Treasury, Washington, D.C. 20220 (202-566-5630).

SUPPLEMENTARY INFORMATION: In recognition of the reestablishment of the position of Assistant Secretary (Enforcement and Operations) within the Treasury Department on March 16, 1978, this amendment restores the responsibility for administering 31 CFR Part 103, to the Assistant Secretary by substituting that title for the title of Under Secretary where it appears in subsection (b) of section 31 CFR 103.46, *Enforcement.* This reverses the change in delegation that was made on June 14, 1977.

The Department also finds that, since this amendment involves a matter relating to agency management, notice and public procedure with respect to the amendment is unnecessary under the provisions of 5 U.S.C. 553(b) and that good cause exists for making it effective less than 30 days after publication.

Accordingly, § 103.46(b) of Title 31 of the Code of Federal Regulations is amended by striking "Under Secretary" and inserting in lieu thereof "Assistant Secretary (Enforcement and Operations)". As amended, § 103.46(b) will read as follows:

§ 103.46 Enforcement.

* * * * *

(b) Overall responsibility for coordinating the procedures and efforts of the agencies listed herein and assuring compliance with this part is delegated to the Assistant Secretary (Enforcement and Operations). Periodic reports shall be made by each such agency to the Assistant Secretary (Enforcement and Operations), with copies to the General Counsel of the Treasury and to the Commissioner of Internal Revenue.

Dated: March 5, 1979.

ROBERT CARSWELL,
Acting Secretary of the Treasury.

[FR Doc. 79-7366 Filed 3-9-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-89]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Miami River, Florida; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 79-2965 appearing on page 5659 in the FEDERAL REGISTER of Monday, January 29, 1979, in the heading of § 117.448, "city of Miami" should be deleted and "State of Florida" inserted in its stead because the State of Florida and not the city of Miami is the bridge owner. The heading is corrected to read as follows:

§ 117.448 Miami River, Fla.; highway bridges from mouth to and including State of Florida bridge at Northwest 27th Avenue, Miami.

* * * * *

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D. C. 20590 (202-426-0942).

Dated: March 5, 1979.

J. B. HAYES,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79-7411 Filed 3-9-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 1070-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New Jersey State Implementation Plan; Correction

AGENCY: Environmental Protection Agency.

ACTION: Corrections to final regulations.

SUMMARY: On December 15, 1978 (43 FR 58567), the Environmental Protection Agency published in the FEDERAL REGISTER final regulations revising the State Implementation Plan for the State of New Jersey. This action makes two corrections of a non-substantive nature to the December 15 publication.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007—(212) 264-2517.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-35016, appearing at page 58567 in the FEDERAL REGISTER of December 15, 1978 two minor corrections are hereby made.

In the third column of page 58568 reference is made to a newly approved emission limitation of 0.5 lbs/hour for the B.L. England Station and a more stringent prior emission limitation of 0.1 lbs/hour to be reimposed on and after June 1, 1981. Also these same emission limitations are specified on page 58569 in the codified regulatory part of the notice, § 52.1604, paragraph (b). The correct unit for all of these emission limitations is lbs/million BTU rather than lbs/hour.

Furthermore, the opacity limitations corresponding to these emission limitations were inadvertently not mentioned in the notice. Since opacity limitations are not among the criteria used in determining approvability of State Implementation Plan (SIP) revisions, this was not an omission of information that could have had a bearing on the approvability of the SIP revision. However, in the interest of completeness, it is hereby stated that the opacity limitation not to be exceeded at the 0.5 lbs/million BTU emission limitation is 40 percent, and at the 0.1 lbs/million BTU emission limitation it is 20 percent. These opacity limitations are being incorporated into paragraph (b) of § 52.1604.

Finally, there is a matter of codification that may have caused some confusion with regard to the referenced notice. This was not due to an error in the notice, but rather to the timing of its appearance in the FEDERAL REGISTER. In the action of December 15, 1978 it was stated that § 52.1604 of the Code of Federal Regulations (CFR) was being amended by adding a new paragraph (b). Section 52.1604 was proposed to be created in a September 28, 1978 notice of proposed rulemaking. However, final approval action on that September 28 proposal had not been taken by December 15, 1978, and, consequently, § 52.1604 had apparently not been officially promulgated as part of the CFR as of December 15, 1978. Thus, the Environmental Protection Agency (EPA) was apparently approving an amendment to a section of the CFR that had not yet been created. The proposed action of September 28 has since been approved on January 26, 1979 in a final rulemaking notice published at 44 FR 5425. A footnote to this notice explains that § 52.1604 had actually been created in the December 15 notice and that the January 26 action only amended § 52.1604 by adding a new paragraph (a). By this action the anomaly was removed, and the corrected paragraph set forth below will be codified as paragraph (b) of § 52.1604.

Accordingly, the document promulgating § 52.1604(b) of Subpart FF of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is corrected at page 58569 of the December 15, 1978 FEDERAL REGISTER as follows:

§ 52.1604 Control strategy and regulations: Total suspended particulates.

* * * * *

(b) Particulate emissions from Units 1 and 2 of the Atlantic City Electric Company's B.L. England Generating Station are limited to an emission rate of 0.5 lbs/million BTU until June 1, 1981. The opacity associated with such emissions from these units during this period shall not exceed 40 percent. On and after June 1, 1981 these units shall be limited to an emission rate of 0.1 lbs/million BTU, and the associated opacity shall not exceed 20 percent.

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator,
Environmental Protection Agency.

[FR Doc. 79-7426 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1056-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Louisiana Regulation 19.0

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This action approves Louisiana Regulation 19.0, Emission Standards for Particulate Matter, as submitted by the Governor on December 9, 1977. The need to control additional sources of particulate matter in Louisiana prompted the State to revise Regulation 19.0. Implementation and enforcement of the revised regulation will result in a general State-wide reduction in particulate emissions.

EFFECTIVE DATE: April 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Jerry Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION: Regulation 19.0, as adopted on November 30, 1977, was submitted by the Governor on December 9, 1977. The revision consists of changes in three primary areas, administrative changes, applicability of fugitive dust control to existing sources, and the addition of visible emission limitations.

SECTION 19.5.2

EPA's approval of new Section 19.5.2, which allows the Technical Secretary to grant variances to the regulation, does not imply automatic approval of any variances which may be granted. Any variance under Section 19.5.2 must comply with the requirements of 40 CFR 51.34 and be approved by EPA before it becomes a recognized revision to the State Implementation Plan (SIP).

PUBLIC COMMENTS

In the proposed approval of Regulation 19.0 (43 FR 42282), interested persons were invited to present comments on EPA's intended action. Several comments were received, all of which were directed at the change to Section 19.3 which concerns control of fugitive emissions.

In revised Regulation 19.0, paragraph (c) of Section 19.3 requires adequate containment methods during sandblasting or other similar operations. The commentors maintained that enclosure technology does not exist and that compliance with the requirement would result in an unreasonable economic burden. Requirements similar to those in paragraph (c) are contained in the air control regulations of California (92200), Colorado (9.6-2), Ohio (3745-17-08 (A)(3)), Oregon (21-060 (e)), and Texas (104.32). With the exception of the requirements for California and Colorado, these regulations, including Section 19.3, specify that "adequate" containment methods shall be used. The cost of containment will depend primarily on the determination of "adequacy." This determination must be made by the Louisiana Air Control Commission or EPA.

As revised, Regulation 19.0 does not conflict with the intent of the Clean Air Act. Therefore, there is no basis for disapproving the regulation.

CURRENT ACTION

Regulation 19.0, as submitted by the Governor on December 9, 1977, is being approved as proposed. This action supersedes action on a previous revision of the regulation submitted by the Governor on March 20, 1974.

(Sec. 110(a) (42 U.S.C. 7410-(a)))

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding a new subparagraph (11) as follows:

§52.970 Identification of plan.

* * * * *

(c) * * *

(11) Revisions to Regulation 19.0, Emission Standards for Particulate Matter, as adopted on November 30, 1977, were submitted by the Governor on December 9, 1977.

[FR Doc. 79-7425 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1065-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision of the Commonwealth of Pennsylvania Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking approves as a revision to the State Implementation Plan an amendment to Title III, Chapter 3-300 (Administrative Provisions) of the Philadelphia Air Management Code. This was submitted as a revision to the Plan by the Commonwealth of Pennsylvania on August 11, 1976. The amendment revises certain references to the control, regulation, and elimination of air pollution and the providing of penalties for violations.

EFFECTIVE DATE: March 12, 1979.

ADDRESSES: Copies of the amended regulations and associated support and comment material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Sheridan.

City of Philadelphia, Air Management Services, 6th Floor, 801 Arch Street, Philadelphia, Pennsylvania 19107.

Pennsylvania Bureau of Air Pollution Control, Fulton Building, 18th Floor, 200 North Third Street, Harrisburg, Pennsylvania 17120.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Sheridan, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On August 11, 1976, the Commonwealth of Pennsylvania submitted an ordinance amending Title 3 of the Philadelphia Code relating to air management by revising certain references to the control, regulation, and elimination of air pollution and the providing of penalties for violation. The amendment was prepared in response to a 1971 decision by Commonwealth Court in the case of City of Philadelphia v. Franklin Smelting & Refining Company, and is designed to restore enforcement flexibility to Philadelphia's Air Management Services.

It was discovered that the original public hearing by the City of Philadelphia was preceded by only a seven-day notice. Questions were raised concerning the adequacy of this abbreviated period in view of the 30-day requirement stated in 40 CFR 51.4.

The Regional Administrator invited comments on the desirability of conducting an additional public hearing in the notice published in the FEDERAL REGISTER on December 27, 1977 (42 FR 64642). A 30-day public comment period was provided during which time one public comment was received.

II. Public Comments

Comments were submitted by Allied Chemical Corporation. However, their comments dealt with Subsection 3-207, Commercial Fuel Oil, which is a separate action and is not covered in this revision.

III. EPA's Evaluation

The amendment submitted by the Commonwealth of Pennsylvania meets the criteria of Section 110(a)(1) of the Clean Air Act and 40 CFR Part 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

IV. Final Action

In view of the evaluation, the Administrator approves the above-mentioned ordinance amending Title 3, Chapter 3-300 Administrative Provisions, subsection 3-301, Powers and Duties of the Department of Public Health; and 3-305, Orders, relating to Air Management that revises certain references to the control, regulation, and elimination of air pollution and the providing of penalties for violations.

(42 U.S.C. 7401)

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart NN—Pennsylvania

1. By amending § 52.2020 as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(15) A revision submitted by the Commonwealth of Pennsylvania on August 11, 1976 amending Title 3 of the Philadelphia Code, Subsection 3-103, Enforcement; Subsection 3-301, Powers and Duties of the Department of Public Health; and Subsection 3-305 Orders.

[FR Doc. 79-7413 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1001-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refineries—Clarifying Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: These amendments clarify the definitions of "fuel gas" and "fuel gas combustion device" included in the existing standards of performance for petroleum refineries. These amendments will neither increase nor decrease the degree of emission control required by the existing standards. The objective of these amendments is to reduce confusion concerning the applicability of the sulfur dioxide standard to incinerator-waste heat boilers installed on fluid or Thermofor catalytic cracking unit catalyst regenerators and fluid coking unit coke burners.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: On March 8, 1974 (39 FR 9315), standards of performance were promulgated limiting sulfur dioxide emissions from fuel gas combustion devices in petroleum refineries under 40 CFR Part 60, Subpart J. Fuel gas combustion devices are defined as any equipment, such as process heaters, boilers, or flares, used to combust fuel gas. Fuel gas is defined as any gas generated by a petroleum refinery process unit which is combusted. Fluid catalytic cracking unit and fluid coking unit incinerator-waste heat boilers, and facilities in which gases are combusted to produce sulfur or sulfuric acid are

exempted from consideration as fuel gas combustion devices.

Recently, the following two questions have been raised concerning the intent of exempting fluid catalytic cracking unit and fluid coking unit incinerator-waste heat boilers.

(1) Is it intended that Thermofor catalytic cracking unit incinerator waste-heat boilers be considered the same as fluid catalytic cracking unit incinerator-waste heat boilers?

(2) Is the exemption intended to apply to the incinerator-waste heat boiler as a whole including auxiliary fuel gas also combusted in this boiler?

The answer to the first question is yes. The answer to the second question is no.

The objective of the standards of performance is to reduce sulfur dioxide emissions from fuel gas combustion in petroleum refineries. The standards are based on amine treating of refinery fuel gas to remove hydrogen sulfide contained in these gases before they are combusted. The standards are not intended to apply to those gas streams generated by catalyst regeneration in fluid or Thermofor catalytic cracking units, or by coke burning in fluid coking units. These gas streams consist primarily of nitrogen, carbon monoxide, carbon dioxide, and water vapor, although small amounts of hydrogen sulfide may be present. Incinerator-waste heat boilers can be used to combust these gas streams as a means of reducing carbon monoxide emissions and/or generating steam. Any hydrogen sulfide present is converted to sulfur dioxide. It is not possible, however, to control sulfur dioxide emissions by removing whatever hydrogen sulfide may be present in these gas streams before they are combusted. The presence of carbon dioxide effectively precludes the use of amine treating, and since this technology is the basis for these standards, exemptions are included for fluid catalytic cracking units and fluid coking units.

Exemptions are not included for Thermofor catalytic cracking units because this technology is considered obsolete compared to fluid catalytic cracking. Thus, no new, modified, or reconstructed Thermofor catalytic cracking units are considered likely. The possibility that an incinerator-waste heat boiler might be added to an existing Thermofor catalytic cracking unit, however, was overlooked. To take this possibility into account, the definitions of "fuel gas" and "fuel gas combustion device" have been rewritten to exempt Thermofor catalytic cracking units from compliance in the same manner as fluid catalytic cracking units and fluid coking units.

As outlined above, the intent is to ensure that gas streams generated by catalyst regeneration or coke burning in catalytic cracking or fluid coking units are exempt from compliance with the standard limiting sulfur dioxide emissions from fuel gas combustion. This is accomplished under the standard as promulgated March 8, 1974, by exempting incinerator-waste heat boilers installed on these units from consideration as fuel gas combustion devices.

Incinerator-waste heat boilers installed to combust these gas streams require the firing of auxiliary refinery fuel gas. This is necessary to insure complete combustion and prevent "flame-out" which could lead to an explosion. By exempting the incinerator-waste heat boiler, however, this auxiliary refinery fuel gas stream is also exempted, which is not the intent of these exemptions. This auxiliary refinery fuel gas stream is normally drawn from the same refinery fuel gas system that supplies refinery fuel gas to other process heaters or boilers within the refinery. Amine treating can be used, and in most major refineries normally is used, to remove hydrogen sulfide from this auxiliary fuel gas stream as well as from all other refinery fuel gas streams.

To ensure that this auxiliary fuel gas stream fired in waste-heat boilers is not exempt, the definition of fuel gas combustion device is revised to eliminate the exemption for incinerator-waste heat boilers. In addition, the definition of fuel gas is revised to exempt those gas streams generated by catalyst regeneration in catalytic cracking units, and by coke burning in fluid coking units from consideration as refinery fuel gas. This will accomplish the original intent of exempting only those gas streams generated by catalyst regeneration or coke burning from compliance with the standard limiting sulfur dioxide emissions from fuel gas combustion.

MISCELLANEOUS: The Administrator finds that good cause exists for omitting prior notice and public comment on these amendments and for making them immediately effective because they simply clarify the existing regulations and impose no additional substantive requirements.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.101 is amended by revising paragraphs (d) and (g) as follows:

§ 60.101 Definitions.

* * * * *

(d) "Fuel gas" means natural gas or any gas generated by a petroleum refinery process unit which is combusted separately or in any combination. Fuel gas does not include gases generated by catalytic cracking unit catalyst regenerators and fluid coking unit coke burners.

* * * * *

(g) "Fuel gas combustion device" means any equipment, such as process heaters, boilers, and flares used to combust fuel gas, except facilities in which gases are combusted to produce sulfur or sulfuric acid.

* * * * *

(Sec. 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601(a)))

[FR Doc. 79-7428 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1052-7]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the State of Maryland to Eastalco Aluminum Co.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the State of Maryland to the Eastalco Aluminum Co. The Order requires the company to bring air emissions from its anode bake ovens and cast house furnaces in Frederick, Maryland into compliance with certain regulations contained in the federally-approved Maryland State Implementation Plan (SIP). Because of the Administrator's approval, Eastalco Aluminum Co. compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Shiland (3EN12), U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-7915.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the

Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On October 2, 1978, the Regional Administrator of EPA's Region III Office published in the FEDERAL REGISTER, Vol. 43, No. 191, a notice proposing approval of a delayed compliance order issued by the State of Maryland to the Eastalco Aluminum Co. The notice asked for public comments by November 1, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to Eastalco Aluminum Co. is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Eastalco Aluminum Co. on a schedule to bring its anode bake ovens and cast house furnaces in Frederick, Maryland into compliance as expeditiously as practicable with Regulations 10.03.37.02 C and D pertaining to visible emissions, a part of the federally-approved Maryland State Implementation Plan. The Order also imposes interim requirements which meet Sections 113 (d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Eastalco Aluminum Co. to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place Eastalco Aluminum Co. on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Maryland State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.251 to read as follows:

§ 65.251 EPA Approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulations involved	Date of FR proposal	Final compliance date
Eastalco Aluminum Co	Frederick	10.03.37.02C and D.	10/2/78	7/1/79

[FR Doc. 79-7424 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL-1058-5]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Virginia State Air Pollution Control Board to Jewell Coal & Coke Co.—Plant No. 2

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Virginia State Air Pollution Control Board (SAPCB) to the Jewell Coal and Coke Company. The order requires the company to bring air emissions from its Plant No. 2 coke ovens at Vansant, Virginia into compliance with certain regulations contained in the Federally-approved Virginia State Implementation Plan (SIP). Because of the Administrator's approval, compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Gross, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-8907.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On October 13, 1978, the Regional Administrator of EPA's Region III Office published in the FEDERAL REGISTER, a notice proposing approval of a delayed compliance order issued by the Virginia SAPCB to the Jewell Coal and Coke Company. The notice asked for public comments by November 13, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to Jewell Coal and Coke Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order placed Jewell Coal and Coke Company on a schedule to bring its 45 non-recovery coke ovens designated as Plant No. 2 at Vansant, Virginia into compliance as expeditiously as practicable with Sections 4.20 and 4.40 of the Virginia Rules and Regulations for the Control and Abatement of Air Pollution, a part of the Federally-approved Virginia State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Jewell Coal and Coke Company to delay compliance with the SIP regulations covered by the Order until June 30, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place Jewell Coal and Coke Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Virginia State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.511 to read as follows:

§ 65.511 EPA Approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Jewell Coal and Coke Co.	Vansant, Va.	4.20 and 4.40	10/13/78	6/30/79

[FR Doc. 79-7423 File 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1052-5]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by West Virginia Air Pollution Control Commission to Central Operating Co.—Phillip Sporn Plant

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by West Virginia Air Pollution Control Commission to the Central Operating Co.—Phillip Sporn Plant. The Order requires the company to bring air emissions from its electric generation station in New Haven, West Virginia into compliance with certain regulations contained in the federally-approved West Virginia State Implementation Plan (SIP). Because of the Administrator's approval, Central Operating Co.—Phillip Sporn Plant compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Abraham Ferdas (3EN12), U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-9401.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On October 2, 1978, the Regional Administrator of EPA's Region III Office published in the FEDERAL REGISTER, Vol. 43, No. 191, a notice proposing approval of a delayed compliance order issued by West Virginia Air Pollution Control Commission to the Central Operating Co.—Phillip Sporn Plant. The notice asked for public comments by November 1, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to Central Operating Co.—Phillip Sporn Plant is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C 7413(d)(2). The Order places Central Operating Co.—Phillip Sporn Plant on a schedule to bring its electric generation station in New Haven into compliance as expeditiously as practicable with Regulation II, "To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchanger", a part of the federally-approved West Virginia State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Central Operating Co.—Phillip Sporn Plant to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place Central Operating Co—Phillip Sporn Plant on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the West Virginia State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideraiton of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.531 to read as follows:

§ 65.531 EPA approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulation involved	Date of FR proposal	Final compliance date
Central Operating Co.—Phillip Sporn Plant	New Haven	Regulation II	10/2/78	7/1/79

[FR Doc. 79-7422 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1052-4]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Virginia State Air Pollution Control Board to U.S. General Services Administration

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Virginia State Air Pollution Control Board to the U.S. General Services Administration. The Order requires the company to bring air emissions from its Virginia Heating and Refrigeration plant in Arlington, Virginia into compliance with certain regulations contained in the federally-approved Virginia State Implementation Plan (SIP). Because of the Administrator's approval, U.S. General Services Administration compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Gary Gross (3EN12), U.S. EPA, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-8907.

ADDRESSES: A copy of the Delayed Compliance Order, and any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On September 29, 1978, the Regional Administrator of EPA's Region III Office published in the FEDERAL REGISTER, Vol. 43, No. 190, a notice proposing approval of a delayed compliance order issued by the Virginia State Air Pollution Control Board to the U.S. General Services Administration. The notice asked for public comments by October 30, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to U.S. General Services Administration is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places U.S. General Services Administration on a schedule to bring its Virginia Heating and Refrigeration plant in Arlington, Virginia into compliance as expeditiously as practicable with Section 4.02.01 and 4.03.01 pertaining to visible emissions and particulate matter, a part of the federally-approved Virginia State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit U.S. General Services Administration to delay compliance with the SIP regulations covered by the Order until June 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place U.S. General Services Administration on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Virginia State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.511 to read as follows:

§ 65.511 EPA Approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulation involved	Date of FR proposal	Final compliance date
U.S. General Services Administration	Arlington	4.02.01 and 4.03.01.	9/29/78	6/1/79

[FR Doc. 79-7421 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1051-6]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by West Virginia Air Pollution Control Commission to Koppers Co., Inc.

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order Issued by West Virginia Air Pollution Control Commission to the Koppers Co., Inc. The Order requires the company to bring air emissions from its coal-fired boilers in Follansbee into compliance with certain regulations contained in the federally-approved West Virginia State Implementation Plan (SIP). Because of the Administrator's approval, Koppers Co., Inc. compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Patrick McManus, U.S. EPA, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-9893.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On September 25, 1978, the Regional Administrator of EPA's Region III Office published in the FEDERAL REGISTER, Vol. 43, No. 186, a notice proposing approval of a delayed compliance order issued by West Virginia Air Pollution Control Commission to the Koppers Co., Inc. The notice asked for public comments by October 25, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this Office; therefore, the delayed compliance order issued to Koppers Co., Inc. is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Koppers Co., Inc. on a schedule to bring its coal-fired boilers in Follansbee into compliance as expeditiously as practicable with Regulation II, "To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers", a part of the federally-approved West Virginia State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and re-

porting requirements. If the conditions of the Order are met, it will permit Koppers Co., Inc. to delay compliance with the SIP regulations covered by the Order until March 31, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979, because of the need to immediately place Koopers Co., Inc. on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the West Virginia State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.531 to read as follows:

§ 65.531 EPA approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulation involved	Date of FR proposal	Final compliance date
Koppers Co., Inc	Follansbee	Regulation II	9/25/78	3/31/79

[FR Doc. 79-7420 File 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1052-2]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by West Virginia Air Pollution Control Commission to Union Carbide Corp.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by West Virginia Air Pollution Control Commission to the Union Carbide Corp. The Order requires the company to bring air emissions from its boilers in South Charleston into compliance with certain regulations contained in the federally-approved West Virginia State Implementation Plan (SIP). Because of the Administrator's approval, Union Carbide Corp. compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Patrick McManus (3EN12), U.S. EPA, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-9893.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On September 25, 1978, the Regional Administrator of EPA's Region III Office published in the FEDERAL REGISTER, Vol. 43, No. 186, a notice proposing approval of a delayed compliance order issued by West Virginia Air Pollution Control Commission to the Union Carbide Corp. The notice asked for public comments by October 25, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to Union Carbide Corp. is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Union Carbide Corp. on a schedule to bring its boilers in South Charleston into compliance as expeditiously as practicable with Regulation II, "To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers", a part of the federally-approved West Virginia State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Union Carbide Corp. to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place Union Carbide Corp. on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the West Virginia State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.531 to read as follows:

§ 65.531 EPA Approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulation involved	Date of FR proposal	Final compliance date
Union Carbide, Corp	South Charleston.	Regulation II	9/25/78	7/1/79

[FR Doc. 79-7419 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1051-1]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Medora Brick Co.

AGENCY: U. S. Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: By rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Medora Brick Company. The Order requires the Company to bring air emissions from its four coal-fired kilns at Medora, Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP). Medora Brick Company's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulation covered in the Order.

DATES: This rule takes effect March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Pierre Talbert, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Telephone (312) 353-2086.

SUPPLEMENTARY INFORMATION: On October 26, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 50002) a notice setting out the provisions of a proposed State Delayed Compliance Order for Medora Brick Company. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no requests for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Medora Brick Company by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Medora Brick Company on a schedule to bring its four coal-fired kilns at Medora, Indiana, into compliance as expeditiously as practicable with Regulation APC-3, a part of the federally approved Indiana State Implementation Plan. Medora Brick Company is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Medora Brick Company to delay compliance with the SIP regulation covered by the Order until June 30, 1979.

Compliance with the Order by Medora Brick Company will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Medora Brick Company is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective March 12, 1979, because of the need to immediately place Medora Brick Company on a schedule for compliance with the Indiana State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.191 to read as follows:

§ 65.191 U.S. EPA approval of State delayed compliance orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this part. With regard to each Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Date of FR proposal	SIP regulation involved	Final compliance date
Medora Brick Company	Medora, Indiana.	10-26-78	APC-3	6-30-79

[FR Doc. 79-7418 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1059-5]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Knauf Fiber Glass GmbH

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By the rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Knauf Fiber Glass GmbH (Knauf Fiber Glass). The Order requires the Company to bring air emissions from its fiber glass manufacturing plant at Shelbyville, Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP). Knauf Fiber Glass' compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Louise C. Gross, Attorney, United States Environmental Protection Agency, Region V, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On October 27, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 50224) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for Knauf

Fiber Glass. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to Knauf Fiber Glass by the Administrator of U.S. EPA pursuant to the authority of section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Order places Knauf Fiber Glass on a schedule to bring its fiber glass manufacturing plant at Shelbyville, Indiana, into compliance as expeditiously as practicable with Regulations APC-3 and APC-5, a part of the federally approved Indiana State Implementation Plan. Knauf Fiber Glass is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet section 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Knauf Fiber Glass to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by Knauf Fiber Glass will preclude Federal enforcement action under section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Knauf Fiber Glass is in violation of a requirement contained in the Order, one or more of the actions required by section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purpose of judicial review under section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Knauf Fiber Glass on a schedule for compliance with the Indiana State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending Section 65.190 to read as follows:

§ 65.190 Federal Delayed Compliance Orders Issued under section 113(d) (1), (3), and (4) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Knauf Fiber Glass GmbH.	Shelbyville, Indiana.	EPA-5-79-A-21...	10-27-78.....	APC-3 and APC-5.	7-1-79

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of Knauf Fiber Glass GmbH Shelbyville, Indiana; Proceeding Under Sections 113(d) and 114(a) of the Clean Air Act, as Amended. Order No. EPA-5-79-A-2

ORDER

The following ORDER is issued this date pursuant to Sections 113(d) and 114(a) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* ("the Act"). Public notice, opportunity for public hearing and 30 days notice to the State of Indiana have been provided pursuant to Sections 113(d)(1) of the Act. This ORDER contains a schedule for compliance, emission monitoring requirements and reporting requirements. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979.

On September 29, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, United States Environmental Protection Agency ("U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to the CertainTeed Corporation, a Maryland corporation with corporate headquarters at Valley Forge, Pennsylvania, upon a finding that the Corporation's fiberglass manufacturing plant in Shelbyville, Indiana, was in violation of the applicable Indiana Implementation Plan, as defined in section 110(d) of the Act. The Notice cited CertainTeed for violation of Indiana Regulation APC-3 ("APC-3") at the 601 Forming Machine and Manual Pipe Insulation Curing Oven and Violation of Indiana Regulation APC-5 ("APC-5") at the six furnaces and six forming operations, as demonstrated by visible emissions observations and information submitted to U.S. EPA by CertainTeed, pursuant to Section 114 of the Act.

On October 28, 1977, a meeting was held at CertainTeed's request to discuss the Notice of Violation. At that time, CertainTeed indicated that it was involved in an anti-trust proceeding, as a result of which CertainTeed had been ordered to divest itself of the Shelbyville plant as a going concern.

On December 19, 1977, and January 5, 1978, Mr. Thies Knauf, now the President of Knauf Fiber Glass, met with U.S. EPA enforcement personnel, as a prospective purchaser, for the purpose of discussing the violations cited in the September 29, 1977, Notice of Violation and the general requirements of the Act.

On January 16, 1978, Knauf Fiber Glass GmbH ("Knauf") acquired ownership of the Shelbyville facility pursuant to the order of the U.S. District Court for the Eastern District of Pennsylvania in the antitrust proceeding referred to above and captioned *United States of America* v. *CertainTeed Products Corporation and PPG Industries, Inc.*, Civil Action No. 74-47 (E.D. Pa.). Knauf was not affiliated with CertainTeed at that time nor is it presently so affiliated.

On March 16, 1978, U.S. EPA inspected the Shelbyville plant and discussed compliance with Knauf's management. On April 6, 1978, Knauf representatives again met with U.S. EPA to discuss a compliance program. Because Knauf determined that it could not bring all of the sources cited in the September 29, 1977, Notice of Violation into compliance with the applicable regulations by July 1, 1979, both U.S. EPA and Knauf agreed to pursue the issuance of an order under Section 113(d) of the Act as to those sources which Knauf could bring into compliance by July 1, 1979.

After a thorough investigation of all relevant facts, it is determined that Knauf is presently unable to comply with the Indiana Implementation Plan, that the schedule for compliance set forth in this ORDER is as expeditious as practicable and that the terms of this ORDER comply with Section 113(d) of the Act. Therefore, it is hereby ORDERED that:

I. Knauf shall achieve compliance with APC-5 at its fiberglass manufacturing plant 201 and 202 Superfine Furnaces and Forming operations in accordance with the following schedule:

A. Submit preliminary plans and specifications for construction of 603 Superfine electric melt furnace, 603 Superfine Forming Machine and necessary pollution control equipment—July 1, 1978.

B. Award final contracts—August 15, 1978.

C. Commence construction—November 1, 1978.

D. Complete construction—February 1, 1979.

E. Remove 201 and 202 Superfine Furnace and Forming operations and demonstrate compliance with APC-5—July 1, 1979.

II. Knauf shall achieve compliance with APC-3 and APC-5 at its fiberglass manufacturing plant 601 Rotary Furnace and Forming Machine in accordance with the following schedule:

A. Submit preliminary plans and specifications for conversion of 601 Rotary Furnace and 601 Rotary Forming to utilize electric

melt and for necessary pollution control equipment—July 31, 1978.

B. Award final contracts—September 15, 1978.

C. Commerce construction—March 1, 1979.

D. Complete construction—June 1, 1979.

E. Demonstrate compliance with APC-3 and APC-5—July 1, 1979.

III. Knauf shall achieve compliance with APC-3 at its two fiberglass manufacturing plant Manual Pipe Insulation Curing Ovens in accordance with the following schedule:

A. Submit preliminary plans and specifications for emission control devices—July 31, 1978.

B. Award final contracts—September 15, 1978.

C. Commerce construction—January 1, 1979.

D. Complete construction—April 1, 1979.

E. Demonstrate compliance with APC-3—July 1, 1979.

IV. Knauf shall achieve and demonstrate final compliance with APC-5 at its fiberglass manufacturing plant 201 and 202 Superfine Furnaces and Forming Machines (to be redesignated 603) by July 1, 1979. Knauf shall achieve and demonstrate final compliance with APC-3 at its two fiberglass manufacturing plant Manual Pipe Insulation Curing Ovens by July 1, 1979. Knauf shall achieve and demonstrate final compliance with APC-3 and APC-5 at its 601 Rotary Furnace and Forming Machine by July 1, 1979.

V. Pursuant to Sections 113(d)(1)(C) and 114(a) of the Act, Knauf shall install continuous monitoring systems for the measurement of opacity for Rotary Forming Machine 603, Rotary Forming Machine 601 and the Manual Pipe Curing Ovens. These continuous monitoring systems shall be installed, calibrated, maintained and operated in accordance with the procedures set forth in Appendix B of 40 CFR Part 60 and shall be properly calibrated and operational upon the achievement of final compliance. Thereafter, Knauf shall submit a written report of excess emissions for each calendar quarter, including the nature and cause of excess emissions, if known, and corrective action taken. This summary shall consist of the magnitude in actual percent opacity of all six-minute averages of opacity greater than 40 percent for each hour of operation of the facility. Average values may be obtained by integration over six-minutes or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. All records produced by the continuous monitoring systems shall be retained by Knauf for a period of not less than two years and made available for inspection by U.S. EPA or its agent upon request. Malfunctions or periods in which the continuous monitoring system is not in operation shall be reported immediately, along with proposed corrective action.

In the alternative, Knauf may demonstrate to the U.S. EPA that the emission monitoring system provided in 40 CFR Part 60 is not feasible in light of the control equipment ultimately chosen. In such case, Knauf shall provide an alternate method of continuous monitoring, approved by U.S. EPA, to assure proper operation of the control equipment at all times.

VI. Pursuant to Section 113(d)(7) of the Act, it has been determined that during the period in which this ORDER is in effect, no interim requirements are reasonable and practicable.

VII. Knauf shall submit reports to the U.S. EPA detailing progress made with respect to each requirement of this ORDER. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than July 1, 1979, the Company shall certify to the U.S. EPA that each of the sources required to comply with APC-3 and/or APC-5 is in final compliance with the appropriate regulation(s).

VIII. All submissions and notifications to the U.S. EPA pursuant to this ORDER shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

IX. Nothing in this ORDER shall be construed as a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7603.

X. Knauf is hereby notified that its failure to achieve compliance by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, Knauf will be formerly notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

XI. This ORDER is effective upon FEDERAL REGISTER promulgation.

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator,
U.S. Environmental Protection Agency.

Knauf has reviewed this ORDER and believes it to be a reasonable means by which the sources at its fiberglass insulation manufacturing facility mentioned therein can achieve final compliance with Indiana Regulations APC-3 and/or APC-5 according to the terms of the ORDER. Knauf stipulates as to the correctness of all facts stated above except insofar as Paragraph X of the ORDER is deemed a statement of fact, and consents to the requirements and terms of this ORDER, but reserves the right to dispute in any forum the applicability of the noncompliance penalty provisions of Section 120e to its Shelbyville sources. Knauf waives its right to Notice of Violation under Section 113(a)(1) of the Clean Air Act as to the violations to be corrected by the terms of this ORDER.

Dated: January 11, 1979.

THIES KNAUF,
Knauf Fiber Glass, GmbH.

[FR Doc. 79-7400 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1036-5]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Buckeye Power, Inc., Cardinal Generating Station

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Buckeye Power, Inc. The Order requires the company to bring air emissions from Unit 2 at Brilliant, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Buckeye Power, Inc.'s compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered by the Order.

DATES: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Linda M. Buell, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Telephone: (312) 353-2082.

SUPPLEMENTARY INFORMATION: On October 23, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 49327) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for Buckeye Power, Inc. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to Buckeye Power, Inc., by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Order places Buckeye Power, Inc. on a schedule to bring its Unit 2 at Brilliant, Ohio, into compliance as expeditiously as practicable with Regulations AP-3-07 and AP-3-11, part of the federally approved Ohio State Implementation Plan. Buckeye Power, Inc. is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Buckeye Power, Inc. to delay compliance with the SIP regulations covered by the Order until April 15, 1980.

Compliance with the Order by Buckeye Power, Inc. will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the

Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Buckeye Power, Inc. is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Buckeye Power, Inc., Cardinal Generating Station on a schedule for compliance with the Ohio State Implementation Plan.

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

Dated: February 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.400 to read as follows:

§ 65.400 Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Buckeye Power, Inc., Cardinal Generating Station.	Brilliant, Ohio....	EPA-5-79-A-14...	10/23/78.....	AP-3-07, AP-3-11.	4/15/80

[FR Doc. 79-7415 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1059-3]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Southern Pacific Pipe Lines, Inc., Chico, Calif.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to Southern Pacific Pipe Lines, Inc. The Order requires the company to bring air emissions from its gasoline storage tanks in Chico, California into compliance with certain federally-promulgated regulations contained in the California State Implementation Plan (SIP). Southern Pacific Pipe Lines, Inc. compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

William M. Thurston, Chief, Case Development Section, Air and Hazardous Materials Branch, Enforcement Division, EPA, Region IX, 215 Fremont Street, San Francisco, California 94105, telephone (415) 556-6150.

ADRRESSES: The Delayed Compliance Order and supporting material are available for public inspection and copying during normal business hours at: Enforcement Division Offices, EPA, Region IX, 215 Fremont Street, San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: On October 27, 1978, the Regional Administrator of EPA's Region IX Office published in the FEDERAL REGISTER, 43 FR 50222, a notice setting out the provisions of a proposed delayed compliance order for Southern Pacific Pipe Lines, Inc. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments or requests for a public hearing were received in response to the proposal notice.

Therefore, a delayed compliance order effective this date is issued to Southern Pacific Pipe Lines, Inc. by the Administrator of EPA pursuant to the authority of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places Southern Pacific Pipe Lines, Inc. on a schedule to bring its gasoline storage tanks in Chico, California into compliance as expeditiously as practicable with 40 CFR 52.255, a federally-promulgated part of the California State Implementation Plan. The Order also imposes reporting requirements. Due to the nature of the violation interim requirements and emission monitoring requirements would be unreasonable. If the conditions of the Order are met, it will permit Southern Pacific Pipe Lines, Inc. to delay compliance with the SIP regulations covered by the Order until June 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that the Order shall be effective on March 12, 1979, because of the need to immediately place Southern Pacific Pipe Lines, Inc. on a schedule for compliance with the applicable requirements of the California State Implementation Plan.

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

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.90 *Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act,* by adding the following entry:

§ 65.90 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4), of the Act.

* * * * *

Source	Location	Order No.	SIP regulation involved	Date of FR proposal	Final compliance date
Southern Pacific Pipe Lines, Inc.	Chico, California	9-78-6	40 CFR 52.255.	Oct. 27, 1978.	June 1, 1979.

2. The text of the order is as follows:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IX

[Docket No. 9-78-6]

In the matter of Southern Pacific Pipe Lines, Inc., Chico, California; Proceeding under Section 113(d) Clean Air Act, as amended; Order.

The following Order is issued pursuant to Section 113(d)(1) of the Clean Air Act, as amended, 42 U.S.C. §7401 et seq. (hereinafter referred to as the "Act"). This Order contains a schedule for compliance and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of California has been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

On March 17, 1978, the United States Environmental Protection Agency (EPA) issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to Southern Pacific Pipe Lines, Inc. upon a finding that gasoline storage tanks #CH 5 and #CH 16 at the Chico, California facility are in violation of 40 CFR 52.255, a part of the applicable California Implementation Plan as defined in Section 110(d) of the Act. This finding was based upon an inspection conducted by EPA personnel on November 17 and 18, 1977.

Said violation has extended beyond the thirtieth day after issuance of the March 17, 1978, Notice of Violation. The continuing violation was documented at a May 5, 1978 conference during which representatives of Southern Pacific Pipe Lines, Inc. stated that the excessive roof gaps on gasoline storage tanks #CH 5 and #CH 16 had not been eliminated. Southern Pacific Pipe Lines, Inc. is presently unable to comply with the requirements of 40 CFR 52.255.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, *it is hereby ordered:*

I. That Southern Pacific Pipe Lines, Inc. will comply with the California Implementation Plan regulations in accordance with the following schedule on or before the dates specified therein for gasoline storage tanks #CH 5 and #CH 16 at the Chico facility.

A. October 1, 1978—Provide to EPA a progress report on the study being conducted to demonstrate the equivalency of the Company's tank seals with the requirements of the California Air Resources Board.

B. January 1, 1979—Submit a final control plan to achieve compliance with 40 CFR 52.255.

C. April 1, 1979—Initiate on-site construction or installation of emission control equipment.

D. June 1, 1979—Complete construction and achieve final compliance with 40 CFR 52.255.

II. That no interim requirements, as described in Section 113(d)(7) of the Act, are reasonable and practicable.

III. That Southern Pacific Pipe Lines, Inc. is not relieved by this Order from compliance with any requirements imposed by the applicable State Implementation Plan, EPA, and/or the courts pursuant to Section 303 during any period of imminent and substantial endangerment to the health of persons.

IV. That Southern Pacific Pipe Lines, Inc. shall comply with the following reporting requirements on or before the dates specified below:

A. No later than five days after the date for achievement of an incremental step or final compliance specified in this ORDER, Southern Pacific Pipe Lines, Inc. shall notify EPA in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this Order, Southern Pacific Pipe Lines, Inc. shall immediately notify EPA in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay does not excuse the delay.

B. All submittals and notifications to EPA pursuant to this Order shall be made to the Director, Enforcement Division, EPA, Region IX, 215 Freemont Street, San Francisco, California 94105.

V. Nothing herein shall affect the responsibility of Southern Pacific Pipe Lines, Inc. to comply with State, local or other Federal regulations.

VI. Southern Pacific Pipe Lines, Inc. is hereby notified that your failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, Southern Pacific Pipe Lines, Inc. will be formally notified pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VII. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines on the record, after notice and hearing, that an inability to comply with 40 CFR 52.255 no longer exists.

VIII. Violation of any requirement of this Order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to Sections 113(a), (b) or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR 52.255 in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

IX. This order is effective upon publication in FEDERAL REGISTER.

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

CONSENT PROVISION

Southern Pacific Pipe Lines, Inc., acknowledges that its Chico, California facility is in violation of 40 CFR 52.255. Furthermore, Southern Pacific Pipe Lines, Inc. has reviewed this order, believes it to be a reasonable means to attain compliance with 40 CFR 52.255, and consents to the terms of the order.

Dated: Los Angeles, August 22, 1978.

B. K. SMITH,
President, Southern Pacific Pipe Lines, Inc.

[FR Doc. 79-7416 Filed 3-9-79; 8:45 am]

[6560-01-M]

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP 7F1912/R198; FRL 1071-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

6-Benzyladenine

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

ACTION: Final rule.

SUMMARY: This rule established a tolerance of 0.15 part per million (ppm) for residues of the plant growth regulator 6-benzyladenine on apples. The amendment to the regulations was requested by Abbott Laboratories. This rule establishes a maximum permissible level for residues of the plant growth regulator on apples.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC (202/755-7013).

SUPPLEMENTARY INFORMATION: On January 18, 1979, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (44 FR 3740) in response to a pesticide petition (PP 7F1912) submitted to the Agency by Abbott Laboratories, 14th Street and Sheridan Road, N. Chicago, IL 60064. This petition proposed that 40 CFR 180 be amended by the establishment of a tolerance for residues of the plant growth regulator 6-benzyladenine (*N*-phenylmethyl)-1-*H*-purine-6-amine) in or on the raw agricultural commodity apples at 0.15 ppm. No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. One comment was received which was in support of the proposed tolerance.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before April 11, 1979, file written objections with the Hearing Clerk, Environmental

Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 12, 1979, Part 180, Subpart C, is amended by adding a tolerance for residues of the plant growth regulator 6-benzyladenine on apples at 0.15 ppm as set forth below.

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

Dated: March 2, 1979.

JAMES M. CONLON,
Associate Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by adding the new § 180.376 to read as follows:

§ 180.376 6-Benzyladenine; tolerances for residues.

A tolerance is established for residues of the plant growth regulator 6-benzyladenine (*N*-phenylmethyl)-1*H*-purine-6-amine) in or on the following raw agricultural commodity:

Commodity:	*Parts per million*
Apples	0.15

[FR Doc. 79-7414 Filed 3-9-79; 8:45 am]

[4910-14-M]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-154]

VESSEL CO_2 FIRE EXTINGUISHING EQUIPMENT

Editorial Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These amendments revise the vessel inspection regulations that apply to CO_2 fire-extinguishing systems. The present inspection regulations do not cross-reference related regulations that require testing or renewal of flexible connections and discharge hoses on CO_2 fire-extinguishing systems whenever their associated cylinders are retested. These amendments clarify the inspection regulations by adding specific references to the requirements to test flexible connections and discharge hoses. The regulations as clarified will provide a more complete explanation of the inspection procedure followed by Coast Guard field inspection units.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Daniel J. Zedan (G-MVI-2/83), Room 8300, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2190).

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency procedure and practice, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553. Additionally, since these amendments are non-substantive editorial changes they may be made effective immediately.

DRAFTING INFORMATION

The principal persons involved in the drafting of these rules are: Lieutenant Daniel J. Zedan, Project Manager, Office of Merchant Marine Safety, and Lieutenant John W. Salter, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF AMENDMENTS

1. Present requirements in §147.04-1 of Title 46 of the Code of Federal Regulations include provisions for testing or renewal of flexible connections and discharge hoses on CO_2 fire extinguishing systems. Specifically, paragraph (a)(7) of §147.04-1 requires all flexible connections between cylinders and distribution piping of semiportable and fixed CO_2 systems to be renewed or subjected to a pressure test of 1,000 pounds per square inch when associated cylinders are retested. Paragraph (a)(8) of §147.04-1 requires discharge hoses of semiportable CO_2 systems to be subjected to a pressure test of 1,000 pounds per square inch whenever associated cylinders are retested.

2. The inspection requirements in Parts 31, 71, 91, 176, and 189 of Title 46 for fire-extinguishing equipment on vessels do not cross-reference the requirements in §147.04-1(a)(7) and (a)(8). The regulations only reference the requirements in §147.04-1 to test and mark cylinders. These amendments clarify the regulations in Parts 31, 71, 91, 176, and 189 by adding specific references to the requirements in §147.04-1(a)(7) and (a)(8). The regulations as clarified will provide a more complete explanation of the inspection procedure followed by Coast Guard field inspection units.

EVALUATION

The Coast Guard has determined, in accordance with DOT Notice 78-1 entitled "Improving Government Regulations" (43 FR 9582), that these amendments will be minimal and that, accordingly, they do not warrant a full evaluation. These amendments consist only of editorial changes and they impose no new inspection requirements.

In consideration of the foregoing, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER D—TANK VESSELS

PART 31—INSPECTION AND CERTIFICATION

§ 31.10-18 [Amended]

1. In §31.10-18, footnote one to Table 31.10-18(b) is revised to read as follows:

[1] Cylinders must be tested and marked and all flexible connections and discharge hoses of semiportable carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

2. In §31.10-18, footnote one to Table 31.10-18(c) is revised to read as follows:

[1] Cylinders must be tested and marked and all flexible connections on fixed carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

SUBCHAPTER H—PASSENGER VESSELS

PART 71—INSPECTION AND CERTIFICATION

§ 71.25-20 [Amended]

3. In §71.25-20, footnote one to Table 71.25-20(a)(1) is revised to read as follows:

[1] Cylinders must be tested and marked and all flexible connections and discharge hoses of semiportable carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

4. In §71.25-20 footnote one to Table 71.25-20(a)(2) is revised to read as follows:

[1] Cylinders must be tested and marked and all flexible connections on fixed carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 91—INSPECTION AND CERTIFICATION

§ 91.25-20 [Amended]

5. In §91.25-20 footnote one to Table 91.25-20(a)(1) is revised to read as follows:

[1] Cylinders must be tested and marked and all flexible connections and discharge hoses

of semiportable carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

6. In §91.25-20 footnote one to Table 91.25-20(a)(2) is revised to read as follows:

[1]Cylinders must be tested and marked and all flexible connections on fixed carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 176—INSPECTION AND CERTIFICATION

7. In §176.25 by revising §176.25-25(c) to read as follows:

§ [1]76.25-25 Fire extinguishing equipment—S.

* * * * *

(c) In addition to the other requirements of this section, §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter requires that—

(1) Carbon dioxide cylinders of all portable and semiportable extinguishers and fixed systems be tested and marked;

(2) Flexible connections of semiportable and fixed carbon dioxide systems be renewed or tested; and

(3) Discharge hoses of semiportable carbon dioxide systems be tested.

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 189—INSPECTION AND CERTIFICATION

§ 189.25-20 [Amended]

8. In §189.25-20 footnote one to Table 189.25-20(a)(1) is revised to read as follows:

[1]Cylinders must be tested and marked and all flexible connections and discharge hoses of semiportable carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

9. In §189.25-20 footnote one to Table 189.25-20(a)(2) is revised to read as follows:

[1]Cylinders must be tested and marked and all flexible connections on fixed carbon dioxide systems must be tested or renewed as required by §147.04-1 of Subchapter N (Dangerous Cargoes) of this chapter.

(46 U.S.C. 375, 390b, 391a, 416, 481; 49 U.S.C. 1655(b); 49 CFR 1.46).

Dated: February 28, 1979.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 79-7408 Filed 3-9-79; 8:45 am]

[4910-14-M]

[CGD 78-161]

PART 50—GENERAL PROVISIONS

Update of Marine Inspection Office Table

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document updates table 50.10-30 Marine Inspection Office Identification Letters in Coast Guard Numbers for Boilers and Pressure Vessels. This amendment adds Marine Inspection Offices at Sturgeon Bay, WI; Minneapolis, MN; Valdez, AK; and Rotterdam, Netherlands and deletes the Marine Inspection Offices in Dubuque, IA; Ludington, MI; and Oswego, NY. The additions are being made as a result of establishment of new offices and the deletions are being made due to reorganization.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Ens. P. J. Heyl, Planning and Special Projects Staff (G-MP/82) Room 8234, Department of Transportation, NASSIF Building, 400 Seventh St. SW., Washington, D.C. 20590, (202) 426-2299.

SUPPLEMENTARY INFORMATION: Since this amendment is purely administrative and it makes no substantive changes in the regulations, notice and public comment are not considered necessary and the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553).

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule are: Ens. P. J. Heyl, Project Manager, Office of Merchant Marine Safety, and Ms. Mary Ann McCabe, Project Attorney, Office of Chief Counsel. This rule has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (43 FR 9582, March 8, 1978).

Since this is an administrative change no adverse economic or environmental impacts are anticipated. A final evaluation has been prepared and is included in the public docket.

Table 50.10-30 [Amended]

In consideration of the foregoing, table 50.10-30, Part 50 of Chapter I, Title 46 of the Code of Federal Regulations is amended by deleting:

"DUB.....Dubuque."
"LUD.....Ludington."
"OSW.....Oswego."

and adding:

"MIN.....Minneapolis."

immediately following

"MIL.....Milwaukee."
"ROT.....Rotterdam."

immediately following

"PRO.....Providence."
"STB.....Sturgeon Bay."

immediately following

"SLM.....St. Louis."
"VAL.....Valdez."

immediately following

"TOL.....Toledo."

(R.S. 4457, as amended (46 U.S.C. 414))

Dated: February 28, 1979.

J. B. HAYES,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 79-7410 Filed 3-9-79; 8:45 am]

proposed rules

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 9001]

FORD MOTOR CO.

Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Dearborn, Mich. automobile manufacturer to cease, in connection with automobiles marketed by its Lincoln-Mercury Division, misrepresenting the fuel economy of any automobile or its superiority over competitive products; and the purpose, contents and results of automotive tests. Additionally, the firm would be required to substantiate all claims regarding the structural strength, quietness, fuel economy and performance of its products, and maintain such substantiation for a three year period.

DATE: Comments must be received on or before May 11, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(B)(14)).

BEFORE FEDERAL TRADE COMMISSION

[Docket No. 9001]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the Matter of FORD MOTOR COMPANY, a corporation.

The agreement herein, by and between Ford Motor Company, a corporation, by its duly authorized officer, respondent in the above proceeding initiated by the Federal Trade Commission, and its attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rules governing consent order procedure.

1. Respondent Ford Motor Company (hereinafter sometimes referred to as respondent) is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its executive offices and principal place of business located at The American Road, Dearborn, Michigan 48121.

2. Respondent has been served with the Commission's complaint charging it with violation of Section 5 of the Federal Trade Commission Act, together with a form of order the Commission believes waranted in the circumstances.

3. Respondent has admitted the jurisdictional facts set forth in the complaint of the Commission, but has denied any violations of law alleged in the complaint.

4. Respondent waives:

(a) any further procedural steps;

(b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

Provided, however, that such waivers shall cease to be effective if the Commission rejects this agreement or returns this proceeding to adjudication.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within sixty (60) days after the acceptance, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

6. No agreement, understanding, representation or interpretation not contained in the order or this agreement may be used to vary or to contradict the terms of the order. The complaint may be used in construing the terms of the order.

7. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the said complaint of the Commission issued in this proceeding.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 3.25(d) of the Commission's Rules, the Commission may, without further notice to respondent, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) makes information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to respondent's address as stated in this agreement shall constitute service. Respondent waives any right it may have to any other manner of service.

9. Respondent has read the complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty of up to $10,000 for each violation of the order after it becomes final.

10. Respondent agrees to file with the Commission a report, within sixty (60) days after the effective date of this order, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the agreed-to order.

ORDER

IT IS ORDERED that respondent, Ford Motor Company, its successors and assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or device, in connection with the advertising, offering for sale, sale or distribution, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, of automobiles marketed by the Lincoln-Mercury Division, do forthwith cease and desist from:

1. Misrepresenting in any manner the fuel economy of any automobile or the superiority of any automobile over competing products in terms of fuel economy.

2. Making any representations, directly or by implication, concerning the structural strength, quietness or fuel economy of such products or any part thereof, unless respondent possesses and relies upon a reasonable basis for such representations; provided that such a reasonable basis shall consist of competent and reliable scientific tests or other competent and reliable objective ma-

terials, including competent and reliable opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters.

3. (a) Representing, directly or by implication, by reference to a test or tests, that the performance of any automobile has been tested either alone or in comparison with other automobiles unless such representation(s) accurately reflect the test results and unless the tests themselves are so devised and conducted as to substantiate each such representation concerning the featured tests.

(b) Misrepresenting in any manner the purpose, contents or conclusion of any test or tests relating to the performance of its automobiles.

For purposes of Paragraphs 3(a) and 3(b) of this Order, "test" shall include demonstrations, experiments, surveys, reports and studies.

4. Failing to maintain accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of documentation in support of any representation covered by this Order included in advertising or sales promotional material disseminated by respondent, insofar as the advertising or sales promotional material is prepared, or is authorized and approved, by any person who is an officer or employee of respondent, or of any division or subdivision of respondent;

(b) Which provided the basis upon which respondent relied as of the time the representation covered by this Order was made; and

(c) Which shall be maintained by respondent for a period of three years from the date such advertising or sales promotional material was last disseminated by respondent or any division or subsidiary of respondent.

IT IS FURTHER ORDERED that respondent shall forthwith distribute a copy of this Order to its operating divisions involved in the advertising, promotion, distribution, or sale of automobiles.

IT IS FURTHER ORDERED that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

IT IS FURTHER ORDERED that respondent shall, within sixty (60) days after the effective date of this Order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this Order.

FORD MOTOR COMPANY

[Docket 9001]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has provisionally accepted an agreement containing a consent order from Ford Motor Company, ending litigation which began in 1974 concerning fuel economy advertising.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons or groups. Any comments that are received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will then decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged Ford with disseminating ads containing unsubstantiated fuel economy claims based on a gasoline-mileage test in which five cars were driven one way from Phoenix to Los Angeles. In particular, the complaint alleged that the ads represented that the stated mileage figures approximate or equal the performance an ordinary driver can typically obtain from standard production model cars when taking long or cross-country trips. Ford was charged with failure to possess and rely upon a reasonable basis for this advertising claim.

The consent order contains the following provisions designed to remedy the advertising violations charged. The order applies to automobiles marketed by the Lincoln-Mercury Division because a prior consent order (Ford Motor Company, C-2582, October 8, 1974) regulates ad substantiation for Ford Division motor vehicles.

Paragraph 1 of the consent order prohibits Ford from misrepresenting in any manner the fuel economy of any automobile or the superiority of any automobile over competing products in terms of fuel economy.

Paragraph 2 of the consent order prohibits Ford from making any representation concerning structural strength, quietness or fuel economy unless Ford possesses and relies upon a reasonable basis for the representation. A reasonable basis is defined in the consent order to consist of either (1) competent and reliable scientific tests or (2) competent and reliable objective materials, including competent and reliable opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters.

Paragraph 3 of the consent order regulates all performance claims made by Ford by reference to any test, demonstration, experiment, survey, report or study. This provision requires that (1) the representation accurately reflect the results of the test, demonstration, experiment, survey, report or study and (2) that the test, demonstration, experiment, survey, report or study be so devised and conducted so as to substantiate each performance representation. This paragraph also prohibits Ford from misrepresenting in any manner the purpose, contents or conclusion of any test, demonstration, experiment, survey, report of study relating to automobile performance.

Paragraph 4 of the consent order is a recordkeeping provision. Ford is required to maintain for three (3) years from the date an ad was last run, the documentation which provided the basis upon which respondent relied in making any representation covered by the order.

The consent order further requires Ford to distribute the order to appropriate operating divisions; to notify the Commission of any change in the corporate respondent affecting compliance; and to file a compliance report within sixty (60) days of the effective date of the order.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-7403 Filed 3-9-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Chapter I]

THE REGULATION OF LEVERAGE TRANSACTIONS AS CONTRACTS FOR FUTURE DELIVERY OR OTHERWISE

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed statutory interpretation; proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission is in the process of determining an appropriate approach to the regulation of leverage transactions. As used herein, a leverage transaction is a standardized contract for the delivery of a commodity that is commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, and includes any contract, account, arrangement, scheme or device that serves the same function or functions, or is marketed or managed in substantially the same manner, as such a standardized contract. In this context, the Commission is considering, and soliciting public comment on, two possible regulatory approaches.

The first approach involves determining whether the statutory phrase "contract for future delivery," as used in the Commodity Exchange Act, as amended, includes leverage transactions within its scope. The Commission's consideration of this approach has been prompted by a recent analysis of statutory provisions and legislative history prepared by its Office of

General Counsel which concludes that certain leverage transactions are contracts of sale of a commodity for future delivery and, accordingly, that it is unlawful to effect these transactions other than on or through the facilities of a board of trade which has been designated by the Commission as a contract market for this purpose.

The second approach to the regulation of leverage transactions involves the adoption of a comprehensive regulatory scheme separate from the Commission's system regulating contracts for future delivery. Such a regulatory scheme would include, among other things, registration, net working capital, segregation of customers' funds, disclosure and recordkeeping requirements.

In order to assist the Commission in determining which of these or possibly other approaches is appropriate for the regulation of leverage transactions, a 60-day period is being provided within which interested persons may submit written comments to the Commission.

DATES: Written comments must be received by the Commission at its offices in Washington, D.C., on or before May 11, 1979.

ADDRESS: In order to be considered, written comments must be submitted to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

David R. Merrill, Office of General Counsel, 2033 K Street, N.W., Washington, D.C. 20581, telephone (202) 254-9880.

SUPPLEMENTARY INFORMATION: Under Section 2a(1) of the Commodity Exchange Act, as amended, 7 U.S.C. 2 (1976), and Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 15a (1976), Congress vested the Commission with exclusive jurisdiction over leverage transactions involving gold and silver bullion and bulk coins and broadly empowered the Commission to regulate these transactions. On September 30, 1978, the President signed into law the Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 865, et seq. That Act adds a new Section 19 to the Commodity Exchange Act which greatly expands the Commission's jurisdiction to include leverage transactions involving all commodities. And, like the Commodity Futures Trading Commission Act of 1974, the new legislation vests the Commission with exclusive jurisdiction over these transactions.[1]

New Section 19 of the Commodity Exchange Act prohibits leverage transactions involving those commodities specifically enumerated in Section 2(a) of the Act prior to 1974 (basically domestic agricultural commodities),[2] incorporates the substantive provisions of Section 217 of the Commodity Futures Trading Commission Act of 1974 concerning gold and silver leverage transactions, and empowers the Commission either to prohibit or regulate leverage transactions involving all other commodities under terms and conditions that the Commission shall initially prescribe by October 1, 1979. In addition, Section 19 broadens the Commission's jurisdiction over leverage transactions to include not only a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, but also any contract, account, arrangement, scheme or device that serves the same function of functions, or is marketed or managed in substantially the same manner, as such a standardized contract. Finally, Section 19 provides that if the Commission determines any leverage transaction in gold, silver or any other commodity to be a contract for future delivery within the meaning of the Act,[3] that transaction shall be regulated accordingly.

Specifically, new Section 19 of the Commodity Exchange Act provides that:

(a) No person shall offer to enter into, enter into, or confirm the execution of, any transaction for the delivery of any commodity specifically set forth in section 2(a) of this Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974 under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract.

(b) No person shall offer to enter into, enter into, or confirm the execution of any transaction for the delivery of silver bullion, gold bullion, or bulk silver coins or bulk gold coins, under a standardized contract described in subsection (a) of this section, contrary to any rule, regulation, or order of the Commission designed to ensure the financial salvery of the transaction or prevent manipulation or fraud: *Provided*, That such rule, regulation, or order may be made only after notice and opportunity for hearing.

(c) The Commission may prohibit or regulate any transactions, under a standardized contract described in subsection (a) of this section, involving any other commodities under such terms and conditions as the Commission shall initially prescribe by October 1, 1979: *Provided*, That any such order, rule, or regulation may be made only after notice and opportunity for hearing: *Provided further*, That the Commission may set different terms and conditions for such transactions involving different commodities.

(d) If the Commission determines that any transaction under subsections (b) and (c) of this section is a contract for future delivery within the meaning of this Act, such transaction shall be regulated in accordance with the applicable provisions of this Act.

In view of these legislative developments expanding the Commission's ju-

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[1] For a discussion of the Commission's jurisdiction over gold and silver leverage transactions pursuant to Section 217 of the 1974 Act, see the memorandum of the Commission's Office of General Counsel (which is appended hereto) at note 33, and note 3, below.

Prior to the enactment of the Futures Trading Act of 1978, Section 2(a)(1) of the Commodity Exchange Act granted the Commission exclusive jurisdiction over gold and silver leverage transactions that were the subject of Section 217 of the Commodity Futures Trading Commission Act of 1974. Section 217 was subsequently repealed by Section 24 of the 1978 Act. Section 2 of the 1978 Act also replaced the reference to Section 217 contained in Section 2(a) of the Commodity Exchange Act with a reference to the new Section 19. Thus, the Commission's exclusive jurisdiction continues over gold and silver leverage transactions and has been expanded to include leverage transactions in all other commodities.

[2] The commodities specifically enumerated in Section 2(a) of the Act prior to 1974 are: wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wooltops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice.

[3] The authority to make such a determination was originally set forth in Section 217 of the Commodity Futures Trading Commission Act of 1974 concerning leverage transactions in gold and silver bullion and bulk coins. Section 217 was added by the Senate Committee on Agriculture and Forestry to the companion bill to the House bill that became the 1974 Act. While the Senate Committee's Report explained that Section 217 would generally authorize the Commission to regulate leverage transactions, the Report also emphasized: "If the Commission determines that such transactions are contracts for future delivery within the meaning of the Commodity Exchange Act, then such transactions would be regulated as futures contracts under that Act." S. Rept. 1131, 93d Cong., 2d Sess. 41 (1974). *See also id.* at 8. In adopting the section substantially as proposed by the Senate, the Conference Committee likewise emphasized: "If the Commission determines that any leverage transaction is a contract for future delivery within the meaning of the Commodity Exchange Act, all of the requirements in the Act would be applicable to trading in such transaction." S. Rept. No. 1194, 93d Cong., 2d Sess. 39 (1974). This provision arose out of testimony given before the Senate Committee by an official of International Precious Metals Corp.—then and now one of the nation's largest leverage firms—who had described leverage transactions sold by his firm as "a form of contract for future delivery." *Hearings on S. 2485, S. 2578, S. 2837 and H.R. 13113 Before the Senate Committee on Agriculture and Forestry*, 93d Cong. 2d Sess. 748 (Testimony of M. Martin Rom).

risdiction and regulatory responsibilities regarding leverage transactions and the current explosive growth in the number of firms that appear to be marketing leverage-type transactions,[4] the Commission believes it necessary to act expeditiously to implement appropriate regulatory controls in this area in order adequately to protect the public. As a first step, on November 30, 1978, the Commission adopted Rule 31.1 imposing a moratorium, effective January 4, 1979, on the entry of new firms into the gold and silver leverage transaction field.[5] Subsequently, on December 11, 1978, the Commission adopted an expanded version of its antifraud rule previously applicable only to gold and silver leverage contracts.[6] The new rule, 17 C.F.R. 31.03, while continuing the proscription against fraudulent activity in connection with leverage transactions in silver or gold bullion or bulk coins, makes unlawful fraudulent conduct in connection with leverage transactions involving all other commodities.[7] Most recently the Commission, on January 29, 1979, proposed to adopt a rule, pursuant to its authority under new Section 19(c) of the Act, which would prohibit the offer and sale of leverage transactions for the delivery of any commodity other than gold or silver bullion or bulk coins.[8] A sixty-day comment period on the proposal has been provided by the Commission.

In assessing what additional regulatory or other measures may now be appropriate in order to regulate effectively the marketing of leverage transactions, the Commission is giving consideration to the two approaches discussed below.

THE REGULATION OF LEVERAGE CONTRACTS AS CONTRACTS FOR FUTURE DELIVERY

In addressing the issue whether leverage transactions are "contracts for future delivery" [9] which are required to be regulated accordingly, the Commission is also attempting to determine the scope of this phrase as it is employed in the Commodity Exchange Act. On this subject, the Commission's Office of General Counsel, in a memorandum to the Commission (the text of which is appended hereto as Exhibit I), analyzed the relevant provisions of the Commodity Exchange Act and the Commodity Futures Trading Commission Act of 1974, as well as of their predecessor statutes, and the legislative history of these provisions. That office concluded that Congress intended generally to prohibit the public marketing of all contracts for the future delivery of commodities otherwise than through the facilities of designated contract markets, with the exception of cash sales by which commodities are merchandized in the stream of commerce from producer to user, involving, at times, deferred shipment or delivery for purposes of commercial convenience or necessity. The General Counsel's Office also concluded that leverage transactions of the type referred to in Section 217 of the 1974 Act which are presently being sold to the public [10] are contracts of sale of commodities for future delivery within the meaning of the Act and, therefore, may lawfully be effected, if at all, only on or through the facilities of boards of trade that have been designated by the Commission as contract markets for this purpose.

Consistent with the views expressed by the General Counsel's Office in its memorandum, the Commodity Exchange Act historically has recognized two basic categories of transactions involving delayed or deferred delivery of commodities. The first category involves the basic regulatory provisions of the Act, which are broadly written to cover any and all "contracts of sale of a commodity for future delivery," and provide that these contracts may lawfully be offered and sold only on or subject to the rules of contract markets.[11] Thus, the Act covers not only those "futures" contracts denominated as such and traded on those entities that characterize themselves as organized exchanges but also any transactions involving contracts for the sale of commodities for future delivery—regardless of whether they are denominated as forward contracts, futures contracts, or otherwise or whether or not the persons offering or effecting these transactions characterize themselves as an exchange or board of trade.

However, because Congress did not intend provisions of the Commodity Exchange Act to regulate as "futures contracts" cash sales by which commodities are merchandized—whether or not delivery might be delayed or deferred for reasons of commercial convenience or necessity—a second category of transactions was recognized and expressly excluded from the concept of "future delivery." Thus, Section 2(a)(1) provides:

> The term "future delivery" as used herein, shall not include any sale of any cash commodity for deferred shipment or delivery.

In 1974 Congress asked the newly created Commission to deal with that category of commodity transactions known to the trade as leverage transactions in gold and silver bullion and bulk coins—leaving it for the Commission to determine whether any of these transactions might be contracts for the future delivery of a commodity as that term is used in the Commodity Exchange Act. The analysis presented by the Office of the General Counsel concludes that the form of leverage transactions presently being offered to the public is that of a contract for the future delivery of a commodity within the meaning of the Act. Since it does not appear to the Commission staff that any of the leverage transactions of which it is presently aware involves the cash merchandizing of commodities, the staff has concluded that none of the leverage transactions it has analyzed is within the statutory exclusion of cash sales for deferred shipment or delivery. Under this analysis, unless the leverage transactions the staff has examined should be effected through the facilities of a contract market, they are unlawful.

During the legislative process which led to the recent enactment of the Futures Trading Act of 1978, Congress

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[4] See the discussion concerning the recent and rapid increase in the number of leverage transaction firms which accompanied publication of the Commission's rule imposing a moratorium on the entry of new firms into the gold and silver leverage transaction field at 43 FR 56885-56887 (December 5, 1978).

[5] 43 FR 56885-56887 (December 5, 1978).

[6] 43 FR 58554 (December 15, 1978).

[7] Since new Section 19 of the 1978 Act already prohibits leverage transactions involving those domestic agricultural commodities enumerated in Section 2(a) of the Act prior to 1974, Rule 31.03 does not cover such leverage transactions.

[8] 44 FR 6737-6740 (February 2, 1979).

[9] In addition to granting it exclusive jurisdiction over leverage transactions, Congress has also vested the Commission with exclusive jurisdiction over "accounts, agreements * * *, and transactions involving contracts of sale of a commodity for future delivery * * *." Section 2(a)(1) of the Commodity Exchange Act, as amended, 7 U.S.C. § 2 (1976). The Act requires transactions of this type to be consummated on or through the facilities of a board of trade which has been designated by the Commission as a contract market. See Sections 4 and 4h of the Act, 7 U.S.C. §§ 6 and 6h (1976).

[10] An economic analysis of the terms and conditions of leverage transactions presently being sold to the public was prepared by the Commission's Office of the Chief Economist and discussed at a public meeting of the Commission on May 23, 1978. That analysis concluded that these transactions are essentially contracts for future delivery.

[11] Congress, in the Commodity Futures Trading Commission Act of 1974, expressly recognized future-delivery transactions in foreign currency, security warrants and rights, resales of installment loan contracts, repurchase options, government securities and mortgages and mortgage purchase commitments. In view of the fact that these types of transactions were understood to be generally entered into between banks under the supervision of other federal regulatory agencies, or between banks and other sophisticated institutional participants, Congress determined that regulation of those transactions by the Commission was unnecessary "unless such transactions involve the sale thereof for future delivery conducted on a board of trade." Section 2(a)(1) of the Act, 7 U.S.C. § 2 (1976). See S. Rept. No. 1131, 93rd Cong., 2d Sess. 23 (1974).

was made aware by the Commission of the analysis of its General Counsel's Office recommending that the Commission determine leverage contracts to be contracts for future delivery and regulate them accordingly. Because of the importance of such a regulatory approach, the conferees on the bill that eventually became the 1978 Act indicated in their report on that bill that before the Commission take final action on the recommendation of its General Counsel, the appropriate House and Senate committees be given an opportunity to receive testimony on the issue.[12]

In order to elicit comment on this issue, from producers of commodities, commodity exchanges and other interested persons, the Commission is publishing the memorandum of its General Counsel's Office. In this way, the Commission hopes to gather data and views that will assist both in its consideration of this issue generally as well as in its preparation for any Congressional hearings that may be held.

The Commission wishes to emphasize that any determination it might make concerning the definition and scope of the statutory phrase "contracts for future delivery" would have significant implications with respect to other forms of transactions for the future delivery of commodities, whether they are characterized as leverage transactions or otherwise, and the Commission's jurisdiction over these transactions. As discussed above, pursuant to Sections 4 and 4h of the Act, the offering or entering into of any contract for future delivery—whatever its form—is generally unlawful unless the contract is effected on a contract market.

The Regulation of Leverage Transactions Pursuant to a Separate, Comprehensive Regulatory Scheme

Should the Commission determine that any leverage transaction or class of leverage transactions does not constitute a contract of sale of a commodity for future delivery within the meaning of the Commodity Exchange Act, the Commission intends to adopt an appropriate regulatory framework to govern these transactions.[13] The Commission, by this release, is proposing and seeking public comment on regulations for this purpose.

In proposing these regulations, the Commission has been guided in part by the recommendations previously made by its Advisory Committee on Market Instruments. In its July 1976 report to the Commission, the Advisory Committee recommended a system of comprehensive regulations for adoption by the Commission which would govern the offer and sale of leverage transactions covered by Section 217 of the 1974 Act.[14] On October 12, 1976, the Commission at a public meeting adopted the regulatory approach recommended by its Advisory Committee, with some modifications. While specifically designed to govern the offer and sale of gold and silver leverage transactions, the Commission believes that this approach is also suitable to regulate the marketing of leverage transactions in other commodities which the Commission may determine to permit.[15] However, the Commission is particularly interested in receiving comments concerning whether different regulations should be promulgated to govern the offer and sale of leverage transactions in commodities other than gold and silver.

In brief, the regulations proposed by the Commission include the following substantive provisions:

(1) A definitional section including, among other things, a definition of a leverage transaction similar to the description of a leverage transaction set forth in Section 19 of the Act and applicable to leverage transactions in all commoddities;

(2) A requirement that dealers and firms engaged in a leverage transaction business register with the Commission as futures commission merchants, and that their sales persons, and persons supervising sales persons, register with the Commission as associated persons in accordance with the Commission's criteria and procedures applicable to these categories of registration. An exception to the registration requirements would be recognized for those who market leverage transactions to persons believed to be entering the transactions solely for purposes related to their business in the underlying commodity;

(3) A minimum adjusted net capital requirement to be met by all leverage transaction dealers seeking registration and registered with the Commission as futures commission merchants. The initial capital requirement would increase proportionately as the total dollar value of all unmatured or otherwise open leverage transactions sold by the dealer increased. The Commission is particularly interested in comments concerning at what dollar amount the minimum adjusted net capital requirement should be established;

(4) A financial reporting requirement obligating leverage dealers, at a minimum, to file with the Commission an annual audited and quarterly unaudited financial statements;

(5) A requirement that leverage dealers retain for a period of five years copies of all promotional material employed in their offer and sale of leverage transactions, and a provision for either Commission review of promotional materials prior to their use by leverage dealers or for the filing with the Commission of all promotional materials to be used;

(6) Detailed disclosure provisions requiring persons who solicit or accept orders for leverage transactions to make fair, meaningful and understandable disclosure to purchasers or prospective purchasers of leverage transactions of all material facts concerning the transaction. These disclosures would be required to be furnished in a written disclosure statement containing, among other things, a bold-faced warning concerning the high degree of risk typically involved in investing in leverage transactions; a description of the essential details of the transaction including a summary of all costs, fees, commissions and other charges involved in the transaction; an explanation of the percentage rise in value in the underlying commodity, as of the date the leverage transaction is entered into, that would be necessary in the first year after the transaction is entered into in order for the purchaser to realize a profit; and a summary of the leverage dealer's repurchase policy, if any, and the method by which a repurchase price would be determined. Leverage transaction dealers would also be required to furnish written confirmation statements to purchasers of leverage transactions, and to provide all purchasers or prospective purchasers on a quarterly basis with a copy of the dealer's current financial statement;

(7) A requirement that leverage dealers treat and deal with any money, securities or other property received from purchasers as payment of the price of a leverage transaction as belonging to that purchaser until all rights of the purchaser pursuant to the transaction have been fulfilled. Such money, securities and property would be required to be separately accounted for and segregated in the United States as belonging to that purchaser but could be commingled with similar funds from other purchasers and deposited by the leverage dealer in a single bank account maintained solely for this purpose or invested in obligations of the United

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[12] S. Rept. No. 1239, 95th Cong., 2d Sess. 28 (1978).

[13] Of course, any regulations the Commission adopts will not apply to any leverage transactions prohibited by the Commission. See text accompany notes 5 and 8, above.

[14] Report of the Commission's Advisory Committee on Market Instruments on Futures, Forward and Leverage Contracts and Transactions dated July 16, 1976, excerpts of which appear in CCH Comm. Fut. L. Rep. ¶20,192.

[15] See Section 19(c) of the Act, quoted above, as well as the Commission's proposed rule regarding the offer and sale of leverage transactions in commodities other than gold and silver cited in note 8, above.

States or obligations fully guaranteed by the United States;

(8) A requirement that leverage dealers, upon the sale of a leverage transaction and until all obligations owing to the purchaser of the transaction have been fulfilled, purchase and maintain the physical commodity underlying the transaction, or purchase and maintain a contract or contracts for the future delivery of that commodity, or purchase and maintain a combination of these types of interests in the commodity, in a quantity equal to the purchaser's equitable interest in the transaction;

(9) Recordkeeping requirements for leverage transaction dealers calling for the maintenance and retention of complete and systematic records relating to all leverage transactions entered into with purchasers as well as of all solicitation and advertising material distributed to purchasers or prospective purchasers. Upon request of any authorized representative of the Commission or the Department of Justice, dealers would be required to produce these records for inspection and to furnish copies of these records;

(10) Monthly and weekly reporting requirements obligating all leverage dealers to file regular written reports with the Commission detailing, in summary form, its sales and repurchases of leverage transactions;

(11) A provision making unlawful express or implied representations that registration with the Commission by any person or firm pursuant to these regulations indicates Commission approval of that person or firm or of the leverage transactions offered by that person or firm, or that compliance with these regulations constitutes a guarantee of the fulfillment of any leverage transaction; and

(12) A recodification of the Commission's existing antifraud rule, basically making it unlawful for any person, directly or indirectly, to engage in any fraudulent or deceptive behavior or practice in or in connection with the offer or sale of any leverage transaction, or the maintenance or carrying of any leverage transaction.

Interested persons are invited to participate in this rulemaking proceeding by submitting written comments to the Commission at the address noted above. The Commission will welcome comments concerning the analysis of its General Counsel's Office, and is particularly interested in comments concerning the types of transactions commentators believe to be excluded from the concept "future delivery" by virtue of the provision contained in Section 2(a)(1) of the Act, and in specific comments on the nature of substantive regulations that the Commission should adopt to govern the offer and sale of those leverage transactions, if any, which are not determined to be contracts for future delivery.

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

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

EXHIBIT I

MEMORANDUM

September 5, 1978, as amended September 11, 1978 *

To: The Commission.
From: Office of General Counsel.
Re: Determination pursuant to Section 217 of the Commodity Futures Trading Commission Act whether any leverage transactions are contracts for future delivery within the meaning of the Commodity Exchange Act.
Conclusion: Transactions presently being offered and entered into pursuant to contracts of the type referred to in Section 217 of the Commodity Futures Trading Act of 1974, 7 U.S.C. § 15a (1976), are "contracts of sale of a commodity for future delivery" within the meaning of the Commodity Exchange Act. Accordingly, it is unlawful for any person to effect these transactions other than on or through the facilities of an exchange which has been designated as a contract market for this purpose.

Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. § 15a (1976), provides that if the Commission should determine that any leverage transaction currently being offered is a contract for future delivery within the meaning of the Commodity Exchange Act, that transaction should be regulated under the terms of that Act. To aid the Commission in making this determination, we set forth below a discussion of relevant statutory provisions and their legislative history. For the reasons we discuss, we believe that leverage transactions involve contracts for the future delivery of commodities within the meaning of the Commodity Exchange Act, and accordingly, that their offer and sale must be governed by relevant provisions of that Act. The Commission should note, however, that our conclusions have implications beyond the limited area of leverage activities. Thus we believe that all off-exchange offerings of commodities for future-delivery—whatever they may be called by the firms that are offering them—are generally unlawful. The only category of off-exchange future-delivery contracts that are permitted is the class of commercially motivated cash commodity sales, which contemplate actual delivery of the commodity, but in which delivery may be deferred for purposes of commercial convenience or necessity.

1. The term "contract of sale of a commodity for future delivery" is not defined in the Act.[1] Its plain and literal meaning, however, encompasses any contract for the delivery of a specified commodity at a later date. Thus, the term may be read to include not only contracts involving a standard unit and quality, the payment and maintenance of margin and the option of closing out the contract by an offsetting transaction—such as contracts "commonly * * * known as futures" [2]—but also "forward" contracts that do not necessarily have all of the characteristics of futures traded on designated exchanges. The term would also include contracts commonly referred to as leverage contracts.

Of course, the Commodity Exchange Act does not subject all contracts of sale of a commodity for future delivery to regulation. However, our examination of the language and legislative history of Section 4h of the Act (which generally prohibits the conduct of any "future-delivery" business other than through a designated contract market)[3] and the "deferred shipment or delivery" exclusion contained in Section 2(a)(1),[4] leads us to believe that (1) Congress intended generally to prohibit any public marketing of contracts for the future delivery of commodities—in the plain and literal meaning of that phrase—except through the facilities of a designated contract market, and (2) this complete prohibition was intended to be subject to an exception solely for the benefit of persons involved in a commercial cash commodity business, which would allow them to effect cash sales of the commodity, contemplating actual delivery as a matter of course, but in which shipment or delivery of the commodity might be deferred for purposes of commercial convenience or necessity. Thus, whether a contract of sale of a

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* Footnote 33 to this memorandum was included on February 27, 1979. Footnote 34 was originally footnote 33.

[1] The term "contract of sale" was originally defined by Congress in the United States Cotton Futures Act of 1914, the first federal legislation which attempted to regulate futures trading. 38 Stat. 693. That Act, which imposed a tax on "contract(s) of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business * * * which did not comply with certain conditions, defined "contract of sale" to "include sales, agreements of sale, and agreements to sell." 38 Stat. 693. This definition has been carried forward unchanged by Congress to the Commodity Exchange Act, where it presently appears in Section 2(a)(1), 7 U.S.C. § 2 (1976).

[2] Section 3 of the Commodity Exchange Act, 7 U.S.C. § 5 (1976). This Section of the Act, which originated in the Grain Futures Act of 1922, 42 Stat. 998, sets forth a Congressional determination that transactions involving the sale of commodities for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest and that those transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling commodities and their products and byproducts in interstate commerce.

[3] Section 4h of the Act, 7 U.S.C. § 6h (1976), makes it unlawful for any person "to conduct any office or place of business * * * for the purpose of soliciting or accepting any orders for the purchase or sale of any commodity for future delivery, or for making or offering to make any contracts for the purchase or sale of any commodity for future delivery, or for conducting any dealings in commodities for future delivery * * *," unless the orders, contracts or dealings are executed or consummated by or through a member of a contract market.

[4] Section 2(a)(1) of the Act, 7 U.S.C. § 2 (1976), provides, among other things: "The term 'future delivery' as used herein, shall not include any sale of any cash commodity for deferred shipment or delivery."

commodity for future delivery is one that is subject to regulation under the Act requires a determination not only of whether future delivery is literally involved but also a determination (1) whether those offering the contract are conducting a business prohibited by Section 4h of the Act, and (2) whether the "sale of any cash commodity for deferred shipment or delivery" is involved, as those terms are used in Section 2(a)(1) of the Act.

Under this analysis, we are convinced that business entities created and existing to conduct a business in the offer of contracts of sale of a commodity for future delivery—such as leverage firms and, possibly, purveyors of some forms of so-called limited risk forward contracts—are violating Section 4h of the Act. Since they cannot claim that the future-delivery contracts they publicly offer are merely a concomitant of a business for the merchandising of a cash commodity, where actual delivery occurs in virtually all cases absent a breach of contract, they do not come within the exclusion concerning the sale of cash commodities for deferred shipment or delivery that is set forth in Section 2(a)(1) of the Act.

2. Systemized trading in contracts for the future delivery of agricultural commodities developed in the United States in the mid to late 1800's out of an economic need for standardized commercial practices, centralized pricing and large-scale risk shifting mechanisms.[6] With these advantages, however, there also came glaring abuses in the form of price manipulations, market corners and extreme and sudden price fluctuations on the organized exchanges,[6] and the growth of off-exchange "bucket shops." A bucket shop of this era has been described as an establishment that accepted orders for futures contracts and that simply took the other side of the transaction rather than executing a trade on an exchange.[7]

These abuses, in turn, stirred repeated demands from farmers and others for legislative action to prohibit or severely restrict futures trading,[8] resulting in nearly 200 bills toward this end being introduced in Congress during the period 1884 to 1922.[9] However, no significant legislation was enacted prior to World War I,[10] during which trading in grain futures was temporarily suspended.[11]

With the end of the war and the resumption of futures trading in grain there came the return of the speculative excesses on the exchanges that had previously been so prevalent.[12] This in turn led to renewed demands for national legislation, particularly as voiced by the farm organizations and farm cooperatives which were growing in strength[13] and finally resulted in the enactment of the Future Trading Act of 1921,[14] the first comprehensive regulatory statute with respect to trading in contracts for the future delivery of grain.

3. Rather than prohibiting all trading in contracts for future delivery, the Future Trading Act of 1921 sought to regulate trading in those contracts, recognizing the legitimate and commercially necessary hedging function provided by trading in futures contracts on the organized exchanges.[15] It was Congress' intention to allow exchange trading in contracts for future delivery to continue, while at the same time attempting to gain some control over the manipulations and other market disturbances that were so prevalent at the time and which were seen to result from purely speculative "gambling" in contracts for future delivery.[16]

The manner in which the Futures Trading Act of 1921 sought to gain control over market manipulations and other disturbances was through the imposition of a "prohibitive tax"[17] applicable generally to *all* contracts for future delivery.[18] As the legislative history of the 1921 Act discussed below makes clear, *contracts for the future delivery of commodities were intended to be taxed under this legislation regardless of whether they were traded on an organized exchange or were offered merely by an isolated firm that itself assumed the risk of the opposite side of the transaction.*

The tax was not to be applied, however, to contracts traded by or through members of boards of trade designated by the Secretary of Agriculture as "contract markets;" and designation was contingent, among other things, upon a board of trade providing for the prevention of manipulative activity in the trading of contracts by its members or through its facilities.[19] The Future Trading Act of 1921, also expressly exempted from the tax sales for future delivery made by owners and growers of grain who merchandised the physical commodity.[20]

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[6] *See* S. Rept. No. 1131, 93d Cong., 2d Sess. 12 (1974); Mehl, J. M., *Twenty-Five Years of Futures Trading Under Federal Regulation*, 2 (1950) (hereinafter cited as "Mehl"). *See generally* Hieronymus, T. A., *Economics of Futures Trading*, 69-71 (1971) (hereinafter cited as "Hieronymus").

[6] *E.G.*, Mehl, *supra*, at 2. *See also* S. Rept. No. 1131, *supra*, at 13.

[7] The prices at which the bucket shop took orders were those set by actual trading on the exchanges, which the bucket shops closely monitored. Thus, this was merely a system of wagering on price changes by persons without any intention or ability to receive or deliver the commodity "purchased" or "sold" through the bucket shop. *See* Hieronymus, *supra*, at 87-88. *See also* n. 31, *infra*.

[8] Mehl, *supra*, at 2; S. Rept. No. 1131, *supra*, at 13.

[9] Mehl, J. M., *The Futures Markets, Marketing, The 1954 Yearbook of Agriculture*, 324 (1954).

[10] As noted, *supra*, at n. 1, in 1914 Congress enacted the United States Cotton Futures Act, 38 Stat. 693, which attempted, among other things, to establish government standardization of grades of cotton delivered in fulfillment of futures contracts. S. Rept. No. 289, 63rd Cong., 2d Sess. 4 (1914). Following a successful challenge to the constitutionality of this Act, Congress in 1916 re-enacted the Act, with only minor changes to cure its constitutional defect. 39 Stat. 476 (1916).

[11] *See* Mehl, *supra*, at 2; S. Rept. No. 1131, *supra*, at 13; *Hearings on H.R. 168, 231, 2238, 2331, 2363 and 5228 Before the House Committee on Agriculture*, 67th Cong., 1st Sess. 5 (1921).

[12] *See* S. Rept. No. 1131, *supra*, at 13; *Hearings on 168, 231, 2238, 2331, 2363 and 5228, supra*, at 5-6. The era of widespread bucket shop activity, however, had apparently declined by approximately 1915. *See* Hieronymus, *supra*, at 88. This can most likely be explained as a result of the combined influence of several independent factors. First, with the cessation of grain futures trading on the exchanges during World War I, the bucket shops were deprived of the exchange price quotes without which they could not function. (see n. 8, *supra*). Secondly, even before the war, many bucket shops had been enjoined by the organized exchanges from gaining access to the exchanges' price quotations. *Board of Trade of the City of Chicago* v. *Christie Grain & Stock Co.*, 198 U.S. 236 (1904). *See* Taylor, C., *History of the Board of Trade of the City of Chicago*, Vol. III at 1218-1223 (1917); Hieronymus, *supra*, at 88. Finally, by the early 1900's, many states had passed criminal statutes prohibiting the operation of the bucket shops. *See* Taylor, *supra*, Vol. III at 1221. By 1936, however, bucket shop activity was again a problem (see discussion p. 12, *infra*).

[13] *See* Mehl, *supra*, at 2; Mehl, J. M., *The Futures Markets, Marketing, The 1954 Yearbook of Agriculture*, 324 (1954); Callander, R. C., *The Commodity Exchange Act and its Administration* as published in *Forward Markets Bulletin*, Vol. II, No. 10 (December 1960). *See generally* S. Rept. No. 1131, *supra*, at 13.

[14] 42 Stat. 187.

[15] *See, e.g., Hearings on Futures Trading Before the House Committee on Agriculture*, 66th Cong., 3rd Sess. 1043 (1921); *Hearings on H.R. 5676 Before the Senate Committee on Agriculture and Forestry*, 67th Cong., 1st Sess. 452 (1921); *Hearings on Futures Trading Before the House Committee on Agriculture*, 67th Cong., 1st Sess. 7-9 (1921); 61 Cong. Rec. 4761 (1921) (remarks of Senator Capper, the sponsor of the Senate bill which became the 1921 Act).

[16] *E.g.*, 61 Cong. Rec. 4761-4763 (1921) (remarks of Senator Capper); 61 Cong. Rec. 1379 (1921) (remarks of Rep. Bland); 61 Cong. Rec. 1313-1314 (1921) (remarks of Rep. Tincher, the sponsor of the House bill which became the 1921 Act); 61 Cong. Rec. 1376 (1921) (remarks of Rep. Gensman).

[17] *Hearings on H.R. 168, 231, 2238, 2331, 2363 and 5228 Before the House Committee on Agriculture, supra*, at 10.

[18] Section 4 of the 1921 Act, 42 Stat. 187-188.

[19] Sections 4(b) and 5(d) of the 1921 Act, 42 Stat. 187-188. Section 5(d) of that Act is now Section 5(d) of the Commodity Exchange Act, 7 U.S.C. § 7(d) (1976). *See* 61 Cong. Rec. 4762 (1921) (remarks of Senator Capper); 61 Cong. Rec. 1314 (1921) (remarks of Rep. Tincher); 61 Cong. Rec. 1371 (1921) (remarks of Rep. Jones). The Act also prohibited, through imposition of the tax, all trading in privileges, indemnities, bids, offers, puts and calls, which were seen as pure, unadulterated gambling which tended to cause manipulations. Section 3 of the 1921 Act, 42 Stat. 187. *See also* 61 Cong. Rec. 1314 (1921) (remarks of Rep. Tincher). This provision of the 1921 Act is now reflected in the prohibition against options on any of the enumerated agriculture commodities, which is contained in Section 4c(a) of the Commodity Exchange Act, 7 U.S.C. § 6c(a) (1976).

[20] Specifically, Section 4 of the 1921 Act permitted the offer and sale of contracts for future delivery without imposition of the tax:

"(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or

(b) Where such contracts are made by or through a member of a board of trade which has been designated * * * as a 'contract market' * * *." 42 Stat. 187.

As passed by the House of Representatives and sent to the Senate, Section 4 of H.R. 5676—the bill that ultimately passed—would have further limited imposition of the tax to contracts of sale of grain for future delivery "made at, on, or in an exchange, board of trade, or similar institution or place of business" other than designated contract markets.[21] This additional limiting language had been added by the House in an attempt even more clearly to exclude from tax liability any owner or grower who might sell grain for deferred shipment.[22] In enacting H.R. 5676 into law, however, this limiting language was deleted and the intent further to emphasize the exemption of growers and cash commodity dealers was accomplished instead by adding to Section 2 of the Act a provision to exclude "any sale of cash grain for deferred shipment or delivery" from the concept of "future delivery."[23]

The Senate Committee explained that this change was necessary because the House, by proposing to limit the imposition of the tax to contracts for the future delivery of grain "made at, on, or in an exchange, board of trade or similar institution or place of business," would have inadvertantly exempted from the tax the operations of private exchanges or bucket shops[24] although Congress intended completely to prohibit private exchanges and bucket shops through the imposition of the tax. The Senate Committee's Report stated: "It is obvious * * * that if * * * [the limiting House language] remain[s] in the bill operations on private exchanges or bucket shops would be possible." S. Rep. No. 212, 67th Cong., 1st Sess. 1 (1921). Senator Capper, the sponsor of the Senate companion bill to H.R. 5676 and a member of the Senate Agriculture Committee, explained:

"With these words [the limiting House language] in it there is nothing to prevent a private individual or a private corporation from buying or selling futures to the public without a tax. As the business is now conducted, futures are sold simply on seven or eight boards of trade; but if the law taxed future trades on exchanges, I think there would be a tendency for these private institutions to go into the business, for they would not be taxed." *Hearings on H.R. 5676 Before the Senate Committee on Agriculture and Forestry, supra*, at 462.

The 1921 Act was short-lived for it was almost immediately declared unconstitutional in *Hill* v. *Wallace*, 259 U.S. 44, 63-69 (1922), as an improper attempt at regulation by means of the taxing power.

4. Soon thereafter, Congress enacted the 1922 Grain Futures Act, which was substantially similar to the 1921 Act but was based on the commerce clause of the Constitution.[25] Section 4 of the 1922 Act was patterned after the language that had been contained in Section 4 of the 1921 Act. Thus, Section 4 of the 1922 Act made it unlawful for any person to offer to make, execute or confirm, through interstate facilities, any contract for the future delivery of grain. This prohibition was subject to two exemptions—contracts traded by or through a member of a designated contract market and contracts for deferred shipment or delivery by owners and growers.[26] And like the 1921 Act, the Grain Futures Act of 1922 contained the exclusionary language in Section 2(a) reemphasizing the exemption for owners and growers.

Despite the efforts of Congress in 1921 and 1922, however, some bucket shop and other off-exchange operations persisted.[27] In its haste to redraft the 1921 Act, Congress had included in the general language of Section 4 of the 1922 Act language limiting its prohibitive effect to contracts for future delivery traded "on or subject to the rules of any board of trade in the United States." This language was similar to that which Senator Capper and the Senate Committee had stricken from the bill that had become the 1921 Act in an attempt to discourage bucket shops. (See discussion above at 8-10). Thus, in 1922 Congress apparently overlooked the concerns that only a year earlier had been addressed and resolved by the Senate Committee and Senator Capper to prevent the resurrection of bucket shops and other off-exchange operations.

5. To cure this statutory flaw, Congress again addressed the question of off-exchange practices when it enacted the Commodity Exchange Act in 1936. For this purpose, Congress included a new section 4h in the Commodity Exchange Act, 7 U.S.C. 6h (1976), in an attempt to outlaw bucket shops by expressly making it unlawful to operate any place of business where orders for contracts for the future delivery of any commodity are solicited, accepted, offered, sold or dealt in unless such orders are executed by or through a member of a contract market.[28]

To be sure, the language of Section 4h continues the earlier pattern of legislative draftsmanship; read literally, Section 4h requires only that contracts for future delivery be executed by or through a member of a contract market—not necessarily through the facilities of the contract market. Accordingly, Section 4h, taken alone, might be read to permit the operation of off-exchange bucket shops so long as they were operated by or through members of contract markets.

At the same time that Congress enacted Section 4h, however, it also enacted Section 4b, which, among other things, expressly prohibited members of a contract market "to bucket" any customer's order.[29] And bucketing was understood to include any transaction in which the broker took the other side of his customer's order rather than fill the order through the facilities of the contract market.[30] Thus, in Section 4h the intent of Congress was expressed that it was unlawful to conduct a future-delivery business other than through a member of a

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[21] This language was originally set forth in the United States Cotton Futures Act of 1914 (see n. 1, *supra*) and was added without change by the House to Section 4 of H.R. 5676. The definition of "board of trade," as currently contained in Section 2 of the Commodity Exchange Act, was first set forth in Section 2 of the 1921 Act.

[22] S. Rept. No. 212, 67th Cong., 1st Sess. 1 (1921). The limiting language was added to the House bill at the insistence of the Department of Agriculture to make clear that the tax was to be imposed upon contracts for future delivery traded on organized exchanges as distinguished from the off-exchange cash market trading in which owners and growers would be involved as part of their cash commodity business. *Hearings on H.R. 5676 Before the Senate Committee on Agriculture and Forestry, supra*, at 8-11, 461-463; *Hearings on H.R. 168, 231, 2238, 2331, 2363 and 5228 Before the House Committee on Agriculture, supra*, at 326, 344-345.

[23] 42 Stat. 187. This provision was re-enacted without change as part of the Grain Futures Act of 1922, 42 Stat. 998, and, as amended to refer to "any cash commodity," was enacted as part of the Commodity Exchange Act in 1936, 49 Stat. 1491. The provision presently appears in Section 2(a)(1) of the Act.

[24] Bucket shops had long been disapproved of by both Congress and the exchanges as gambling devices which served no economic utility. *See generally* Hieronymus, *supra*, at 87-91 and the discussion, *supra*, at 5.

[25] Following the invalidation of the 1921 Act in *Hill* v. *Wallace*, *supra*, Congress was quick to follow the Supreme Court's suggestion in that case, 259 U.S. at 69, that it would be possible to regulate contracts for future delivery under the commerce clause of the Constitution, and enacted the 1922 Act barely four months after the Supreme Court's decision. Basically, the 1922 Act was drafted to withstand constitutional attack, while intending to accomplish the same purposes as the 1921 Act with no material changes in its regulatory provisions. *See* H. Rept. No. 1095, 67th Cong., 2d Sess. 3 (1922). *See also* 62 Cong. Rec. 9417 (1922) (Remarks of Rep. Timberlake); 62 Cong. Rec. 9419-9420 (1922) (Remarks of Rep. Ellis); 62 Cong. Rec. 9428 (1922) (Remarks of Rep. Voigt); 62 Cong. Rec. 9446 (1922) (Remarks of Rep. Hayes).

The constitutionality of the Grain Futures Act of 1922, including its regulatory scheme based on the commerce clause, was sustained in *Chicago Board of Trade* v. *Olsen*, 262 U.S. 1, 31-40 (1923).

[26] 42 Stat. 999-1000. *See* n. 20, *supra*.

[27] *See generally* Mehl, *supra*, at 7.

[28] *See* Section 4h, *supra*, n. 4; H.R. Rept. No. 421, 74th Cong., 1st Sess. 6 (1935); *Hearings on H.R. 8829 Before the House Committee on Agriculture*, 73d Cong., 2d Sess. 10 (1934).

[29] As enacted in 1936, Section 4b provided: "It shall be unlawful for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of (1) any contract of sale of any commodity in interstate commerce, or (2) any contract of sale of any commodity for future delivery made, or to be made, on or subject to the rules of any contract market for or on behalf of any person * * * (D) to bucket such order * * *." 49 Stat. 1493-1494. The House Committee explained: "Section 4b makes it unlawful for members of contract markets, and correspondents, agents, and employees thereof, in connection with orders to make or the making of contracts of sale of any commodity in interstate commerce to cheat, defraud, or deceive the customer, or to bucket the order. The section *also* prohibits such fraudulent practices in futures contracts in connection with orders made on or to be made on or subject to the rules of any contract market." H.R. Rept. No. 421, 74th Cong., 1st Sess. 5 (1935) (emphasis added).

[30] At this time, Congress understood "bucketing" of orders and "bucket shop" as "terms used to describe a method of doing business wherein orders of customers for the purchase or sale of commodities for future delivery, instead of being executed by bona-fide purchases and sales with other traders, are simply matched and offset in the soliciting firm's own office and the firm itself takes the opposite side of customers' orders." 80 Cong. Rec. 8088 (1936) (Remarks of Senator Pope).

contract market; and in Section 4b its intent was expressed that it was unlawful for contract market members to conduct their future-delivery business other than through the facilities of the exchange. This legislative intent has been understood and applied since 1936.[31]

In 1936, Congress also deleted the express exemption that had been contained in Section 4 for contracts entered into by growers and owners (*supra*, notes 20 and 26 and accompanying text) on the basis that it was redundant. As the House Report makes clear, this express exception was considered unnecessary, among other things, because the provision of Section 2 of the Act, which excluded from regulation "cash" grain contracts "for deferred shipment or delivery" served to protect the very same commercial interests involved in the merchandising of commodities that had been protected by the deleted exemption for owners and growers.[32]

Consequently, in 1936 Congress reaffirmed and refined the essential statutory distinction it had first made in 1921 between those kinds of contracts for future delivery that it intended either to prohibit or regulate—contracts offered by persons conducting a business in contracts for the future delivery of commodities—and those contracts that it did not intend to regulate or prohibit—cash sale contracts contemplating actual, although deferred, delivery.

6. The relatively recent development of leverage contracts and very recent development of other novel forms of contracts that may involve the future delivery of commodities—which are not being offered through the facilities of a contract market, and are being offered to the public by firms having no independent commercial purpose in doing so—evidence a need for the Commission to apply the basic mandate of the Commodity Exchange Act.[33] Thus, it is our conclusion that any person or firm which creates a public market in contracts for the future delivery of commodities in the form of leverage-type contracts which are not being traded through the facilities of an exchange which has been designated as a contract market for that commodity, is violating Section 4h of the Act and is not entitled to the benefit of the exclusion Section 2 contains.

Congress has evinced a strong intention to regulate all persons engaged in the business of buying, selling, offering, accepting and otherwise dealing in contracts for the future delivery of commodities, and has done so by requiring that no such business may be conducted unless it may be and is conducted through the facilities of an exchange that has met the criteria for designation by the Commission as a contract market. Any public offering of these contracts other than through the facilities of a designated contract market is unlawful.[34]

[FR Doc. 79-7401 Filed 3-9-79; 8:45 am]

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[31] *See* S. Rept. No. 1131, 93d Cong., 2d Sess. 14-15 (1974); Mehl J. M., *The Futures Markets, Marketing, The 1954 Yearbook of Agriculture* 326 (1954). In 1968, Congress expanded the application of the prohibitions of Section 4b to include any person, not merely contract market members, insofar as contract market trading was concerned. S. Rept. 947, 90th Cong., 2d Sess. 6 (1968). At that time, however, it restructured the provision in a way that creates an ambiguity of the kind that had plagued earlier congressional attempts to outlaw off-exchange bucket shops. Section 4b was modified in the following manner (additions italicized, deletions bracketed): "It shall be unlawful (*1*) for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of [1] any contract of sale of any commodity in interstate commerce, *made, or to be made, on or subject to the rules of any contract market, for or on behalf of any other person*, or (2) *for any person, in or in connection with any order to make, or the making of*, any contract of sale of any commodity for future delivery, made, or to be made, on or subject to the rules of any contract market, or on behalf of any *other* person . . . (D) to bucket such order. . . ." 7 U.S.C. § 6b (1976). Clause (1) of the 1936 amendment (*Supra*, n. 29) had unambiguously prohibited bucketing by any member of a contract market in connection with "any contract of sale of any commodity in interstate commerce," while clause (2) applied the same prohibition to exchange traded futures; now a "contract market" limitation is contained in both clauses of the Section as amended in 1968.

[32] H.R. Rept. No. 421, 74th Cong., 1st Sess. 4-5 (1935).

[33] As noted above, under Section 217 of the 1974 Act Congress did authorize the application of the Commodity Exchange Act's basic mandate to the regulation of leverage transactions. Thus, while Congress in Section 217 generally empowered the Commission to regulate gold and silver leverage transactions so as to insure their financial solvency and prevent manipulation and fraud, it also empowered and indeed required the Commission to regulate any such leverage transaction in accordance with the applicable provisions of the Act if the Commission determined any such transaction to be a contract for future delivery within the meaning of the Act. Specifically, Section 217 provided in pertinent part: "No person shall offer to enter into, enter into, or confirm the execution of any transaction for the delivery of silver bullion, gold bullion, or bulk silver coins or bulk gold coins, pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract contrary to any rule, regulation, or order of the Commodity Futures Trading Commission designed to insure the financial solvency of the transaction or prevent manipulation or fraud: *Provided*, That such rule, regulation, or order may be made only after notice and opportunity for hearing. *If the Commission determines that any such transaction is a contract for future delivery within the meaning of the Commodity Exchange Act, as amended, such transaction shall be regulated in accordance with the provisions of such Act.*" (emphasis added). See also S. Rept. 1131, 93d Cong., 2d Sess. 8, 41 (1974); S. Rept. No. 1194, 93d Cong., 2d Sess. 39 (1974). Recently Congress enacted the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865, *et seq.* (September 30, 1978). That Act added a new Section 19 to the Commodity Exchange Act which supersedes Section 217 of the 1974 Act by incorporating that Section's substantive provisions concerning gold and silver leverage transactions and by broadening the Commission's jurisdiction to include leverage transactions involving all other commodities. As did Section 217, new Section 19 of the Act provides that if the Commission determines any leverage transaction in gold or silver (or any other commodity) to be a contract for future delivery within the meaning of the Act, that transaction shall be regulated accordingly. Section 19(d) of the Act, Section 23 of Pub. L. No. 95-405, 92 Stat. 877. Nothing in the Futures Trading Act of 1978 or its legislative history prompts us to alter the conclusions or analysis set forth in this memorandum.

[34] Of course, we do not mean to suggest any conclusion—one way or the other—whether the activities of firms offering particular forms of contracts for future delivery are capable of being structured in a way that will permit contract market designation. As early as 1921 it was recognized by Congressman Tincher, the sponsor of the bill that became the Futures Trading Act of 1921 and a member of the House Agriculture Committee, that some trading for future delivery might not rise to the level of a "designatable" exchange or board of trade because of its private nature and insufficient trading volume. *See Hearings on H.R. 168, 231, 2238, 2331, 2363 and 5228 Before the House Committee on Agriculture, supra*, at 327.

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5200]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Brewton, Escambia County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Brewton, Escambia County, Alabama. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, Brewton City Hall, P.O. Box 368, Brewton, Alabama 36426. Send comments to: Mayor Sherer or Mr. J. P. Maxwell, City Clerk, P.O. Box 368, Brewton, Alabama 36426.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Brewton, Escambia County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Murder Creek	Just upstream of U.S. Highway 29 Bridge.	86
Burnt Corn Creek	Granberry Street Extended.	89
	Just upstream of Highway 41.	95
Tributary 1	Just upstream of the Louisville and Nashville Railroad.	93
	Just upstream of Kirkland Rd.	106
King Branch	Just upstream of the Louisville and Nashville Railroad.	105
	Just upstream of Kirkland Rd.	109

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6876 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5201]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lynwood, Los Angeles County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lynwood, Los Angeles County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 11330 Bullis Road, Lynwood, California. Send comments to: Mr. Edward Valliere, City Manager, City of Lynwood, City Hall, 11330 Bullis Road, Lynwood, California 90262.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for City of Lynwood, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow Ponding	Intersection of Wright Road and Louise Avenue.	81
	Intersection of Century Boulevard and Louise Avenue.	81
Shallow Ponding	Intersection of Louise Avenue and Cortland Street.	78

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6877 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5202]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Montebello, Los Angeles County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Montebello, Los Angeles County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 1600 Beverly Boulevard, Montebello, California. Send comments to: Mr. Roy Pederson, City Administrator, City of Montebello, City Hall, 1600 Beverly Boulevard, Montebello, California 90640.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Montebello, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rio Hondo Channel.	Area along the south side of Lincoln Avenue and east of Rio Del Sol Avenue (Whittier Narrows Flood Control Basin).	220
Ponding	Area between the intersection of Mines Avenue and Taylor Avenue and the Union Pacific Railroad.	186

Source of flooding	Location	Depth, in feet above, ground
Shallow Flooding..	Intersection of Garfield Avenue and Via Paseo.	1
Shallow Flooding..	Intersection of Garfield Avenue and Via Corona.	1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6878 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5203]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Douglas County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Douglas County, Georgia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Planning Department, Douglas County Courthouse, 6754 Broad Street, Douglasville, Georgia 30134. Send comments to: Mr. C. L. Dodson, Chairman of Douglas County Commission or Ms. Kay Marsolan, Douglas County Planner, Douglas County Courthouse, 6754 Broad Street, Douglassville, Georgia 30134.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the unincorporated areas of Douglas County, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

quired. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical datum
Chattahoochee River.	Approximately 130 upstream Capps Ferry Road.	730
	West Chappel Hill Road extended.	742
	Just upstream of State Highway 92.	747
	Approximately 400 feet upstream Fairburn Road.	753
Sweetwater Creek.	Approximately 200 feet upstream Factory Shoals Road.	863
	Approximately 100 feet downstream Blairs Bridge (New) Road.	877
	Approximately 200 feet downstream State Highway 6.	884
Sweetwater Creek Tributary 1.	Just downstream of Skyview Drive.	837
	Just downstream of Magnolia Drive.	900
Gordon Creek	Just upstream of Skyview Drive.	882
	Douglas County boundary.	897
Pine Creek	Douglas County boundary.	888
Anneewakee Creek.	Approximately 50 feet upstream of Anneewakee Road.	861
	Just upstream of Bomar Road.	883
	Just dowstream of Chapel Hill Road.	897
Little Anneewakee Creek.	Approximately 2000 feet upstream of confluence with Anneewakee Creek.	898
	Approximately 100 feet upstream Slater Mill Road extended.	940
Gothards Creek	At confluence of Tributary 2.	929
	Approximately 50 feet downstream of Walton Store Road.	935
	Approximately 30 feet downstream of North Flatrock Road.	939
	Approximately 40 feet upstream of North Flatrock Road.	945
Tributary 2	Approximately 30 feet upstream of Cave Springs Road.	941
Tributary 3	Approximately 200 feet upstream of confluence with Gothards Creek.	939
Tributary 4	Just upstream of Dorris Road.	961
Mud Creek	Just upstream of High Point Road.	945
	Approximately 150 feet upstream of Brittain Road.	954
	Approximately 120 feet upstream of Ragan Road.	972
Waterfall Branch	Just downstream of Cedar Mountain Road.	970
Town Branch	Approximately 70 feet upstream of Brewer Road.	979
	Approximately 80 feet downstream of Lake Val-Do-Mar Dam.	1000
	Just upstream of Lake Val-Do-Mar Dam.	1026
Mobley Creek	Just upstream of Banks Mill Road.	907
	Approximately 150 feet downstream of Berea Road.	939
	Just upstream of Pool Road.	949
	Approximately 150 feet downstream of Mason Creek Road.	973
Tributary 5	Approximately 30 feet upstream Pool Mill Road.	918
Tributary 6	Just downstream of Daniel Mill Road.	959
Tributary 7	Approximately 400 feet upstream of Mason Creek Road.	977

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6879 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5204]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determinations for Richmond County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Richmond County, Georgia. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 3390 on January 25, 1978, and in *The Augusta Chronicle* published on or about December 1, 1977, and December 2, 1977, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City-County Building, Room 605, Augusta, Georgia. Send comments to: Mr. Harrell Tiller, Chairman, Richmond County Commissioners, Room 605, City-County Building, Augusta, Georgia 30903.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Richmond County, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Savannah River.....	Confluence with McBean Creek (Richmond County Limits)*.	108
	Confluence with High Bank Creek*.	116
	Confluence with Hollow Creek*.	119
	Confluence with Spirit Creek*.	125
	Seaboard Coast Line Railroad Bridge:	
	94 feet**	136
	13 feet***	136
Spririt Creek.....	Confluence with Savannah River.	125
	Dirt Road (approximately 7600 feet upstream from confluence with Savannah River)—100 feet***.	125
	Southern Railway—25 Feet***.	126
	State Highway 56—50 feet***.	126
	Goshen Road—20 feet***.	146
	Old Waynesboro Road—50 feet***.	155
	Confluence with Spirit Creek Tributary 1—125 feet***.	156
	Dirt Road (approximately 6700 feet upstream from Spirit Creek Tributary 1)—75 feet***.	166
	Georgia Highway 21—50 feet***.	163
	Southern Railway—50 feet***.	195
	Wiadsor Spring Road—50 feet***.	199
	Willis Forman Road—50 feet***.	205
	Confluence with Spirit Creek Horsepen Branch—50 feet***.	218
	Confluence with South Prong Creek*.	228
	Birdwell Drive:	
	50 feet**	240
	50 feet***	245
Spirit Creek Tributary 1.	McDale Farm Road—40 feet***.	160
Spirit Creek Horsepen Branch.	Confluence with Spirit Creek*.	218
	Willis Foreman Road:	
	20 feet**	237
	20 feet***	243
Butler Creek	Augusta Levee:	
	50 feet**	127
	50 feet***	119
	Dirt Road (1st crossing upstream from Augusta Levee)—50 feet***.	119
	Dirt Road (2nd crossing upstream from Augusta Levee)—25 feet***.	120
	New Savannah Road Loop 56—50 feet***.	125
	Southern Railway—50 feet***.	135
	Old Savannah Road and State Highway 56—50 feet***.	153
	Southern Railway—50 feet***.	161
	U.S. Highway 25—50 feet***.	163
	Unnamed Road—25 feet***.	183
	Windsor Spring Road—50 feet***.	169
	Confluence with Butler Creek Tributary 1—50 feet***.	199
	U.S. Highway 1—50 feet***.	209
	Old U.S. Highway 1—30 feet***.	210
	Old McDuffie Road—50 feet***.	223
	Dam (upstream from Old McDuffie Road):	
	50 feet**	231
	50 feet***	256
	McKenna Gate Fort Gordon—50 feet***.	266
	Dirt Road (upstream from McKenna Gate Fort Gordon)—50 feet***.	271
	Abandoned Railroad—50 feet***.	271
	Fort Gordon Highway (U.S. Highways 78 and 278)*.	275
Butler Creek Tributary 1.	Confluence with Butler Creek—20 feet***.	199
	Morgan Road—40 feet***.	232
Butler Creek Tributary 2.	Fort Gordon Highway (U.S. Highways 76 and 278):	
	90 feet**	273
	90 feet***	262
	Georgia Railroad—50 feet***.	294
	Dam (Upstream from Georgia Railroad):	
	10 feet**	310
	10 feet***	325
Rocky Creek	Confluence with Rocky Creek Tributary 1*.	122
	New Savannah Road—50 feet***.	126
	Southern Railway (1st crossing)—50 feet***.	129
	Southern Railway (2nd crosing)—50 feet***.	133
	Old Savannah Road:	
	50 feet**	134
	50 feet***	139
	State Highway 21 and U.S. Highway 25—50 feet***.	149
	Lake Lombard Dam—200 feet***.	149
	Deans Bridge Road (U.S. Highway 1):	
	50 feet**	155
	50 feet***	162
	Dirt Road (Old Dam)—50 feet***.	170
	Wheeless Road—50 feet***.	177
	Milledgeville Road 50 feet***.	166
	Old McDuffie Road:	
	50 feet**	204
	50 feet***	213
	Rosedale Dam—50 feet***.	240
	Bobby Jones Expressway 100 feet***.	250
	Fort Gordon Highway:	
	100 feet**	266
	100 feet***	295
	Barton Chapel Road:	
	50 feet**	303
	50 feet***	312
	Georgia Railroad*	318
Rocky Creek Tributary 1.	New Savannah Road—50 feet***.	126
	Southern Railway—50 feet***.	126
Rocky Creek Tributary 2.	Nixon Road*	130
Rocky Creek Tributary 3.	Nixon Road*	126
Rocky Creek Tributary 4.	Southern Railway—20 feet***.	131
	Old Savannah Road—20 feet***.	136
	Lumpkin Road—20 feet***.	144
	Kings Grant Drive—20 feet***.	150
	Durham Court—20 feet***.	151
	Windsor Spring Road*	152
Rocky Creek Tributary 5.	Virginia Avenue—10 feet***.	139
	Coleman Avenue—20 feet***.	141
	Peach Orchard Road—20 feet***.	148
Rocky Creek Tributary 6.	Milledgeville Road—20 feet***.	160
	Easy Street—20 feet***	164
	Fort Gordon Highway—20 feet***.	190
	Unnamed Road—20 feet***.	194
Rocky Creek Tributary 7.	Wylds Road—5 feet***	200
	Fort Gordon Highway:	
	20 feet**	201
	20 feet***	206
	North Leg Road—20 feet***.	246
	Georgia Railroad:	
	20 feet**	270
	20 feet***	265
	Wylds Road—20 feet***	299
	Bobby Jones Expressway:	
	140 feet**	316
	20 feet***	332
	Sharon Road*	332
Rocky Creek Tributary 8.	Fort Gordon Highway 40 feet***.	229
	Bobby Jones Expressway:	
	70 feet**	259
	30 feet***	266
	Georgia Railroad	
	20 feet**	267
	20 feet***	297
	Barton Chapel Road:	
	20 feet**	305
	20 feet***	311
	Confluence with Rocky Creek Tributary 9*.	335
Rocky Creek Tributary 9.	Confluence with Rocky Creek Tributary 6*.	335
Rocky Creek Tributary 10.	Confluence with Rocky Creek Tributary 8*.	326
Rocky Creek Tributary 11.	Confluence with Rocky Creek*.	143
Oates Creek	Fort Gordon Highway—20 feet***.	126
	New Savannah Road—50 feet***.	128
	Southern Railway—50 feet***.	136
	Old Savannah Road—50 feet***.	141
	Athens Street—50 feet***.	142
	Grand Boulevard—50 feet***.	142
	Dyer Street—25 feet***	142
	15th Street—25 feet***	143
	Milledgeville Road—50 feet***.	147
	Olive Road*	147
Oates Creek Tributary 1.	White Road—10 feet***	154
	Olive Road*	154
Raes Creek	Augusta Canal Head Gates—75 feet***.	159
	Washington Street*	160
	Georgia Highway 28 (Old Broad Street Bridge)—50 feet***.	160
	Unnamed Road—25 feet***.	165

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Berkman Road—50 feet***.	181
	Boy Scout Road:	
	50 feet**	201
	50 feet***	208
	Ramsgate Road—50 feet***.	221
	Scott Way—50 feet***	228
	Wheeler Road—50 feet***.	242
	Lake Aumond Dam:	
	50 feet**	254
	50 feet***	260
	West Lake Forest Drive*	264
	Jackson Road:	
	50 feet**	283
	50 feet***	288
	Marks Church Road—75 feet***.	305
	Bobby Jones Expressway—50 feet***.	310
	Wrightsboro Road (1st crossing)—50 feet***.	337
	Wrightsboro Road (2nd crossing)—50 feet***.	341
	Maddox Road*	376
No Name Creek	Ingleside Drive—20 feet***.	188
	Henderson Drive—10 feet***.	190
	Ashland Drive:	
	20 feet**	198
	20 feet***	208
	Boy Scout Road—20 feet***.	208
	Wheeler Road—10 feet***.	229
	Oberlin Road*	250
Crane Creek	Confluence with Raes Creek*.	220
	Skinner Mill Road—20 feet**.	244
	Interstate Highway 20 Eastbound—20 feet***.	251
	Interstate Highway 20 Westbound—20 feet***.	254
	Warren Road—20 feet***.	255
	Pleasant Home Road:	
	20 feet**	285
	20 feet***	292
	Bobby Jones Expressway—10 feet***.	293
	Frontage Road—10 feet***.	293
	Scott Nixon Road—20 feet***.	307
Raes Creek Tributary 1.	Wrightsboro Road—10 feet***.	341
Raes Creek Tributary 2.	Confluence with Raes Creek*.	337
Raes Creek Tributary 3.	Confluence with Raes Creek—20 feet***.	352
	Maddox Road—20 feet***.	406
Beaver Dam Ditch	Dirt Road (11,400 feet upstream from the confluence with Butler Creek)—100 feet***.	120
	Dirt Road (16,650 feet upstream from the confluence with Butler Creek)—100 feet***.	121
	Central of Georgia Railroad Spur—100 feet***.	124
	Interplant Road—100 feet***.	124

*At centerline.
**Downstream from centerline.
***Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6880 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5205]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Juliaetta, Latah County, Idaho.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Juliaetta, Latah County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Juliaetta, Idaho. Send comments to: Honorable Clark Woods, Mayor, City of Juliaetta, City Hall, P.O. Box 229, Juliaetta, Idaho 83535.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Juliaetta, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Potlatch River	Downstream Corporate Limits—50 feet ustream from centerline.	1028
	Third Street Bridge—at centerline.	1071
Middle Fork Potlatch Creek.	Main Street—at centerline.	1095

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6881 Filed 3-9-79; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-5206]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Baldwin City, Douglas County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 801 High Street, Baldwin City, Kansas. Send comments to: The Honorable, Mr. O. Selzer, Mayor, City of Baldwin City, City Hall, 801 High Street, Baldwin City, Kansas 66006.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Baldwin City, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Tauy Creek.	About 200 feet upstream of corporate limits.	1,006
	About 100 feet downstream of High Street.	1,009
	About 65 feet upstream of High Street.	1,014
	About 80 feet upstream of Elm Street.	1,017
	Upstream corporate limits.	1,021
Tributary A.....	About 80 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,022
	Just upstream of Third Street.	1,026
	About 40 feet upstream of Freemont Street.	1,028
	Just upstream of Second Street.	1,034
	About 300 feet upstream of Elm Street.	1,035
	Just upstream of Dearborn Street.	1,040
	Upstream corporate limits.	1,042
Tributary B.....	About 100 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,002
	About 400 feet upstream of mouth at East Fork Tau Creek Tributary.	1,009
	1130 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,019
Tributary C.....	Mouth at East Fork Tauy Creek Tributary.	1,005
	About 340 feet upstream of East Fork Tauy Creek Tributary.	1,005
	Just downstream of Third Street.	1,019
	Just upstream of Third Street.	1,026
	Just downstream of High Street.	1,030
	40 feet upstream of High Street.	1,035
	460 feet upstream of High Street.	1,035
East Fork Tauy Creek Tributary.	About 120 feet upstream of corporate limits.	995
	Just upstream of Sixth Street.	999
	Just downstream of High Street.	1,013
	Just upstream of High Street.	1,021
	Just upstream of Freemont Street.	1,024
	Just upstream of Elm Street.	1,027
	About 250 feet downstream of Dearborn Street.	1,032
	Upstream side of Dearborn Street.	1,037
	Just upstream of Chapel Street.	1,042
	About 300 feet upstream of Chapel Street.	1,042

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6882 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5207]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Bensenville, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Engineering Department, 700 West Irving Park Road Bensenville, Illinois. Send comments to: Mr. Richard A. Weber, Village President, Village of

Bensenville, Village Hall, 700 West Irving Park Road, Bensenville, Illinois 60106.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Bensenville, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location national geodetic vertical datum	Elevation in feet.
Bensenville Ditch..	Approximately 800 feet downstream of Orchard Avenue.	662
	Just downstream of Chicago and North Western Railroad.	662
	Just upstream of Chicago and North Western Railroad.	665
	Just upstream Church Road.	667
Addison Creek	Just downstream Third Avenue.	656
Tributary 1.....	Just upstream of Evergreen Avenue.	658
	At Field Road.....	663
Tributary 2.....	At Confluence with Tributary 3.	662
	Downstream of York Road.	663
	At Church Road	681
Tributary 3.....	Confluence with Tributary 2.	662
	Just upstream of George Street.	662
	Just upstream of Private Driveway.	669
	1,200 feet upstream of Private Drive.	676
Tributary 4.....	Approximately 720 feet downstream of Church Road.	679
	Just upstream of Church Road.	683
Addison Creek	2,050 feet downstream of Diana Court.	656
	At George Street	656

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6883 Filed 3-9-79; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-5208]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Lindenhurst, Lake County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Lindenhurst, Illinois. Send comments to: Mr. Theodore Flanagan, Village President, Village of Lindenhurst, 2301 East Sand Lake Road, Lindenhurst, Illinois 60046.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Lindenhurst, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Hastings Creek	Northern corporate limits.	759
	Western corporate limits.	763

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1878, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to

permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6884 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5209]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Round Lake Heights, Lake County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Round Lake Heights, Lake County, Illinois.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Clerks Office, Village Hall, 629 Pontiac Court, Round Lake Heights, Illinois. Send comments to: Mr. Delbert Podhola, Village President, Village of Round Lake Heights, Village Hall, 629 Pontiac Court, Round Lake Heights, Illinois 60073.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Round Lake Heights, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Round Lake	Downstream corporate limits at Rollins Road.	770
Drain Tributary	Upstream corporate limits.	770

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6885 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5210]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Keedysville, Washington County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Keedysville, Washington County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Keedysville, Maryland. Send comments to: Honorable Ralph B. Taylor, Mayor of Keedysville, Box 1, Keedysville, Maryland 21756.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Keedysville, Washington County, Maryland in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Antietam Creek.	Chessie System	374
	South Main Street (Upstream Side).	372
	Coffman Road	364

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6886 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5211]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Sharpsburg, Washington County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Sharpsburg, Washington County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Sharpsburg, Maryland. Send comments to: Honorable Edwin C. Palmer, Mayor of Sharpsburg, Box 291, Sharpsburg, Maryland 21782.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Sharpsburg, Washington County, Maryland in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 105 to Antietam Creek.	Downstream Corporate Limits.	401
	Antietam Street	406
	10th Alley (Upstream Crossing).	408

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6887 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4700]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for The City of Pontiac, Oakland County, Mich., Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 50199 of the FEDERAL REGISTER of October 27, 1978.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-5581 or Toll Free Line 800-424-8872.

The following locations:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Clinton River	Just downstream Grand Trunk Western.	922
Galloway Creek	Private Drive, 1,100 feet downstream of Collier Road.	927
Galloway Ditch	Private Drive, 1,500 feet upstream of Giddings Road.	933

Should be corrected to read:

Clinton River	Approximately 260 feet downstream of Grand Trunk Western.	922
Galloway Creek	Just upstream of Private Drive, 1,100 feet downstream of Collier Road.	927
Galloway Ditch	Just upstream of Private Road, 1,500 feet upstream of Giddings Road.	933

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of

1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6888 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5212]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Ira, St. Clair County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ira, St. Clair County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Township Hall, 8811 Vernier Road, Fairhaven, Michigan 48023. Send comments to: Ms. Rita Roehig, Township Supervisor, Township of Ira, Township Hall, 8811 Vernier Road, Fairhaven, Michigan 48023.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Ira, Michigan, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Marsac Creek	Bethuy Road—25 feet*	586
	Arnold Road—50 feet*	597
	Marine City Highway**	605
West Branch Meldrum Creek.	Meldrum Road—10 feet*	586
Meldrum Creek	Short Cut Road—100 feet*.	586
	Marine City Highway**	610
Swan Creek	Short Cut Road—100 feet*.	586
	Marine City Highway**	603
Lake St. Claire	Intersection of Water Drive and Shorkey Drive.	579

* Upstream from centerline.
** At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6889 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5213]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Hallock, Kittson County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hallock, Kittson County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Hallock City Hall, P.O. Box 346, Hallock, Minnesota. Send comments to: The Honorable, Dr. Joe Bouvett, Mayor, City of Hallock, City Hall, P.O. Box 346, Hallock, Minnesota 56728.

Attention: Mark Loyd (City Clerk).

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Hallock, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Two Rivers	Downstream corporate limit.	811
	Minnesota Highway 175.	812
	Corporate limit—confluence with South Branch Two Rivers.	813
South Branch Two Rivers.	Downstream corporate limit.	813
	Upstream corporate limit.	815

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6890 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5214]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Roseau County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Roseau County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Roseau County Court House, Roseau, Minnesota. Send comments to: Mr. Wayne Juhl, Chairman of County Board of Commissioners, Roseau County, Roseau County Court House, Roseau, Minnesota 56751.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Unincorporated Areas of Roseau County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roseau River	Just upstream County Road 115.	1,035
	Just upstream of State Highway 89.	1,037
	Just upstream of County Highway 28.	1,042
	2.5 miles upstream of County Highway 28.	1,045
	Downstream City of Roseau corporate limit.	1,048
	Upstream City of Roseau corporate limit.	1,050
	Just downstream of County Highway 124.	1,052
Hay Creek	Confluence with Roseau River.	1,042
	8,000 feet downstream of County Highway 28.	1,043
Southfork Roseau River.	Just upstream of County Road 128.	1,093
	0.5 miles downstream of State Highway 89.	1,099
	Just upstream of State Highway 89.	1,101
	Just downstream County Highway 4.	1,104
Warroad River	Mouth at Lake of the Woods.	1,064
	4.3 miles upstream of mouth of Lake of the Woods.	1,066
Pine Creek	Just upstream of County Road 118.	1,041
	1.7 miles upstream of County Road 118.	1,047

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ.
Federal Insurance Administrator.

[FR Doc. 79-6891 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5215]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for The City of Belzoni, Humphreys County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, 102 W. Jackson Street, Belzoni, Mississippi 39098. Send comments to: Mayor G. B. Mortimer or Roy H. Watson, City Clerk, Belzoni City Hall, 102 W. Jackson Street, Belzoni, Mississippi 39098.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Belzoni, Humphreys County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fisk Bayou	At Jackson Street	115
	At Virginia Street	115
Unnamed Tributary of Yazoo River.	Intersection of Mound Street and Washington Avenue.	115
	Intersection of First Street and Shannon Street.	115
Yazoo River	At Humphreys Co. Bridge.	115

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6892 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5216]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Humphreys County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Humphreys County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Chancery Clerk's Office, Humphrey's County Courthouse, Belzoni, Mississippi 39038. Send comments to: Mr. R. B. Harris, President of the Board of Supervisors for Humphreys County or Ms. Hilda Shapiro, Chancery Clerk, Humphreys County Courthouse, Belzoni, Mississippi 39038.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the unincorporated areas of Humphreys County, Mississippi in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed Tributary of Yazoo River.	Approximately 150 feet downstream of Pecan Street.	115
	Just upstream of First St.	115
Fisk Bayou	At Fourth Street	115
County Ditch No. 22.	Approximately 100 feet upstream of State Highway No. 7.	114

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6893 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5217]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Jackson, Hinds County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Jackson, Hinds County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Jackson, Mississippi. Send comments to: Honorable Dale Danks, Mayor, City of Jackson, P.O. Box 17, Jackson, Mississippi 39205.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Jackson, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pearl River	Confluence with Hardy Creek*.	269
	Interstate 20 (1st crossing)*.	272
	Interstate 55—260 feet**	275
	State Highway 25—130 feet**.	279
	Confluence with Purple Creek*.	281
	Limit of Detailed Study*	283
Cany Creek	Illinois Central Gulf Railroad (1st crossing)*.	268
	Illinois Central Gulf Railroad (2nd crossing)—100 feet**.	272
	West Frontage Road—100 feet**.	273
	Terry Road—100 feet**	275
	McClure Road—160 feet**.	279
	Cooper Road—50 feet**	295
	Smallwood Street—50 feet**.	303
	McDowell Road—110 feet**.	311
	Suncrest Drive—110 feet***.	311
	Suncrest Drive—110 feet**.	315
	Alyce Street—50 feet**	328
Hardy Creek	Illinois Central Gulf Railroad (1st crossing)*.	269
	Greenwood Avenue—50 feet**.	270
	Alemeda Street—50 feet**.	281
	McDowell Road—100 feet**.	311
	Dianne Drive—80 feet**	323
	Annalisa Drive—50 feet**.	334
	Wingfield Drive—130 feet***.	340
	Wingfield Drive—130 feet**.	346
	Raymond Road—100 feet**.	350
Tributary 1 to Hardy Creek.	Confluence with Hardy Creek—53 feet**.	326
	Flowers Drive—30 feet**	337
Three Mile Creek	Unnamed Road—50 feet**.	270
	Illinois Central Gulf Railroad—110 feet***.	271
	Illinois Central Gulf Railroad—110 feet**.	282
	Terry Road—110 feet**	288
	Colonial Drive—30 feet**.	298
	Cummings Street*	300
Tributary 1 to Three Mile Creek.	Glenn Street—110 feet**	302
	Paden Street—30 feet**	310
	Gunda Street—30 feet**.	318
Lynch Creek	Illinois Central Gulf Railroad (1st crossing)—80 feet**.	272
	Interstate Highway 20 East—30 feet**.	272
	Illinois Central Gulf Railroad—130 feet**.	274
	Terry Road—30 feet**	282
	Valley Street—80 feet**	285
	U.S. Highway 80—130 feet**.	292
	Lynch Street—80 feet**	297
	Robinson Street—30 feet**.	302
	St. Charles Street—30 feet**.	305
	South Drive—80 feet**	314
	Holden Street—30 feet**	319
	Lindberg Drive—30 feet**.	323
	West Capital Street—80 feet**.	327
	Country Club Drive—160 feet**.	334
	Bonita Drive—110 feet**	363
	Flag Chapel Drive—30 feet**.	367
Tributary 1 to Lynch Creek.	Interstate Highway 20—130 feet**.	299
	Highland Drive—30 feet**.	335
Tributary 2 to Lynch Creek.	Ellis Avenue—80 feet**	295
	Lynch Street—50 feet**	307
	Washington Street—80 feet**.	317
	Booker Street—80 feet**	321
Tributary 3 to Lynch Creek.	Primos Avenue—130 feet**.	305
	Robinson Road—50 feet**.	323
	Interstate 220—110 feet***.	331
	Interstate 220—160 feet**.	340
	Barnett Drive—30 feet**	340
Tributary 4 to Lynch Creek.	Lindsey Drive—80 feet**	305
	Nimitz Street—30 feet**.	311
	St. Charles Street Extended—80 feet**.	322
	Morson Road—110 feet**.	338
	U.S. Highway 80—50 feet**.	357
	Westhaven Boulevard—50 feet**.	360
	Berry Street—50 feet**	369
	Gault Street—110 feet**	370
Tributary 4-1 to Lynch Creek.	U.S. Highway 80—50 feet**.	340
	Westhaven Boulevard—50 feet**.	351
Tributary 5 to Lynch Creek.	Interstate 220—50 feet**	329
	Dixon Road—80 feet**	334

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Westhaven Boulevard—130 feet**.	360
	Illinois Central Gulf Railroad*.	367
Tributary 6 to Lynch Creek.	Interstate 80—110 feet**	284
	Valley Street—110 feet**	290
	Barrett Avenue—50 feet**.	296
	Lynch Street—50 feet**..	301
	Robinson Street—80 feet**.	315
	Buena Vista Avenue—130 feet**.	319
	Columbus Street—50 feet**.	321
Town Creek.....	Illinois Central Gulf Railroad (1st crossing)—30 feet**.	273
	Rankin Street—30 feet**	273
	Hudson Street—30 feet**.	273
	Amite Street—30 feet**..	273
	Mill Street—30 feet**.....	276
	Galletin Street—30 feet**.	278
	High Street—30 feet**	285
	Maple Street—30 feet**..	292
	Woodrow Wilson Avenue—30 feet**.	302
	Ford Avenue—80 feet**..	316
	Delta Drive—80 feet**	334
	Northside Drive—30 feet**.	337
	Unnamed Road—30 feet**.	342
Tributary 2 to Town Creek.	Confluence with Town Creek.	323
Tributary 3 to Town Creek.	High Street*	303
	West Bell Street—110 feet**.	305
	Ash Street*	308
	Elm Street—50 feet**.....	311
	Livingston Street—50 feet**.	314
	Millsaps Avenue Extension—50 feet**.	319
	Woodrow Wilson Avenue—50 feet**.	325
Tributary 4 to Town Creek.	Fortification Street—80 feet**.	288
	Ash Street—130 feet**	291
	Erie Street—30 feet**	295
	Dewit Avenue—110 feet**.	299
	Delta Drive—80 feet**	306
	Toole Street—130 feet**.	308
	Avenue D—30 feet**.....	324
	Queens Avenue—30 feet**.	337
Tributary 5 to Town Creek.	Woodrow Wilson Avenue—80 feet**.	306
	Perkins Street Extended—30 feet**.	310
	Coleman Avenue—30 feet**.	323
	Delta Drive—80 feet**	331
	Green Fields Avenue—80 feet**.	334
	Utah Street—80 feet**....	338
	Northside Drive—30 feet**.	348
	Illinois Central Gulf Railroad—80 feet**.	361
Eubanks Creek	Dam*.....	277
	U.S. Highway 51—50 feet**.	277
	Wood Dale Drive—80 feet**.	283
	Hawthorne Drive—30 feet**.	290
	Eagle Avenue—30 feet**.	294
	State Street—80 feet** ...	299
	West Street—30 feet**	306
	Newman Avenue—80 feet**.	314
	Bailey Avenue—30 feet**.	316
	Douglas Avenue—30 feet**.	321
	Livingston Road—80 feet**.	326
	Northside Drive—110 feet**.	328
Tributary 3 to Eubanks Creek.	Old Canton Road—80 feet**.	289
	Buckley Road—80 feet**	299
	Montbrook Street—80 feet**.	308
Tributary 4 to Eubanks Creek.	Meadowbrook Road—80 feet**.	299
	Naples Road—30 feet** ..	310
Tributary 5 to Eubanks Creek.	Meadowbrook Road—30 feet**.	296
	Naples Road—30 feet** ..	304
	Northside Drive—30 feet**.	312
	El Paso Street—30 feet**.	320
	Iris Avenue—30 feet**.....	320
Tributary 6 to Eubanks Creek.	Wilshire Avenue—30 feet**.	307
	Northside Drive—110 feet**.	312
	Meadow Lane Drive—50 feet**.	322
	Witsell Road—80 feet**..	332
Tributary 6-1 to Eubanks Creek.	Meadow Lane Drive—50 feet**.	323
	Azalea Drive—50 feet** ..	325
	Beaver Brook Road*	326
Tributary 7 to Eubanks Creek.	Confluence with Eubanks Creek*.	321
	Northside Drive—110 feet**.	326
	Limit of Detailed Study*	332
Twin Lakes Creek-G.	Dam—30 feet**.....	278
	Eastover Drive—30 feet**.	281
	Lake Circle Drive—30 feet**.	288
	Navajo Road—130 feet**	296
	Ridgewood Road—130 feet**.	306
	Kenwood Drive—80 feet**.	316
Twin Lakes Creek-H.	Lake Circle Drive—30 feet**.	291
	Eastover Drive—30 feet**.	294
	Honey Suckle Lane—50 feet**.	296
	Meadowbrook Road—40 feet**.	310
Belhaven Creek.....	U.S. Highway 55*.....	276
	Illinois Central Gulf Railroad*.	278
	Laurel Street—80 feet** .	279
Hanging Moss Creek.	Confluence with Pearl River*.	281
	Ridgewood Road—50 feet**.	281
	Old Canton Road—50 feet**.	285
	Interstate 55—160 feet**	289
	Manhattan Road—90 feet**.	292
	North State Street—110 feet***.	297
	North State Street—110 feet**.	301
	Illinois Central Gulf Railroad—110 feet**.	303
	Highland Drive—50 feet**.	305
	Hanging Moss Road—110 feet**.	306
	Livingston Road—50 feet**.	317
	Interstate 220—110 feet**.	321
White Oak Creek (Tributary 3 to Hanging Moss Creek).	Westbrook Road—50 feet**.	281
	Old Canton Road—50 feet**.	281
	Ridgewood Road—50 feet**.	296
	Interstate 55—160 feet**	306
	North State Street—100 feet**.	312
Tributary 4 to Hanging Moss Creek.	Footbridge—110 feet** ...	293
	Briarwood Drive—90 feet**.	304
	North State Street—110 feet**.	306
	Beasley Road—90 feet**.	312
Tributary 5 to Hanging Moss Creek.	Meadow Road—30 feet**	305
	Hanging Moss Road—30 feet**.	312
	Beasley Road—30 feet**.	316
	Interstate 220—50 feet**	322
	Countyline Road*.....	335
Tributary 5-2 to Hanging Moss Creek.	Rutherford Drive—50 feet**.	328
	Interstate 220—110 feet**.	332
Tributary 5-3 to Hanging Moss Creek.	Confluence with Hanging Moss Creek Tributary 5*.	324
	Countyline Road—50 feet**.	342
Tributary 6 to Hanging Moss Creek.	Watkins Drive—110 feet**.	317
	Beasley Road—30 feet**.	322
	Interstate 220—110 feet**.	325
	Livingston Road—80 feet**.	335
Tributary 7 to Hanging Moss Creek.	Confluence with Hanging Moss Creek*.	324
	Countyline Road—50 feet**.	347
Purple Creek.....	Westbrook Road*	281
	Sedgewich Drive*	281
	Old Canton Road—30 feet**.	287
	1st Footbridge upstream of Old Canton Road—30 feet**.	288
	Colonial Circle—30 feet**.	291
	Woodfield Drive—50 feet**.	303
	Countyline Road—30 feet**.	309
Bakers Creek	Private Road—25 feet**..	281
	Illinois Central Gulf Railroad—100 feet**.	295
Tributary 2 to Bakers Creek.	Confluence with Bakers Creek*.	280
	Interstate 20 Eastbound—50 feet**.	294
	Interstate 20 Westbound—50 feet**.	295
	Shaw Road—75 feet*** ...	310
	Shaw Road—75 feet**.....	314
	Norma Street—75 feet***.	321
	Norma Street—50 feet**.	325
Big Creek.....	Raymond Road—200 feet***.	325
	Raymond Road—200 feet**.	329
	Brookview Drive—200 feet**.	343
	Northswell Road—100 feet**.	351
	Mississippi Highway 18—100 feet**.	360

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1 to Big Creek.	McClure Road*	328
Tributary 5 to Big Creek.	North Siwell Road—50 feet**.	337
Bogue Chitto	John F. Kennedy Boulevard—25 feet**.	274
	State Highway No. 49—50 feet**.	284
Tributary 4 to Bogue Chitto.	Confluence with Bogue Chitto*.	260
Stream 1	St. Andrews Drive—25 feet**.	282
	Field Road—150 feet**	283
	Brae Burn Drive—50 feet***.	287
	Brae Burn Drive—50 feet**.	290
	Countyline Road*	291
Trahon Creek	Forrest Hills Road—20 feet**.	298
	Henderson Road—150 feet***.	319
	Henderson Road—150 feet**.	323
	McCluer Road*	323
Tributary 1 to Trahon Creek.	Lakeshore Drive—300 feet**.	303

*At centerline.
** Upstream from centerline.
*** Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6993 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5218]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Picayune, Pearl River County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Picayune, Pearl River County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 203 Goodyear Boulevard, Picayune, Mississippi. Send comments to: Honorable S. G. Phigpen, Mayor, City of Picayune, City Hall, 203 Goodyear Boulevard, Picayune, Mississippi.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Picayune, Mississippi,in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Hobolochita Creek.	State Highway 43-10 feet*.	49
	State Highway 11-100 feet*.	53
	At confluence with Holley Creek.	58
Thigpen Creek	Stemwood Drive—100 feet*.	63
Bay Branch	Canal Street—at center—line.	58
Holley Creek	At Upstream Corporate Limits.	65
Mill Creek	Jackson Landing Road—10 feet*.	51
	Pearl River Valley Railroad—20 feet*.	56

* Upstream from centerline..

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6994 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4708]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Grain Valley, Jackson County, Miss.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 50204 of the FEDERAL REGISTER of October 27, 1978.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following locations:

Source of flooding	location	Elevation in feet, national geodetic vertical datum
Blue Branch.....	Upstream Corporate Limits.	794
Sni-A-Bar Creek....	Upstream Corporate Limits.	776

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blue Branch.....	Just downstream of Barr Road.	794
Sni-A-Bar Creek....	Just downstream of Harris Stream.	776

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6995 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5219]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Essex Fells, Essex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Essex Fells, Essex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at 255 Roseland Avenue, Essex Fells, New Jersey. Send comments to: Honorable Wallace S. James, Mayor of Essex Fells, 255 Roseland Avenue, Essex Fells, New Jersey 07021.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Essex Fells, Essex County, New Jersey in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Brook	Downstream Corporate Limits.	245
	Runnymede Road.....	306
	Upstream Corporate Limits.	308

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6996 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5220]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Pemberton, Burlington County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Pemberton, Burlington County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Pemberton Township Municipal Building, Brownsmill Road, New Lisdon, New Jersey. Send comments to: Honorable Washington E. Georgia, Mayor, Township of Pemberton, Box 175, New Lisdon, New Jersey 08064.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Pemberton, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jefferson Lake.....	100 feet west of the dam crossing.	83
Little Pine Lake	Mouth of Ong Run	63
Mirror Lake.....	200 feet north of the intersection of Lake Shore Drive South and Lakehurst Road.	62
North Branch Rancocas Creek.	U.S. Route 206—at centerline.	26
	Birmingham Road—at centerline.	31
	Coleman's Bridge Road—50 feet*.	41
	New Lisbon Road—150 feet**.	43
	New Lisbon Road—50 feet*.	48
	Lakehurst Road—at centerline.	53
Mount Misery Creek.	Route 646 (New Lisbon Road)—110 feet*.	44
	Greenwood Bridge Road—100 feet*.	49
Budds Run	Confluence with North Branch Rancocas Creek.	35
	Hanover Street—125 feet*.	40
Ong Run.....	West Lakeshore Drive—25 feet*.	66
Cranberry Branch	Choctaw Drive—75 feet*	74
	Lakehurst Road—at centerline.	84
Pole Bridge Branch.	Choctaw Drive—75 feet*	77
	Whites Bogs Road—at centerline.	86
Tributary to Pole Bridge Branch.	Confluence with Pole Bridge Branch.	78
	Lakehurst Road—at centerline.	85
Baffin Brook.....	Confluence with Pole Bridge Branch.	78
	Upton Station—Whites Bogs Road—at centerline.	91
Tributary to Country Lake.	Confluence with Pole Bridge Branch.	78
	Haddon and Allen Roads—100 feet*.	84
	Upton Station—Whites Bogs Road—at centerline.	92

*Upstream of centerline.
**Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6997 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5221]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Runnemede, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Runnemede, Camden County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Borough Clerk, Runnemede, New Jersey. Send comments to: Honorable David L. Venella, Mayor of Runnemede, 5th Avenue and Black Horse Pike, Runnemede, New Jersey 08078.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Runnemede, Camden County, New Jersey in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Inundating Big Timber Creek.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

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

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-6998 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5222]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Southampton, Burlington County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Southampton, Burlington County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Building, Vincentown, New Jersey. Send comments to: Honorable Robert Thompson, Mayor, Township of Southampton, Municipal Building, Box 177, Vincentown, New Jersey 08088.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Southampton, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Branch Rancocas Creek.	Lumberton-Vincentown Road—100 feet*.	20
	Race Street**	25
	Route 206**	27
	Bed Bug Hill Road**	33
North Branch Rancocas Creek.	U.S. Route 206—150 feet*.	27
Little Creek	Church Road—100 feet*.	24
	Chairville Road—90 feet*.	28
	New Jersey Route 70—150 feet*.	33
Jade Run	Main Street**	23
	Route 206—100 feet*	25
	Brace Road—100 feet*	36
	Ridge Road—100 feet*	42
Beaverdam Creek	Confluence with South Branch Rancocas Creek.	26
	U.S. Route 206**	39
Friendship Creek	Confluence with South Branch Rancocas Creek.	33
	Huntington Drive and Dam—100 feet*.	41
	New Jersey Route 70**	46

*Upstream of centerline.
**At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 27, 1979.

GLORIA M. JIMENEZ.
Federal Insurance Administrator.

[FR Doc. 79-6999 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5223]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the village of Waterford, Saratoga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Waterford, Saratoga County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 65 Broad Street, Waterford, New York. Send comments to: Honorable Anthony Catallo, Mayor, Village of Waterford, Village Hall, 65 Broad Street, Waterford, New York 12188.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Waterford, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968

(Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River.....	U.S. Highway 4—20 feet upstream from centerline.	34
	Delaware and Hudson Railroad—20 feet upstream from centerline.	34

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator

[FR Doc. 79-7000 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5224]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Weatherford, Custer County, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Weatherford, Custer County, Oklahoma. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Administrator's Office, City Offices, P.O. Box 569, Weatherford, Oklahoma 73096. Send comments to: Mayor Tartrell or Mr. George Wilkinson, City Administrator, P.O. Box 569, Weatherford, Oklahoma 73096.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Weatherford, Custer County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Little Deep Creek.	Just downstream of Davis Street.	1,622
	Just upstream of Davis Street.	1,627
	Just upstream of Washington Avenue.	1,641

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7001 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5225]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Wickliffe, Lake County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Wickliffe, Lake County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City

Hall, 28730 Ridge Road, Wickliffe, Ohio. Send comments to: Mr. Darryl Crossman, Service Director, City of Wickliffe, City Hall, 28730 Ridge Road, Wickliffe, Ohio 44092.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Wickliffe, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deer Creek	Downstream corporate limits.	697
	About 650 feet downstream of Rockefeller Road.	724
	Just downstream of Rockefeller Road.	734
	Just upstream of Rockefeller Road.	744
	About 50 feet upstream of Buena Vista Drive.	744

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7002 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5226]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Willoughby, Lake County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Willoughby, Lake County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Willoughby, Ohio. Send comments to: The Honorable Eric Knudson, Mayor, City of Willoughby, 4169 River Road, Willoughby, Ohio 44094.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Willoughby, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chagrin River	Downstream corporate limits.	592
	Just downstream from Lakeland Freeway.	603
	Just upstream of St. Clair Street.	605
	Just upstream of Mentor Avenue.	611
	Just downstream of Johnnycake Ridge Road.	614
	Johnnycake Ridge Road	618
	About 740 feet upstream of Riverside Drive.	621
East Branch Chagrin River.	At mouth	618
	3,800 feet upstream of Interstate 90.	621
	Just downstream of Kirtland Country Club Dam.	628
	450 feet upstream of Kirtland Country Club Dam.	631
	Upstream corporate limit.	635
Lake Erie	Shoreline of Community.	576

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: FEBRUARY 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7003 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5227]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Colebrook, Clinton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Colebrook, Clinton County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of Ms. Pauline Simcox, Farrandsville, Pennsylvania. Send comments to: Mr. Arthur L. Weaver, Chairman of the Township of Colebrook, Farrandsville, Pennsylvania 17734.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Colebrook, Clinton County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch	Downstream Corporate Limits.	578
Susquehanna River.	Upstream Corporate Limits.	594
Lick Run	At Confluence with West Branch Susquehanna River.	582
	320 Feet Downstream from Legislative Route 18011 Bridge to Hazard Road.	647
Whiskey Run	At Confluence with Lick Run (Upstream Side).	584
	Legislative Route 18011 Bridge.	594
	Approximately 1,200 Feet Upstream of Legislative Route 18011.	643

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ
Federal Insurance Administrator.

[FR Doc. 79-7004 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5228]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Platt, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Platt, Lycoming County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Platt Township Building, R.D. 3, Jersey Shore, Pennsylvania. Send comments to: Mr. Charles E. Young, Chairman of the Township of Platt, R.D. 1, Linden, Pennsylvania 17744.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Platt, Lycoming County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporation Limits.	541
	Upstream Corporation Limits.	550
Pine Run	Township Route 372	541
	Conrail	543
	Legislative Route 41026	543
	Township Route 354	548
	Route 220 East	554
	Route 220 West	555
	Private Bridge	570
Larry's Creek	Conrail	548
	Forage Hill Road	549
	Township Route 365 (Downstream).	560
	Township Route 365 (Upstream).	565
	Pennsylvania Route 287.	569
	Upstream Corporate Limits.	579

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7005 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5229]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Ridley Park, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Ridley Park, Delaware County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Office, Ward and Cresswell Streets, Ridley Park, Pennsylvania. Send comments to Mr. S. Grey Hutchison, Council President of Ridley Park, Ward and Cresswell Streets, Ridley Park, Pennsylvania 19078.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Ridley Park, Delaware County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Crumn Creek.	I-95	13
	Glenloch Road	45
	Upstream Corporate Limits.	49
Stony Creek	Chester Pike (U.S. Route 13).	26

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7006 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5230]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Hutchins, Dallas County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hutchins, Dallas County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the pro-

posed base (100-year) flood elevations are available for review at City Hall, 321 North Main, Hutchins, Texas. Send comments to: Honorable Don Simmons, Mayor, City of Hutchins, City Hall, 321 North Main, Hutchins, Texas.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Hutchins, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Trinity River	Downstream Corporate Limits.	385
	Interstate Highway Loop 635—100 feet*.	398
Stream 4A4	Goode Road—10 feet*	398
	West Frontage Road—50 feet*.	470
Stream 4B2	Dowdy Ferry Road—10 feet*.	401
	West Frontage Road—at centerline.	460
	Main Street—10 feet*	477
Stream 4B4	Willow Grove Drive—10 feet*.	416
	Austin Street—10 feet*	440
Hutchins Creek	Interstate Highway 635—at centerline.	398
	Interstate Highway 45—20 feet*.	439
	Denton Street—50 feet*.	464
Five Mile Creek	At Confluence with Hutchins Creek.	398

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7007 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5231]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Hot Springs, Garland County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hot Springs, Garland County, Arkansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Hot Springs, Arkansas. Send comments to: Honorable Tom Ellsworth, Mayor of Hot Springs, Municipal Building, P.O. Box 700, Hot Springs, Arkansas 71901.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Hot Springs, Garland County, Arkansas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stokes Creek	Lakeshore Drive	413
	South Glen Drive	444
	Confluence of Tributary No. 2.	470
	Richard Street	486
	Michael Street	491
	Woodlawn Avenue	504
	Frieda Street	512
	Summer Street	521
	Seventh Street	530
	Third Street	550
Stokes Creek Tributary No. 1.	Confluence with Stokes Creek.	440
	1,000 feet upstream of confluence with Stokes Creek.	450
	South Patterson Street	459
	800 feet upstream of South Patterson Street (downstream).	465
Stokes Creek Tributary No. 2.	Confluence with Stokes Creek.	470
	1,000 feet upstream of confluence.	486
	1,500 feet upstream of confluence.	498

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	2,000 feet upstream of confluence.	508
	2,500 feet upstream of confluence.	520
	3,000 feet upstream of confluence.	529
	3,500 feet upstream of confluence.	540
	4,000 feet upstream of confluence.	552
	Missouri Pacific Railroad.	566
Hot Springs Creek	Confluence with Lake Hamilton.	413
	2,000 feet upstream of confluence.	432
	3,000 feet upstream of confluence.	440
	Downstream side of Golf Links Road.	454
	Upstream side of Golf Links Road.	458
	800 feet upstream of Golf Links Road.	460
	1,800 feet upstream of Golf Links Road.	472
	2,800 feet upstream of Golf Links Road.	482
	3,800 feet upstream of Golf Links Road.	491
	Underwood Street	502
	1,080 feet upstream of Underwood Street.	512
	Missouri Pacific Railroad.	524
	Upstream side of Belding Street.	536
	1,000 feet upstream of Belding Street.	546
	Maurice Street	558
	Upstream side of U.S. Route 70/Missouri Pacific Railroad.	564
	1,100 feet upstream of U.S. Route 70/ Missouri Pacific Railroad.	574
	2,100 feet upstream of of U.S. Route 70/ Missouri Pacific Railroad.	589
	Reserved Street	604
	1,600 feet upstream of Reserve Street.	620
	Confluence of Tributary No. 1.	630
	Park Avenue	642
	Glade Street	650
	Magnolia Street	668
Hot Springs Creek, Tributary No. 1.	Confluence with Hot Springs Creek.	630
	1,000 feet upstream of confluence.	638
	1,500 feet upstream of confluence.	643
	Whittington Park	644
	2,170 feet upstream of confluence.	650
	Access Road	655
	700 feet upstream of Unnamed Road.	664
	1,200 feet upstream of Unnamed Road.	667
	1,350 feet upstream of Access Road.	672
	1,700 feet upstream of Access Road.	677
	2,200 feet upstream of Access Road.	680
	2,700 feet upstream of Access Road.	682
	Woodfin Street	686
	500 feet upstream of Woodfin Street.	692
	1,000 feet upstream of Woodfin Street.	699
	Newton Street	714
	Upstream Whittington Avenue.	730
Molly Creek	Confluence with Lake Hamilton.	404
	Raven Drive	410
	500 feet upstream of Raven Drive.	419
	1,000 feet upstream of Raven Drive.	427
	1,500 feet upstream of Raven Drive.	436
	2,000 feet upstream of Raven Drive.	444
	2,500 feet upstream of Raven Drive.	451
	3,000 feet upstream of Raven Drive.	459
	3,500 feet upstream of Raven Drive.	466
	Confluence of Tributary A.	471
	Confluence of Tributary No. 1.	479
	500 feet upstream of confluence of Tributary No. 1.	486
	1,000 feet upstream of confluence of Tributary No. 1.	492
	1,500 feet upstream of confluence of Tributary No. 1.	503
	Downstream side Missouri Pacific Railroad.	509
	Upsteam side Missouri Pacific Railroad.	513
	Upstream side Albert Pike Road/U.S. Route 270.	535
Molly Creek, Tributary No. 1.	Confluence with Molly Creek.	479
	Marie Street (Upstream Side).	486
	500 feet upstream of Marie Street.	492
	1,000 feet upstream of Marie Street.	499
	Molly Springs Road	508
Gulpha Creek	U.S. Route 270	320
	2,000 feet upstream of U.S. Route 270.	324
	5,000 feet upstream of U.S. Route 270.	338
	7,000 feet upstream of U.S. Route 270.	350
	8,000 feet upstream of U.S. Route 270.	356
	9,000 feet upstream of U.S. Route 270.	364
	9,900 feet upstream of U.S. Route 270.	370
	11,000 feet upstream of U.S. Route 270.	380
	11,900 feet upstream of U.S. Route 270.	390
	Missouri Pacific Railroad.	401
	Confluence of Middle Branch Gulpha Creek.	406
	2,000 feet upstream of confluence with Middle Branch Gulpha Creek.	415
	3,000 feet upstream of confluence with Middle Branch Gulpha Creek.	424
	Honeycutt Street (Upstream Side).	430
	Vernel Street (Downstream Side).	450
	Chicago Rock Island and Pacific Railroad.	456
	Spring Street (Downstream Side).	468
	Downstream U.S. Route 70 (Downstream Side).	490
	Upstream U.S. Route 70.	500
	Downstream U.S. Route 70C.	514
	1,050 feet upstream of U.S. Route 70C.	526
	2,150 feet upstream of U.S. Route 70C.	538
	3,150 feet upstream of U.S. Route 70C.	551
	4,150 feet upstream of Downstream U.S. Route 70C.	561
	Confluence of Tributary No. 1.	571
	Upstream U.S. Route 70C (Upstream Side).	592
	1,000 feet upstream of Upstream U.S. Route 70C.	598
	2,000 feet upstream of Upstream U.S. Route 70C.	606
	3,000 feet upstream of Upstream U.S. Route 70C.	620
Middle Branch, Gulpha Creek.	Confluence with Gulpha Creek.	406
	Chicago Rock Island and Pacific Railroad.	408
	Spring Street (Upstream Side).	409
	Downstream U.S. Route 70.	424
	Upstream U.S. Route 70.	426
	1,000 feet upstream of Upstream U.S. Route 70.	432
	Mill Creek Road (Downstream Side).	450
Gulpha Creek, Tributary No. 1.	Confluence with Gulpha Creek.	571
	U.S. Route 70C	580
	500 feet upstream of U.S. Route 70C.	593
	1,000 feet upstream of U.S. Route 70C.	598
	Shore Drive	610

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7008 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5232]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Oregon, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Oregon, Dane County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Clerk, Oregon, Wisconsin. Send comments to: Mr. Earl E. Lauson, Village President, Village of Oregon, Village Community Building, Oregon, Wisconsin 53575.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Greenway	At mouth	930
	1,260 feet upstream of mouth.	930
	50 feet upstream of Nygaard Street.	932
	50 feet downstream of First Pass under Perry Parkway.	932
	50 feet upstream of First Pass under Perry Parkway.	934
	50 feet upstream of Lincoln Street.	935
	Downstream side of Second Pass under Perry Parkway.	935
	50 feet upstream of Second Pass under Perry Parkway.	937
	320 feet downstream of Netherwood Street.	937
	Downstream side of Netherwood Street.	938
Oregon Branch Badfish Creek.	At downstream east corporate limits.	927
	1,200 feet upstream of corporate limits.	929
	Downstream side of Oak Street.	930
	Entrance to Conduit at Main Street.	937
	Upstream of corporate limits.	937

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7009 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5233]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Cape Girardeau, Cape Girardeau County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cape Girardeau, Cape Girardeau County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, P.O. Box 564, Cape Girardeau, Cape Girardeau County, Missouri. Send comments to: The Honorable Paul W. Stehr, Mayor, City of Cape Girardeau, City Hall, P.O. Box 564, Cape Girardeau, Missouri 63701.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cape Girardeau, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical dautum
Cape La Croix Creek.	At mouth with Mississippi River.	354
	1,584 feet upstream of Route Route 74.	357
	1,056 feet downstream of Bloomfield.	362
	1,320 feet upstream of Gordonville Road.	375
	1,056 feet downstream of Hopper Road.	377
	Just downstream of Hopper Road.	381
	792 feet downstream of Route 61 (upper).	386
	Just upstream of Route 61 (upper).	390
	Just upstream of Route W.	394
	528 feet downstream of Private Drive.	397
Walker Branch.....	792 feet upstream of Mouth.	366
	Just downstream of Independence Street.	370
	Just downstream of Broadway.	373
	317 feet downstream of Lombardo Street.	380
	Just downstream of Marietta Street.	386
	106 feet downstream of Cape Rock Drive.	396
Mississippi River...	At Eastern corporate limits.	353
	At Western corporate limits.	359

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: February 23, 1979.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 79-7010 Filed 3-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5234]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Watervliet, Albany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Watervliet, Albany County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Clerk, Watervliet, New York. Send comments to: Honorable Leo O'Brien, Mayor of Watervliet, City Hall, Broadway and 15th Street, Watervliet, New York 12189.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Watervliet, Albany County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River.....	Downstream Corporate Limits.	25
	Coupress Bridge.....	27
	Upstream Corporate Limits.	27

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: FEBRUARY 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7011 Filed 3-9-79; 8:45 am]

[4310-31-M]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

AGENCY: Geological Survey, U.S. Department of the Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking implements changes mandated in the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372) as those statutory mandates relate to the regulations governing oil and gas and sulphur operations in the Outer Continental Shelf (OCS). Those regulations for the most part are found in 30 CFR Part 250. The most significant changes proposed for Part 250 are (1) the substitution of a new "Remedies and Penalties" section to incorporate the civil penalties require-

ments of section 24 of the OCS Lands Act, as amended, and (2) the revision of § 250.12, Suspension of operations and cancellation of leases, to incorporate the new lease suspension and cancellation provisions of the 1978 amendments. The proposed changes also contain changes to make Part 250 more readable as directed by Executive Order 12044 and 43 CFR Part 14.

DATE: Written comments and recommendations should be submitted on or before May 11, 1979.

ADDRESS: Interested persons are invited to submit written comments and recommendations with respect to the proposed regulations. Responses should identify the subject matter and be directed to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Gerald D. Rhodes, Conservation Division, U.S. Geological Survey, National Center (Mail Stop 620), Reston, Virginia 22092 (703/860-7531).

SUPPLEMENTARY INFORMATION: On September 18, 1978, the OCS Lands Act Amendments of 1978 were enacted (Pub. L. 95-372). Certain provisions of those amendments supersede the procedures established in 30 CFR Part 250 (hereinafter referred to as "existing regulations"), and necessitate their revision. In addition, on March 23, 1978, the President issued Executive Order 12044 directing Executive Agencies to make regulations as simple and clear as possible. The Department of the Interior's regulation implementing Executive Order 12044 (43 CFR Part 14) was published as final rule December 18, 1978 (43 FR 58292).

By notice of January 17, 1979 (44 FR 3513), the Department of the Interior published proposed revisions to 30 CFR 250.34, Exploration, development and production plans, and 30 CFR Part 252, Outer Continental Self (OCS) Oil and Gas Information Program. Similarly, by notice of February 9, 1979 (44 FR 8302), the Department of the Interior published a proposed revision of 30 CFR Part 251, Geological and Geological (G&G) Exploration of the Outer Continental Shelf. By notice of February 1, 1979 (44 FR 6471), the Department of the Interior published proposed revisions of 43 CFR Part 3300 and subpart 2883 as a revised 43 CFR Part 3300, Outer Continental Shelf Leasing, General. Advance notices of proposed rulemaking were published December 28, 1978 (43 FR 60612), and February 8, 1979 (44 FR 7980). The advance notices of proposed rulemaking related to the selection of courses of action to implement the mandates under the 1978 amendments to the OCS Lands Act relating to the enforcement of controls over air emissions and the use of best available and safest technologies (BAST) respectively.

This publication of the proposed revision of 30 CFR Part 250 (with certain noted exceptions) is another of the actions required to accomplish full implementation of the OCS Lands Act Amendments of 1978 (Pub. L. 95-372).

Reviewers of this Notice will note that no official of the Geological Survey other than the Director is identified by title. We except to handle the delegations of authorities from the Director to the officials of the Conservation Division, Geological Survey, who will be responsible for taking specific actions through Departmental and Geological Survey manual releases.

Most of the changes which appear in the various sections of Part 250 are designed to eliminate unnecessary and redundant provisions, to reorganize Part 250 into a more coherent program, and to assure that the sections are as simple and clear as possible. All of the major new provisions, incorporated in response to the amendments, are briefly discussed below. Once again, an effort was made to make them as simple and clear as possible.

Section 250.2: Definitions

Definitions which appear in existing regulations have been changed to accommodate the provisions of section 2 of the Outer Continental Shelf Lands Act, as amended (hereinafter referred to as the "Act"). Also, terms used in the regulations which are subject to various interpretations (e.g. "drilling" and "well reworking") have been defined to eliminate confusion or conflicts over their meaning. Finally, the terms defined have been alphabetized for easier reference.

Section 250.10: Jurisdiction

This section has been expanded to include those provisions previously contained in § 250.11, General functions, since those provisions clarify the jurisdiction to be exercised by the Director.

Section 250.11: Functions

This section has been renamed (formerly General functions) and the provisions of § 250.12 which describe the regulatory functions exercised by the Director have been incorporated in the new section.

Section 250.12: Suspensions and Cancellations

Section 250.12, Suspension of operations and cancellation of leases, has been renamed (formerly "Regulation of operations"). The suspension provisions which appear in the existing regulations have been expanded and cancellation provisions added to implement the provisions of section 5(a)(1) and (2), (c), and (d), section 11(c)(1), and section 25(h)(2) of the Act.

The new provisions for the suspension of operations and activities and for the cancellation of leases implement policies and revise procedures under which suspensions of operations or activities, including production, may be ordered and leases may be cancelled. Specific authorities to suspend operations and activities and to cancel leases are provided in the new OCS Lands Act Amendments. Those authorities are to be exercised when operations or activities represent a threat of serious, irreparable, or immediate harm or damage to life, property, mineral deposits, or to the environment. When the threat of harm or damage presented by the continuance or the resumption of operations or activities will not disappear or decrease to an acceptable level within a reasonable period of time, the Secretary is authorized to cancel a lease.

Secton 250.14 has been deleted as being redundant to similar provisions of § 250.39.

Section 250.18: Rights of Use and Easement

The provisions of existing regulations have been expanded to incorporate the provisions of section 5(f) of the Act which provides for open and nondiscriminatory access to pipelines that transport oil or gas, or both, across the OCS.

Section 250.34: Exploration, Development, and Production Plans

Section 250.34 is being revised in a separate rulemaking procedure.

Section 250.50: Unitization, Pooling, and Drilling Agreements

Section 250.50 is being revised in separate rulemaking procedure.

Section 250.51: Unitization

Section 250.51 is being revised in a separate rulemaking procedure.

Section 250.54: Marking of Equipment

This section has been added to implement the provisions of section 403(b) of the Act which calls for the marking of equipment prior to actual use on the Outer Continental Shelf.

Section 250.55: Flaring and Venting of Natural Gas

This section has been added to incorporate the provisions of section 5(i) of the Act that prohibits the flaring of

natural gas from any well unless the Secretary finds there is no practicable way to complete a well to provide for the production of gas associated with oil, or that flaring is necessary to alleviate a temporary emergency situation or to conduct testing or workover operations.

SECTION 250.56: FISHERMEN'S CONTINGENCY FUND

This section has been added to implement the provisions of section 402(c) of the Act which provides for the payment by the holder of a lease permit, easement, or right-of-way, issued or maintained under the Act, of an amount specified by the Secretary of Commerce. The amount specified by the Secretary of Commerce is to be paid into an area account established under the Fishermen's Contingency Fund.

SECTION 250.57: AIR QUALITY

Section 250.57 is being developed under a separate rulemaking procedure.

SECTION 250.80: REMEDIES AND PENALTIES

This section has been added to implement the provisions of section 24 of the Act. The procedure contained in this section parallels the one promulgated by the U.S. Coast Guard as an Interim Final Rule published in the FEDERAL REGISTER (43 FR 54186), November 20, 1978.

The new provisions for the assessment of civil penalties implement policies and establish procedures under which a party can be charged up to $10,000 per day for failing to comply with that party's responsibilities under the law, regulations, or a lease. In the past the law only provided specific monetary criminal penalties in the amount of $2,000 for any knowing and willful violation of the law, regulations, or lease. Under the new law the monetary penalty that can be assessed as a criminal penalty has been increased to $100,000 per violation and there is a provision for imprisonment for up to 10 years. Both a fine and imprisonment can be assessed in the case of a knowing and willful violation under the new law.

Authors: Thomas McCloskey, Office of the Assistant Secretary—Energy and Minerals, U.S. Department of the Interior (202/343-4457), and Gerald D. Rhodes, Geological Survey, U.S. Department of the Interior (703-860-7531).

The Department of the Interior has determined that the revision of the regulations in 30 CFR Part 250, as proposed in this Notice, will not have a significant impact on the quality of the human environment and, therefore, will not require preparation of an Environmental Impact Statement. 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.

Dated: March 7, 1979.

JOAN M. DAVENPORT,
Assistant Secretary—Energy and Minerals.

It is proposed to revise 30 CFR Part 250 to read as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

GENERAL PROVISIONS

JURISDICTION AND FUNCTIONS

REQUIREMENTS FOR LEASSEE

MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

REMEDIES AND PENALTIES

REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

AUTHORITY: Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629; National Environmental Policy Act of 1969, 42 U.S.C. 4332 et seq. (1970); Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1451 et seq.

CROSS REFERENCE: For other regulations pertaining to the issuance and recognition of mineral leases covering submerged lands in the Outer Continental Shelf, see 43 CFR Part 3300.

GENERAL PROVISIONS

§ 250.1 Purpose and authority.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as amended, hereinafter referred to as the "Act," authorizes the Secretary of the Interior, hereinafter referred to as Secretary, to prescribe rules and regulations necessary to carry out the provisions of the Act. The Secretary is authorized to prescribe and amend regulations that the Secretary determines to be necessary and proper in order to provide for the prevention of waste and the conservation of the natural resources of the Outer Continental Shelf (OCS) and the protection of correlative rights therein, and these rules and regulations apply as of their effective date to all operations conducted under a lease issued or maintained under the provisions of the Act. In the enforcement of safety, environmental, and conservation laws and regulations, the Secretary is authorized to cooperate with other relevant Departments and Agencies of the Federal Government, and of affected States. Subject to the supervisory authority of the Secretary, the regulations in this Part shall be administered by the Director of the Geological Survey.

§ 250.2 Definitions.

When used in the regulations in this part, the following terms shall have the meanings given below:

(a) "Affected State" means, with respect to any program, plan, lease sale, or other activity proposed, conducted, or approved pursuant to the provisions of the Act, any State:

(1) The laws of which are declared, pursuant to section 4(a)(2)(A) of the Act, to be the law of the United States for the portion of the OCS on which such activity is, or is proposed to be, conducted;

(2) Which is, or is proposed to be, directly connected by transportation facilities to any artificial island or installation or other device permanently or temporarily attached to the seabed;

(3) Which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the OCS and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure resulting from the exploration, development, and production of oil and gas anywhere in the OCS; or

(5) In which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

(b) "Affected local government" means the principal governing body of a locality other than a State:

(1) Which is, or is proposed to be directly connected by transporation facilities to any artificial island or installation or other device permanently or temporarily attached to the seabed;

(2) Which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the OCS and transported directly to such locality by means of vessels or by a combination of means including vessels; or

(3) Which is in an affected State and is identified by the Governor or that State as a locality in which there will be significant changes in the social, governmental, or economic infrastructure resulting from the proposed development and production of oil and gas from the OCS.

(c) "Coastal environment" means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the terrestrial ecosysten from the shoreline inward to the boundaries of the coastal zone.

(d) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States. The coastal zone includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches. The coastal zone extends seaward to the outer limit of the United States territorial sea and extends inland from the shoreline to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, pursuant to the authority of section 305(b)(1) of the Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.1454(b)(1)).

(e) "Correlative rights," when used with respect to lessees of adjacent tracts, means the right of each lessee to be afforded an equal opportunity to drill for and produce oil or gas, or both, from a common source.

(f) "Development" means those activities which take place following discovery of minerals in paying quantities, including but not limited to geophysical activity, drilling, platform construction, and operation of all directly related onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered.

(g) "Directional drilling" means the deviation of a borehole from the vertical or from its normal course in an intended predetermined direction or course with respect to the points of the compass. Directional drilling shall not include deviations made for the purpose of straightening a hole that has become crooked in a normal course of drilling or deviating a hole at random without regard to compass direction in an attempt to sidetrack a portion of the hole on account of mechanical difficulty in drilling.

(h) "Director" means the Director of the Geological Survey, or a subordinate authorized to act on the Director's behalf.

(i) "Drilling operations" means actual operations including the physical penetration of rock to create a borehole, testing activities to demonstrate the capability of a well to produce oil or gas, and the completion operations needed to make a well physically able to produce oil or gas, or both.

(j) "Exploration" means the process of searching for minerals. Exploration activities include but are not limited to: (1) Geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals and (2) any drilling, whether on or off a known geological structure. Exploration also includes the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional well after such discovery which is needed to delineate a reservoir and to enable the lessee to determine whether to proceed with development and production.

(k) "Fair Market Value" means the value of any mineral: (1) Computed at a unit price equivalent to the average unit price at which such mineral was sold pursuant to a lease during the period for which any royalty or net profit share is accrued or reserved to the United States pursuant to such lease; or (2) if there were not such sales, or if the Secretary finds that there were an insufficient number of such sales to equitably determine such value, computed at the average unit price at which such mineral was sold pursuant to other leases in the same region of the OCS during such period; or (3) if there were no sales of such mineral from such region during such period, or if the Secretary finds that there were an insufficient number of such sales to equitably determine such value, computed at an appropriate price determined by the Secretary.

(l) "Governor" means the Governor of a State, or the person or entity designated by, or pursuant to, State law to exercise the powers granted to a Governor pursuant to the Act.

(m) "Hearing Officer" means an employee of the Geological Survey who is delegated the authority to assess civil penalties and, when appropriate, to recommend the initiation of criminal proceedings.

(n) "Human environment" means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly on indirectly, by activities occurring on the OCS.

(o) "Knowingly and willfully" when used with respect to activities governed by the regulations in this Part means "intentionally." Thus, where a reasonable person in the lessee's position would believe that a particular result was substantially certain to follow the lessee's action, such action shall be considered an "intentional" action, and may be classified as a "knowing and willful" action.

(p) "Lease" means any form of authorization which is issued under sec-

tion 8 or maintained under section 6 of the Act and which authorizes exploration for, and development and production of, minerals, or the area covered by such authorization, whichever is required by the context.

(q) "Lessee" means the party authorized by a lease, or an approved assignment thereof, to explore for and develop and produce the leased deposits in accordance with the regulations in this Part. The term includes all parties holding such authority by or through the lessee.

(r) "Major Federal Action" means any action or proposal by the Secretary which is subject to the provision of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)); i.e., an action which the Secretary determines will have a significant impact upon the quality of the human environment requiring preparation of an Environmental Impact Statement pursuant to section 102(2)(C) of NEPA.

(s) "Marine environment" means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the OCS.

(t) "Minerals' includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in subsection 103(e) of the Federal Land Policy and Management Act of 1976 (FLPMA) [43 U.S.C. 1702(e)].

(u) "OSC Order" means a formal numbered Order, issued by the Director, that implements the regulations in this Part and specifically applies to operations in an area identified in the Order.

(v) "Operator" means the individual, partnership, firm, or corporation having control or management of operations on the leased area or a portion thereof. The operator may be a lessee, designated agent of the lessee, or holder of rights under an approved operating agreement.

(w) "Outer Continental Shelf (OCS)" means all submerged lands (1) which lie seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (67 Stat. 29) and (2) of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(x) "Pollution contingency plan" means the National Multi-Agency Oil and Hazardous Materials Pollution Contingency Plan or any successor plan thereto.

(y) "Production" means those activities which take place after the successful completion of any means for the removal of minerals. Production includes removal of minerals from the discovered accumulation, field operations, transfer of minerals to shore, operation monitoring, maintenance, and/or workover drilling and depends upon the context in which the term is used.

(z) "Secretary" means the Secretary of the Interior or a subordinate authorized to act on the Secretary's behalf.

(aa) "Violation" means a failure to comply with any provision of the Act, or a regulation or order issued under the Act, or any provision of a lease, license, or permit issued pursuant to the Act.

(bb) "Waste of oil and gas" means: (1) Physical waste of oil and gas; (2) the inefficient, excessive, or improper use of, or the unnecessary dissipation of, reservoir energy; (3) the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes or tends to cause reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; and (4) the inefficient storage of oil.

(cc) "Well reworking operations" means physical activities designed to restore the capability of a well to produce oil or gas, or both, in paying quantities. Reworking operations include efforts to recomplete a well in a different formation and the physical penetration of formations to relocate the borehole of a well to a more advantageous drainage point within the same formation.

Jurisdiction and Functions

§ 250.10 Jurisdiction.

(a) Subject to the supervisory authority of the Secretary, drilling and production operations; handling and measurement of production; determination and collection of rental, royalty, and net profit shares; and, in general, all operations and activities conducted on a lease by or on behalf of a lessee are subject to the regulations in this Part and are under the jurisdiction of the Director.

(b) In the exercise of that jurisdiction, the Director is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part, and to require compliance with applicable laws, regulations, lease terms, and OCS Orders so that all operations shall be conducted in a manner which will protect the natural resources of the OCS and result in the maximum rate of production which may be sustained without loss of ultimate recovery of the mineral resources in a manner compatible with sound engineering and conservation practices. The Director may issue OCS Orders to implement the requirements of the regulations of this Part. The Director may issue other orders, either written or oral, to govern lease operations. Oral orders shall be confirmed in writing as promptly as possible. The Director may issue other orders and field rules to govern the development and method of production of a pool, field, or area. Prior to the issuance of OCS Orders and other orders and field rules, the Director may consult with, and receive comments from, lessees, operators, and other interested parties. Before permitting operations on the leased area, the Director may require evidence that a lease is in good standing, that the lessee is authorized to conduct operations, and that an acceptable bond has been filed.

§ 250.11 Functions.

(a) The Director, in accordance with the regulations in this part, shall:

(1) Regulate all operations conducted under a lease or permit and shall issue and amend OCS Orders and other orders and field rules as may be necessary and proper in order to supervise operations and to prevent damage or harm to, or waste of any natural resource (including any mineral deposit in areas leased or not leased), any life (including fish and other aquatic life), property, or the marine, coastal, or human environment.

(2) Require, on all new, and whenever practicable existing, drilling and production operations, the use of the best available and safest technologies which the Director determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Director determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies.

(3) Schedule an onsite inspection at least once a year of each facility on the OCS which is subject to any environmental or safety regulations promulgated pursuant to the Act. The inspection shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents.

(4) Conduct periodic onsite inspections without advance notice to the operator of such facility to assure compliance with applicable regulations.

(5) Cooperate with and, when in the Director's judgment it is necessary,

consult with or solicit advice from relevant Departments and Agencies of the Federal Government and affected States.

(b) The Director may prescribe or approve in writing, or orally with subsequent written confirmation, departures from the requirements of OCS Orders and other orders and field rules issued pursuant to paragraph (a) of this section, when such departures are necessary for the proper control of a well, facilitation of the proper development of a lease, conservation of natural resources, protection of fish and other aquatic life, protection of property, or protection of the human, marine, or coastal environment.

§ 250.12 Suspension of operations and lease cancellation.

(a) In addition to applying the provisions of subsections 12(c) and (d) of the Act, which provide for suspensions of operations and production in the interest of national defense, the Director may, if it is determined to be in the national interest, approve the request of the lessee for the suspension of operations or production, or both, to:

(1) Facilitate proper development of the lease, and

(2) Allow for the construction or negotiation for use of transportation facilities.

(b) Suspensions of operations and production, or both, under paragraph (a)(1) or (2) of this section may be approved for an initial period, not to exceed 2 years, and for succeeding periods of up to 1 year each. A suspension of operations or production shall terminate prior to the end of the period originally granted by the Director when the Director determines that proper development of the lease ceases to be facilitated by the suspension or when the Director determines that circumstances which justified the granting of the suspension no longer exist. Such termination of a suspension of operations or production for reasons other than the commencement of production from the leasehold shall be effective ninety (90) days after receipt by the lessee from the Director of notice of such termination.

(c)(1) The Director may suspend any operation or activity, separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(2) The Director may suspend any operation or activity, including production, by written notice to the lessee when the lessee fails to comply with applicable law, the term of a lease or permit, applicable regulations, OCS Orders, or any other written order or field rule including orders for filing of reports and well records or logs within the time specified.

(3) The Director in writing, or orally with subsequent written confirmation, may suspend any operation or activity, including production, to facilitate the preparation of environmental impact statements or analyses or for any other purpose necessary for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. § 4321-4347).

(d)(1) The Director in writing, or orally with subsequent written confirmation, may suspend any operation or activity, including production, which in the Director's judgment threatens serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), to property, to mineral deposits (in areas leased or not leased), or to the marine, coastal, or human environment. The emergency suspension shall continue until, in the Director's judgment, the threat or danger has been reduced sufficiently to allow the operation or activity to be resumed or the threat or danger has terminated.

(2)(i) Whenever the Director suspends operations, including production, under paragraph (d)(1) of this section, the Director may direct the lessee to conduct site-specific studies, including lease-or unit-wide studies if necessary, on the cause(s) of the hazard(s) generating the suspensions, the potential damage from the hazard(s), and the mitigating measures for the hazard(s). The content and scope of the study or studies shall be approved or prescribed by the Director. Prior to approval of a study program, the Director shall invite comments and recommendations from interested Federal Departments and Agencies, affected States and local governments, and other interested parties. The lessee shall furnish copies and all results of such studies to the Director at no cost to the lessor. The Director shall make such results available to interested Departments and Agencies and to the public.

(ii) On the basis of the lessee's study and other information available to and identified by the Director, the Director will submit a report to the Secretary. The report shall indicate the extent of the damage or threat and shall recommend mitigating measures, if any, that may successfully lessen such damage or threat. On the basis of the Director's report and recommendations, and such other advice and information as the Secretary deems and identifies as relevant, the Secretary shall require the lessee to take appropriate measures to mitigate the damage or potential damage of resuming operations which resulted in the suspension under paragraph (d)(1) of this section, as a condition for permitting the resumption of exploration, development, or production activities on the lease. The lessee shall submit, when deemed appropriate by the Director, a new or amended exploration or development and production plan, in accordance with § 250.34. The new or amended plan shall incorporate the mitigating measures required by the Secretary. In establishing the appropriate mitigating measures, the Secretary will balance the cost of the required mitigating measures against the reduction or potential reduction in damage to life (including fish and other aquatic life), to property, to mineral deposits (in areas leased or not leased), and to the marine, coastal, or human environment.

(iii) If the lessee cannot comply with the conditions established by the Secretary for ending the suspension of operations on the lease, or if the Secretary determines that adequate protection from serious, irreparable,or immediate harm or damage to life (including fish and other aquatic life), property, mineral deposits (leased and not leased), or to the marine, coastal, or human environment, will not be provided by the mitigating measures, the Secretary may leave the suspension in effect.

(iv) In no case may the Secretary leave the suspension in effect for more than 5 years from the date of notification to the lessee of the suspension. Thereafter, the Secretary must lift the suspension or cancel the lease pursuant to subsection 5 (c) or (d) of the Act.

(e)(1) The Secretary may terminate the suspension and cancel the lease pursuant to this section, when:

(i) The Secretary has given the lessee a reasonable length of time, which shall not be more than 6 months from the date of the decision of the Secretary, to comply with the conditions established by the Secretary for the approval of resumption of activities on the lease; or

(ii) The Secretary determines that the threat or damage will not disappear or decrease to an acceptable extent within a reasonable period of time, and the Secretary determines that the advantages of cancellation outweigh the advantages of continuing such lease or permit in force. In making the determination, the Secretary shall weigh the value to the Nation's economy of the resources lost against the probable damage from the hazard assuming appropriate mitigating measures are taken.

(2) Cancellation of a lease pursuant to this section will become effective only after the affected lessee has been given notice and an opportunity for hearing.

(3) Cancellation of a lease pursuant to this section shall not occur unless the operation or activity in question under the lease or permit has been

under suspension or temporary prohibition, with due extension of the lease term, either for a continuous period of 5 years, or for a lesser period of time upon the request of the lessee if the Secretary determines that cancellation of the lease is in the national interest. If a lease is cancelled under this section, the lessee shall be entitled to compensation pursuant to the provisions of paragraph (h) of this section.

(f) If the Secretary determines that any activity proposed under an exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral (in areas leased or not leased), to the national security or defense or to the marine, coastal, or human environment, and such proposed activity cannot be modified so as to avoid such conditions, then the Secretary may, subject to subparagraph 5(a)(2)(B) of the Act, cancel such lease pursuant to subsection 5 (c) or (d) of the Act, and the lessee shall be entitled to compensation pursuant to paragraph (h) of this section.

(g)(1) Whenever the owner of a lease fails to submit a development and production plan pursuant to 30 CFR Part 250.34-2, the lease may be cancelled pursuant to subsection 5 (c) or (d) of the Act and the lessee shall not be entitled to compensation.

(2) Whenever the owner of a lease fails to comply with an approved development and production plan, including required modification or revisions, the lease may be cancelled pursuant to subsection 5 (c) or (d) of the Act, and the lessee shall not be entitled to compensation.

(3) Whenever a development and production plan is disapproved because of a failure to demonstrate compliance with the requirements of the Act or other applicable Federal law, including the air quality regulations prescribed by the Secretary pursuant to section 5(a)(8) of the Act, or for a lease issued after approval of a coastal zone management program pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), because the lessee does not receive concurrence by such State pursuant to section 307(c)(3)(B)(i) or (ii) of the Coastal Zone Management Act of 1972 and the Secretary of Commerce does not make the finding authorized by section 307(c)(3)(B)(iii) of the Coastal Zone Management Act of 1972, the lessee shall not be entitled to compensation.

(4) Whenever a development and production plan is disapproved for a lease issued before approval of a coastal zone management program pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. § 1455) and such approval occurs after the lessee has submitted a plan, because the lessee does not receive concurrence by such State pursuant to section 307(c)(3)(B)(i) or (ii) of the Coastal Zone Management Act of 1972 and the Secretary of Commerce does not make the finding authorized by section 307(c)(3)(B)(iii) of the Coastal Zone Management Act of 1972, or if the Secretary determines due either to exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environments, or other exceptional circumstances, that implementation of the plan would probably cause serious harm or damage either to life, property, mineral deposits, national security or defense, or to the human, marine or coastal environments; the threat of harm or damage will no disappear or decrease to an acceptable extent within a reasonable period of time; and the advantages of disapproving the plan outweigh the advantages of development and production:

(i) The term of the lease shall be duly extended and, at any time within 5 years after such disapproval, the lessee may reapply for approval of the same or a modified plan, and the Director shall approve, disapprove, or require maodifications of such plan in accordance with the provisions of 30 CFR 250.34-2 (b) through (h); and

(ii) Upon expiration of the 5-year period described in paragraph (g)(4)(i) of this section, or, in the Secretary's discretion, at an earlier time upon request of the lessee, if the Director has not approved a plan, the Secretary shall cancel the lease, and the lessee shall be entitled to compensation pursuant to paragraph (h) of this section.

(iii) The Secretary may, at any time within the 5—year period described in paragraph (g)(4)(i) of this section, require the lessee to submit a development and production plan for approval, disapproval, or modification. If the lessee fails to submit a required plan expeditiously and in good faith, the Secretary shall find that the lessee has not been prompt and efficient in pursuant obligations under the lease, and the Secretary shall immediately initiate procedures to cancel such lease under the provisions of subsection 5(c) or (d) of the Act, and the lessee shall not be entitled to compensation.

(h) Cancellation of a lease under paragraphs (e), (f) and (g)(4)(ii) of this section shall entitle the lessee to receive such compensation as the lessee shows the Director as being equal to the lesser of:

(1) The fair value of the cancelled rights as of the date of cancellation, taking account of both anticipated revenues from the lease and anticipated costs, including costs of compliance with all applicable regulations and operating orders, liability for cleanup costs or damages, or both, in the case of an oilspill, and all other costs reasonably anticipated on the lease; or

(2) The excess, if any, over the lessee's revenues, from the lease (plus interest thereon from the date of receipt to date of reimbursement) of all consideration paid for the lease and all direct expenditures made by the lessee after the date of issuance of such lease and in connection with exploration or development, or both, pursuant to the lease (plus interest on such consideration and such expenditures from date of payment to date of reimbursement), except that:

(i) With respect to leases issued before enactment of the Act, such compensation shall be equal to the amount specified in paragraph (h)(1) of this section; and

(ii) In the case of jointly held leases which are cancelled due to the failure of one or more partners to exercise due diligence, the innocent parties shall have the right to seek damages for such loss from the responsible party or parties and the right to acquire the interests of the negligent party or parties and be issued the lease in question.

250.13 Temporary approvals.

Whenever the regulations in this Part other than § 250.34 require a lessee to obtain approval of the Director, the lessee may make an oral or telegraphic request for such approval, and the Director may give temporary approval, provided that the transaction shall be immediately confirmed in the manner otherwise required by the regulations in this part.

§ 250.15 Drilling and abandonment of wells.

(a) The Director shall require drilling in accordance with a plan prescribed or approved by the Director. The Director shall require the plugging or abandonment of any well which is no longer used or which the Director determines is no longer useful.

(b) Upon failure to secure compliance with the requirements of paragraph (a) of this section, the Director may perform the work at the expense of the lessee.

§ 250.16 Well potentials and permissible flow.

(a) The lessee shall produce any oil or gas, or both, obtained pursuant to an approved development and production plan, at rates consistent with any rule or order issued by the President in accordance with any provision of law.

(b) If no rule or order referred to in paragraph (a) of this section has been issued, the lessee shall produce such oil or gas, or both, at rates consistent with any regulation promulgated by

the Secretary of Energy designed to assure the maximum rate of production which may be sustained without loss of ultimate recovery of oil or gas, or both, under sound engineering and economic principles and which is safe for the duration of the activity covered by the approved plan. The Director may allow the lessee to vary the rate if the Director determines a variance is necessary.

§ 250.17 Well spacing.

The Director is authorized to approve well spacing programs necessary for proper development, giving consideration to the following: the location of drilling platforms; the geological and reservoir characteristics of the field; the number of wells that can be economically drilled; the protection of correlative rights; and minimizing unreasonable interference with other uses of the OCS.

§ 250.18 Right of use and easement.

(a) In addition to the rights and privileges granted to a lessee under any lease issued or maintained under the Act, the Director may grant a lessee, subject to conditions as the Director may prescribe, the right of use or an easement to construct and maintain platforms, artificial islands, and all installations and other devices permanently or temporarily attached to the seabed, which are used for carrying out exploration, development, and production activities, including but not limited to drilling, producing, treating, handling, and storing production and the housing of personnel engaged not only in operations and activities on the lease on which the platform, artificial island, or installation or other device permanently or temporarily attached to the seabed is situated, but for the conduct of operations on any other lease whether State or Federal.

(b)(1) The Director may grant to the holder of a Federal or State lease a right of use or an easement to construct and maintain platforms, artificial islands, and all installations and other devices permanently or temporarily attached to the seabed on areas of the OCS, near or adjacent to the leased area, for: exploration and development activities using directionally drilled wells bottomed under the leased area; for producing and reworking such wells; and for handling, treating, and storing the production therefrom.

(2) A right of use or easement, if on an area subject to any lease issued or maintained under the Act, shall be granted only after the holder of the lease has been notified and afforded an opportunity to comment on the application. Any right of use or easement shall be exercised only in a manner which does not interefere unreasonably with operations of the lessee under the lease.

(c)(1) In addition to the rights and privileges granted to a Federal lessee under any lease issued or maintained under the Act, the Director may grant, subject to conditions as the Director may prescribe, a holder of a Federal lease, the right of use or easement to construct and maintain pipelines on areas of the OCS which are constructed, owned, and maintained by the lessee, and used for: Moving production to a central point for gathering, treating, storing, or measuring; delivery of production to a point of sale; delivery of production to a pipeline operated by a transportation company; or moving fluids in connection with lease operations such as for injection or processing purposes.

(2) Subject to the requirements of section 5(e) of the Act, the Director is authorized to approve an offshore or onshore location for the uses or the delivery point described in paragraph (c)(1) of this section.

(3) The right of use or easement for pipelines across areas covered by a lease issued or maintained under the Act shall be granted only after the lessee under such a lease has been notified by the applicant and afforded an opportunity to comment on the application. Any such right of use or easement shall be exercised only in a manner which does not interfere unreasonably with operations of the lessee under such lease.

(4) The foregoing right of use or easement shall not apply to pipelines used for transporting oil, gas, or other production after its custody has been transferred to a purchaser or carrier as provided for in subsection 5(e) of the Act and regulations in 43 CFR Part 3300.

(d) Unless exempted by the Federal Energy Regulatory Commission, every permit, license, easement, or other grant of authority by the Director for the transportation by pipeline of oil or gas on or across the OCS shall require that the pipeline be operated in accordance with the following competitive principles:

(1) The pipeline must provide open and nondiscriminatory access to both owner and nonowner shippers; and

(2)(i) Upon the specific request of one or more owner or nonowner shippers able to provide a guaranteed level of throughput on the condition that the shipper or shippers requesting expansion shall be responsible for bearing their proportionate share of the costs and risks related thereto, the Federal Energy Regulatory Commission may, upon finding, after a full hearing and with due notice thereof to the interested parties, that such expansion is within technological limits and economically feasible order a subsequent expansion of throughput capacity of the pipeline.

(ii) The requirements of paragraph (d)(2)(i) of this section shall not apply to any such grant of authority approved or issued for the Gulf of Mexico or the Santa Barbara Channel.

(e) Once a right of use or easement has been exercised, the right shall continue, even beyond the termination of any lease on which it may be situated, so long as the Director determines that the right of use or easement is maintained by the holder of the right and serves the purpose specified in the grant. If the grant extends beyond the termination of any lease on which the right of use or easement may be situated, the rights of all subsequent lessees shall be subject to such right of use and easement.

(f) Upon termination by the Director of a right of use or easement, the grantee shall remove or otherwise dispose of all platforms, artificial islands, and all installations and other devices permanently or temporarily attached to the seabed, or pipelines, and restore the premises to the satisfaction of the Director. However, a pipeline may be abandoned in place as long as the Director determines that it does not constitute a navigational or other hazard.

§ 250.19 Platforms and pipelines.

(a)(1) The Director is authorized to approve all the features in the design, fabrication, and plan of installation of all platforms, artificial islands, and installations and other devices permanently or temporarily attached to the seabed as a condition of the granting of a right of use and easement under § 250.18 (a) and (b), or authorized under any lease issued or maintained under the Act.

(2) The Director is authorized to require that lessees maintaining platforms, artificial islands, and installations and other devices permanently or temporarily attached to the seabed, which are equipped with helicopter landing sites and refueling facilities, provide the use of such facilities for helicopters employed by the Department of the Interior in the supervision of operations on the OCS.

(3) The lessee shall be reimbursed for costs which the Director has determined were justifiably incurred in connection with the use of such facilities by helicopters employed by the Department of the Interior.

(b) The Director is authorized to approve all the features in the design, construction, and plan of installation of all pipelines as a condition of the granting of a right of use or easement under § 250.18(c) or authorized under any lease issued or maintained under the Act.

§ 250.21 Reduction of royalty or net profit share.

(a) In order to promote increased production on the lease area through direct, secondary, or tertiary recovery means, the Director may reduce or eliminate any royalty or net profit share on the entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

(b) An application for relief under paragraph (a) of this section shall be filed in triplicate with the Director.

(c) An application for relief under paragraph (a) of this section must contain: the serial number of the lease; the name of the title holder of record; a description of the area included in the lease; the number, location, and status of each well that has been drilled; a tabulated statement for each month, covering a period of not less than 6 months prior to the date of filing the application, of the aggregate amount of minerals subject to royalty or net profit share computed in accordance with the lease and applicable regulations. Every application must also contain a detailed statement of: The expenses and costs of operating the entire lease; the income from the sale of any leased products; and all other facts tending to show whether the wells can be successfully operated under the royalty or net profit share fixed in the lease. Full information shall be furnished as to whether royalties or payments out of production are paid to anyone other than the United States, the amounts so paid, and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of royalty holders to a reduction of all other royalties from the leasehold to an aggregate not in excess of one half the revised Government royalty or net profit share.

REQUIREMENTS FOR LESSEES

§ 250.30 Lease terms, regulations, waste, damage, and safety.

(a) The lessee shall comply with the terms of applicable laws, regulations, the lease terms, OCS Orders, and other written or oral orders of the Director. All oral orders shall be effective when issued and are to be confirmed in writing as promptly as possible.

(b) The lessee shall conduct operations on a lease in a manner that does not, in the opinion of the Director, threaten harm or damage to life (including fish and other aquatic Life), to property, to any mineral deposits (in areas leased or not leased), or to the marine, coastal, or human environment and shall take all necessary precautions to prevent such harm or damage.

(c) The lessee shall use on all new drilling and production operations and, whenever practicable, on existing operations, the best available and safest technologies the Director determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, unless the Director determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies.

§ 250.31 Designation of operator.

In all cases where operations are not conducted by the owner of record, but are conducted under authority of an unapproved operating agreement, assignment, or other arrangement, a "designation of operator" shall be submitted to the Director, prior to commencement of operations, in a manner and form approved by the Director. Such designation will be accepted as authority for the operator or the operator's local representative to act on behalf of the lessee to fulfill the obligations of the lessee and to sign any papers or reports required under the regulations in this part. All changes of address and any termination of the authority of the operator shall be reported immediately, in writing, to the Director. In case of such termination or in the event of a controversy between the lessee and the designated operator, the operator, if in possession of the lease, will be required to protect the interests of the lessor.

§ 250.32 Local agent.

When required by the Director, the lessee shall designate a representative empowered to receive notices and comply with orders of the Director issued pursuant to the regulations in this part.

§ 250.33 Drilling and producing obligations.

(a) The lessee shall drill and produce the wells that the Director may approve or require in order to obtain prompt and efficient exploration for, and development and production of oil and gas from the lease.

(b) The lessee shall drill and produce the wells the Director determines are necessary to protect the lessor from loss by reason of production on other properties, or, with the consent of the Director, shall pay a sum determined by the Director as adequate to compensate the lessor for the lessee's failure to drill and produce any well. Payment of that sum shall be considered as the equivalent of production in paying quantities for the purpose of extending the lease term.

(c) The lessee shall pay the rental and the amount or value of production determined by the Director as accruing to the lessor as royalty or net profit share.

§ 250.34 Exploration, development, and production plans. [Reserved]

§ 250.35 Effect of drilling or well reworking on lease term.

(a) Drilling or well reworking operations on a leased area which have been approved pursuant to the regulations in this part shall continue the lease in effect so long as the drilling or reworking operations are commenced before the expiration of the lease term, and are promptly and efficiently conducted. No time lapse in drilling or well reworking activities of greater than 90 days shall be deemed to be prompt and efficient unless the lease has been suspended pursuant to § 250.12(c).

(b) The provisions of this section do not affect the lessee's obligation to obtain the Director's prior approval of a plan of exploration, or a plan of development and production, or of a notice of intention to drill or rework a well, or of complying with the other provisions of the regulations in this part.

§ 250.36 Applications for permit to drill, deepen, or plug back.

(a) Applications for permits to drill, deepen, or plug back must be filed in triplicate on Form 9-331C. Prior to commencing such operations, approval must be received from the Director in writing.

(b)(1) An application for a permit to drill must include the following: Surface location and projected bottom-hole location, in feet, from the lease boundaries; elevation of the derrick floor; water depth; depth to which the well is proposed to be drilled; estimated depths to the top of significant markers; depths at which water, oil, gas, and mineral deposits are expected; the proposed blowout-prevention and casing program including the size, weight, grade, and setting depth of casing; the pressure rating of blowout prevention equipment and the quantity of cement to be used together with all other information specified on Form 9-331C. Information shall also be furnished relative to: The proposed plan for drilling other wells from the same platform; for coring at specified depths; and for electrical and other logging, together with any other information required by the Director.

(2) At least two copies of the application shall be accompanied by: A certified plat drawn to a scale of 2,000 feet to the inch, showing the surface and subsurface location of the well to be drilled and all wells previously drilled in the vicinity for which information is available; and all other information specified in § 250.34 to the extent that

the information is not included in the application or previously furnished.

(c) An application for a permit to deepen or plug back must include the following: The present status of the well, including the production string or last string of casing; well depth; present productive zones and productive capability; other pertinent matters; and the justification for and details of the proposed work.

§ 250.37 Marking platforms, structures, and wells.

The lessee shall mark each drilling platform or structure. Markings shall conform to the name of the lessee or of the operator, the name of the area, the block number and designation. Markings are to use letters and figures that are not less than 12 inches in height and are to be placed on diagonal corners of the platform or structure. Each well is to be clearly identified by a sign containing the well number, lessee's name, and the OCS lease number. The lessee shall take all necessary means and precautions to preserve these markings and signs in good repair.

§ 250.38 Well records.

(a) The lessee shall keep, at field headquarters or other locations conveniently available to the Director, accurate and complete records for each well of all well operations, including: Production, drilling, logging, directional well surveys, casing, perforating, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain: a description of any unusual malfunction, condition, or problem; all the formations penetrated; the content and character of oil, gas, and other mineral deposits and water in each formation; the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b)(1) Upon request of the Director, the lessee shall immediately transmit copies of records of any of the well operations specified in paragraph (a) of this section. In any event, the lessee shall, within 30 days after completion of any well, transmit to the Director duplicate copies of the records of all operations on or attached to Form 9-330. When operations are suspended, the lessee shall, within 30 days after the suspension or completion of any further operations, transmit to the Director duplicate copies of the records of all operations conducted during the suspension on or attached to Form 9-330 or Form 9-331, as appropriate.

(2) Upon request by the Director, the lessee shall submit paleontological reports identifying microscopic fossils by depth unless washed-well samples, normally maintained by the lessee for paleontological determinations, are made available to the Director for inspection.

(3) Upon request of the Director, the lessee shall furnish copies, in a manner and form prescribed by the Director, of the daily drilling report and a plat showing the location, designation, and status of all wells on the leased lands.

(4) Upon request of the Director, the lessee shall furnish legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, or other similar services.

(c) The lessee shall submit any other reports and records of operations, when required by the Director, and in the manner and form prescribed by the Director.

§ 250.39 Samples, tests, and surveys.

(a) The lessee shall make adequate tests or surveys, in a manner acceptable to the Director and without cost to the lessor, to determine: the reservoir energy; the presence, quantity, and quality of oil, gas, sulphur, other mineral deposits, or water; the amount and direction of deviation of any well from the vertical; or the formation, casing, tubing, or other pressures.

(b) The lessee shall take formation samples or cores to determine the identity fluid content, and character of any formation, in accordance with requirements prescribed by the Director in the approval of the notice to drill or redrill any well.

§ 250.40 Directional survey

(a) An angular deviation and directional survey shall be made from the surface of the total depth of each well.

(b) The Director, at the request of an owner of an adjoining lease, may furnish a copy of the directional survey to the owner of an adjoining lease.

§ 250.41 Control of wells.

(a)(1) The lessee shall take all necessary precautions to keep any well being drilled under control at all times. The lessee shall utilize only personnel trained and competent to drill and operate such wells, and shall utilize and maintain materials and properly designed pressure fittings and equipment necessary to assure the safety of operating conditions and procedures. Casing, cementing, drilling mud, and blowout prevention programs shall take into account the depths at which various fluid or mineral-bearing formations are expected to be penetrated, the formation fracture gradients and pressures expected to be encountered, and other pertinent geologic and engineering data and information about the area.

(2) The lessee shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to: prevent release of fluids from any stratum through the well bore (directly or indirectly) into the sea; prevent communication between separate hydrocarbon-bearing strata (except such strata approved for commingling) and between hydrocarbon and water-bearing strata; protect freshwater strata from contamination; support unconsolidated sediments; and otherwise provide a means of control of the formation pressures and fluids. The lessee shall install casing strong enough to withstand collapse, bursting, tensile and other stresses. The casing shall be cemented in a manner which will anchor and support the casing. Safety factors in casing program design shall be of sufficient magnitude to provide optimum well control during drilling and to assure safe operations for the life of the well. The lessee shall install structural or drive casing to provide hole stability for the initial drilling operation. A conductor string of casing (the first string run other than any structural or drive casing) must be cemented with a volume of cement sufficient to circulate back to the seafloor; however, if authorized by the Director, cement may be washed out or displaced to a specified depth below the seafloor to facilitate casing removal upon well abandonment. All subsequent strings must be securely cemented.

(3) The lessee shall maintain, readily accessible for use, quantities of drilling mud sufficient to assure well control. The testing procedures, characteristics, and use of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent blowouts or other loss of well control. Mud testing equipment and mud volume measuring devices shall be maintained in an operable condition at all times, and mud tests shall be performed frequently and recorded on the driller's log.

(4) The lessee shall install, use, and test blowout preventers and related well-control equipment in a manner necessary to prevent blowouts. In no event shall the lessee conduct drilling below the conductor string of casing until the installation of at least one remotely controlled blowout preventer and equipment for circulating drilling fluid to the drilling structure or vessel. Blowout preventers and related well-control equipment shall be pressure tested when installed, after each string of casing is cemented and at such other times as prescribed by the Director. Blowout preventers shall be activated frequently to test for proper functioning. All blowout-preventer tests shall be recorded on the driller's log.

(b) After wells are completed, the lessee shall take all necessary steps to prevent blowouts, and the lessee shall immediately take whatever action is required to bring under control any well over which control has been lost. For wells capable of flowing oil or gas the lessee shall install and maintain in operating condition subsurface-safety devices. For producing wells not capable of flowing oil or gas, the lessee shall install and maintain surface-safety valves with automatic shutdown controls; and shall conduct tests or surveys designed to determine the effects of corrosive or erosive substances on well and production equipment. The lessee shall periodically test and inspect such devices and equipment as prescribed and shall record the results of all tests.

§ 250.42 Treatment of production.

The lessee shall put into marketable condition, if commercially feasible, all products producted from the leased land and pay royalty thereon. In calculating the royalty payment, the lessee may not deduct the costs of treatment.

§ 250.43 Pollution and waste disposal.

(a)(1) The lessee shall not pollute land or water, damage fish and other aquatic life, or allow extraneous matter to enter and damage any mineral or water-bearing formation.

(2) The lessee shall dispose of all waste materials in a manner approved by the Director.

(3) All spills or leakage of oil or waste materials shall be recorded by the lessee and shall be reported to the Director. All spills or leakage of oil or waste materials of a size or quantity specified by the appropriate agent of the Federal Government under the pollution-contingency plan shall be reported also by the lessee without delay to the agent.

(b)(1) When pollution occurs as a result of operations conducted by or on behalf of the lessee, and such pollution damages or threatens to damage life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment, the control and total removal of the pollution shall be accomplished at the expense of the lessee.

(2) Upon failure of the lessee to control and remove the pollution, the Director, in cooperation with other appropriate agencies of the Federal, State, and local governments, or in cooperation with the lessee, or both, shall have the right to control and remove the pollution in accordance with any established contingency plan for combating oil spills, or by other means, at the expense of the lessee. Such action shall not relieve the lessee of any responsibility provided for in the contingency plan or otherwise provided by law.

(c) The lessee's liability shall be governed by applicable law including the Offshore Oil Spill Pollution Fund provisions of Title III of the OCS Lands Act Amendments of 1978 (43 U.S.C. 1811).

§ 250.44 Borehole abandonment.

The lessee shall permanently plug and abandon any borehole on the leased land that is not used or useful. However, no productive well shall be abandoned until its lack of capacity for further profitable production of oil, gas, or sulphur has been demonstrated to the satisfaction of the Director. Before abandoning a well that has been capable of producing oil or gas in paying quantities the lessee shall submit to the Director a statement containing the reasons for abandonment and detailed plans for carrying out the necessary work. A well may be abandoned only after receipt of written approval by the Director. No well shall be plugged and abandoned until the manner and method of plugging has been approved or prescribed by the Director. Equipment shall be removed, and premises at the site shall be properly conditioned immediately after plugging operations are completed. Drilling equipment shall not be removed from any suspended drilling operation without taking adequate measures to protect fish and other aquatic life, property, any mineral deposits (in areas leased and not leased) and the marine, coastal, or human environment.

§ 250.45 Accidents, fires, and malfunctions.

(a)(1) In the conduct of all its operations, the lessee shall take all steps necessary to prevent accidents and fires. The lessee shall immediately notify the Director of all serious accidents, any death or serious injury, and all fires on the leased area. For the purpose of this section, a serious injury is one resulting in substantial impairment of any bodily unit or function.

(2) The lessee shall submit a written report within 10 days of all serious accidents, on any death or serious injury, and on all fires on the leased area.

(b) The lessee shall notify the Director of any other unusual condition, problem, or malfunction, within 24 hours of its identification.

§ 250.46 Safe and workmanlike operations.

(a) The lessee shall perform all operations in a safe and workmanlike manner and shall maintain equipment for the protection of the lease and associated facilities, for the health and safety of all persons, and for the preservation and conservation of property and the environment.

(b) The lessee shall take all necessary precautions to control, remove, or otherwise correct immediately any hazardous oil and gas accumulation or other health, safety, or fire hazard.

§ 250.47 Sales contracts.

The lessee shall file with the Director, within 30 days after their effective date, copies of all contracts for the disposal of lease products. Nothing in any such contract shall be construed or accepted as modifying any of the provisions of the lease.

§ 250.49 Royalty, net profit share, and rental payments.

As specified under the terms of the lease, the lessee shall pay all rental when due and shall pay in value or deliver in production all royalties and net profit shares, in the amounts determined by the Director to be due. Payments of rentals, royalties, and net profit shares in value shall be by check or draft on a solvent bank or by money order drawn to the order of the U.S. Geological Survey.

§ 250.50 Unitization, pooling, and drilling agreements. [Reserved]

§ 250.51 Unitization. [Reserved]

§ 250.52 Pooling or drilling agreements.

Pooling or drilling agreements may be made between lessees for the purposes of utilizing a common drilling platform to develop adjoining leases. Approval of an agreement will be made in conjunction with a plan approved under § 250.34.

§ 250.53 Subsurface storage of oil or gas.

(a)(1) The Director may authorize the subsurface storage of oil or gas in the OCS when it can be shown that no undue interference with operations under existing leases will result.

(2) In each case, the authorization will provide for the payment of an adequate storage fee or rental on the stored oil or gas. When such stored oil or gas is produced in conjunction with oil or gas not previously produced, a royalty may be charged in lieu of a fixed storage fee or rental. Any lease of an area used for the storage of oil or gas shall expire during the period of such storage unless oil or gas not previously produced is produced in paying quantities or drilling or well reworking operations approved by the Secretary are underway.

(b) Applications for subsurface storage shall be filed with the Director in triplicate, and shall disclose: the ownership of interests in the area involved; the parties involved, including lessees of other mineral interests; the

storage fee, rental, or royalty offered to be paid for the right of storage; and all essential information showing the necessity for such storage. The final agreement, signed by the parties involved, shall be submitted to the Director for approval, together with five copies for retention by the Department after approval.

§ 250.54 Marking of equipment.

All materials, equipment, tools, containers, and items used on the OCS are to be properly color coded, stamped, or labeled, whenever practicable with the owner's identification prior to actual use. For oil and gas operations, this means all materials, cable, equipment, tools, containers, and other objects which could be freed and lost overboard from rigs, platforms, or supply vessels, and are of sufficient size to interfere with commercial fishing gear.

§ 250.55 Flaring and venting of natural gas.

The lessee shall not flare or vent natural gas from any well without prior approval from the Director. The Director will not grant such approval unless flaring or venting is temporarily necessary to alleviate an emergency situation relating to gas associated with the production of oil, or to conduct authorized testing or workover operations. The Director may grant a lessee permission to flare or vent natural gas produced in association with oil when the Director determines that there is no other practical way to produce the well.

§ 250.56 Fishermen's Contingency Fund.

Upon establishment of an account under the Fishermen's Contingency Fund for any area of the OCS pursuant to subsection 402(b) of the Act, any holder of a lease issued or maintained under the Act for any tract in the area covered by the account and any holder of an exploration permit or of an easement or right-of-way for the construction of a pipeline in the area, shall pay an amount specified by the Secretary of Commerce for the purpose of the establishment and maintenance of an account for the area. The Director shall collect the amount specified and deposit it in the Fund, to the credit of the appropriate area account. In any calendar year, no holder of a lease, permit, easement, or right-of-way shall be required to pay an amount in excess of $5,000 per lease, permit, easement, or right-of-way.

§ 250.57 Air quality. [Reserved]

Measurement of Production and Computation of Royalties

§ 250.60 Measurement of oil.

The lessee shall measure all production. The lessee shall arrange with the Director for acceptable methods of measuring, storing, and recording production. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used by the industry.

§ 250.61 Measurement of gas.

The lessee shall measure all gas production including gas vented or flared, in accordance with methods approved by the Director. The measured volumes shall be adjusted to a standard pressure base of 10 ounces above the atmospheric pressure of 14.4 pounds per square inch; a standard temperature of 60 degrees Fahrenheit; and for deviation from Boyle's Law. If gas is being disposed of at a different pressure base, the Director may require that gas volumes be adjusted to conform to this.

§ 250.63 Quantity basis for substances extracted from gas.

(a) The primary basis for computing the quantity of casinghead or natural gasoline, butane, propane, or other substances extracted from gas is the monthly net output of the plant at which the substances are manufactured. For purposes of this section, "net output" is the quantity of each substance that the plant produces.

(b)(1) When the net output of a plant is derived from the gas obtained from only one lease, the quantity of substances on which computations of royalty and net profit shares for the lease are based is the net output of the plant.

(2) When the net output of a substance from a plant is derived from gas obtained from several leases producing gas of uniform content, the proportion of net output of the substance allocable to each lease as a basis for computing royalty and net profit shares will be determined by dividing the amount of gas delivered to the plant from each lease by the total amount of gas delivered from all leases.

(3) When the net output of a substance from a plant is derived from gas obtained from several leases producing gas of diverse content, the proportion of net output of the substance allowable to each lease as a basis for computing royalty and net profit shares will be determined by multiplying the amount of gas delivered to the plant from the lease by the substance content of the gas, and dividing the arithmetical product thus obtained by the sum of the similar arithmetical products separately obtained for all leases from which gas is delivered to the plant.

§ 250.64 Value basis for computing royalties.

The value of production shall never be less than the fair market value. The value used in the computation of royalty shall be determined by the Director. In estimating the value the Director shall consider: (a) The highest price paid for a part or for a majority of like-quality products produced from the field or area; (b) the price received by the lessee; (c) posted prices; (d) regulated prices; and (e) other relevant matters. Under no circumstances shall the value of production be less than the gross proceeds accruing to the lessee from the disposition of the produced substances, or less than the value computed on the reasonable unit value established by the Secretary.

§ 250.65 Royalty on oil.

(a) The royalty on crude oil, including condensates separated from gas without the necessity of a manufacturing process, shall be a percentage of the value or amount of the crude oil produced from the leased area. The percentage shall be established by statute, regulation, or the provisions of the lease. No deduction shall be made for actual or theoretical transportation losses.

(b) The royalty on crude oil may be based on production as products are moved from the lease. When conditions warrant, the Director may require royalty to be based on actual monthly production including products remaining on the leased area. Evidence of all shipments shall be filed with the Director within 5 days (or a longer period when approved by the Director) after the oil has been shipped by pipeline or by other means of transportation. That evidence shall be signed by representatives of the lessee and by representatives of the purchaser or the transporter who witnessed the measurement reported. That evidence shall also note determinations of gravity, temperature, and the percentage of impurities contained in the oil.

§ 250.66 Royalty on unprocessed gas.

Royalty is due on all gas removed from a reservoir. When gas is sold without processing for the recovery of constituent products, the royalty thereon shall be a percentage, established by the terms of the lease, of the value or amount of the gas and constituent products removed from the reservoir. The value shall not be less than that which would accrue by computing royalty in accordance with §§ 250.67 (a) through (d).

§ 250.67 Royalty on processed gas and constituent products.

(a) When gas is processed for the recovery of constituent products, a royalty established by the terms of the lease will accrue on the value or amount of:

(1) All residue gas remaining after processing, and

(2) All natural gasoline, butane, propane, or other substances extracted from the gas. A reasonable allowance, determined by the Director and based upon regional plant practices and costs and other pertinent factors, may be made for the cost of processing and deducted from the royalty payment. However, the reasonable allowance shall not apply to more than two-thirds of the substances extracted, unless the Director determines that a greater allowance is in the national interest.

(b) Under no circumstances shall the amount of royalty on the residue gas and extracted substances be less than the amount which the Director determines would be payable if the gas had been sold without processing.

(c) In determining the value of natural gasoline, the volume of such gasoline shall be adjusted to a set standard, by a method approved by the Director, when such adjustments are necessary to account for the volumetric differences between natural gasolines of various specifications.

(d) No allowance shall be made for boosting residue gas or other expenses incidental to marketing.

(e) The lessee, with the approval of the Director, may establish a gross value per unit of 1,000 cubic feet of gas on the lease or at the wellhead for the purpose of computing royalty on gas processed for the recovery of constituent substances, provided that the royalty shall not be less than that which would accrue by computing royalties in accordance with the provisions of paragraphs (a) through (d) of this section.

§ 250.68 Commingling production.

Subject to such conditions as the Director may prescribe for measurement and allocation of production, the Director may authorize the lessee to move production from the leased area to a central point for purpose of treating, measuring, and storing. In moving such production, the lessee may commingle the production from different wells, leased areas, pools, and fields, and with production from other operators. The central point may be onshore or at any other convenient place selected by the lessee.

§ 250.69 Measurement of sulphur.

For the purposes of computing royalty, the measurement of sulphur shall be on such basis and shall conform to such standards as the Director may approve or prescribe.

REMEDIES AND PENALTIES

§ 250.80 Remedies and penalties.

(a)(1) Any person may report an apparent violation or failure to comply with any provision of the Act, or any term of a lease, license, or permit issued pursuant to the Act, or any regulation or order issued under the Act. When a report of an apparent violation has been received, or when an apparent violation has been detected by U.S. Geological Survey personnel, Coast Guard personnel, or any Corps of Engineers personnel, the matter will be investigated by the Federal Agency having primary jurisdiction.

(2) Reports of any investigation, conducted by the U.S. Geological Survey or received from any other agency, which indicate that a violation may have occurred must be forwarded to the Director. The Director shall review the reports to determine if there is sufficient evidence to indicate that a violation occurred. If there is insufficient evidence for that, the case will be either returned for further investigation or closed if further action is unwarranted. The case will be closed when: (i) the investigation has established that a violation did not occur; (ii) the violator is unknown; (iii) or there is little likelihood of discovering additional relevant facts. If it is determined that there is sufficient evidence to indicate that a violation occurred, a case file will be prepared and forwarded to the Hearing Officer, with a recommended action. The record of any prior violations by the same person or entity will be forwarded to the Hearing Officer, together with the case file for the alleged violation.

(b)(1) The Director shall delegate to one or more employees of the Conservation Division, Geological Survey, the authority to act as Hearing Officer.

(2) The Hearing Officer shall have no other responsibility, direct or supervisory, for the investigation of cases.

(3) The Hearing Officer shall decide each case on the basis of the evidence and shall have no prior connection with the case. The Hearing Officer is solely responsible for the decision made in each case.

(4) The Hearing Officer is authorized to administer oaths and issue subpoenas necessary to conduct a hearing, to the extent provided by the Act.

(5) The Hearing Officer is authorized to assess civil penalties and, when appropriate, to recommend the initiation of criminal proceedings.

(c)(1) When a case is received for action, the Hearing Officer shall make a preliminary examination of the material submitted. If, on the basis of the preliminary examination, the Hearing Officer determines that there is insufficient evidence to proceed, or that there is any other reason which would make civil penalty action inappropriate, the Hearing Officer shall return the case to the Director with a written statement of the reason. The Director may close the case or cause a further investigation of the alleged violation to be made with a view toward resubmittal of the case to the Hearing Officer.

(2) If, on the basis of the preliminary examination of the case file, the Hearing Officer determines that a violation appears to have occurred, the Hearing Officer shall notify the party in writing of:

(i) The alleged violation citing the applicable provision of the Act, or term of a lease, license, or permit issued pursuant to the Act, or regulation or order issued under the Act upon which the action is based.

(ii) The amount of the maximum penalty that may be assessed for each violation;

(iii) The general nature of the procedures for assessing and collecting the penalty;

(iv) The amount of penalty that appears to be appropriate, based upon the material then available to the Hearing Officer;

(v) The right to examine all material in the case file and have a copy of all written documents provided upon request; and

(vi) The fact that the party may demand a hearing prior to any actual assessment of a penalty.

For purposes of this section, "party" means the person alleged to have violated any provision of the Act, or any term of a lease, license, or permit issued pursuant to the Act, or any regulation or order issued under the Act, and includes an individual or public or private corporation, partnership or other association, or a governmental entity.

(3) If at any time it appears that the addition of another party to the proceedings is necessary or desirable, the Hearing Officer shall provide the additional party with Notice as described in paragraph (c)(2) of this section.

(d)(1) Within 30 days after receipt of notice of the initiation of an action pursuant to paragraph (c) of this section, the party, or counsel for the party, may require a hearing, provide any written evidence and arguments in lieu of a hearing, or pay the amount specified in the notice as being appropriate. A request for a hearing must be in writing and the request must specify the issues which are in dispute. Failure to specify a nonjurisdictional issue will preclude its consideration.

(2) The right to a hearing shall be waived if the party does not submit a request for a hearing to the Hearing

Officer within 30 days after receiving notice of the alleged violation pursuant to paragraph (c)(2) of this section. However, at the discretion of the Hearing Officer, a hearing may be granted if the party submits a late request.

(3) The Hearing Officer shall promptly schedule all hearings which are requested. The Hearing Officer shall grant any delays or continuances which the Hearing Officer determines to be necessary or desirable in the interest of fairly resolving the case.

(4) A party requesting a hearing may amend the specification of the issues in dispute at any time up to 10 days before the scheduled hearing. Issues raised later than 10 days before the scheduled date of the hearing may be presented only at the discretion of the Hearing Officer.

(e) A party alleged to have violated the statute or a regulation may examine all the written evidence in the case file, except material that would disclose or lead to the disclosure of the identity of a confidential informant. Other evidence or material, such as blueprints, sound or videotapes, oil samples, and photographs may also be examined in the Hearing Officer's offices. The Hearing Officer may provide for examination or testing of evidence at other locations if there are adequate safeguards to prevent loss or tampering.

(f)(1) In addition to information treated as confidential under paragraph (e) of this section, a request for confidential treatment of a document or portion thereof may be made by the person supplying the information on the basis that the information is:

(i) Confidential financial information, trade secrets, or other material exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552);

(ii) Required to be held in confidence by the regulations in this Chapter II or 18 U.S.C. 1905; or

(iii) Otherwise exempt by law from disclosure.

(2) The person desiring confidential treatment must submit the request to the Hearing Officer in writing and state the reasons justifying nondisclosure. Failure to make a timely request may result in a document being considered as nonconfidential and subject to release.

(3) Confidential material is not considered by the Hearing Officer in reaching a decision unless:

(i) It has been furnished by a party, or

(ii) It has been furnished pursuant to a subpoena.

(g) A party has the right to be represented at all stages of the proceeding by counsel. After receiving notification that a party is represented by counsel, the Hearing Officer shall direct all further communications to that counsel.

(h)(1) When a hearing is requested in accordance with paragraph (d)(1) of this section, the hearing will be held in the offices of the Hearing Officer or some other convenient location selected or approved by the Hearing Officer.

(2) A party requesting a hearing in accordance with paragraph (d)(1) of this section may request that its case be transferred to another Hearing Officer or that the hearing be held at a location other than the office of the Hearing Officer. The request must be in writing and state the reasons why the requested action is necessary or desirable action on the request is at the discretion of the Director.

(i) The testimony of any witness may be presented either through a personal appearance or through a written statement. The Hearing Officer may be requested to assist in obtaining the testimony of a witness by personnal appearance. A request for such assistance must be in writing and must state the reasons why a written statement by the witness would be inadequate, the issue; or issues to which the testimony would be relevant, and the substance of the expected testimony. If the Hearing Officer determines that the personal appearance of the witness may materially aid in the decision on the case, the Hearing Officer will seek to obtain the personal appearance of the witness. Because subsection 22(f) of the Act provides subpoena power specifically for the conduct of investigation, there may be cases where an individual cannot be required to appear as a witness. In such cases, the Hearing Officer may move the hearing to the location of the desired witness, accept a written statement, or accept a stipulation in lieu of testimony.

(j)(1) The Hearing Officer must conduct a fair and impartial proceeding in which the party is given a full opportunity to be heard. At the outset of the hearing, the Hearing Officer shall insure that the party is aware of the nature of the proceedings and of the alleged violation or incident of noncompliance, and of the provisions of law or regulation allegedly violated, or the term of the lease, license, or permit with which the party has failed to comply.

(2) The material in the case file pertinent to the issues, to be determined by the Hearing Officer, shall be presented. The party has the right to examine, and to respond to or rebut, this material. The party may offer any facts, statements, explanation, documents, sworn or unsworn testimony, or other exculpatory items which bear on appropriate issues, or which may be relevant to the size or on appropriate issues, or which may be relevant to the size of an appropriate penalty. The Hearing Officer may require the authentication of any written exhibit or statement.

(3) At the close of the party's presentation of evidence, the Hearing Officer may allow the introduction or rebuttal evidence. The Hearing Officer may allow the party to respond to any rebuttal evidence that is submitted.

(4) In reviewing evidence, the Hearing Officer is not bound by strict rules of evidence; in evaluating the evidence presented, the Hearing Officer shall give due consideration to the reliability and relevance of each item of evidence.

(5) The Hearing Officer may take notice of matters which are subject to a high degree of indisputability and are commonly known in the community or are ascertainable from readily available sources of known accuracy. Prior to taking notice of a matter, the Hearing Officer shall give the party an opportunity to show why notice should not be taken. In any case in which such notice is taken, the Hearing Officer shall place a written statement of the matters as to which notice was taken in the record, with the basis for such notice. The Hearing Officer's statement shall indicate that the party consented to notice being taken or shall include a summary of the party's objections to notice being taken of a specific matter.

(6) After the evidence in the case has been presented, the party may present argument on the issue in the case. The party may also request an opportunity to submit a written statement for consideration by the Hearing Officer and for further review. The Hearing Officer shall allow a reasonable time for submission of the statement and shall specify the date by which it must be received. If the statement is not received within the time prescribed, or within the limits of any extension of time granted by the Hearing Officer, the Hearing Officer shall render a decision on the basis of the record in the case.

(k)(1) A verbatim transcript will not normally be prepared. The Hearing Officer shall prepare notes on the material and points raised by th party, in sufficient detail to permit a full and fair review and resolution of the case, should it be appealed.

(2) A party may, at its own expense, cause a verbatim transcript to be made. If a verbatim transcript is made, the party shall submit two copies to the Hearing Officer not later than the time of filing an administrative appeal. The verbatim transcript will be included in the case record.

(l)(1) The decision called for in paragraph (j)(6) of this section shall be issued in writing. Any decision to

assess a penalty shall be based upon substantial evidence in the record. If the Hearing Officer finds that there is not substantial evidence in the record establishing the alleged violation or some other violation of which the party had full and fair notice, the Hearing Officer shall dismiss the case and remand it to the Director. A dismissal is without prejudice to the Director's right to refile the case and have it reheard if additional evidence is obtained. A dismissal following a rehearing is final and with prejudice.

(2) If the Hearing Officer assesses a penalty, the Hearing Officer's decision shall contain a statement advising the party of the right to an administrative appeal. The party shall be advised that failure to submit an appeal within the prescribed time will bar its consideration and that failure to appeal on the basis of a particular issue will constitute a waiver of that issue in any subsequent proceeding. The party shall not have the right to file any interlocutory appeal.

(m)(1) Any appeal from the decision of the Hearing Officer must be submitted by a party within 30 days from the date of receipt of the decision. The appeal and any supporting brief must be submitted to the Hearing Officer. Appellant shall provide copies of its appeal and supporting brief to the Director. The only issues which will be considered on appeal are those issues specified in the appeal which were properly raised before the Hearing Officer and jurisdictional questions.

(2) The failure to file an appeal within the prescribed time limit shall result in the action of the Hearing Officer becoming the final action of the U.S. Geological Survey in the case.

(n)(1) Any comments which the Director desires to submit must be received by the Hearing Officer within 20 working days following receipt of an appeal and supporting brief. The Director shall provide the appellant with a copy of all comments submitted to the Hearing Officer. Upon receiving the Director's comments or, if no comments are submitted by the Director, within 25 working days following receipt of the appeal, the Hearing Officer shall forward the case file to the Secretary.

(2) The Secretary may affirm, reverse, or modify the Hearing Officer's decision, or remand the case for new or additional proceedings. In the absence of a remand for new or additional proceedings, the decision of the Secretary on an appeal shall be final. The Secretary may also remit, mitigate, or suspend, in whole or in part, any penalty assessed by the Hearing Officer. The Secretary shall issue a written decision in each case. Copies of the Secretary's decision are to be provided to the appellant, the Director, and the Hearing Officer. When the Secretary's action includes the remission, mitigation, or suspension, in whole or in part, of a penalty assessed by the Hearing Officer, the Secretary shall advise the appellant, the Director, and the Hearing Officer of any conditions placed upon this action.

(o)(1) At any time prior to final action in a civil penalty case, a party may petition to reopen the hearing on the basis of newly discovered evidence.

(2) Petitions to reopen must be in writing, and shall describe the newly found evidence and state why the evidence would probably produce a different result favorable to the petitioner. The petitioner must state whether the evidence was known to the petitioner at the time of the hearing and, if not, why the newly found evidence could not have been discovered during the original proceedings. The party must submit the petition to the Hearing Officer and provide a copy to the Director.

(3) The Director may file comments in opposition to the petition. If the Director files comments, a copy of the comments shall be provided to the petitioner.

(4) Except as provided in paragraph (o)(1) of this section, the Hearing Officer will consider a petition to reopen a case unless an appeal has been filed or the time period for filing an appeal has expired and no appeal was filed. In those cases where an appeal has been timely filed, a petition to reopen a case will be considered by the Secretary.

(5) A decison on a petition to reopen a case will be decided on the basis of the current case record, the contents of the petition, and the comments, if any, submitted in opposition. A petition to reopen a case will be granted only when newly found evidence that would have a direct and material bearing on the issues of the case is described in the petition and when the petitioner provides a valid explanation as to why the new evidence was not and could not, have been produced previously. A decison on a petition to reopen a case will be rendered in writing.

(6) The denial of a petition to reopen a case shall be final and may not be appealed in an action separate from the appeal of the case pursuant to paragraph (n) of this section.

(p)(1) The Director shall collect civil penalties assessed by a Hearing Officer.

(2) Payment of a civil penalty may be made by check or postal money order payable to the U.S. Geological Survey.

(3) Within 30 days after the issuance of the Hearing Officer's decision in a case, the party must submit payment of any assessed penalty to the Director. Failure to make timely payment will result in the collection of the amount assessed plus interest at the rate of 12 percent per annum from the date of assessment until the date of payment. Such failure will also result in the initiation of additional enforcement proceedings, including, if appropriate, cancellation of the lease or permit under § 250.12.

(q)(1) The Department of Justice has primary responsibility for initiating prosecution in the appropriate Federal Court, when a violation occurs that is subject to the criminal penalties called for in this section. The Secretary will refer cases under this section to the Department of Justice together with a recommendation of the action the Secretary considers appropriate.

(2) The Director will prepare a case file which describes the alleged violation and the penalty that appears to be appropriate based upon the material in the case file.

(r)(1) Any person who fails to comply with any provision of the Act, or any term of a lease, license, or permit issued pursuant to the Act, or any regulation or order issued under the Act, after notice of such failure by registered letter, the expiration of a 30-day period allowed for corrective action, shall be liable for a civil penalty of not more than $10,000 for each day of continuance of such failure. The Director may assess, collect, and compromise any such penalty subject to the provisions of this section. No penalty shall be assessed until the person charged with the violation has been given an opportunity for a hearing as provided for under paragraph (d)(1) of this section.

(2) Any person who knowingly and willfully:

(i) Violates any provision of the Act, any term of a lease, license, or permit issued pursuant to the Act, or any regulation or order issued under the authority of the Act designed to protect health, safety, and environment, or to conserve natural resources;

(ii) Makes any false statement, representation, or ceritification in any application, record, report, or other document filed or required to be maintained under the Act;

(iii) Falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under the Act; or

(iv) Reveals any data or information required to be kept confidential by the Act shall, upon conviction, be punished by a fine of not more than $100,000 or by imprisonment of not more than 10 years, or both. Each day that a violation under paragraph (r)(2)(i) of this section continues, or each day that any monitoring device or data recorder remains inoperative

or inaccurate because of any activity in paragraph (r)(2)(iii) of this section, shall constitute a separate violation.

(s)(1) Whenever a corporation or other entity is subject to prosecution under paragraphs (r)(2)(i), (ii), (iii), or (iv) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the prescribed activity shall be subject to the same fines or imprisonment, or both, as provided for under paragraph (r)(2) of this section.

(2) If a violation of law or regulation is subject to both a civil and a criminal penalty, the Director is authorized to determine whether to institute civil penalty proceedings or to recommend referral of the case to the Department of Justice for the instituting of an enforcement action in the appropriate Federal Court, or both.

(3) A decision by the Department of Justice not to institute criminal proceedings in the appropriate Federal Court shall not preclude the Director from initiating or continuing the conduct of civil penalty proceedings in the case.

(4) The remedies and penalties prescribed in this section shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this section shall be in addition to any other remedies and penalties afforded by any other law or regulation.

§ 250.81 Appeals.

OCS Orders, other orders, or decisions issued under the regulations in this Part, other than decisions made under § 250.80, may be appealed as provided for in Part 290 of this chapter. Compliance with any order or decision shall not be suspended by reason of any appeal having been taken unless such suspension is authorized in writing by the Director or the Board of Land Appeals (depending upon the official before whom the appeal is pending) and then only upon a determination that such suspension will not be detrimental to the lessor or upon the submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

§ 250.82 Judicial review.

Nothing contained in this Part shall be construed to prevent any interested party from seeking judicial review as authorized by law.

Reports To Be Made by All Lessees (Including Operators)

§ 250.90 General requirements.

Information required to be submitted in accordance with the regulations in this Part shall be furnished in the manner and form prescribed in the regulations in this Part or as ordered by the Director. Copies of forms can be obtained from the Director and must be filled out completely and filed punctually with the Director.

§ 250.92 Sundry notices and reports on wells.

(a) All notices of intention to fracture, treat, acidize, repair, multiple complete, abandon, change plans, and for other similar purposes, and all subsequent reports pertaining to such operations shall be submitted in duplicate on Form 9-331 in accordance with § 250.38(b)(1). Prior to commencing such operations, written approval must be received from the Director.

(b) Form 9-331 shall contain:

(1) A detailed statement of the proposed work for repairing (other than work incidental to ordinary well operation), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, or commencing any opertions other than those covered by § 250.36, that will materially change the approved program for drilling a well or alter the condition of a completed well.

(2) A detailed report of all work done and the results obtained. The report shall set forth the amount and rate of production of oil, gas, and water before and after the work was completed, and shall include a complete statement of the dates on which the work was accomplished and the methods employed.

(3) A detailed statement of the proposed work for abandonment of any well. The statement as to a producible well shall set forth the reasons for abandonment and the amount and date of last production and, as to all wells, shall describe the proposed work including kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, removing casing, and other pertinent information.

(4) A detailed report of the manner in which the abandonment or plugging work was accomplished, including the nature and quantites of materials used in plugging and the location and extent, by depths, of casing left in the well, and the volume of mud fluid used. If an attempt was made to cut and pull any casing string, a description of the methods used and results obtained must be included.

§ 250.93 Monthly report of operations.

(a) A separate report of operations for each lease must be made on Form 9-152 for each calendar month, beginning with the month in which drilling operations are approved, and must be filed in duplicate with the Director on or before the 20th day of the succeeding month, unless an extension of time for the filing of the report is granted by the Director. The report must be submitted each month until the lease is terminated or until the Director authorizes discontinuance of the report.

(b) The report on Form 9-152 shall disclose accurately:

(1) All operations conducted on each well during each month; the status of operations on the last day of the month; and a general summary of he status of operations on the leased area.

(2) The report shall show for each calendar month:

(i) Each well listed separately by number and location;

(ii) The number of days each well produced, the nature of production (whether oil or gas), and the number of days each input well was used for injection service.

(iii) The quantity of oil, gas, and water produced; the total amount of gasoline and other lease products recovered; and other hydrocarbons concurrently produced from the same lease. Separate reports on Form 9-152 should be submitted for oil and gas and gasoline, unless otherwise authorized or directed by the Director;

(iv) The depth of each active or suspended well; the name, character, and depth of each formation drilled during the month, the date each such depth was reached; the date and reason for every shutdown; the names and depths of important formation changes and contents of formations; the amount and size of any casing run since the last report; the dates and results of any tests such as production, water shutoff, or gasoline content; and any other noteworthy information on operations not specifically provided for in the form;

(v) If no runs or sales were made during the calendar month, this must be stated on the report.

§ 250.94 Statement of oil and gas runs and royalties.

When directed by the Director, a monthly report shall be submitted in duplicate on Form 9-153, showing: Each run of oil; all transfers of gas, gasoline, and other lease products; and the royalty accruing therefrom to the lessor.

§ 250.95 Well completion or recompletion report and log.

All reports and logs of well completions or recompletions shall be submitted in duplicate on or attached to Form 9-330 in accordance with § 250.38(b)(1). The form shall contain: a complete and accurate log and report of all operations on the well as specified on the form; geologic markers and all important zones of porosity

and contents thereof; cored intervals and all drill-stem tests including depth interval tested, cushion used, and the time tool was open; flowing and shut-in pressures; and recoveries. Duplicate copies of logs that may have been compiled for geologic information from cores or formation samples shall be filed in addition to the regular log. If previously furnished, duplicate copies of composites of multiple runs of all well bore surveys, including electric, radioactive, sonic and other logs, temperature surveys, and directional surveys shall be attached. (Such copies are in addition to field prints filed pursuant to § 250.38(b)(3).)

§ 250.96 Special forms or reports.

When special forms or reports, other than those referred to in the regulations in this Part are deemed necessary, instructions for the filing of such forms or reports will be given by the Director.

§ 250.97 Public inspection of records.

(a) Except as provided in paragraph (c) of this section or in § 252.7 of this Chapter, geophysical data, processed geophysical information, and interpreted geological and geophysical information (as defined in § 252.2 of this chapter), submitted pursuant to the requirements of this part, shall not be available for public inspection without the consent of the lessee as long as the lease remains in effect, or for a period of 10 years after the date of submission, whichever is less, unless the Director determines that earlier release of such formation is necessary for the proper development of the field or area.

(b) Except as provided in paragraph (c) of this section or in § 252.7 of this chapter, geological data and analyzed geological information (as defined in § 252.2 of this chapter) submitted pursuant to the requirements of this part, shall not be made available for public inspection without the consent of the lessee as long as the lease remains in effect or for a period of 2 years after the date of submission, whichever is less, unless the Director determines that earlier release of such information is necessary for the proper development of the field or area.

(c) Geophysical data, processed geophysical information and interpreted geophysical information collected with high resolution systems including, but not limited to bathymetry, side-scan sonar, subbottom profiler and magnetometer, on a lease in compliance with stipulations or orders conerning protection of environmental aspects of the lease such as, but not limited to, cultural resources, biological resources, and geologic hazards, shall be made available to the public 60 days after submittal to the Director or at such earlier time as the Director determines is necessary for implementation of the provisions of § 250.34.

§ 250.100 Effect of regulations on provisions of lease.

(a) As provided in subsection 6(b) of the Act, the regulations in this part supersede the provisions of any lease which is determined to meet the requirements of subsection 6(a) of the Act, to the extent that they cover the same subject matter, with the following exceptions; the provisions of a lease with respect to the area covered by the lease, the minerals covered by the lease, the rentals payable under the lease, the royalties payable under the lease (subject to the provisions of paragraphs 6(a)(8) and 6(a)(9) of the Act), and the term of the lease (subject to the provisions of paragraph 6(a)(10) of the Act and, as to sulphur, subject to the provisions of paragraph 6(b)(2) of the Act) shall continue in effect and, in the event of any conflict or inconsistency, shall take precedence over the regulations in this Part.

(b) A lease that meets the requirements of subsection 6(a) of the Act shall also be subject to the mineral leasing regulations applicable to the OCS as well as the regulations relating to geophysical and geological exploratory operations and to pipeline rights-of-way in the OCS to the extent that those regulations are not contrary to or inconsistent with the provisions of the lease relating to the area covered, the minerals covered, the rentals payable, the royalties payable, and the terms of the lease.

[FR Doc. 79-7614 Filed 3-9-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 78-86]

DRAWBRIDGE OPERATION REGULATIONS

Coalbank Slough and Willamette River, Oreg.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Southern Pacific Transportation Company, the Coast Guard is considering changing the regulations governing the operation of the Southern Pacific railroad drawbridge across Coalbank Slough, mile 0.1, and the Southern Pacific railroad drawbridges across the Willamette River at Albany, mile 119.6, and Salem, mile 84.3, to permit the draws to remain closed to navigation. This proposal is being made because no requests have been made to open the bridge across Coalbank Slough since 1974; for the bridge across the Willamette River at Albany since 1971; and for the bridge across the Willamette River at Salem since 1970. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw.

DATE: Comments must be received on or before April 12, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0942).

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, Thirteenth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

In a telephone conversation between the Southern Pacific Transportation Company and the Commander (oan), Thirteenth Coast Guard District, the applicant agreed to restore any or all of these bridges to operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action. This six-month proviso should provide for the reasonable needs of navigation. It has been at least four years since any of these bridges were required to open for the passage of vessels.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by:

1. Revising § 117.755(a) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.

(a) *Southern Pacific Transportation Co. drawbridge at Salem.* The draw need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

* * * * *

2. Revising § 117.759b(f) (1) and (6) to read as follows:

§ 117.759b Drawbridges across navigable waters in Oregon where constant attendance is not required.

* * * * *

(f) * * *

(1) Southern Pacific Transportation Co. drawbridge across Coalbank Slough. The draw need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

* * * * *

(6) Southern Pacific Transportation Co. drawbridge across the Willamette River at Albany. The draw need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

* * * * *

(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: March 5, 1979.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 79-7409 Filed 3-9-79; 8:45 am]

[8320-01-M]

VETERANS' ADMINISTRATION

[38 CFR Part 3]

ADJUDICATION

Plot or Interment Allowance; Headstone or Memorial Marker

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is amending its regulations to implement two provisions of Title II of the Veterans' Housing Benefits Act of 1978. The first provision authorizes payment of the plot or interment allowance in certain cases to a State or political subdivision thereof, when a deceased veteran eligible for burial in a national cemetery is buried in a State cemetery or a cemetery owned by a political subdivision of a State. The second provision permits the Veterans Administration to pay a cash allowance in lieu of furnishing a Veterans Administration headstone or memorial marker for a deceased veteran.

DATES: Comments must be received on or before May 11, 1979. It is proposed to make the regulation change regarding the plot or interment allowance effective October 1, 1978, and the regulation change regarding the headstone allowance October 18, 1978, as these are the effective dates specified in the law which is designated Pub. L. 95-476 (92 Stat. 1497).

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until May 21, 1979.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle 202-389-3005.

SUPPLEMENTARY INFORMATION: Section 903, title 38, United States Code provides that in the case of a veteran eligible for a burial allowance under 38 U.S.C. 902, the Veterans Administration may pay up to $150 as a plot or interment allowance if the veteran is not buried in a national cemetery. The plot or interment allowance is also payable when a veteran dies in a Veterans Administration facility to which the veteran was properly admitted for hospital, nursing home or domiciliary care under 38 U.S.C. 610 or 611(a). Prior to enactment of Pub. L. 95-476 the plot or interment allowance was not payable if the veteran was buried in a State cemetery.

Pub. L. 95-476, enacted October 18, 1978, amends 38 U.S.C. 903 to permit payment of the full $150 plot or interment allowance to a State or political subdivision thereof in certain cases when burial is in a cemetery owned by a State or political subdivision thereof.

The amendment of § 3.1601(a), and § 3.1604(c) and the addition of § 3.1604(d) set forth the conditions of entitlement for payment of the plot or interment allowance to a State or political subdivision thereof.

Under 38 U.S.C. 906 the Veterans Administration may furnish, when requested, a Government headstone or marker to mark the unmarked grave of a veteran buried in, or eligible for burial in, a national cemetery, or to commemorate a veteran whose remains have not been recovered or identified or were buried at sea. Pub. L. 95-476 amends 38 U.S.C. 906 to permit payment of a monetary allowance in lieu of furnishing a marker or headstone. The monetary allowance is payable as reimbursement to the person entitled to request a Government headstone or marker for the actual costs incurred by or on behalf of such person in acquiring a non-Government headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of the deceased. Reimbursement may be made only upon the request of the person entitled to request the headstone or marker and may mot be made in an amount in excess of the average actual costs, as determined by the Veterans Administration, of a Government-furnished headstone or marker for the preceding fiscal year.

The average actual cost of a headstone or marker for fiscal year 1978 (i.e. the period from October 1, 1977, through September 30, 1978) is $50. This cost will be recomputed periodically.

The addition of § 3.1612 sets forth the conditions governing payment of this monetary allowance.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays) until May 21, 1979.

Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished

the address and the above room number.

Approved: March 4, 1979.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 3.1601, the introductory portions of paragraphs (a)(2) and (b) are revised to read as follows:

§ 3.1601 Claims and evidence.

(a) *Claims.* * * *

(2) Claims for the plot or interment allowance (except for claims filed by a State or an agency or policital subdivision thereof, under § 3.1604(d)) may be executed by:

* * * * *

(b) *Supporting evidence.* Evidence required to complete a claim for the burial allowance and the plot interment allowance, when payable, (including a reopened claim filed within the 2-year period) must be submitted within 1 year from date of the Veterans Administration request for such evidence. In addition to the proper claim form the claimant other than a § 3.1604(d) claimant is required to submit:

* * * * *

2. Section 3.1604 is amended by changing the heading of paragraph (c) and adding paragraph (d) to read as follows:

§ 3.1604 Payments from non-Veterans Administration sources.

* * * * *

(c) *Payment of plot interment allowance by public or private organization except as provided for by paragraph (d) of this section.* * * *

(d) *Payment of the plot or interment allowance to a State or political subdivision thereof.*—(1) *Conditions warranting payment.* All of the following conditions must be met:

(i) The plot or interment allowance is payable based on the service of the deceased veteran. See § 3.1600.

(ii) The deceased veteran is buried in a cemetery or a section thereof which is used solely for the interment of persons eligible for burial in a national cemetery.

(iii) The cemetery or the section thereof where the veteran is buried is owned by the State, or an agency or political subdivision of the State claiming the plot or interment allowance.

(iv) No charge is made by the State, or an agency or political subdivision of the State for the cost of the plot or interment.

(v) The veteran was buried on or after October 1, 1978.

(2) *Claims.* A claim for payment under this paragraph shall be executed by a State, or an agency of political subdivision of a State on a claim form prescribed by the Veterans Administration. Such claim must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from service, but after the veteran's death the veteran's discharge was corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from the date of correction of the discharge.

(3) *Amount of the allowance.* A State or an agency or political subdivision of a State entitled to payment under this paragraph shall be paid the sum of $150 as a plot or interment allowance without regard to the actual cost of the plot or interment.

(4) *Priority of payment.* A claim filed under this paragraph shall take precedence in payment of the plot or interment allowance over any claim filed for the plot or interment allowance under § 3.1601(a)(2). (38 U.S.C. 903(b))

3. Section 3.1612 is added to read as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

(a) *Purpose.* The section provides for the payment of a monetary allowance in lieu of furnishing a headstone or marker at Government expense under the provisions of § 1.631(a) (2) and (b) of this chapter to the person entitled to request such a headstone or marker.

(b) *Eligibility for the allowance.* All of the following conditions shall be met:

(1) The deceased veteran was eligible for burial in a national cemetery (See § 1.620 (a), (b), (c) and (d) of this chapter); or died under circumstances precluding the recovery or identification of the veteran's remains or the veteran's remains were buried at sea.

(2) The veteran was buried on or after October 18, 1978.

(3) The headstone or marker was purchased to mark the unmarked grave of the deceased veteran or to memorialize the deceased veteran.

(4) The headstone or marker is for placement in a cemetery other than a national cemetery.

(c) *Person entitled to request a Government-furnished headstone or marker.* For purposes of this monetary allowance, a person entitled to request such a headstone or marker means the person, including but not limited to, the executor, administrator or a person representing the deceased's estate who purchased the headstone or marker.

(d) *Receipted bill.* A receipted bill describing the headstone or marker, date of purchase, purchase price, the amount of payment and the name of the person who made such payment shall accompany a claim for this monetary allowance.

(e) *Payment of the allowance.* (1) The monetary allowance is payable as reimbursement to the person entitled to request a Government-furnished headstone or marker. If funds of the deceased's estate were used to purchase the headstone or marker and no executor or administrator has been appointed, payment may be made to a person who will make distribution of this monetary allowance to the person or persons entitled under the laws governing the distribution of intestate estates in the State of the decedents' personal domicile.

(2) The amount of the allowance payable is the lesser of the following:

(i) actual cost of acquiring a non-Government headstone or marker; or

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1978 (October 1, 1977 through September 30, 1978) is $50.

(f) *Payment of allowance prohibited.* This monetary allowance shall not be paid when a Government headstone or marker has been requested or issued under the provisions of § 1.631(a) (2) and (b) of this chapter. (38 U.S.C. 906(d))

[FR Doc. 79-7404 Filed 3-9-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1073-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Louisiana Variance, Kaiser Aluminum & Chemical Corp. (Norco)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This action proposes approval of a variance to Louisiana Regulation 19.5 for Kaiser Aluminum & Chemical Corporation in Norco, Louisiana. Compliance under the variance

is scheduled for December 31, 1980. The proposed variance will allow Kaiser to complete emission controls for its petroleum coke calcining facilities. The continuation of particulate matter emissions at current rates are not expected to cause or contribute to violations of the ambient air quality standards.

DATES: Comments on this proposed rulemaking by interested persons must be received on or before April 11, 1979, in order to be considered by EPA in making a final approval/disapproval decision.

ADDRESSES: Comments on this proposed rulemaking should be submitted to the address below.

Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following address:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Jerry Stubberfield, Environmental Protection Agency, Region 6, Air Program Branch, Dallas, Texas 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION: A proposed variance for compliance with Louisiana Regulation 19.5 by Kaiser Aluminum and Chemical Corporation (Norco) was submitted to EPA by the Governor on August 31, 1978. Under the variance, compliance with Regulation 19.5 by Kaiser would be completed by December 31, 1980. The extended compliance date would allow Kaiser to complete installation of emission controls for particulate matter for its petroleum coke calcining facilities. The following compliance schedule is contained in the Commission Order of the Louisiana Air Control Commission (LACC):

1. Complete evaluation of major equipment requirements by August 31, 1979.

2. Construction of modified facility to begin by March 1, 1980.

3. Complete devivery of equipment by August 31, 1980.

4. Complete construction by December 15, 1980.

5. Complete start-up, adjustment, and achieve compliance by December 31, 1980.

The Commission Order requires a written report no later than 15 days after each of the dated increments of progress describing the action taken and whether the schedule has been met.

AIR QUALITY IMPACT ANALYSIS

The air quality impact of the variance for Kaiser Aluminum (Norco), including the impacts of nearby sources of particulate matter, was estimated with dispersion models. The Texas Episodic Model (TEM) and the PTMAX model were used to estimate 24-hour impacts, and the Air Quality Display Model (AQDM) was used to estimate annual impacts. Based on the dispersion model results, current emissions from the Norco plant coke calciner have an estimated 24-hour air quality impact of 3 micrograms per cubic meter ($\mu g/m^3$). Information from the lastest reviews of neighboring sources for the prevention of significant deterioration (PSD) shows that worst case 24-hour estimates for Goodhope Refinery and Shell Oil and Chemical are 14 and 34 $\mu g/m^3$ respectively. Assuming that worst case values for all three sources occurred simultaneously at the same receptor, a maximum 24-hour value of 51 $\mu g/m^3$ would result. Since this is significantly below the air quality standard of 150 $\mu g/m^3$, which can be exceeded once a year before a violation occurs, a variance for Kaiser Aluminum (Norco) is not expected to cause or contribute to a violation of the 24-hour standard. Impacts on the annual standard were similarly small.

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: February 23, 1979.

EARL KARI,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding a new paragraph (12) as follows:

§ 52.970 Identification of plan.

* * * * * *

(c) * * *

(12) A variance to Regulation 19.5 for Kaiser Aluminum and Chemical Corporation at Norco, Louisiana was submitted by the Governor on August 31, 1978.

2. In Subpart T, § 52.980 is amended by adding a new paragraph (b) as follows:

§ 52.980 Compliance schedules.

* * * * * *

(b) The compliance schedule below for Kaiser Aluminum and Chemical Corporation is approved as a revision to the plan pursuant to §§ 51.6 and 51.15 of this chapter. The regulation cited is an approved regulation of the State.

Source	Location	Regulation involved	Final compliance date
Kaiser Aluminum & Chemical Corp. (coke calciner).	Norco	19.5	Dec. 31, 1980.

[FR Doc. 79-7398 Filed 3-9-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1072-5]

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

Proposed Approval of an Administrative Order Issued by the State of Maryland to the General Refractories Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the State of Maryland to the General Refractories Company. The order requires the company to bring air emissions from its magnesite processing system in Baltimore into compliance with certain regulations contained in the federally-approved Maryland State Implementation Plan (SIP) by June 30, 1979. Because the order has been issued to a major source and permits a delay in compliance with the provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under

the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before April 11, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas W. Shiland, 3EN12 (same address as above), 215/597-7915.

SUPPLEMENTARY INFORMATION: The General Refractories Company operates a magnesite processing installation at Baltimore, Maryland. The order under consideration addresses emissions from the magnesite processing installation at the facility, which are subject to Regulations Number 10.03.38.02A and 10.03.38.03F, promulgated pursuant to Article 43, Section 697 of the Annotated Code of Maryland. The regulation limits the emissions of visible emissions and particulate matter from materials handling and construction, and is part of the federally approved Maryland State Implementation Plan. The order requires final compliance with the regulation by June 30, 1979 through the installation of dust collection systems, improved conveyors, enclosure of conveyors, installation of bay house equipment and enclosure of other processing equipment.

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

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

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

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

Dated: February 21, 1979.

JACK J. SCHRAMM,
Regional Administrator,
Region III.

[FR Doc. 79-7407 Filed 3-9-79; 8:45 am]

[6560-01-M]

[40 CFR Part 180]

[FRL 1072-3; PP 8E2071/P94]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical O,O-Diethyl O-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

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

ACTION: Proposed Rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate on mushrooms. The proposal was submitted by the Interregional Research Project No. 4. This amendment to the regulations would establish a maximum permissible level for residues of the subject insecticide on mushrooms.

DATE: Comments must be received on or before April 11, 1979.

ADDRESS COMMENTS TO: Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, East Tower, 401 M St., SW, Washington D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow at the above address (202/755-4851).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Delaware, Maryland, and Pennsylvania has submitted a pesticide petition (PP 8E2071) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.153 be amended by the establishment of a tolerance for residues of the insecticide diazinon (*O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate) in or on the raw agricultural commodity mushrooms.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed 0.75 part per million (ppm) tolerance were a 2-year rat feeding study with a no-observed-effect-level (NOEL) of less than 10 ppm based on cholinesterase-inhibiting effects; a 2-year dog feeding study with an NOEL of less than 160 ppm based on cholinesterase inhibition (However, no signs of systemic toxicity were noted either grossly or histopathologically in these two studies.); a 106-week monkey feeding study with an NOEL of 1 ppm based on cholinesterase inhibition; a multigeneration reproduction/teratology study in rats with an NOEL of 4 ppm, the highest level tested; and a hen demyelination study with an NOEL of 200 ppm, the highest level administered for 30 days in the hen diet. The Acceptable Daily Intake (ADI) for diazinon has been calculated to be 0.0025 milligram (mg) kilogram/(kg) body weight (bw)/day based on the 106-week monkey feeding study using a 10-fold safety factor. The Maximum Permissible Intake (MPI) for the subject insecticide in a 1.5-kg diet of a 60-kg man is claculated to be 0.15 mg/day. This proposed use will add less than 0.1% to the theoretical maximal residue contribution (TMRC) of the established tolerances. The TMRC from the established tolerances for diazinon exceeds the MPI by a factor of 2.75. The actual occurrence of diazinon in the general food supply will not approach the TMRC. This conclusion is supported by findings in the Food and Drug Administration surveillance and monitoring programs. Thus, it is concluded that the additional increase in the TMRC for the subject insecticide minor use is considered toxicologically insignificant. There is no reasonable expectation of residues in eggs, meat, milk, or poultry since there are no animal feed items involved. The nature of the residues is adequately understood, and an adequate analytical method (gas chromatography with a phosphorus selective thermionic detector) is available for enforcement purposes. Tolerances have previously been established for a variety of commodities at levels ranging from 0.1 ppm to 60 ppm. A mutagenicity study may be required at such time as the Agency identifies suitable protocols for mutagenicity testing.

The pesticide is considered useful for the purpose for which the toler-

ance is sought. Accordingly, based on the above information considered by the Agency, and the small percentage of mushrooms in the human diet, it is concluded that the tolerance of 0.75 ppm establishing by amending 40 CFR 180.153 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before April 11, 1979, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 8E2071/P94". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in Room 315, East Tower, from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 2, 1979.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

HERBERT S. HARRISON,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, § 180.153 be amended by alphabetically inserting the tolerance of 0.75 ppm on mushrooms in the table to read as follows:

§ 180.153 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

Commodity	Parts per million
Mushrooms	0.75

[FR Doc. 79-7427 Filed 3-9-79; 8:45 am]

[6560-01-M]

[40 CFR Part 250]

[FRL 1071-6]

HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Extension of Comment Period on Extraction Procedure

AGENCY: United States Environmental Protection Agency ("EPA" or "the Agency").

ACTION: Extension of comment period on extraction procedure.

SUMMARY: The new due date for public comment on the Extraction Procedure (EP) described in § 250.13(d)(2) of EPA's proposed regulations implementing Section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA) is May 15, 1979.

DATES: Comments on the Extraction Procedured are now due no later than May 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Alan Corson, Hazardous Waste Management Division (WH-565), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to extend for sixty (60) days the deadline for submission of public comments on the Extraction Procedure described in § 250.13(d)(2) of EPA's proposed regulations implementing Section 3001 of RCRA (43 FR 58956-57, December 18, 1978).

On December 18, 1978, EPA issued proposed rules implementing Sections 3001, 3002 and 3004 of the Solid Waste Disposal Act, as substantially amended by the Resource Conservation and recovery Act of 1976, 42 U.S.C. § 6901 et seq. At the time these regulations were proposed, the Agency was in litigation regarding the schedule for their promulgation and was anticipating a Court order establishing a final promulgation date. EPA allowed an eighty-eight day comment period for these regulations and those already published pursuant to Section 3003 of RCRA (43 FR 18506-18512, April 28, 1978). In establishing that comment period, the Agency sought to give interested persons as much time as possible to comment on the proposed reguations while allowing itself the time necessary to review, analyze and respond to the comments prior to the Agency's targeted December 31, 1979, date for final promulgation of the regulations. On January 3, 1979, Judge Gerhard Gesell issued an order requiring the Agency to promulgate the Section 3001-3004 regulations no later than December 31, 1979 (*State of Illinois v. Costle*, Nos. 78-1689 et. al. (D.D.C., January 3, 1979)). EPA clarified the comment due date for its proposed Section 3001-3004 regulations in a notice appearing in the February 7, 1979, FEDERAL REGISTER (44 FR 7785).

During the comment period on these Subtitle C (Sections 3001-3004) regulations, EPA has received several letters and oral statements at the public hearings requesting an extension of the comment period. Those letters which explained in detail the reasons for the requested extension generally focussed on difficulties in obtaining the equipment necessary to perform the Extraction Procedure and the need for more time to carry out the procedure and compile the data for submission to the Agency. The Agency calculates, however, that with the knowledge that the deadline date for all other comments remaining March 16, 1979, EPA can allow a 60 day extension of the comment period on the Extraction Procedure without jeopardizing the December 31, 1979, Promulgation date. EPA believes that good cause exists for such an extension. After carefully considering all of the requests for an extension of the comment period, however, the Agency does not believe that an extenion on any other section of the proposed regulations is warranted, and the Agency is not granting an extension of the comment period on any other issues.

The Extraction Procedure is a procedure developed by EPA to measure the tendency of toxic agents in a waste, when improperly managed, to migrate out and thus become available to contaminate the environment. As described in the proposed regulations (§ 250.13(d)(2)), the EP requires the use of a compaction tester and an extractor. The proposed rule describes both pieces of equipment and includes diagrams of the devices (Fig. 1 and 2, 43 FR 58961). The proposed regulation also gives part numbers for equipment manufactured by the Associated Design and manufacturing Company of Alexandria, Virginia, which the Agency considers a suitable compaction tester and an extractor.

The proposed regulation explicity states that the devices manufactured by the Associated Design and Manufacturing Company are suitable pieces of equipment but nowhere do the regulations require that those particular parts be used. Several individuals, however, have misinterpreted the proposed regulation and assumed that the particular pieces of equipment manufactured by Associated Design and Manufacturing Company had to be used to perform the Extraction Procedure. On the contrary, any piece of equipment which meets the general objective (which is to ensure sufficient agitation so that diffusion does not limit the extraction of contaminant) stated in the regulations (*see* 250.13(d)(2)(i) (B) and (C) (43 FR 58956-57) and Figures 1 and 2 (43 FR 58961)) may be used. The Agency believes that almost any machine shop should be able to fabricate fairly quickly the equipment described in the proposed regulations. This misinterpretation, however, has prevented some individuals from running the Ex-

traction Procedure on their waste streams and submitting the data to EPA.

In order to allow those members of the regulated community who misunderstood the proposed regulation time to order or fabricate the equipment necessary to run the EP on their waste and to give other interested persons the opportunity to perform more extractions and submit those data to the Agency, EPA is extending the comment period on its proposed extraction procedure to May 15, 1979. The Agency recognizes that its proposed EP is a new testing procedure and it welcomes all data and comments on the procedure during the coming 60 days.

Dated: March 6, 1979.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

[FR Doc. 79-7302 Filed 3-9-79; 8:45 am]

[4110-85-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 59]

GRANTS FOR ADOLESCENT PREGNANCY PREVENTION AND SERVICES PROJECTS

AGENCY: Public Health Service, HEW.

ACTION: Proposed rules.

SUMMARY: This notice proposed rules for grants for the establishment of projects to provide needed comprehensive community services to assist in preventing unwanted pregnancies among adolescents and to assist pregnant adolescents and adolescent parents to obtain needed health, social, educational, and other services. The rules are needed in order to implement the grant program recently enacted by Title VI of Pub. L. 95-626.

DATES: Comments must be received on or before May 11, 1979.

ADDRESS: Written comments should be sent to Dr. Lulu Mae Nix, Director, Office of Adolescent Pregnancy Programs, Office of the Assistant Secretary for Health, HEW, Room 725-H, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Dr. Lulu Mae Nix, 202-472-9093.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations to implement the requirements for grants the Secretary is authorized to make under Title VI of Pub. L. 95-626 (42 U.S.C. 300a-21, et seq.). Title VI establishes a program of grants to be made to public and private nonprofit entities to assist them in operating projects to provide needed comprehensive community services to (1) assist in preventing unwanted pregnancies among adolescents and (2) assist pregnant adolescents and adolescent parents to obtain needed medical, social, educational and other services that will help them to become productive independent contributors to family and community life. A summary of the legislation and of the major issues raised by the proposed rules is set out below.

I. SUMMARY OF TITLE VI OF PUB. L. 95-626

Title VI was enacted in response to Congress's concern with the incidence of adolescent pregnancies throughout the nation, the complex medical and social problems resulting from such pregnancies, and the unavailability of appropriate medical and social services to adolescents to prevent or alleviate these problems. Concluding that "Federal policy should encourage the development of appropriate health, educational and social services where they are now lacking or inadequate, and the better coordination of existing services where they are available," Congress enacted the grant program described below. Sec. 601(a), Pub. L. 95-626 (42 U.S.C. 300a-21(a)).

Title VI of Pub. L. 95-626 authorizes grants to public and private nonprofit entities for projects to provide health, social, and educational services to pregnant adolescents and adolescent parents. It also authorizes the provision of certain core services to nonpregnant adolescents. The goals of the program are to establish better coordination, integration and linkages among existing programs that provide such services and expand the availability of their services, and to promote innovative, comprehensive and integrated approaches to the delivery of such services. Sec. 601(b). Consistent with this general approach of enhancing the effectiveness of existing programs, the Act provides that grantees may receive annual Title VI funding for no longer than five years. Concommitantly, the percentage of Title VI participation in a project must (unless the requirement is waived) decrease after the second year of the grant.

Under Title VI, all grantees must provide—either directly or through a network of providers—the "core services" to pregnant adolescents and adolescent parents. The required core services consist of pregnancy testing and maternity counseling, family planning and educational services, nutrition information and counseling, adoption counseling, primary and preventive health services, and various types of referral services. In addition, grantees may provide supplemental services, which include services such as child care, consumer education and homemaking, counseling for members of the adolescent's family, and transportation. In providing services, grantees are required to integrate, coordinate and develop linkages with related programs and services. Services must be provided in accordance with certain fee schedule requirements described more fully below, but grantees may not discriminate in providing service on the basis of inability to pay. Grantees must also seek reimbursement for services from all third party payors. In addition, applicants for grants must provide a number of assurances relating to how services will be provided: e.g., that they will encourage unemancipated minor patients to consult with their parents regarding project services; that they will inform pregnant adolescents of the availability of counseling on all options regarding their pregnancies; that they will give primary emphasis in providing services paid for with grant funds to pregnant adolescents and adolescent parents 17 and under. In awarding grants, the Secretary is to give priority to applicants who meet certain criteria, including serving an area where the incidence of adolescent pregnancies and low-income families is high and the availability of pregnancy-related services is low.

II. SUMMARY OF MAJOR ISSUES IN THE PROPOSED RULES

Attention is drawn to the following features of the proposed rules:

A. *General approach.* As is evident from the summary in the preceding section, Title VI spells out in detail the obligations of both grantees and the Secretary concerning the grant program. Because the statute is extremely explicit in many areas and in order not to limit further the flexibility of grantees to devise innovative approaches to providing services, the Secretary has simply repeated many of the statutory provisions in the regulations. See, for example: proposed § 59.304(a)(1) (data regarding service area to be included in the grant application); proposed § 59.304(1)(12) (assurance that receipt of services will be voluntary); proposed § 59.304(1)(14) (assurance that pregnant adolescents will be informed of all options regarding pregnancy); proposed § 59.304(a)(15) (assurance that primary emphasis will be given to services to pregnant adolescents and adolescent parents 17 and under); proposed § 59.306(a) (priorities for grant award). However, the Secretary does plan to provide grantees with additional pro-

gram guidance as to how such sections should be implemented, particularly with regard to the statistical information required of applicants for grants.

It is recognized that failure to specify additional requirements may take it difficult to assure consistent administration of some of these requirements. This is particularly of concern with regard to the requirement for linkages with other providers, and the Secretary solicits comment as to whether he should require applicants to provide evidence of written agreements for such linkages.

The Secretary solicits comment on whether this general approach is sound. If it is felt that is not sound, the Secreatry requests suggestions as to what further specification should be made, along with any data or information which supports the suggestions made.

B. *Specific policies.* The proposed rules also fill in the interstices in the statutory provisions in a number of respects. The Secretary solicits comments on and suggestions for improvement of the policies described below.

1. *Fee schedules.* The Act contains several different requirements that relate to the fees grantees may charge for their services. Section 606(a)(17 requires grantees to have fee schedules designed to cover their reasonable costs of operation, with corresponding discounts based on ability to pay. Section 606(a)(7) requires a description of the fee schedules. Section 604(b) requires that fee schedules be based on ability to pay and take into account the difficulty adolescents face in obtaining resources to pay for services.

Proposed § 59.304(a)(5) implements these requirements as follows: Grantees must have fee schedules designed to cover their costs of operation, with a schedule of discounts that provides for full discount to persons with annual incomes at or below the Community Services Administration (CSA) poverty income guidelines[1] and no discount to persons with incomes above twice the CSA poverty income guidelines. It should be noted that this provision is identical to regulatory provisions inplementing identical statutory language in the programs for grants to community health centers and migrant health centers authorized by Sections 330 and 329 of the Public Health Service Act. In addition, full discounts must be provided to all eligible persons, regardless of income, (1) for pregnancy testing services, and (2) where the eligible person is unable to pay for the services and is unable to obtain financial assistance to pay them.

The proposed fee schedule policies raise a number of policy issues on which the Secretary would like advice. First, will the discount requirements enable projects to cover their reasonable costs of operation or are they likely substantially to impare their finanacial viability? Second, are the income levels which serve as the basis for full or partial discounts (see footnote 1) appropriate? That is, should they be raised or lowered, or should a State-based or regional-based economic index be used? If it is felt that the CSA Poverty Income Guidelines are inappropriate, the Secretary would appreciate suggestions as to other indices that could appropriately be used. Third, should provision be made for considering, in addition to income, medical or other expenses as a basis for eligibility for discounted services and, if so, how should this be done? Fourth, is proposed § 59.304(a)(5)(ii)(C) a reasonable method of implementing the statutory requirement that the fee schedule take into account the difficulty adolescents face in obtaining resources? The Secretary recognized that there are difficult policy problems raised by the question of whether (and if so, how) to charge adolescents whose parents are legally obligated and financially able to pay for their care, when the adolescents are reluctant or unwilling to tell the parents about seeking such services. Will the method proposed raise a barrier to service or would an even more restrictive method be a more appropriate approach to this question? The Secretary solicits comments on the implications of proposed § 50.304(a)(5)(ii)(C) and suggestions for alternative methods of implementing the statutory requirement.

2. *Management requirements.* Proposed §§ 59.304(a) (9), (10), and (11) spell out specific requirements regarding the ongoing quality assurance system, system for maintaining the confidentiality of patient records, and financial accounting systems that the statute requires of grantees. The specific requirements are drawn from analogous provisions in the regulations implementing virtually the same statutory language under sections 330 and 329 of the PHS Act, referred to above.

3. *Consultation with parents.* Proposed § 59.304(a)(13) requires grantees to assure that they will encourage persons who are unemancipated minors under State law to consult with their parents or legal guardians regarding the provision of services. It also provides that grantees may not require such consultation or parental notification as a condition to receiving services, unless required to do so by State law. The Secretary believes that this policy is consistent with the purpose of the Act, to increase access by adolescents to such services.

4. *"Adolescent".* The term "adolescent" has been defined, since that term is an essential part of determin-

[1] The current CSA poverty income levels are as follows:

COMMUNITY SERVICES ADMINISTRATION POVERTY INCOME GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

	Nonfarm family	Farm family
Size of family unit:		
1	$3,140	$2,690
2	4,163	3,550
3	5,180	4,410
4	6,200	5,270
5	7,220	6,130
6	8,240	6,990

For family units with more than 6 members add $1,020 for each additional member in a nonfarm family and $860 for each additional member in a farm family.

POVERTY GUIDELINES FOR ALASKA

	Nonfarm family	Farm family
Size of family unit:		
1	$3,940	$3,380
2	5,210	4,450
3	6,480	5,520
4	7,750	6,590
5	8,020	7,860
6	10,290	8,730

For family units with more than 6 members add $1,270 for each additional member in a nonfarm family and $1,070 for each additional member in a farm family.

POVERTY GUIDELINES FOR HAWAII

	Nonfarm family	Farm family
Size of family unit:		
1	$3,620	$3,130
2	4,790	4,110
3	5,960	5,090
4	7,130	6,070
5	8,300	7,050
6	9,470	8,030

For family units with more than 6 members add $1,170 for each additional member in a nonfarm family and $980 for each additional member in a farm family.

Source: 43 FR 14316 (Apr. 5, 1978). It should be noted that the CSA Poverty Income Guidelines are periodically revised. Under these regulations such revisions would automatically be incorporated into the discount schedule.

ing who is eligible for project services (i.e., "pregnant *adolescents*" "*adolescent* parents," "nonpregnant *adolescents*"; section 602(2)). See proposed § 59.302. The definition is more liberal than the common definition of that term, in that it extends the term to age 21, which is beyond the age of majority in most States (age 18). However, the Secretary believes that such a definition was intended by Congress, as evidenced by the statutory definition of "adolescent parent" as a parent under the age of 21.

5. *Criteria for waiver of reduction in amount of grant.* Proposed § 59.307(b) contains criteria for waiver of the statutory requirement that the amount of a grant under Title VI must be reduced by at least 10% each year after the second year of the grant. See section 605(c)(3). The criterion that the grantee demonstrate to the Secretary's satisfaction that there is a substantial likelihood that it will be able to provide services without Title VI funding by the end of the project period is proposed as consistent with the essentially developmental nature of the program. The Secretary solicits comments on the appropriateness of the proposed criteria.

NOTE.—The Assistant Secretary for Health has determined that a regulatory analysis as required by Executive Order No. 12044 is not required for these proposed regulations.

In consideration of the above, it is proposed to add a new Subpart D to 42 CFR Part 59, to read as set forth below.

Dated: February 9, 1979.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: February 20, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

A new Subpart D is added to 42 Code of Federal Regulations, Part 59, to read as follows:

Subpart D—Grants for Adolescent Pregnancy Prevention and Services Projects

Sec.

AUTHORITY: Sec. 215, Public Health Service Act, 42 U.S.C. 216, 58 Stat. 690; Title VI, Pub. L. 95-626, 42 U.S.C. 300a-21, et seq., 92 Stat. 3595, et seq.

§ 59.301 To whom do these regulations apply?

The regulations of this subpart apply to all grants for adolescent pregnancy services and prevention projects authorized under Section 603 of Title VI of Public Law 95-626 (42 U.S.C. 300a-21, et seq.).

§ 59.302 How are the terms in these regulations defined?

As used in this subpart, the term:

"Act" means Title VI of Public Law 95-626 (42 U.S.C. 300a-21, et seq.).

"Adolescent" means a person whose age is between the onset of puberty and the age of 21.

"Adolescent parent" means a parent or parent-to-be under the age of 21.

"Core services" means the following which shall be provided by all grantees:

(a) Pregnancy testing, maternity counseling, and referral for related services;

(b) Family planning services, except that such services for nonpregnant adolescents shall be limited to family planning counseling and referral for family planning services unless suitable and appropriate family planning services are not otherwise available in the community;

(c) Primary and preventive health services, including pre- and post-natal care;

(d) Nutrition information and counseling;

(e) Referral for screening and treatment of venereal disease;

(f) Referral to appropriate pediatric care;

(g) Educational services in sexuality and family life including sex education and family planning information;

(h) Referral to appropriate educational and vocational services;

(i) Adoption counseling and referral services; and

(j) Referral to other appropriate health services.

"Eligible grant recipient" means a public or nonprofit private organization or agency which demonstrates, to the satisfaction of the Secretary, the capability of providing in a single setting all core services or the capability of creating a network of providers through which all core services would be provided.

"Eligible person" means—

(a) With regard to the provision of all necessary core services and such necessary supplemental services as may be available, a pregnant adolescent or an adolescent parent; or

(b) With respect to the provision of the services described in paragraphs (a), (b), and (g) of the definition of "core services" and referral to such other services as may be appropriate, a nonpregnant adolescent.

"Nonprofit", as applied to any private agency, institution or organization, means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which benefits, or may lawfully benefit, any private shareholder or individual.

"Secretary" means the Secretary of the Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

"Service area" means the geographic area served (or to be served) by a project supported under this subpart.

"Supplemental services" means those services which may be provided and are—

(a) Child care sufficient to enable an adolescent mother to continue her education or to enter into employment;

(b) Consumer education and homemaking;

(c) Counseling for extended family members of the eligible person;

(d) Transportation; and

(e) Such other services, consistent with the purposes of the Act, as the Secretary approves in the grant award, and which will, in his judgment, enhance the effectiveness of the core services provided to eligible persons.

§ 59.303 Who is eligible to apply for a grant under this subpart?

Grants under this subpart may be awarded only to eligible grant recipients.

§ 59.304 How is application made for a grant under this subpart?

(a) An application for a grant under this subpart shall be submitted at such time and in such form and manner as the Secretary may prescribe and shall contain—

(1) The following information, using data and methods satisfactory to the Secretary, for the applicant's service area:

(i) An identification of the incidence of adolescent pregnancy and related problems;

(ii) A description of the economic conditions and income levels;

(iii) A description of existing pregnancy prevention and pregnancy-related services (including family life and sex education), including where, how, by whom and to whom they are pro-

vided, and the extent to which they are available and coordinated; and

(iv) A description of the major unmet needs for services for adolescents at risk of initial or repeat pregnancies, the estimated number of adolescents currently served in the area, and the estimated number of adolescents not being served in the area.

(2) A description of how all the core services and any supplemental services which the applicant proposes to provide will be provided in the project (including a timetable for their provision), to whom they will be provided, how they will be coordinated, integrated, and linked with other related programs and services and the source or sources of funding of the such services.

(3) A description, in such detail as the Secretary may require, of—

(i) How adolescents needing services other than those provided directly by the grantee (such as school edueation, social services, medicaid, public assistance, employment services, child care services for adolescent parents, and other city, county, and State programs related to adolescent pregnancy) will be identified and reached; and

(ii) How access and appropriate referral to those services will be provided, including a description of the plan to coordinate those services with the project's activlties.

(4) A description of the results expected from the provlsion of services and activitles, and the procedures to be used for evaluating those results.

(5)(i) Assurance that the applicant has prepared a schedule of fees or payments for the provision of its services which is designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments ("fee schedule"). The discounts must be adjusted on the basis of the ability to pay of the eligible person or his or her parents or legal guardians, as applicable.

(ii) A description of the fee schedule, together with the method by which it was derived. The fee schedule must provide for:

(A) A full discount to eligible persons and their parents or legal guardian with annual incomes at or below those set forth in the most recent "CSA Poverty Income Guidelines" (45 CFR 1060.2), except that nominal fees for services may be collected from individuals with annual incomes at or below those levels where imposition of nominal fees is consistent with project goals; and for no discount to eligible persons and their parents or legal guardians with annual incomes greater than twice those set forth in the Guidelines;

(B) A full discount to eligible persons and their parents or legal guardians, regardless of income, for pregnancy testing services;

(C) A full discount to eligible persons, regardless of the annual incomes of their parents or legal guardians, where the eligible persons are unable to pay for services without financial assistance from their parents or legal guardians and are unable to obtain that financial assistance for the services.

(6) Assurances that the applicant has made and will continue to make every reasonable effort—

(i) To secure from eligible persons and their parents or legal guardians payment for services in accordance with the requirements of subparagraph (5) of this paragraph;

(ii) To collect reimbursement for its cost of providing services on the basis of full amount of fees and payments for such services without application of any discount, except as provided in subparagraph (5) of this paragraph; and

(iii) To collect reimbursement for its costs in providing services to persons who are entitled—

(A) To benefits under the program for maternal and child health services under Title V of the Social Security Act (42 U.S.C. 701 et seq.);

(B) To medical assistance under the Medicaid program (Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq.);

(C) To services under a State plan for social services approved under Title XX of the Social Security Act (42 U.S.C. 1397, et seq.); or

(D) To assistance for medical expenses under any other public assistance program or private health insurance program.

(7) Assurances that fees collected by the applicant for services rendered shall bc used by the applicant to further the purpose of the project.

(8) Assurances that the applicant—

(i) Has or will have a contractual or other arrangement with the agency or agencies of the State in which it provides services which administer or supervise the administration of the State plan approved under Titles XIX and XX of the Social Security Act for the payment of all or a part of the applicant's costs in providing services to persons who are eligible for medical assistance or social services under such plans; or

(ii) Has made or will make every reasonable effort to enter into such an arrangement.

(9) Assurance that the applicant will have an ongoing program to assure quality in the provision of its services. The quality assurance program must provide for:

(i) Organizational arrangements, including a focus of responsibility, to support the quality assurance program and the provision of high quality care and services; and

(ii) Periodic assessment of the appropriateness of the utilization of services and the quality of services provided or proposed to be provided to persons served. Those assessments shall:

(A) Be conducted by licensed health professionals or others, as appropriate;

(B) Be based on the systematic collection and evaluation of client records; and

(C) Identify and document the necessity for change in the provision of services by the project and result in the institution of such change where indicated.

(10) Assurances that the applicant will have a system for maintaining the confidentiality of patient records in accordance with the requirements of § 59.310(b) of this subpart.

(11) Assurances that—

(i) The applicant will demonstrate its financial responsibility by developing management and control systems which are in accordance with sound financial management procedures, including the provision for an audit on an annual basis (unless waived for cause by the Secretary) by an independent certified public accountant or a public accountant licensed prior to December 31, 1970, to determine, at a minimum, the fiscal integrity of grant financial transactions and reports, and compliance with the regulations of this part and the terms and conditions of the grant.

(ii) The applicant will establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which will enable it to provide such statistics and other information as the Secretary may reasonably require relating to the projects costs of operation, patterns of utilization and the availability, acceptability and accessibility of its services and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(12) Assurances that the acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided by the project shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service furnished by the applicant.

(13) Assurances that persons who are unemancipated minors under State law who request services from the applicant will be encouraged, whenever feasible, to consult with their parents or legal guardians with respect to such services. An applicant may not condition the provisions of services on such consultation or on parental notification, unless State law requires it to do so.

(14) Assurances that each pregnant adolescent receiving services will be informed of the availability of counseling (either by the entity providing core services or through a referral agreement with another entity which provides such counseling) on all options regarding her pregnancy.

(15) Assurances that primary emphasis for services paid for with funds under the project shall be given to pregnant adolescents and adolescent parents 17 and under who are not able to obtain needed assistance through other means.

(16) A description of the proposed staffing pattern which will be employed to carry out the project, including evidence that project professional and other staff meet all applicable licensure, certification or other legal requirements for the practice of their professions.

(17) A budget (including required matching funds and a fiscal plan for assuring effective utilization of grant funds) and a justification of the amount of funds requested.

(18) A description of the applicant's capacity to continue services as Federal funds decrease and in the absence of Federal assistance.

(19) Assurances that the applicant will make maximum use of funds available under the program of project grants for family planning services under Title X of the Public Health Service Act.

(20) Assurance that funds received under this Act shall not supplant funds received from any other Federal, State, or local program or any private sources of funds.

(21) A summary of the views of public agencies, providers of services, and the general public in the service area, of the proposed use of the funds provided and a description of procedures used to obtain those views. In the case of applicants who propose to coordinate services administered by a State, the written comments of the appropriate State officials responsible for such services shall also be included.

(22) Evidence that the requirements of Part I of Office of Management and Budget Circular No. A-95 have been satisfied.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the statute, the applicable regulations and any additional conditions of the grant.

§ 59.305 What requirements must a project funded under this subpart meet?

A project funded under this subpart shall:

(a) As appropriate, and in accordance with the application, the grant award and applicable law, provide, supplement or improve the quality of core and supplemental services to eligible persons in its service area.

(b) Make such reports concerning its use of Federal funds as the Secretary may require. Reports shall include the impact the project has had within its service area on reducing the rate of first and repeat pregnancies among adolescents, and the effect on factors usually associated with welfare dependency.

(c) Operate in a manner such that no person shall be denied service by reason of his or her inability to pay therefore, *except that*, a charge for the provision of service will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay that charge.

(d) Where a grantee under this subpart is a State using funds provided under this subpart to improve the delivery of pregnancy-prevention and pregnancy-related services throughout the State, it shall coordinate its activities with the programs of local grantees, if any, under this subpart.

§ 59.306 What criteria has HEW established for deciding which applications for grants under this subpart to fund?

Within the limit of funds available for such purposes, the Secretary may award grants to eligible grant recipients whom he determines have submitted applications which meet the requirements of § 59.304 for projects which will help communities provide core and supplemental services in easily accessible locations, assure a continuity of services and appropriate assistance, coordinate, integrate, and establish linkages among such services, and best promote the purposes of the Act. No application will be approved unless the Secretary is satisfied that core services will be available through the applicant within a reasonable time after the grant is received. In approving applications the Secretary will:

(a) Give priority to applicants who:

(1) Serve an area where there is a high incidence of adolescent pregnancy;

(2) Serve an area where the incidence of low-income families is high and where the availability of pregnancy-related services is low;

(3) Show evidence of having the ability to bring together a wide range of needed core and, as appropriate, supplemental services in comprehensive, single-site projects, or to establish a well-integrated network of such services (appropriate for the target population and geographic area to be served including the special needs of rural areas) for adolescents at risk of initial or repeat pregnancies;

(4) Will utilize, to the maximum extent feasible, existing available programs and facilities such as neighborhood and primary health care centers, family planning clinics, children and youth centers, maternal and infant health centers, regional rural health facilities, school and other educational programs, mental health programs, nutrition programs, recreation programs, and other ongoing pregnancy prevention and pregnancy-related services;

(5) Make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, and other third-party reimbursements;

(6) Can demonstrate a community commitment to the program by making available to the project non-Federal funds, personnel, and facilities; and

(7) Have involved the community to be served, including public and private agencies, adolescents, and families, in the planning and implementation of the project.

(b) Take into account:

(1) The reasonableness of the budget and the soundness of the fiscal plan for assuring effective utilization of grant funds;

(2) The potential effectiveness of the proposed project in carrying out the statutory purposes;

(3) The adequacy of the facilities and other resources available to the applicant;

(4) The professional, administrative, and managerial capability of the applicant; and

(5) The total amount of funds available for implementing the overall program.

§ 59.307 How is the amount of the grant decided?

(a) The Secretary will determine the amount of the grant based on factors such as the incidence of adolescent pregnancy in the service area, the adequacy of pregnancy prevention and pregnancy-related services in the service area, as well as his estimate of the sum necessary for the proper performance of the project. In determining the amount of the grant, the Secretary will consider the special needs of rural areas and, to the maximum extent practicable, will distribute funds in consideration of the relative number of adolescents in those areas who are in need of services.

(b) A grant award may not exceed 70% of the costs of a project for the first and second years of the project. In each year succeeding the second year of the project, the amount of funds granted under this subpart shall decrease by no less than 10% of the amount of the grant under this subpart in the preceding year. The Secre-

tary may waive this reduction in the Federal grant in any year when in his judgment such limitation will result in discontinuation of essential services and the grantee has demonstrated a substantial likelihood that it will be able to provide core and supplemental services without funds granted under this subpart by the end of the project period.

(c) A grantee may not receive funds for a period in excess of five years.

§ 59.308 How a grant under this subpart is made.

(a) Within the limits of funds available for this purpose, the Secretary will evaluate applications as provided in § 59.306, and each application will be either (1) approved for all or part of the support requested, (2) deferred because of either lack of funds or a need for further evaluation, or (3) disapproved. All final decisions will be communicated to the applicant in writing. A statement of the reasons will be provided to the applicant upon request.

(b) All grant awards will be in writing. The Notice of Grant Award will set forth the amount of grant funds awarded for the conduct of the approved project durint the first budget period, and the amount of annual support recommended for the remainder of the project period, and a statement of the terms and conditions upon which the grant is made.

(c) Neither the approval of any project nor any grant award will commit or obligate the United States to make a supplemental, continuation, or other award (including awards for the amounts shown in the Notice of Grant Award as recommended for the remainder of the project period). For additional or continuation support, grantees must make separate application at time and on forms required by the Secretary.

§ 59.309 For what purposes may grant funds be used?

(a) Grant funds awarded under this subpart may be used by grantees only to meet the costs of—

(1) Providing core services to eligible persons;

(2) Coordinating, integrating, and providing linkages among providers of core, supplemental, and other services for eligible persons in furtherance of the purposes of the Act;

(3) Providing supplemental services where such services are not adequate or not available to eligible persons in the community and which are essential to the care of pregnant adolescents and to the prevention of adolescent pregnancy;

(4) Planning for the administration, coordination, or both, of pregnancy prevention and pregnancy-related services for adolescents, including family life and sex education, which will further the objectives of the Act; and

(5) Fulfilling the assurances required for grant approval by § 59.304 of this subpart.

(b) Grant funds awarded under this subpart may not be used to pay for the performance of abortions.

§ 59.310 What additional information should an applicant for a grant under this subpart have?

(a) *Applicability of department-wide regulations.* Attention is drawn to the following HEW department-wide regulations which apply to grants under this subpart:

(1) 45 CFR Part 19—Limitations on Payment or Reimbursement for Drugs.

(2) 45 CFR Part 74—Administration of Grants.

(3) 45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare's implementation of Title VI of the Civil Rights Act of 1964.

(4) 45 CFR Part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.

(b) *Confidentiality.* All information as to personal facts and circumstances obtained by the project staff about recipients of services shall be held confidential. This information shall not be disclosed without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for audits by the Secretary with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

(c) *Additional conditions.* The Secretary may with respect to any grant impose additional conditions prior to or at the time of any award when in his judgment additional conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the proper use of grant funds.

[FR Doc. 79-6753 Filed 3-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

[10 CFR Parts 450 and 455]

PROPOSED GRANTS PROGRAM FOR SCHOOLS AND HOSPITALS AND FOR BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

Availability of Environmental Assessment and Negative Determination

AGENCY: Department of Energy.

ACTION: Notice of Availability of Environmental Assessment and Negative Determination.

SUMMARY: The Department of Energy (DOE) announces the availability of its environmental assessment (EA) of a proposed Grants Program for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions. DOE has determined, based on the EA, that this program does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Comments regarding the EA and DOE's determination that an environmental impact statement is not required are invited.

DATE: Written comments to be submitted no later than 4:30 p.m. March 23, 1979.

ADDRESS: Comments should be submitted to Ms. Margaret Sibley, Office of Conservation and Solar Applications, Mail Stop 2221-C, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Ronald Milner, Office of State and Local Programs, Department of Energy, Room 4117, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, (202) 376-4149

Donald Silawsky, Office of Environment, Department of Energy, Room 6234, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, (202) 376-4062

Deanna Williams, Freedom of Information Reading Room, Department of Energy, Room GA-142, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20461, (202) 252-6022

SUPPLEMENTARY INFORMATION:

I. Background

In Title III of the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619, 92 Stat. 3206), Congress established requirements governing energy conservation programs for schools and hospitals and units of local government and public care institutions. These parts amended Title III of the Energy Policy and Conservation Act (Act).

Under specified conditions, the Act requires DOE to make grants to States, schools, hospitals, units of local government and public care institutions for preliminary energy audits, energy audits and technical assistance programs, and to States, schools and hospitals for energy conservation

measures. Preliminary energy audits, energy audits and technical assistance programs will identify and evaluate attainable energy conservation objectives. Energy conservation measures include the acquisition and installation of specific conservation systems or fixtures intended primarily to reduce energy consumption or allow the use of an alternative energy source.

DOE's Office of State and Local Programs, under the Assistant Secretary for Conservation and Solar Applications, has been assigned responsibility for this program. Proposed regulations implementing this program were published in the FEDERAL REGISTER on December 12, 1978 (43 FR 58158) for preliminary energy audits and energy audits, and on January 5, 1979, (44 Fr 1580) for technical assistance and the adoption of energy conservation measures in the subject institutions. In accordance with its obligation under NEPA, DOE stated in the proposed rules that it had undertaken an environmental assessment of the Title III NECPA Grants Program and would complete this assessment and any additional required NEPA review prior to promulgation of the final rule.

The analyses in the EA indicate that no significant environmental impacts are expected to occur from the preliminary energy audits, energy audits or technical assistance actions under the grants program, since those actions involve only data gathering and information dissemination. Any environmental impacts which are reasonably forseeable will be in connection with the acquisition and installation of specific energy conservation measures in the subject institutions.

Energy conservation measures encompass a wide spectrum ranging from storm windows and doors to utility plant system conversion measures. Thus, the potential environmental impacts will depend upon the energy conservation measures installed in a subject institution. It is estimated that the average grant for an energy conservation measure will be from $15,000-$20,000. Also, the proposed regulations require that both the States and DOE review the environmental aspects of each application. The EA indicates that the environmental impacts due to the application of specific energy conservation measures under the Grants Program are expected to be insignificant on a programmatic level due to the small scale of each individual grant and its highly controlled nature.

Based on its evaluation of the EA, DOE has determined that the proposed Title III NECPA grants program would not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of NEPA. Therefore, a negative determination, pursuant to 10 CFR 208.4(c), is appropriate and no EIS is required.

II. COMMENT PROCEDURE

Single copies of the grants program EA may be obtained from Mr. Ronald Milner at the address listed above. Copies of the EA are also available for public review in the DOE Freedom of Information Reading Room, listed above, between the hours of 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Interested parties may submit written comments with respect to the EA and the negative determination to Ms. Margaret Sibley at the address given above. Any person submitting written comments should forward 5 copies, if possible, to DOE. All comments should be identified on the outside of the envelope and on the documents themselves with the designation "Grants Program for Schools and Hospitals." All comments should be received by DOE by 4:30 p.m. March 23, 1979, in order to ensure consideration. All comments submitted are subject to DOE's regulations at 10 CFR 1004 (44 FR 1908, January 8, 1979) governing freedom of information requests.

Any information or data submitted in response to this notice considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 1004.11. Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

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

OMI WALDEN,
Assistant Secretary, Conservation and Solar Applications.

[FR Doc. 79-7638 Filed 3-9-79; 11:27 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-03-M]

DEPARTMENT OF AGRICULTURE

Science and Education Administration

NATIONAL PLANT GENETIC RESOURCES BOARD

Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: National Plant Genetic Resources Board.
Date: April 4, 1979, and one-half day on April 5, 1979.
Time: 9 a.m., both days.
Place: Room 3109, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may submit written comments before or after the meeting with the contact person below:
Purpose: To advise the Secretary of Agriculture on policies and actions to more effectively collect, describe, and utilize plant genetic resources. Specifically, the Board will discuss establishing commodity committees of preeminent authorities to make specific recommendations on programs for the conservation and use of plant genetic resources for the improvement of the productivity and quality of crops. A publication, "Plant Genetic Resources: Conservation and Use", based on the report of the Board to the Secretary, should be available at this meeting.
Contact person for agenda and more information: Dr. C. F. Lewis, Executive Secretary of the Board, Science and Education Administration, Agricultural Research, U.S. Department of Agriculture, BARC-West, Beltsville, MD 20705, Telephone: 301-344-2713.

Done at Washington, D.C., this 6th day of March 1979.

ANSON R. BERTRAND,
Director,
Science and Education.

[FR Doc. 79-7303 Filed 3-9-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 33512]

DELTA AIRLINES, INC., ENFORCEMENT PROCEEDING

Prehearing Conference

A prehearing conference is set herein for March 13, 1979, at 10 a.m. in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C. 20428.

Dated at Washington, D.C., March 6, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-7367 Filed 3-9-79; 8:45 am]

[6320-01-M]

[Docket No. 34431]

PAN AMERICAN WORLD AIRWAYS ENFORCEMENT PROCEEDING

Prehearing Conference

A prehearing conference will be held herein on March 15, 1979 at 10:00 a.m. in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., March 6, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-7368 Filed 3-9-79; 8:45 am]

[3510-15-M]

DEPARTMENT OF COMMERCE

Maritime Administration

Peoples National Bank of Washington

Approval of Applicant as Trustee

Notice is hereby given that Peoples National Bank of Washington, Seattle, Washington, with offices at 1414 Fourth Avenue, Seattle, Washington, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: March 1, 1979.

By Order of the Assistant Secretary of Commerce for Maritime Affairs

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-7248 Filed 3-9-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP), Joint and separate meetings will be held on March 20-23, 1979.

DATES: The Council meeting will convene on Thursday, March 22, 1979, at 8:30 a.m. and will adjourn on Friday, March 23, 1979, at 5 p.m. and will take place at McPhetres Hall, Fourth Street, Juneau, Alaska. The SSC meeting will convene on Tuesday, March 20, 1979, at 9 a.m. and will adjourn on Wednesday, March 21, 1979, at 5 p.m. and will take place at the Northwest and Alaska Fisheries Center, 2725 Montlake Blvd., East, Seattle, Washington. The AP meeting will convene on Wednesday, March 21, 1979, at 9:30 a.m. and will adjourn at 5 p.m. and will take place in the Gold Room of the Baranof Hotel, 127 Franklin Street, Juneau, Alaska. The AP and Council will meet jointly, as necessary, on March 22-23, 1979, at this location. Depending on progress on the agendas, the meetings may be lengthened or shortened. The meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:

North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

PROPOSED AGENDAS:

SCIENTIFIC AND STATISTICAL COMMITTEE

(1) Review King crab and Bering Sea/Aleutian Islands Area Groundfish Fishery fishery management plan (FMP); (2) statistical areas, data collection and reporting for groundfish; (3) contracts on the following: (a) Bering Sea Herring with ADF&G, to review reports of 1978 field season and 1979 operations manual; (b) Computer Systems with ADF&G; (c) Tag Recovery with ADF&G, and (d) Surf Clams with Tetra Tech. (4) research funding proposal "A Study to Determine the Effects of Hydraulic Clam Harvesting in the Eastern Bering Sea"—year two; (5) proposals, "An Observer Program for the Troll Salmon Fishery" and "Bearing Sea/Aleutian Islands Groundfish Observer" and (6) U.S. catch/process data collection problem.

ADVISORY PANEL

(1) Report on U.S. catchers/processors; (2) proposed Interim Regulations on Public Law 94-354; (3) review Alaska Board of Fisheries recommendations/remaining 12½% reserve amount for recommendations; (4) Bering Sea/Aleutian Islands Groundfish draft FMP, considerations of options, and also amendment procedure for time/area herring savings closure; (5) Marine sanctuaries; and (6) permit review procedure.

COUNCIL

(1) Provisional Agenda; (2) February 22-23, 1979 minutes; (3) subsequent reports: Executive Directors; Alaska Department of Fish & Game; National Marine Fisheries; U.S. Coast Guard; SSC; AP; and U.S. Catchers/processors report. (4) proposed Interim Regulations on Public Law 94-354; (5) review Alaska Board of Fisheries recommendations; (6) release of 12½% reserves of groundfish in the Gulf of Alaska to be reviewed and recommendations made to the National Marine Fisheries Service Director, Alaska Region; (7) Bering Sea/Aleutian Islands Groundfish draft FMP, final approval, and proposed amendments; (8) Marine sanctuaries; and (9) permit applications review procedure.

Dated: March 7, 1979.

WINFRED H. MEIBOHM,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-7405 Filed 3-9-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

CHICAGO MERCANTILE EXCHANGE

Proposed Futures Contract; Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on a Frozen Broiler Chickens futures contract submitted by the Chicago Mercantile Exchange.

Copies of this proposed contract will be available at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco. The Commission also will furnish copies upon request made to the Executive Secretariat.

Any person interested in expressing views on the terms and conditions of this proposed contract should send comments by May 11, 1979 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., 20581. (202) 254-6313. Copies of all comments will be available for inspection at the Commission's Washington Office.

Issued in Washington on March 7, 1979.

GARY L. SEEVERS,
Acting Chairman.

[FR Doc. 79-7266 Filed 3-9-79; 8:45 am]

[6351-01-M]

PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULES HAVING MAJOR ECONOMIC SIGNIFICANCE

Amendments to Bylaws and Coffee Trade Rules of New York Coffee & Sugar Exchange, Inc.

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, § 12, 92 Stat. 871 (1978), has determined that the following amendments to section 104 of the bylaws and coffee trade rules C-5(15), C-9(1) and (2) and C-23, submitted by the New York Coffee & Sugar Exchange, Inc., are of major economic significance and is therefore publishing these rules, as amended, for public comment. All of these amendments were submitted to the Commission on January 9, 1979.

The rules, as amended, are printed below showing deletions in brackets and additions underscored:

SECTION 104

CONTRACT "C"

MILD COFFEE CONTRACT

New York.....19....

.....(has) (have) this day (sold) (bought) and agreed to (deliver to) (receive from).....37,500 lbs., of washed arabica COFFEE of the growths of Mexico, Salvador, Guatemala, Costa Rica, Nicaragua, Honduras, Columbia, Kenya, Tanzania, Uganda, New Guinea, Peru, Venezuela, Dominican Republic, Burundi, Ecuador, India, and Rwanda at the price of ..... cents per pound for growths of Mexico, Salvador, Guatemala, Costa Rica, Nicaragua, Kenya, Uganda or Tanzania, with additions or deductions for grades, and growths according to the differentials, established by the rules of the New York Coffee and Sugar Exchange, Inc., adopted in accordance with the provisions of Section 105 of the By-Laws of said Exchange, *and with additions or deletions for delivery points according to discounts and premiums as shall be established by the Board of Managers.*

Delivery to be made from licensed warehouse in the Port of New York District, *the Port of New Orleans* or such other ports as may from time to time be added by the Board of Managers as authorized by the By-Laws and rules of said Exchange, between the first and last days of ....., inclusive, the delivery within such time to be upon such notice to the buyer as may from time to time be prescribed in the Trade Rules.

The delivery must consist of Coffee of one growth and must be in sound condition.

Coffee shall be sweet in the cup, good roasting quality, and of bean size and color in accordance with the description established by the Exchange. No delivery permitted of Coffee containing more than fifteen full imperfections below the basis, except that in the case of Colombian Coffee no delivery shall be permitted of Coffee containing more than ten full imperfections below the basis. Imperfections shall be established on the basis of a grading schedule established by the Exchange.

Either party may call for margin as the variations of the market for like deliveries may warrant, which margin shall be kept good.

This contract is made in view of, and is in all respects subject to the By-Laws, rules and regulations of the New York Coffee and Sugar Exchange, Inc.

(Brokers)

(Across the face is the following)

For and in consideration of One Dollar to.....in hand paid, receipt whereof is hereby acknowledged,.....accept this contract with all its obligations and conditions.

COFFEE TRADE RULE C-5

(14) Form of Transferable Notice For "C" Contract

NEW YORK COFFEE AND SUGAR EXCHANGE, INC. No.....

Transferable Notice

COFFEE

New York Coffee and Sugar Exchange, Inc.

TRANSFERABLE NOTICE

——A.M. o'clock. New York———19—

To:

Take notice that on.....19...., pursuant to our contract, we will deliver to you or to the last acceptor of this notice 37,500 pounds of ..... Coffee in bags of commercial size with all relevant documents at the transferable notice price of....cents per pound, basis Mexico, Salvador, Costa Rica, Guatemala, Nicaragua, Kenya, Tanzania or Uganda of New York Coffee and Sugar Exchange description with additions or deductions for other grades and growths, established by the rules of the New York Coffee and Sugar Exchange, Inc., adopted in accordance with Section 105 of the By-Laws of said Exchange, all in accordance with and subject to the provisions of the Coffee Contract "C" and the By-Laws and rules of said Exchange *and with additions or deductions for delivery points according to discounts and premiums as shall be established by the Board of Managers.*

Strike out one (Date of Certificate .....; grade if applicable .....) To be certified under Rule 7.

———————————

Per———————————

Each acceptor hereof agrees that the last acceptor hereof, between 10 A.M. and 2 P.M. on the day preceding the delivery date above set forth will present this notice to the issuer thereof and on the following day, between 10 A.M. and 2 P.M. will receive the relevant documents and pay for the Coffee as in this notice prescribed and will otherwise duly comply with and perform the terms, conditions and requirements of the Contract and of the By-Laws and rules of the New York Coffee and Sugar Exchange, Inc., with respect to said Contract and this Transferable Notice, and that each acceptor hereof will continue his (or their) liability to each other until such terms, conditions and requirements shall have been duly complied with and performed.

Time received	Accepted by	Transferred to

COFFEE TRADE RULE C-9

The following provisions shall apply in the case of all deliveries of Coffee:

(1) Coffee shall be receivable and deliverable in the Port of New York District or *the Port of New Orleans* from or at such warehouses as may be approved by the Board of Managers and duly licensed as provided in the By-Laws and rules. Any other ports of delivery may be added upon the recommendation of the Coffee Committee, by action of the Board of Managers by a two-thirds vote of the Board.

No delivery of Coffee under and exchange contract shall be made, unless said delivery is from or at a licensed warehouse.

All deliveries of Coffee under an Exchange contract shall consist solely of Coffee certified by the Exchange.

(2) Deliveries on contracts of Coffee in store shall be made in one borough, *parish* and/or county only, and in lots of not less than 100 bags in any one store.

The number of chops to be delivered on a contract shall not exceed five (5) except when a chop is added to make up a deficiency in weight, but in no case shall the number of chops exceed six (6).

COFFEE TRADE RULE C-23

* * * * *

SCHEDULE C-3

Difference in Value Between Delivery Ports

New York Port District.....	Basis.
New Orleans Port District.....	Minus 125 pts.

Any person interested in submitting written data, views, or arguments on these amendments should send his comments by April 11, 1979 to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

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

GARY L. SEEVERS,
Acting Chairman.

[FR Doc. 79-7295 Filed 3-9-79; 8:45 am]

[3910-01-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 28, 1979.

The USAF Scientific Advisory Board Research & Geophysics Panel will meet on March 29 & 30, 1979 at the Pentagon, Washington, D.C. The purpose of the meeting is to discuss Air Force research planning. The Panel will meet from 9:00 a.m. to 4:30 p.m. each day. For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

CAROL M. ROSE,
Air Force Federal Register Liaison Officer.

[FR Doc. 79-7247 Filed 3-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

GEOPRESSURE GEOTHERMAL INDUSTRIAL WORKSHOP

Public Meeting

The CK GeoEnergy Corporation of Las Vegas, Nevada, as part of a contractual study for the U.S. Department of Energy will conduct workshops to present the overall plan for geopressured geothermal resource development and to describe the drilling, completion and testing plans for geopressured wells in the Gulf Coast. The workshops are held to allow discussions among participants including DOE contractors, oil and gas industry personnel, utility representatives and other interested participants regarding the geopressured geothermal resource development. The next workshop meetings will be held March 21 and 22, 1979, at the Executive Red Carpet Motor Hotel at 4020 Southwest Freeway at Weslayan in Houston, Texas. Reservations can be made by calling (713) 623-4720. The meetings described are open on a space available basis. The March workshop will be organized by CK GeoEnergy into two groups which will meet at the following dates with the agenda as follows:

DOE/INDUSTRIAL GEOPRESSURE-GEOTHERMAL RESEARCH DEVELOPMENT PROGRAM

SITE SELECTION SUB-GROUP

March 21

9:30 a.m.—Introduction and Announcements.
9:40—DOE/Geopressure and Geothermal Outlook.
10—Review Pleasant Bayou Wells No. 1 & 2.
10:30—Coffee Break.
10:45—Wells of Opportunity Program.
11—Discussion.
12—Lunch
1 p.m.—Review of the Working Subgroup Activities.
1:15—Louisiana Site Selection Priority Areas.
1:45—Discussion and Evaluation of Louisiana Sites.
2:15—Wilcox Trend Study.
2:45—Coffee Break
3—Evaluation of Research Properties from Pleasant Bayou Wells No. 1 & 2.
3:20—IGT Geopressure—Geothermal Rock Mechanics Program.
3:30—Current Geopressure and Geothermal Programs.
4—Old Business.
4:15—New Business
4:30-Meeting Schedule and Adjourn.

OVERVIEW GROUP

March 22

9:30 a.m.—Introduction and Announcements.
9:40—DOE FY 80 Program Outlook.
10—Geopressure—Geothermal Test Wells.
10:20—Coffee Break.
10:30—Wells of Opportunity Program.
11—Review Pleasant Bayou Wells No. 1 & 2.

11:30—Methane Production Without Heat Utilization.
12—Lunch.
1—Louisiana State University Research Program.
2—University of Texas at Austin Research Program.
3—Coffee Break.
3:15—Status Working Subgroup Activities.
3:30—Discussion.
4—Meeting Schedule and Adjourn.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, poastmarked no later than March 16, 1979, to the Director, Division of Geothermal Energy, U.S. Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on March 16, 1979 to Dr. Henry F. Coffer, CK GeoEnergy on 702-739-9630 between 8:30 and 5 p.m. (PDT).

(c) Questions at the working subgroup meeting may be raised by the public only when recognized to do so by the chairman of those meetings.

(d) Seating will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the workshop, will be permitted before and after each day's activities and during any recess. The use of such equipment will not, however, be allowed during the general sessions or panel meetings.

(f) Copies of the final report prepared by CK GeoEnergy will be available at the Department of Energy Public Document Room, Forrestal Building—Room GA 152, 1000 Independence Avenue, SW, Washington, D.C. 20585, upon payment of all charges required by law.

Dated at Washington, D.C., this 6th day of March 1979.

JOHN M. DEUTCH,
Acting Assistant Secretary for Energy Technology.

[FR Doc. 79-7542 Filed 3-9-79; 8:45 am]

[6450-01-M]

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of January 1979

Notice is hereby given that during the month of January 1979, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the Requests for Interpretation listed herein are on file in and should be obtained from DOE's Public Reading Room, Information Access Office, GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5968.

Interested parties may submit written comments on the listed interpretation requests on or before April 11, 1979. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 1111, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room 1111, Washington, D.C. 20461, (202) 633-9070.

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

MARCH 5, 1979.

APPENDIX.—*List of Requests for Interpretation Received by the Office of General Counsel*

[Month of January 1979]

Date received	Name and location of requestor	File No.
Jan. 4, 1979	Powerine Oil Company, Kevin R. Griffin, Esq., Demetriou, Del Guercio & Lovejoy, 601 West Fifth Street, Suite 1200, Los Angeles, California 90017. Issue: Must a supplier continue to supply a purchaser with crude oil pending the DOE's determination of whether that supplier/purchaser relationship can be terminated? (10 CFR 211.63).	A-369
Jan. 9, 1979	Getty Oil Company, Robert E. Hafey, Getty Oil Company, 3810 Wilshire Boulevard, Los Angeles, California 90010. Issue: Is oil recovered from diatomaceous sediments, which must be mined before the oil can be extracted, a petroleum substitute as defined in § 211.62 and therefore not subject to the Mandatory Petroleum Allocation and Price Regulations? (Ruling 1976-4 and 10 CFR 211.62.)	A-370
Jan. 9, 1979	Main Lafrentz & Company, William M. Dolan, Jr., Main Lafrentz & Company, 1730 Northstar Center, 110 South Seventh Street, Minneapolis, Minnesota 55402. Issue: Do solid waste balers qualify for the 10% energy tax credit under § 48(1)(6) of the Federal Tax Energy Act of 1978 (Pub. L. No. 95-618)?	A-371
Jan. 9, 1979	Arnold Wilson, 401 Laurel Street, Highland, Illinois 62249 Issue: If a property produces less than 10 barrels of crude oil per day, does it qualify for certification as a stripper well property? (10 CFR 212.54).	A-372
Jan. 11, 1979	Semarck California, Inc., Fred W. Drogula, Esq., Ginsburg, Feldman & Bress, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Issue: May a proposed new refinery being built under a joint venture agreement by a refiner that would own 80% of the shares and a consulting firm that would own 20% of the shares be treated under the Mandatory Petroleum Allocation Price Regulations as a separate "firm" from a refinery that is owned by the utility's parent corporation? (10 CFR 212.83).	A-373

APPENDIX.—*List of Requests for Interpretation Received by the Office of General Counsel*—Continued

[Month of January 19791

Date received	Name and location of requestor	File No.
Jan. 15, 1979	Consolidated Gas Supply Corporation, John E. Holtzinger, Jr., Esq., Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036. Issue: In the case of a variable term contract to purchase NGL's, where the price to charged on the date of shipment is determined solely by reference to previously issued price letters, do these price letters, which were issued prior to May 15, 1973, and in effect on that date, fall within the definition of "transaction" in 10 CFR 212.31?	A-374
Jan. 16, 1979	Florida Power & Light Company, J. N. Martin, Supervisor of Purchasing, Florida Power & Light Company, P.O. Box 013100, Miami, Florida 33101. Issue: Does the requestor qualify as a company engaged in "energy production" under 10 CFR 211.51 and therefore qualify as a "bulk purchaser" of motor gasoline?	A-375
Jan. 18, 1979	Minerals, Inc., Thomas B. Hudson, Jr., Esq., Baker & Botts, 3000 One Shell Plaza, Houston, Texas 77002. Issue: Does 10 CFR 212.167(b) permit MInerals to treat the average per MMBTU replacement cost that it pays each month as a residue gas sales price in the computation of natural gas shrinkage costs?	A-376
Jan. 19, 1979	Standard Oil Company (Indiana), K Nolan, Esq., Standard Oil Company (Indiana), 200 East Randolph Drive, P.O. Box 5910A, Chicago, Illinois 60680. Issue: May Amoco include the crude oil inputs to the coker combination fractionator as "crude oil runs to stills" for purposes of the domestic crude oil allocation ("entitlements") program? (10 CFR 211.67(d)(2)).	A-377
Jan. 24, 1979	E. B. Brooks, 176 Meadows Building, Dallas, Texas 75206 Issue: May a property be treated as a stripper well property if the crude oil production from a well on the property was not continuously maintained at the maximum feasible rate because of the use of certain salt water injection procedures for secondary recovery? (10 CFR 212.54).	A-378
Jan. 29, 1979	Murphy Oil Corporation, Larry E. Tanenbaum, Esq., Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street, NW., Washington, D.C. 20005. Issue: Does 10 CFR 212.74(c) prohibit a producer from charging a retroactive price increase in an effort to correct prior invoices which erroneously called for payment of fewer volumes of upper tier crude oil than were actually certified?	A-379

[FR Doc. 79-7255 Filed 3-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

PRIVACY ACT OF 1974

Proposed New System of Records

AGENCY: Federal Energy Regulatory Commission.

ACTION: Public notice of proposed new system of records.

SUMMARY: The Federal Energy Regulatory Commission (the Commission) proposes to establish a new system of record keeping to be identified as the Regulatory Evaluation and Docketed Information System (READI). The proposed system will be used to monitor the status of proceedings docketed by the Commission in order to enhance caseload management. The Commission will accept public comments on the proposal.

DATES: This system shall become effective as proposed on April 11, 1979, unless comments are received on or before that date which would result in a contrary or changed determination or unless the Commission's petition for waiver of the Office of Management and Budget's 60-day advance notice rule is denied.

ADDRESS AND COMMENT PROCEDURES: All comments must be submitted in writing. Three copies of any comments should be submitted to: Office of the Secretary, Attention: Lawrence R. Anderson, Office of the Executive Director, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Barbara Wade, Office of the Executive Director, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-4149.

SUPPLEMENTARY INFORMATION: The Commission herein provides notice of a proposed new system of record keeping. The system, utilizing electronic data processing methods, is designed to record and track proceedings docketed for Commission action. The purpose of the system is to enhance the Commission's ability to manage its caseload and direct its decision-making process. Subsystems of the READI System, the attorney's case tracking subsystem, the technical tracking subsystem, and the technical assignment and control subsystem, will enable the Commission to relate resources to docket processing.

All information to be stored in the system is currently available within the Commission. The proposed system will reorder this information to permit ready access by the Commission's managerial and operative personnel. While control of data will remain at all times with the Commission, the computer facilities of the Department of Energy (the Department) will be used to store and process the data, as provided by a common support agreement entered into between the Commission and the Department.

As required by Section 3 of the Privacy Act of 1974, 5 U.S.C. § 552a(o) (1977), the Commission has submitted to Congress and the Office of Management and Budget (OMB) advance notice of the proposed new system of record keeping. The report was made pursuant to OMB Circular No. A-108, and OMB Transmittal Memoranda Nos. 1 and 3.

The Commission has also submitted a petition seeking waiver of OMB's 60-day advance notice rule. A denial of the petition will result in the system becoming fully operational on May 11, 1979.

System name:

Regulatory Evaluation and Docketed Information System (READI)-FERC.

System location:

Department of Energy's computer facilities, Washington, D.C. and Germantown and Rockville, Maryland.

Categories of individuals covered by the system:

Department of Energy contact persons; Commissioners; Administrative Law Judges; attorneys; project managers; technical, environmental and other Commission staff personnel associated with cases before the commission; parties of record; and parties to be advised of proceedings. With respect to information concerning these individuals, it is expected that only their names, titles, business addresses, business telephone numbers; relationship to a particular proceeding, and time expended by FERC personnel on that proceeding will be entered.

Categories of records in the system:

This system of records will contain information regarding the processing stages a docketed proceeding passes through as it is reviewed by Commission personnel. The information in the system of records will include the names of the individuals indicated above, including the names of Commission personnel responsible for various processing stages of a proceeding. The system will indicate which processing stage a proceeding has reached and which Commission personnel are presently assigned to a proceeding. A case weighting function will be used to

facilitate allocation of manpower and assignments.

Authority for maintenance of the system:

15 U.S.C. § 717o; 16 U.S.C. § 825h; 42 U.S.C. § 7172(a)(2); 44 U.S.C. § 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records and information in the records may be used:

a. by authorized Commission personnel to identify all docketed proceedings pending before the Commission;

b. by authorized Commission personnel to indicate the current processing stage of a proceeding;

c. by authorized Commission personnel to enable management to inventory proceedings by stage of processing;

d. by authorized Commission personnel to identify staff personnel responsible for particular proceedings or parts of proceedings;

e. by authorized Commission personnel, to monitor and analyze the productivity of the Commission staff;

f. by authorized Commission personnel, through use of a case-weighting function, to allocate manpower and make assignments;

g. by authorized Commission personnel to identify the organizational unit responsible for a given proceeding;

h. by authorized Commission personnel to identify general classes of proceedings in order to expedite their processing;

i. by authorized Commission personnel to produce management reports for agency-wide distribution;

j. as a data source for management information, for production of summary statistics and analytical studies in support of the function for which these records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or a contractor of the Commission;

k. by members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or the Congress to be used solely in connection with their official designated functions;

l. by any person with whom the Commission contracts to reproduce by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or by any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission;

m. to respond to general requests for statistical information (without personal identifiers of individuals) under the Freedom of Information Act; and

n. to aid in responding to inquiries from members of Congress, other Federal agencies, the press, and the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on magnetic tape, computer disk files and punch cards.

Retrievability:

Records will be retrieved by proceeding identity elements (e.g., docket number, docket name, type filing, etc.) by Commission staff members (e.g., Commissioner, Administrative Law Judge, attorney, etc.), applicant name, or applicant contact.

Safeguards:

Stored in secured computer facility. Multiple file access system will be "password protected", and limited to selected authorized users.

Retention and disposal:

Records will be maintained for each proceeding in an "active file" until the proceeding has been terminated. The records will then be transferred to a history file for permanent retention.

System manager and address:

Executive Director, Federal Energy Regulatory Commission, Room 9106, 825 North Capitol Street, NE., Washington, D.C. 20426

Notification procedure:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the Commission's Office of the Executive Director, Room 9106, 825 North Capitol Street, NE., Washington, D.C. 20426, or by mail. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Records access procedures:

Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures:

Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 C.F.R. 3b.224.

Record source categories:

Public filings with the Commission, individuals and persons covered by the records, and Commission itself.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 79-7362 Filed 3-9-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

CLAYTON CORP.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

MARCH 1, 1979.

On February 26, 1979, the Federal Energy Regulatory Commission recevied notice from the Nebraska Oil & Gas Conservation Commission of a determination pursuant to 18 CFR 274.104 and Section 102 of the Natural Gas Policy Act of 1978 applicable to:

FERC Control Number: JD79-550
API Well Number: 26-033-21686
Operator: Clayton Corporation
Well Name: No. 1 Wood
Field: Wood
County: Cheyenne
Purchaser: Kansas-Nebraska
Volume: 109.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this Notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7270 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER76-819]

CENTRAL ILLINOIS LIGHT CO.

Extension of Time

MARCH 2, 1979.

On February 22, 1979, Staff Counsel filed a motion for extension of time to file its brief on exceptions to the initial decision issued in this proceeding on January 24, 1979. The motion states that additional time is needed because of the recent inclement weather and the press of other duties

on Staff. The motion further states that no active party opposes the granting of the request.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 2, 1979, for the filing of briefs on exceptions. Briefs opposing exceptions shall be filed on or before March 22, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7273 Filed 3-9-79; 8:45 am]

[6450-01-M]

Docket No. RP73-65; PGA 79-1; AP79-1]

COLUMBIA GAS TRANSPORTATION CORP.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions

FEBRUARY 28, 1979.

On January 29, 1979, Columbia Gas Transmission Corporation (Columbia) filed revised tariff sheets [1] to become effective March 1, 1979 reflecting: (1) a 15.85 per cent Mcf increase in current purchased gas costs of $209.5 million; (2) a surcharge reduction to reflect a negative balance of $34.8 million in the deferred account; (3) a .59 cent per Mcf Advance Payment decrease totalling $4.7 million; and (4) elimination of a .26 cent per Mcf transportation surcharge.

Public notice of the filing was issued February 13, 1979, providing for protests or petitions to intervene to be filed on or before February 27, 1979.

Based upon a review of Columbia's filing this Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust and unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing, Columbia's tariff sheets subject to conditions, grant waiver of the 30 day notice requirements and suspend the effectiveness such that they shall become effective, subject to refund, as of March 1, 1979.

Columbia's proposed current purchased gas costs reflect estimated increases pursuant to §§ 102, 103, 104, 106, and 108 of the Natural Gas Policy Act of (NGPA). Columbia estimates that 15.0 cents per Mcf of the proposed 15.85 cents per Mcf current gas cost increase is attributable to the NGPA. Columbia's proposed surcharge adjustment reflects, among other things, actual balances included in the deferred purchased gas cost account as well as estimated cost increases pursuant to the NGPA for gas delivered in January and February, 1979. This item in the deferred account in accordance with Commission Order No. 18 in Docket No. RM79-7 issued December 1, 1978 and § 154.38(d)(4)(x)(a) of the Commission's Regulations.

The subject filing includes costs Columbia incurred under contracts with certain Ohio Producers, for sale of natural gas in intrastate commerce. The contracts contain favored nations clauses and other indefinite pricing provisions. Costs incurred under these contracts reflect sales made both before and after the effective date of the NGPA.

The Natural Gas Policy Act of 1978 and the Regulations thereunder govern rates charged for intrastate producer sales to interstate pipelines made on or after December 1, 1978. Accordingly, Columbia's may reflect in its rates costs for these intrastate purchases which are permissible under the Natural Gas Policy Act and the Regulation thereunder.

However, costs incurred prior to December 1, 1978, the effective date of the NGPA, must be scrutinized under the prudent pipeline standard. This filing includes in the proposed surcharge adjustment purchase prior to December 1, 1978, at rates in excess of the nationwide rates.[2] These excess rates apparently result in part from automatic price escalation clauses in the Ohio producer contracts. Columbia has not presented sufficient evidence for the Commission to find that the prices paid for these purchases were at rates a prudent pipeline would have paid under similar circumstances. The prudence of these purchases is at issue in Docket No. RP73-65 (PGA77-4). Accordingly, the Commission shall grant waiver of the notice requirements, suspend Columbia's PGA filing such that it shall become effective March 1, 1979, subject to refund and subject to a final Commission determination in Docket No. RP73-65 (PGA77-4), as hereinafter ordered and conditioned.

Columbia also proposes to include in its surcharge adjustment short-term storage costs associated with service rendered in Docket No. CP78-506. The total cost consists of $1,184,242 paid to Consolidated for the actual storage service and $141,419 paid to Texas Eastern Transmission Corporation for the transportation of gas to and from Consolidated. Columbia requests waiver of $154.38(d)(4) to the extent required to permit recovery of these costs through its PGA clause.

Generally, pipelines cannot file to adjust one item of cost without submitting full cost and revenue studies pursuant to § 154.63 of the Regulation unless a rate adjustment provision for the item of cost is in a pipeline's tariff pursuant to a Commission Regulation or the pipeline has a temporary rate adjustment provision to permit adjustment of that cost item in a Commission approved settlement agreement. Since storage costs are not purchased gas costs for purposes of Columbia's PGA clause [3] Columbia may not collect such costs through its PGA clause. Furthermore, Columbia has not demonstrated good cause to grant waiver of the provision of its PGA clause to permit the storage costs to be tracked under the PGA clause. Furthermore, Columbia does not have a temporary rate adjustment provision in a Commission approved settlement agreement to permit tracking of storage costs nor has it submitted a full cost and revenue study to permit tracking of such costs. Accordingly, we shall acquire Columbia to eliminate the storage cost from its filing.

Columbia's filing also reflects a proposed advance payment rate adjustment which provides for an annual reduction of $4,751,136 pursuant to a rate adjustment provision contained in the Stipulation and Agreement in Docket No. RP76-94, *et al.*, which was approved by the Commission by order issued March 16, 1978. We shall accept this adjustment as reasonable and appropriate.

Columbia proposes to eliminate a transportation surcharge filed July 31, 1978 and approved by Commission Order issued August 31, 1978. This surcharge provided for the recovery of the Deferred Transportation Cost Balance as of May 31, 1978 of $1,653,371 over the six month period ending February 28, 1979. Columbia states that it will revise Account 191 when the final amount becomes available. Subject to this condition, we accept this adjustment.

The Commission shall also require Columbia to file revised tariff sheets (within 15 days of issuance of this order) reflecting the elimination of all costs not authorized by March 1, 1979, pursuant to the Natural Gas Act, the NGPA or the Regulations of this Commission, along with the data prescribed in Appendix A to this order.

The Commission orders: (A) Subject to the conditions of Ordering Paragraphs (B) and (C) below, Columbia's proposed Forty-ninth Revised Sheet No. 16 and Twenty-third Revised Sheet No. 64-A to FERC Gas Tariff, Original Volume No. 1, are accepted for filing, suspended, and waiver of notice requirements is granted such that the filing shall become effective March 1, 1979, subject to refund.

(B) Columbia shall file within 15 days of issuance of this order revised tariff sheets to become effective subject to refund on March 1, 1979, reflecting (a) elimination of costs from

[1] Forty-ninth Revised Sheet No. 16 and Twenty-third Revised Sheet No. 64A to FERC Gas Tariff, Original Volume No. 1.

[2] Determined pursuant to Commission Opinion No. 770-A, issued November 5, 1976, in Docket No. RM75-14.

[3] § 154.38(d)(4) of the Regulation, footnote 1.

producer and pipeline supplies which those suppliers are not authorized to charge Columbia on or before March 1, 1979 pursuant to applicable Commission orders, the Natural Gas Act and the Regulations thereunder, and the Natural Gas Policy Act and the Regulations thereunder, and (b) the elimination of all costs associated with storage service provided by Consolidated Gas Supply Corporation and the coincidental transportation provided by Texas Eastern Transmission Corporation in Docket No. CP78-506. This filing shall be accompanied by the data prescribed in Appendix A to this order.

(c) The issue of the prudency of the costs paid to Ohio intrastate producer prior to December 1, 1978, is hereby made subject to the Commission's determination of this issue in Docket No. RP73-65 (PGA77-4).

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

The revised filing should clearly indicate the adjustments to the original submittal and for those sources of supply covered by maximum lawful prices prescribed under Sections 102, 103, 107 and 108 of NGPA and included in the revised rates, the following information should be provided for both the current adjustment and for amounts to be recouped through the surcharge:

(1) identification of each source of supply, including the well identification number or other information sufficient to identify the well and the contract date or rate schedule number where the gas was committed or dedicated to interstate commerce on November 8, 1978;

(2) where multiple wells are metered through a common delivery point or where production from multiple wells is sold under single contract, identify each well where the gas is priced as new natural gas and certain OCS natural gas, natural gas from onshore production wells, high-cost natural gas or stripper well natural gas;

(3) identify each source of supply being priced under the Commission's transitional rule and include statement, under oath, that to the best of pipeline purchaser's knowledge the filing requirements for collection of the price have been met;

(4) identify each source of supply where a maximum lawful price is being paid pending determination of eligibility by the jurisdictional agency and provide date of receipt of producer filing under the interim collection procedure;

(5) identify each source of supply where a jurisdictional agency determination has been made and provide date of receipt of notice from producer of election to collect the applicable price;

(6) describe basis for payment of the above prices and show for each source of supply whether payment is in response to area rate clause, clause related to Congressional action, contract amendment or other (explain).

For those prices escalated under Sections 104 and 106(a) of NGPA and included in the revised rates, the pipeline should provide explanation for the payment of these escalated prices. Where payment is in response to area rate clauses, clauses related to Congressional action, contract amendments or other agreements the explanation should so indicate.

[FR Doc. 79-7286 Filed 3-9-79; 8:45 am]

[6450-01-M]

GULF OIL CORP., ET AL.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

FEBRUARY 28, 1979.

On February 27, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

NEW MEXICO DEPARTMENT OF ENERGY AND MINERALS OIL CONSERVATION DIVISION

FERC Control Number: JD79-551
API Well Number: 30-015-22345
Section of NGPA: 103
Operator: Gulf Oil Corporation
Well Name: Eddy "GK" State Com. Well No. 2
Field: Undesignated Morrow
County: Eddy
Purchaser: El Paso Natural Gas Co.
Volume: 20 MMcf.

FERC Control Number: JD79-552
API Well Number: 30-025-25644
Section of NGPA: 103
Operator: Marathon Oil Company
Well Name: Walter Lynch Well No. 8
Field: Drinkard
County: Lea
Purchaser: Gas Company of New Mexico
Volume: 183 MMcf.

FERC Control Number: JD79-553
API Well Number: 30-025-25644
Section of NGPA: 103
Operator: Marathon Oil Co.
Well Name: Walter Lynah Well No. 8
Field: Wantz Granite Wash
County: Lea
Purchaser: Getty Oil Company
Volume: 76.0 MMcf.

FERC Control Number: JD79-554
API Well Number: None
Section of NGPA: 108
Operator: Northwest Pipeline Corp.
Well Name: Aztec #2
Field: Blanco
County: San Juan
Purchaser: Northwest Pipeline Corp.
Volume: 13 MMcf.

FERC Control Number: JD79-555
API Well Number: 30-025-25542
Section of NGPA: 103
Operator: Texas Pacific Oil Co., Inc.
Well Name: State "A" A/C 2 No. 62 (Dual)
Field: Eunice, South
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 2.5 MMcf.

FERC Control Number: JD79-556
API Well Number: 30-025-25542
Section of NGPA: 103
Operator: Texas Pacific Oil Co., Inc.
Well Name: State "A" A/C 2 No. 62 (Dual)
Field: Jalmat
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 127.7 MMcf.

FERC Control Number: JD79-557
API Well Number: 30-015-22160
Section of NGPA: 103
Operator: Texas Pacific Oil Co., Inc.
Well Name: Glen Farmer No. 1
Field: Kennedy Farms
County: Eddy
Purchaser: Transwestern Pipeline Co.
Volume: 30.0 MMcf.

FERC Control Number: JD79-558
API Well Number: 30-025-25445
Section of NGPA: 103
Operator: Texas Pacific Oil Co., Inc.
Well Name: S. R. Cooper "A" No. 2
Field: Jalmat
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 15.5 MMcf.

FERC Control Number: JD79-559
API Well Number: 30-025-25543
Section of NGPA: 103
Operator: Texas Pacific Oil Co., Inc.
Well Name: State "A" A/C 2 No. 63
Field: Jalmat (Yates—Seven Rivers)
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 100.5 MMcf.

FERC Control Number: JD79-560
API Well Number: 30-025-25538
Section of NGPA: 103
Operator: Texas Pacific Oil Co., Inc.
Well Name: State "A" A/C 1 No. 114
Field: Jalmat
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 8.8 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 100, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this Notice in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7271 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. E-8911]

GULF POWER CO.

Filing of Settlement Agreement

FEBRUARY 27, 1979.

Take notice that on January 29, 1979, Gulf Power Company filed a settlement agreement with intervening parties to the above-captioned proceeding. An accompanying motion for approval of the settlement indicates that this case is being settled in conjunction with the settlement concurrently filed in *Gulf Power Company*, Docket No. ER77-532.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 6, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7287 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-204]

THE DETROIT EDISON CO.

Proposed Tariff Change

MARCH 2, 1979.

Take notice that the Detroit Edison Company (Detroit Edison) on February 21, 1979, tendered for filing a letter agreement dated December 8, 1978, between Detroit Edison and Commonwealth Edison Company (Commonwealth) which constitutes a redetermination of the fixed charge factor applicable to transactions under the "Agreement for Sale of Portion of Generating Capability of Lundington Pumped Storage Plant by The Detroit Edison Company to Commonwealth Edison Company," dated June 1, 1971, as amended by an agreement dated August 15, 1971 (hereinafter termed "Agreement as amended"). Detroit Edison states that the Agreement as amended has been denoted The Detroit Edison Company Rate Schedule FPC No. 16. Detroit Edison further states that the redetermination of the fixed charge factor was made pursuant to the terms of the Agreement as amended and does not constitute an amendment to the Agreement.

Detroit Edison indicates that the Letter Agrcement reduces the fixed charge factor from 14.86% to 14.582% on and after January 1, 1979. Detroit Edison further indicates that the Revenue Act of 1978, effective January 1, 1979, reduces the effective corporate income tax rate from 48% to 46%; the effect of this was a reduction of 0.285% in the fixed charge factor.

Detroit Edison states that the fixed charge factor is subject to further revisions during the term of the Agreement as amended in accordance with Section 4.2 thereof.

Detroit Edison requests waiver of the Commission's notice requirements to permit an effective date of January 1, 1979.

According to Detroit Edison copies of the filing were served on Commonwealth, Consumers Power Company and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 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. 79-7274 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-203]

DUKE POWER CO.

Filing

MARCH 2, 1979.

Take notice that Duke Power Company (Duke Power) tendered for filing on February 16, 1979 a supplement to the Company's Electric Power Contract with the Town of Granite Falls. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule No. 255.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes: Delivery Point No. 1, canceled; and Delivery Point No. 2, increase in demand from 2,300 Kw to 6,000 Kw.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date.

Duke Power requests waiver of the Commission's notice requirements in order to allow for an effective date of March 20, 1979.

According to Duke Power copes of this filing were mailed to the Town of Granite Falls and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 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. 79-7275 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-165]

EL PASO NATURAL GAS CO.

Application

MARCH 2, 1979.

Take notice that on January 29, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-165 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas on an exchange basis to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso filed in Docket No. CP78-206, an application for authorization to transport and deliver natural gas to or for the account of Michigan Wisconsin [1] from a point of receipt in La Plata County, Colorado (the Ignacio Receipt Point). El Paso proposed to deliver concur-

[1] Notice of such application was issued March 27, 1978. Colorado Interstate Gas Company filed on March 27, 1978, a request that the application at Docket No. CP78-206 be set for hearing and consolidated with the application of Wyoming Interstate Natural Gas System (WINGS) at Docket No. CP78-99, it is said.

rently to Michigan Wisconsin, or its designee, quantities of gas available to El Paso from certain of its leasehold interests covering natural gas reserves underlying High Island Block A-309 (Block A-309), in the East Addition, High Island Area, South Extension, Federal Domain, offshore Texas, equivalent to those quantities of natural gas received by El Paso at the Ignacio Receipt Point for Michigan Wisconsin's account. It is stated that such proposed transportation arrangement was to be accomplished pursuant to a gas exchange agreement dated October 6, 1977, between El Paso and Michigan Wisconsin.

It is indicated that El Paso and Michigan Wisconsin have executed a letter agreement dated December 20, 1978, terminating the October 6, 1977, exchange agreement and restructing the arrangements between the parties so that the natural gas supplies immediately available to Michigan Wisconsin for exchange upon receipt of the requested authorization herein would not be from reserves associated with that portion of the WINGS Project as proposed at Docket No. CP78-99. It is stated, however, that El Paso and Michigan Wisconsin have executed the Creston Nose Gas Exchange Agreement dated December 20, 1978, (Creston Nose Agreement), wherein Michigan Wisconsin has agreed to accept and receive for the account of El Paso such quantity of natural gas produced from Block A-309 as El Paso may cause to be tendered on any day to Michigan Wisconsin at Michigan Wisconsin's measuring station in Cameron Parish, Louisiana. In exchange therefore, Michigan Wisconsin has agreed to cause concurrently to be delivered to El Paso and El Paso would accept and receive for the account of Michigan Wisconsin, an equivalent quantity of natural gas, on a million Btu basis, for the Creston Nose area, at the Ignacio Receipt Point, it is stated. Any imbalances in deliveries shall be carried forward to the next month and eliminated as soon as possible, it is said.

It is asserted that the granting of the authorization requested would assist both El Paso and Michigan Wisconsin in their ability to make available to their respective customers additional quantities of natural gas, which quantities should not be a part of the overall WINGS Project, while obviating the need for the construction of extensive and costly duplicative pipeline facilities which would otherwise be required to connect producing sources directly to each party's existing pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1979, file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for El Paso to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7276 Filed 3-9-79; 8:45 am]

[6450-01-M]

EXXON CORP., ET AL.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

MARCH 1, 1979.

On February 23, 1979, the Federal Energy Regulatory Commission received notices that the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

RAILROAD COMMISSION OF TEXAS, OIL AND GAS DIVISION

FERC Control Number: JD79-484
API Well Number: 42-103-31765
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. B. Tubb A/C-1, Well No. 137L
Field: Sand Hills (Tubb)
County: Crane
Purchaser: El Paso Natural Gas Company
Volume: 21 MMcf.

FERC Control Number: JD79-485
API Well Number: 42-103-31765
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. B. Tubb A/C-1, Well No. 137U
Field: Sand Hills (McKnight)
County: Crane
Purchaser: El Paso Natural Gas Company
Volume: 3 MMcf.

FERC Control Number: JD79-486
API Well Number: 42-103-31809
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. B. Tubb A/C-1, Well No. 149L
Field: Sand Hills (Tubb)
County: Crane
Purchaser: El Paso Natural Gas Company
Volume: 25 MMcf.

FERC Control Number: JD79-487
API Well Number: 42-465-30103
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Minnie Lee Altizer A/C2 No. 2
Field: Vinegarone (Strawn 10,000)
County: Val Verde
Purchaser: El Paso Natural Gas Company
Volume: 600 MMcf.

FERC Control Number: JD79-488
API Well Number: None
Section of NGPA: 102
Operator: Miranar Petroleum Inc.
Well Name: El Paso Natural Gas Company No. 1
Field: Chapa (Hostetter)
County: Live Oak
Purchaser: Being Negotiated
Volume: 500 MMcf.

FERC Control Number: JD79-489
API Well Number: 42-103-31749
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. B. Tubb A/C-2, Well No. 133
Field: Sand Hills (Tubb)
County: Crane
Purchaser: El Paso Natural Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79-490
API Well Number: 42-215-30868
Section of NGPA: 102
Operator: Flournoy Production Company
Well Name: Redding Gas Unit Well No. 1
Field: El Tule
County: Hidalgo
Purchaser: Trunkline Gas Company
Volume: 273 MMcf.

FERC Control Number: JD79-491
API Well Number: 42-219-31296
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: East Mallet Unit No. 113
Field: Slaughter
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 9.0 MMcf.

FERC Control Number: JD79-492
API Well Number: 42-219-31294
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: East Mallet Unit No. 114
Field: Slaughter
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 7.5 MMcf.

FERC Control Number: JD79-493

API Well Number: None
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Maple Wilson No. 61
Field: Slaughter
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 21.5 MMcf.

FERC Control Number: JD79-494
API Well Number: 42-219-32420
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Maple Wilson No. 69
Field: Slaughter
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 17.0 MMcf.

FERC Control Number: JD79-495
API Well Number: 42-219-32421
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Maple Wilson No. 70
Field: Slaughter
County: Marion
Purchaser: El Paso Natural Gas Company
Volume: 6.0 MMcf.

FERC Control Number: JD79-496
API Well Number: 42-219-32520
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 318
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 15 MMcf.

FERC Control Number: JD79-497
API Well Number: 42-219-32519
Section of NGPA: 103
Operator: Mobile Oil Corporation
Well Name: North Central Levelland Unit No. 325
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 6.0 MMcf.

FERC Control Number: JD79-498
API Well Number: 42-219-32518
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 324
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 9 MMcf.

FERC Control Number: JD79-499
API Well Number: None
Section of NGPA: 108
Operator: Shenandoah Oil Corporation
Well Name: H. E. Lovett No. 3
Field: Keystone (Yates)
County: Winkler
Purchaser: Sid Richardson Gasoline Company
Volume: 10 MMcf.

FERC Control Number: JD79-500
API Well Number: 42-443-30208
Section of NGPA: 103
Operator: Mobile Oil Corporation
Well Name: Mayme K. Martin, et al. Unit No. 1-L
Field: Brown-Bassett (Ellenburger)
County: Terrell
Purchaser: El Paso Natural Gas Company
Volume: 4,745 MMcf.

FERC Control Number: JD79-501
API Well Number: None
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 320
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 4.5 MMcf.

FERC Control Number: JD79-502
API Well Number: None
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 319
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: Nil

FERC Control Number: JD79-503
API Well Number: 42-219-32418
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Maple Wilson No. 68
Field: Slaughter (San Andres)
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 20 MMcf.

FERC Control Number: JD79-504
API Well Number: 42-079-30270
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: East Mallet Unit No. 112
Field: Slaughter
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 2.5 MMcf.

FERC Control Number: JD-79-505
API Well Number: 42-219-32522
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 323
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79-506
API Well Number: 42-219-32517
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 321
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 3.0 MMcf.

FERC Control Number: JD79-507
API Well Number: None
Section of NGPA: 102
Operator: Kissinger Petroleum Corporation
Well Name: T. L. Kidd No. 1 RRC No. 77010
Field: Kidd (First Massive)
County: Bee
Purchaser: United Gas Pipeline Company
Volume: 500 MMcf.

FERC Control Number: JD79-508
API Well Number: 42-239-31172
Section of NGPA: 103
Operator: R. H. Engelke
Well Name: John M. Bennett, Jr. "B" No. 1-C
Field. LaSalle (5500)
County: Jackson
Purchaser: Tennessee Gas Pipeline Company
Volume: 292 MMcf.

FERC Control Number: JD79-509
API Well Number: 42-239-31176
Section of NGPA: 103
Operator: R. H. Engelke
Well Name: John M. Bennett, Jr. "B" No. 2
Field: LaSalle (5500) (Marg)
County: Jackson
Purchaser: Tennessee Gas Pipeline Company
Volume: 273 MMcf.

FERC Control Number: JD79-510
API Well Number: None
Section of NGPA: 102
Operator: Roy R. Gardner
Well Name: Buescher Unit No. 77745
Field: Frank
County: Colorado
Purchaser: Texas Eastern Transmission Corporation
Volume: 511 MMcf.

FERC Control Number: JD79-511
API Well Number: None
Section of NGPA: 102
Operator: Roy R. Gardner
Well Name: Ross Unit No. 78397
Field: Frank
County: Colorado
Purchaser: Texas Eastern Transmission Corporation
Volume: 365 MMcf.

FERC Control Number: JD79-512
API Well Number: 42-371-32397
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Effie Potts Sibley No.7
Field: Coyanosa No. (Delaware)
County: Pecos
Purchaser: El Paso Natural Gas Company
Volume: 146.0 MMcf.

FERC Control Number: JD79-513
API Well Number: 42-443-30085
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Banner Estate No. 3
Field: Brown-Bassett (Ellenburger)
County: Terrell
Purchaser: El Paso Natural Gas Company
Volume: 474.5 MMcf.

FERC Control Number: JD79-514
API Well Number: None
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Mayme K. Martin, *et al.* Unit No. 1-U
Field: Brown-Bassett (Shawn)
County: Terrell
Purchaser: El Paso Natural Gas Company
Volume: 730 MMcf.

FERC Control Number: JD79-515
API Well Number: 42-443-30085
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Banner Estate No. 3
Field: Brown-Bassett (Strawn)
County: Terrell
Purchaser: El Paso Natural Gas Company
Volume: 109.5 MMcf.

FERC Control Number: JD79-516
API Well Number: 42-443-30205
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Banner Estate No. 4
Field: Brown-Bassett (Ellenburger)
County: Terrell
Purchaser: El Paso Natural Gas Company
Volume: 1825.0 MMcf.

FERC Control Number: JD79-517
API Well Number: 42-219-32346
Section of NGPA: 103
Operator: Mobil Oil Corporation

Well Name: Maple Wilson No. 66
Field: Slaughter (San Andres)
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 5.0 MMcf.

FERC Control Number: JD79-518
API Well Number: 42-315-30328
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: F. L. Orr Unit No. 2
Field: Lassater
County: Marion
Purchaser: Arkansas Louisiana Gas Company
Volume: 292 MMcf.

FERC Control Number: JD79-519
API Well Number: 42-315-30320
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: J. A. Neal Unit No. 2
Field: Lassater
County: Marion
Purchaser: Arkansas Louisiana Gas Company
Volume: 292 MMcf.

FERC Control Number: JD79-520
API Well Number: 42-315-30480
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Annie D. Kelsey Gas Unit No. 2
Field: Lassater
County: Marion
Purchaser: Arkansas Louisiana Gas Company
Volume: 255 MMcf.

FERC Control Number: JD79-521
API Well Number: 42-315-30924
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: L. Cartwright Unit No. 2
Field. Lassater
County: Marion
Purchaser: Arkansas Louisiana Gas Company
Volume: 657 MMcf.

FERC Control Number: JD79-522
API Well Number: 42-315-30502
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Brooks Unit No. 2
Field: Lassater
County: Marion
Purchaser: Arkansas Louisiana Gas Company
Volume: 474 MMcf.

FERC Control Number: JD79-523
API Well Number: 42-371-32396
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: James O. Neal No. 4
Field: Coyanosa North (Delaware)
County: Pecos
Purchaser: El Paso Natural Gas Company
Volume: 36.5 MMcf.

FERC Control Number: JD79-524
API Well Number: 42-371-32571
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Effie Potts Sibley No. 9
Field: Coyanosa North (Delaware)
County: Pecos
Purchaser: El Paso Natural Gas Company
Volume: 182.5 MMcf.

FERC Control Number: JD79-525
API Well Number: 42-219-32312
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Maple Wilson No. 65
Field: Slaughter
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: 23.0 MMcf.

FERC Control Number: JD79-526
API Well Number: 42-219-32514
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: North Central Levelland Unit No. 322
Field: Levelland
County: Hockley
Purchaser: El Paso Natural Gas Company
Volume: Nil

FERC Control Number: JD79-527
API Well Number: 42-371-32511
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Effie Potts Sibley No. 10
Field: Coyanosa North (Delaware)
County: Pecos
Purchaser: El Paso Natural Gas Company
Volume: 182.5 MMcf.

FERC Control Number: JD79-528
API Well Number: None
Section of NGPA: 107
Operator: Amarex, Inc.
Well Name: Hardin Unit No. 1
Field: Mills Ranch (Atoka)
County: Wheeler
Purchaser: Being negotiated
Volume: 360 MMcf.

FERC Control Number: JD79-529
API Well Number: 42-295-30524
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: Walter Jones Unit No. 1
Field: South Higgins (Morrow)
County: Lipscomb
Purchaser: Transwestern Pipeline Company
Volume: 525 MMcf.

FERC Control Number: JD79-530
API Well Number: 42-295-30531
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: O. T. Jones No. 12
Field: South Higgins (Morrow)
County: Lipscomb
Purchaser: Transwestern Pipeline Company
Volume: 527 MMcf.

FERC Control Number: JD79-531
API Well Number: 42-295-30297
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: O. T. Jones No. 11
Field: South Higgins (Morrow)
County: Lipscomb
Purchaser: Transwestern Pipeline Company
Volume: 527 MMcf.

FERC Control Number: JD79-532
API Well Number: 42-295-30299
Section of NGPA: 103
Operator: Mobil Oil Corporation
Well Name: O. T. Jones No. 10
Field: South Higgins (Morrow)
County: Lipscomb
Purchaser: Transwestern Pipeline Company
Volume: 530 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this Notice in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7272 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-205]

INDIANA & MICHIGAN ELECTRIC

Filing

MARCH 2, 1979.

Take notice that American Electric Power Service Corporation (AEP) on February 21, 1979, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M) Modification No. 8 dated February 1, 1979 to the Interconnection Agreement dated June 1, 1968, between I&M and Central Illinois Public Service Company, designated I&M's Rate Schedule FERC No. 67.

AEP states that Section 1 of Modification No. 8 provides for an increase in the Demand Charge for Short Term from $0.60 to $0.70 per kilowatt per week and Section 3 provides for an increase in the Demand Charge for Limited Term Power from $3.25 to $3.75 per kilowatt per month. AEP further states that Section 2 of Modification No. 8 provides for an increase in the transmission charge for third party Short Term Power transactions from $0.15 per kilowatt per week to $0.175 per kilowatt per week and Section 4 provides for an increase in the transmission charge for third party Limited Term transactions from $0.65 per kilowatt per month to $0.75 per kilowatt per month. AEP indicates that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

AEP proposes an effective date of April 15, 1979, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Central Illinois Public Service Company, the Public Service Commission of Indiana, the Michigan Public Service Commission and the Illinois Commerce Commission, according to AEP.

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 March 16, 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. 79-7288 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER76-848]

MONTANA POWER CO.

Compliance Filing

MARCH 2, 1979.

Take notice that on February 26, 1979, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during January, 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 March 30, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7289 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-388]

MISSOURI POWER & LIGHT CO.

Certification

MARCH 2, 1979.

Take notice that on February 9, 1979, Presiding Administrative Law Judge Jon G. Lotis certified a proposed settlement agreement between Missouri Power & Light Company and intervenor, the City of Marceline, in the above-captioned proceeding. The company states that the settlement resolves all issues concerning the parties to the instant proceeding.

Copies of Missouri's filing are on file with the Federal Energy Regulatory Commission and are available for public inspection. Any person desiring to file comments should file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7278 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Receipt of Report of Determination Process

FEBRUARY 27, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

AGENCY AND DATE

State of New Mexico Energy and Minerals Department, Oil Conservation Division—November 29, 1978.
State of Louisiana Department of Conservation—November 29, 1978.
Railroad Commission of Texas—November 30, 1978.
West Virginia Department of Mines, Oil and Gas Division—November 30, 1978.
Alabama State Oil and Gas Board—November 30, 1978.
State Oil and Gas Board of Mississippi—November 30, 1978.
Kansas State Corporation Commission Conservation Division—November 30, 1978.
State of Michigan, Department of Natural Resources, Geological Survey Division—December 1, 1978.
State of California Department of Conservation Division of Oil and Gas—December 4, 1978.
Commonwealth of Virginia Department of Labor and Industry Division of Mines and Quarries—December 4, 1978.
State of Wyoming Office of Oil and Gas Conservation Commission—December 4, 1978.
State of Colorado Department of Natural Resources—December 5, 1978.
State of Ohio Department of Natural Resources Division of Oil and Gas—December 6, 1978.
State of Alaska Oil and Gas Conservation Commission—December 11, 1978.
State of Arizona Oil and Gas Conservation Commission—December 14, 1978.
State of Nebraska Oil and Gas Conservation Commission—December 15, 1978.
State of Tennessee Oil and Gas Board—December 19, 1978.
State of Indiana Department of Natural Resources—December 26, 1978.
State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas—December 26, 1978.
State of Florida Department of Natural Resources—January 3, 1979.
State of North Dakota Geological Survey—January 4, 1979.
State of Illinois, Department of Mines & Minerals, Oil and Gas Division—January 5, 1979.
United States Department of Interior, Geological Survey—January 19, 1979.
State of Montana Department of Natural Resources and Conservation—January 29, 1979.
State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining—January 30, 1979.
Commonwealth of Kentucky Department of Mines and Minerals, Division of Oil & Gas Conservation—February 5, 1979.
Arkansas Oil and Gas Commission—February 12, 1979.
New York State Department of Environmental Conservation—February 23, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7285 Filed 3-9-79 8:45 am]

[6450-01-M]

[Docket No. ID-1577]

GUY W. NICHOLS

Filing

MARCH 2, 1979.

Take notice that on February 12, 1979, Guy W. Nichols, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director: Maine Yankee Atomic Power Company—Public utility.
Director: Connecticut Yankee Atomic Power Company—Public utility.
Director: Massachusetts Electric Company—Public utility.
Director: The Narragansett Electric Company—Public utility.
Chairman and Director: New England Power Company—Public utility.
Director: Vermont Yankee Nuclear Power Corporation—Public utility.
Chairman and Director: Yankee Atomic Electric Company—Public utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such peti-

tions or protests should be filed on or before March 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. 79-7277 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-509]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing

MARCH 2, 1979.

Take notice that on February 21, 1979, Northern Indiana Public Service Company (NIPSCo) tendered for filing First Revised Sheet No. 9 and First Revised Sheet No. 14 to its FERC Electric Service Tariff—Third Revised Volume No. 1 which sheets have been revised to exclude the restrictive language contained in the availability clause for Rate Schedules VA-5 and VA-11 in accordance with the Order of the Commission in Docket No. ER78-509.

Copies of this filing were served upon all customers receiving electric service under NIPSCo's FERC Electric Service Tariff—Third Revised Volume No. 1 and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 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. 79-7279 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP78-123, *et al.*]

NORTHWEST ALASKAN PIPELINE CO.

Amendments

MARCH 1, 1979.

Take notice that on February 15, 1979, Northwest Alaskan Pipeline Company (Northwest), 136 East South Temple, Salt Lake City, Utah 84711, filed in Docket No. CP78-123, *et al.*, pursuant to Sections 7 and 3 of the Natural Gas Act conformed copies of the first amendment to the gas purchase contract, dated December 7, 1978, between Northwest and Pacific Interstate Transmission Company (Pacific Interstate) and the first amending contract to the Western and Eastern gas sales contracts, dated December 5, 1978, between Northwest and Pan Alberta Gas Ltd. (Pan Alberta) all as more fully set forth in the amendments which are on file with the Commission and open to public inspection.

It is indicated that the primary purpose of the amendment to the contract with Pacific Interstate is to extend initial terms of the contract from 6 years to 12 years. Northwest states that the primary purpose of the amendments to the contracts with Pan Alberta is to extend the initial terms of the contracts from 6 years to 12 years and to indicate the delivery pressure at the Monchy, Saskatchewan, delivery point was changed from 1260 psia to 1260 psig.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons having heretofore filed need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7280 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Project No. 96]

PACIFIC GAS AND ELECTRIC CO. (CALIFORNIA)

Availability of Environmental Impact Statement for Inspection

MARCH 2, 1979.

Notice is hereby given that on or about February 28, 1979, as required by the Commission's Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Energy Regulatory Commission. This statement deals with the environmental impact of the issuance of a new Federal Energy regulatory commission license to the Pacific Gas and Electric Company for: (a) the continued operation and maintenance of the existing Kerckhoff Project (FERC No. 96) which includes a reservoir, dam, intake structure, tunnel, and a powerhouse with installed capacity of 34,080 kW; and (b) the construction, operation and maintenance of a new underground powerhouse, intake structure, tunnel and discharge structure to be known as Kerckhoff No. 2 with total installed capacity of 140,000 kW.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capital Street, N.E., Washington, D.C. 20426 and its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111.

Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7281 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ES79-27]

PACIFIC POWER & LIGHT CO.

Application

MARCH 2, 1979.

Take notice that on February 22, 1979, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue not to

exceed $100,000,000 in aggregate principal amount of its First Mortgage Bonds (New Bonds), via competitive bidding.

Proceeds from the issuance and sale of the New Bonds will be used to repay short-term notes prior to or as they mature and the remainder will be used for the acquisition of property and to finance, in part, Applicant's 1979-1980 construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 12, 1979, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7282 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket RI79-22]

PAR PETROLEUM, INC.

Petition for Special Relief

MARCH 2, 1979.

Take notice that on January 2, 1979, PAR Petroleum, Inc. (PAR), P.O. Box 280, 326 N. Lincoln, Liberal, Kansas 67901 filed a petition for special relief in Docket No. RI79-22 pursuant to § 2.76 of the Commission's General Policy and Interpretations.

PAR requests an increase in base rate from $.349/Mcf to $1.00/Mcf for the sale of natural gas produced from the Cherry #1 Well, Meade County, Kansas. Panhandle Eastern Pipe Line Company purchases the gas. According to the petition, the rate increase is necessary in order to install equipment to handle increased saltwater production which interferes with the gas production.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North 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 or 1.10). All such petitions or protects should be filed on or before March 26, 1979. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. 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 wtih the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7283 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Project No. 2561 (Tunnel Dam)]

SHOW ME POWER CORP.

Application for Approval of Revised Exhibit R

MARCH 2, 1979.

Take notice that on June 23, 1978 an application was filed with the Federal Energy Regulatory Commission by the Show-Me Power Corporation (correspondence to: John K. Davis, General Manager, Show-Me Corporation, Marshfield, Missouri 65706) for approval of a revised Exhibit R (superseding all previous filing). The Tunnel Dam Project No. 2561 is located on the Niangua River, Webster County, near Marshfield, Missouri.

The plan for recreational development presented in the Exhibit R lists the following existing public recreational facilities: one boat dock and cabin area where the public can rent and launch boats, purchase bait and supplies, and rent cabins for overnight stays.

In addition, the plan proposes recreational development adjacent to the left bank dam abutment, which will serve as an access point to the lake. The devlopment of this area would include a launching ramp and parking area, along with installed trash cans and commercial telephone.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before April 16, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7290 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Project No. 2161]

ST. REGIS PAPER CO. AND MONARCH PAPER CORP., INC.

Application To Transfer License and Substitute Transferee as Applicant for New License

MARCH 2, 1979.

Take notice that on December 12, 1978, the St. Regis Paper Company (St. Regis) and the Monarch Paper Corporation, Inc. (Monarch) filed an application: (1) to transfer the existing license for the Rhinelander Hydroelectric Project No. 2161 from St. Regis to Monarch, and (2) to substitute Monarch for St. Regis in the application for a new license filed by St. Regis on March 12, 1969. The project is located on the Wisconsin River, in Oneida County, Wisconsin, adjacent to the city of Rhinelander. Correspondence regarding the application should be sent to: Homer Crawford, Vice President and Secretary, St. Regis Paper Company, 150 East 42nd Street, New York, New York 10017; James A. Greer II and G. S. Peter Berger, Leboeuf, Lam, Leiby & MacRae, 140 Broadway, New York, New York 10005; James W. Brehl, Maun Hazel, Green, Hays, Simon, & Aretz, 332 Hamm Building, St. Paul, Minnesota 55102; and Ben Westby, Monarch Paper Corporation, Inc., 1410 Midwest Plaza Building, Minneapolis, Minnesota 55402.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before April 16, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7284 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. RM79-19]

TREATMENT OF CERTAIN PRODUCTION-RELATED COSTS FOR NATURAL GAS TO BE SOLD AND TRANSPORTED THROUGH THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Extension of Time

FEBRUARY 27, 1979.

On February 15, 1979, Sohio Natural Resources Company filed a motion to extend the time for filing comments in this proceeding stating that additional time is needed in order to comment fully and adequately on this matter. On February 23, 1979, Exxon Corporaton filed a motion also seeking an extension and stating that the complexity and importance of the issues presented make it impossible for Exxon to file adequate comments under the schedule presented.

Upon consideration, notice is hereby given that an extension of time for filing initial comments is granted to and including March 19, 1979. Reply comments shall be filed on or before April 2, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7291 Filed 3-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-97]

TUCSON GAS & ELECTRIC CO.

Order Accepting in Part and Rejecting in Part Rate Filing, and Granting Waiver of Notice Requirement

MARCH 28, 1979.

On December 5, 1978, Tucson Gas & Electric Company (Tucson) submitted for filing the Tucson-San Diego Ten Year Power Sale and Interconnection Agreement (Agreement) and various schedules of rates for the sale of power and energy to San Diego Gas & Electric Company (San Diego) from existing and future generating units owned by Tucson. The Agreement was executed by the parties on November 29, 1978. Tucson has requested that the Agreement be accepted for filing, effective March 1, 1979.

Notice of the filing was issued December 15, 1978, with comments, protests, or petitions to intervene due on or before December 29, 1978. On January 2, 1979, the Arizona Corporation Commission filed a Notice of Intervention. On January 22, the Corporation Commission filed a clarification stating that it did not request a formal hearing or enlargement of issues in this proceeding.

The proposed sale is divided into five "phases" described in the Agreement. The rates which are proposed to be applicable to each phase are specified in corresponding Exhibits One through Five to the Agreement.

The proposed term of Phase One is March 1, 1979, through June 30, 1979. Billing and contract demand is specified as 100 MW of firm power from Tucson's system. Demand will be billed at the rate of $6.90 per kW per month and energy at the rate of 0.991 cents per KWh, subject to a fuel adjustment clause.

Phase Two will extend from July 1, 1979, through April 1, 30, 1982, with firm power and energy to be supplied from Tucson's San Juan Generating Station Unit No. 3. Contract and billing demand for Phase Two is specified at 100 MW, except from November 1, 1979, through April 30, 1980, when contract and billing demand shall be 150 MW. Phase Two rates are specified at $13.60 per Kw per month with energy billed at the net average cost per kWh generally described by the expense recorded in "FPC Account 501—Fuel" for the San Juan Generating Station No. 3 divided by the net generation for the month.

Phase Three is proposed to begin on May 1, 1982, and continue until the day prior to the commercial operation date of Tucson's proposed Springerville Unit No. 1 or May 31, 1985, whichever occurs first. During Phase Three contract and billing demand will be 100 NW of firm power and energy from Tucson's system resources. Further, by the exercise of an option retained under the Agreement, Tucson may extend Phase Three until May 31, 1987, during which time it will make available to San Diego a certain amount of power and energy, up to 100 MW, from its system resources. This amount of power is to be regarded as contract and billing demand.

The Agreement also provides that Phase Four shall begin on the commercial opertion date of the Springerville Unit No. 1 and continue through the earlier of December 31, 1988, or the commencement of Phase Five, the in-service date of Springerville Unit No. 2. During Phases Four and Five, power and energy are to be supplied to San Diego from Tucson's Springerville Unit Nos. 1 and 2, with provision for back-up from Tucson's system resources. Proposed charges for service during these two phases are to be determined by cost of service forumlae set forth in Exhibits Four and Five to the Agreement.

Upon our review of Tucson's submittal, we shall accept for filing the Tucson-San Diego Agreement and the Phase One rate schedule (Exhibit One to the Agreement) to be effective March 1, 1979. We shall also accept for filing the rate schedule for Phase Two (Exhibit Two of the Agreement) to be effective July 1, 1979. Although rate schedules must be filed not less than sixty days or more than 120 days before they are to become effective,[1] the Phase Two rate schedule was filed more than 120 days prior to its proposed effective date. We thus infer from Tucson's proposed Phase Two effective date an implied request for waiver of our 120 day notice requirement and hereby grant that request.[2]

We shall reject Tucson's filing of the rate schedules for Phases Three, Four and Five (Exhibits Three, Four and Five of the Agreement) because they are proposed to become effective no sooner than May 1, 1982. Waiver of our regulations is not appropriate for these proposed rate increases. Our rejection, however, is without prejudice to the timely filing of the rate schedules in Exhibits Three, Four and Five at such time as Tucson proposes to supersede the then-effective rate pursuant to Section 205 of the Federal Power Act. *See, Indiana and Michigan Electric Co.*, Docket No. ER78-353, Order issued July 21, 1978. Appropriate supporting data should be submitted by Tucson with these filings.[3]

The Commissioner orders: (A) The Tucson-San Diego Ten Year Power Sale and Interconnection Agreement, is accepted for filing effective March 1, 1979.

(b) The Phase One Rate Schedule (Exhibit One to the Agreement) is accepted for filing effective March 1, 1979.

(c) Waiver of the 120 day notice requirement of Section 35.3 of our Regulations is granted with regard to the Phase Two rate schedule (Exhibit Two to the Agreement).

(D) The Phase Two rate schedule is accepted for filing effective July 1, 1979.

(e) The rate schedules for Phases Three, Four and Five (Exhibits Three, Four and Five to the Agreement) are rejected without prejudice to timely refiling under Section 205 with appropriate supporting data.

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[1] See, Changes in Notice Requirements, Part 35—Filing of Rate Schedules, January 2, 1979.

[2] See Attachment A for rate schedule designations.

[3] Tucson's justification for the rate of return or common equity during Phases Three, Four and Five is simply a citation to a decision of the Arizona Corporation Commission in a Tucson retail rate case. This would not be regarded as adequate cost support that the proposed return is paper.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

Designation	Description
Tucson Gas & Electric Company Rate Schedule FERC No. 26.	Ten Year Power Sale and Interconnection agreement
Supplement No. 1	Schedule of Rates for Wholesale Service (3/1/79-6/30/79)
Supplement No. 2	Schedule of Rates for Wholesale Service (7/1/79-4/30/82)

[FR Doc. 79-7292 Filed 3-9-79; 8:45 am]

[6450-01-M]

Office of Intergovernmental and Institutional Relations

RENEWAL OF ADVISORY COMMITTEES

This notice is published in accordance with the provisions of section 7 of the Office of Management and Budget Circular No. A-63, as amended. Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the following advisory committees have been renewed for the periods indicated beginning from the date that copies of the charters have been filed with the appropriate standing committees of Congress (February 28, 1979):

Consumer Affairs Advisory Committee—two years
Food Industry Advisory Committee—one year
Fuel Oil Marketing Advisory Committee—two years
Gasoline Marketing Advisory Committee—two years

The renewal of these committees has been determined necessary and in the public interest. The Committees will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those Acts.

Further information regarding these committees may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on March 7, 1979.

PHILLIP S. HUGHES,
Assistant Secretary Intergovernmental and Institutional Relations.

[FR Doc. 79-7338 Filed 3-9-79; 8:45 am]

[6450-01]

Economic Regulatory Administration

[ERA Docket No. 79-07-NG]

TENNESSEE GAS PIPELINE CO.

Receipt of Application for Emergency Authorization to Import Natural Gas from Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application for emergency authorization, intent to issue expedited order, and invitation to submit petitions to intervene and briefs on the merits of the request.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Tennessee Gas Pipeline Company (TGP) for emergency authorization, pursuant to Section 3 of the Natural Gas Act, to import a total of 5 Bcf of natural gas from Canada. TGP has asserted a need for this gas to aid it in maintaining its system deliveries during the remaining winter period. Additionally, to the extent the Canadian gas makes withdrawals of base storage gas unnecessary, TGP states that it will not be forced to curtail its summer customers as severely to restore the storage balance necessary for the 1979-80 winter heating seasons.

DATES: Petitions to intervene and briefs opposed to or in support of TGP's application are to be filed on or before March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street, N.W. Room 6318, Washington, D.C. 20461, telephone 202-254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Ave., N.W., Room 5116, Washington, D.C. 20461, telephone 202-633-9380.

SUPPLEMENTARY INFORMATION: On February 21, 1979, TGP filed an application, supplemented on February 23, 1979, and March 6, 1979, for emergency authorization from ERA to import a total of 5 Bcf of natural gas from Canada to meet high-priority needs on the TGP system. According to TGP, the gas is needed immediately, and TGP has therefore requested a waiver of certain procedural regulations under the Natural Gas Act including 18 CFR 153.2, which requires that an authorization to import be granted no sooner than 30 days from the date of application. If ERA determines that an emergency situation exists such that approval of the application is in the public interest, it would waive the 30-day requirement and issue a decision on an expedited basis.

The natural gas which TGP proposes to import would be purchased from TransCanada Pipelines Limited (TransCanada) at the rate prescribed by the National Energy Board (NEB) of Canada and permitted by DOE. The price to be paid would include all transmission costs of moving gas in Canada to the international boundary line interconnection, and would not be greater than the current boarder price of $2.16 (U.S.) per MMBtu. The cost of the gas purchased would be reflected in subsequent purchased gas adjustment filings to be made by TGP.

TGP states that, as of February 15, 1979, it was forced to restrict deliveries on its system so that only Priority 1 and approximately 87 percent of Priority 2 customers were to be served. (The Priority categories are as defined by FPC Order No. 467-B.) The curtailments were due, according to TGP, to higher than projected demand due to unexpected cold weather in its market areas, and freeze-offs in its supply areas causing interruptions in supplies. In addition, TGP states that its storage balances have been sharply reduced and are in danger of being depleted.

TGP seeks authorization to import a total of 5 Bcf until April 1, 1979, or until such later time as may be needed. The import would utilize existing facilities and would be at a point on the U.S.A.-Canada boundary near Niagara Falls, New York, where the TGP system interconnects with facilities of TransCanada.

TGP further states that it has been advised by TransCanada that the latter's currently available gas supply deliverability exceeds TransCanada's requirements.

TGP further states that TransCanada is presently seeking authorization from the NEB to export from Canada the volume proposed in TGP's application and for which TransCanada has entered into an agreement with TGP.

OTHER INFORMATION

Due to the nature of this application, ERA asks that petitions for intervention in this proceeding, as well as briefs on the merits of TGP's request, be submitted in an expedited manner. Such documents are to be filed with the Economic Regulatory Administration, Room 6318, 2000 M St., N.W., Washington, D.C. 20461, no later than 4:30 p.m., on or before March 15, 1979.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA or if ERA on its own motion believes that such a hearing is

merited. If such hearing is held additional notice will be given.

A copy of TGP's applicaton is available for public inspection and copying in Room B-110, 2000 M Street, N.W., Washinton, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C, March 9, 1979.

BARTION R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-7649 Filed 3-9-79; 11:31 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1072-2; OPP-50403]

FAIRFIELD AMERICAN CORP., ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 4816-EUP-1. Fairfield American Corp., Medina, New York 14103. This experimental use permit allows the use of 6.6 pounds of the insecticide permethrin as a coating on 278.7 square meters of paper used for paper bags to evaluate control of insects. The program is authorized only in the State of Georgia. The experimental use permit is effective from February 5, 1979 to February 5, 1980. This permit is being issued with the limitation that the commodities involved will not be released for consumption by humans or otherwise enter the food chain. (PM-17, Room: E-229, Telephone: 202/426-9425).

No. 100-EUP-60. Ciba-Geigy Corp., Greensboro, North Carolina 27409. This experimental use permit allows the use of a mixture of 462.5 pounds of the herbicide metolachlor and 370 pounds of the herbicide atrazine on sorghum to evaluate control of weeds. A total of 275 acres is involved; the program is authorized only in the States of Arkansas, California, Kansas, Missouri, Nebraska, North Carolina, Oklahoma, South Dakota, and Texas. The experimental use permit is effective from April 6, 1979 to April 6, 1980. Permanent tolerances for residues of the active ingredient atrazine in or on sorghum grain, forage and fodder have been established (40 CFR 180.220). Temporary tolerances for residues of the active ingredient metolachlor in or on sorghum grain, forage and fodder have been established. (PM-25, Room: E-301, Telephone: 202/755-2196).

No. 524-EUP-30. Monsanto Agricultural Products Co., St. Louis, Missouri 63166. This experimental use permit allows the use of 3,000 pounds of the herbicide butachlor on rice to evaluate control of weeds. A total of 960 acres is involved; the program is authorized only in the States of Arkansas, Louisiana, Mississippi, Texas, and Tennessee (for shipping only). The experimental use permit is effective from April 1, 1979 to April 1, 1980. Temporary tolerances for residues of the active ingredient in or on rice and rice straw and temporary food additive regulations for residues of the active ingredient in rice hulls and rice bran have been established. (PM-25, Room: E-301, Telephone: 202/755-2196).

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: March 5, 1979.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 79-7391 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1072-1; OPP-50405]

MOUNTAIN HIGH CORP., ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 39697-EUP-1. Mountain High Corp., Ogden, Utah 84404. This experimental use permit allows the use of 6,000 pounds of the insecticide diatomaceous earth on gardens, livestock and pets. A total of five acres and 50 animals is involved; the program is authorized only in the States of Utah and Florida. The experimental use permit is effective from February 12, 1979 to February 12, 1980. (PM-17, Room: E-229, Telephone: 202/426-9425)

No. 275-EUP-20. Abbott Laboratories, North Chicago, Illinois 60064. This experimental use permit allows the use of 1,000 pounds of the fungicide *Hirsutella thompsonii Fisher* on citrus, blueberries, and turf to evaluate control of citrus rust mite, blueberry bud mite, and Bermuda turf mite. A total of 100 acres is involved; the program is authorized only in the States of Florida, North Carolina, and Texas. The experimental use permit is effective from February 24, 1979 to February 24, 1980. A temporary exemption from the requirement of a tolerance for residues of the spores of *Hirsutella thompsonii* when used as a mycocaracide on citrus and small fruits has been established. (PM-17, Room: E-229, Telephone: 202/426-9425)

No. 279-EUP-72. FMC Corporation, Philadelphia, Pennsylvania 19103. This experimental use permit allows the use of 716.8 pounds of the insecticide permethrin on alfalfa to evaluate control of alfalfa weevil, Egyptian alfalfa weevil, pea aphid, blue alfalfa aphid, beet armyworm, yellow-striped armyworm, alfalfa caterpillar, and lepidopterous insects. A total of 1,600 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Tennessee, Utah, Virginia, Washington, and Wyoming. The experimental use permit is effective from February 16, 1979 to February 16, 1980. This permit is being issued with the limitation that all treated crops are destroyed or used for research purposes only. (PM-17, Room: E-229, Telephone: 202/426-9425)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: March 5, 1979.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 79-7390 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1073-3]

NEW MEXICO IMPLEMENTATION PLAN

Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This is a notice of the availability of New Mexico State Im-

plementation Plan (SIP) revisions for review and comment. The revisions were approved by the Governor on January 23, 1979, to fulfill the requirements of the Clean Air Act amendments of 1977.

DATES: Interested persons are invited to submit comments on the New Mexico SIP revisions on or before April 11, 1979.

ADDRESSES: Written comments may be submitted to the address below.

Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the New Mexico SIP revisions are available for inspection during normal business hours at the EPA Regional Office above and at the following addresses:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460.

New Mexico Environmental Improvement Division, Health and Environment Department, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87503.

Middle Rio Grande Council of Governments, Suite 1320, 505 Marquette Avenue, Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT:

Jerry Stubberfield, Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTAL INFORMATION: The revisions to the New Mexico SIP were adopted and submitted in accordance with the requirements of 40 CFR 51.4 and 51.6. The SIP revisions are intended to provide attainment and maintenance of the national ambient air quality standards in the non-attainment areas of New Mexico identified under Section 107 of the Act (43 FR 9016). The pollutants and areas involved are shown below.

Pollutant	Area
Particulate Matter	Grant County, Albuquerque, Eddy County, Lee County.
Sulfur Dioxide	Grant County, San Juan County.
Oxidants (Ozone)	Bernalillo County.
Carbon Monoxide	Farmington, Santa Fe, Las Cruces, Bernalillo County.

The part of the SIP concerning attainment and maintenance of standards in Bernalillo County (Urban Implementation Plan) was developed under the direction of the Middle Rio Grande Council of Governments. The remainder of the SIP was developed by the New Mexico Environmental Improvement Division of the Health and Environment Department.

The EPA is currently reviewing the revisions to New Mexico's SIP. The Agency's intended action regarding approval of the revision will be proposed in the FEDERAL REGISTER at a later date. An additional public comment period of at least 30 days will be provided at that time.

This notice is issued under the authority of section 110 (a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Date: February 27, 1979.

ADLENE HARRISON,
Regional Administrator.

[FR Doc. 79-7392 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1071-7; OPP-66044C]

PESTICIDE PROGRAMS

Order of Cancellation of Registration of Certain Pesticide Products; Amendment

On June 30, 1978, the Agency published in the FEDERAL REGISTER (43 FR 28774) a notice of intent to cancel the registrations of pesticide products for which appropriate applications for amended registration had not been submitted in accordance with the Agency's optional procedures for classification of pesticide uses by regulation (40 CFR 162.30 and 162.31).

On November 6, 1978, the Agency published in the FEDERAL REGISTER (43 FR 51708) an order of cancellation which identified the registrations which had been cancelled by operation of law (at the expiration of 30 days from receipt of the notice of intent to cancel by the registrant, or from publication of the notice, whichever occurred later). The order also stated that, for administrative purposes, the effective date of cancellation for all the identified registrations would be the date of the order, October 30, 1978.

On September 30, 1978, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"), was amended by the Federal Pesticide Act of 1978 (Pub. L. 95-396). In particular, a new subsection 19(c) was added, which states: "Notification of cancellation of any pesticide shall include specific provisions for the disposal of the unused quantities of such pesticide."

Accordingly, the November 6, 1978 order of cancellation is amended by the addition of the following:

"Existing stocks of products whose registrations have been cancelled, and which are already in the hands of users, may be used and disposed of in accordance with the directions on the existing labels. Existing stocks of products whose registrations have been cancelled, and which are in distribution channels but not yet in the hands of users, may not be sold or distributed unless and until they are relabeled for restricted use in accordance with 40 CFR 162.30. Relabeling can be accomplished by affixing to the existing label an adhesive sticker containing the following restricted use statement:

RESTRICTED USE PESTICIDE

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification."

Dated: March 5, 1979.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-7393 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1071-5]

SOLID WASTE DISPOSAL PRACTICES

Availability of Study on Mining Waste

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of Availability of draft report on mining waste.

SUMMARY: EPA is today making available to the public a draft report entitled "Study of Adverse Effects of Solid Waste from All Mining Activities on the Environment" by PEDCo Environmental. The study was prepared in response to the requirements of Section 8002(f) of the Resource Conservation and Recovery Act (RCRA) and includes a description of waste generated, current disposal practices, health and environmental impacts of current disposal methods, alternatives to current disposal methods, and potential for use of the waste as a secondary source of the mine product. The study does not include information on the costs of alternative disposal methods.

The report is in draft form and has not been approved by EPA. The study is available for public inspection and copying at the EPA Library, Room 2404, 401 M Street, S.W., Washington, D.C. and at all EPA regional office libraries.

DATE: Public comments on the accuracy of the report are due (30 days after date of publication).

ADDRESS: All comments should be addressed to Jon R. Perry, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Jon R. Perry at the above address (202-755-9120).

Dated: March 6, 1979.

THOMAS C. JORLING,
Assistant Administrator.

[FR Doc. 79-7394 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1073-1]

DISPOSAL OF PCB CONTAMINATED SOIL AND DEBRIS: CITIZENS' PETITION

Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Request for comments on citizen's petition.

SUMMARY: The Environmental Protection Agency (EPA) requests comments from interested persons regarding a citizens' petition filed by the State of North Carolina requesting an amendment of the PCB Marking and Disposal Rule (40 CFR 761, 43 FR 7150-7164, February 17, 1978) to provide EPA Regional Administrators the discretion to approve additional disposal methods for soil and debris contaminated with PCBs. Currently, the regulations only authorize EPA-approved high temperature incineration or chemical waste landfills for disposal of such materials. Comments will aid the Agency in responding to this petition. The complete petition is included in the SUPPLEMENTARY INFORMATION, below.

DATE: Comments should be submitted by April 11, 1979.

ADDRESS: Comments on the petition should be sent to: Office of Toxic Substances, TS-794, United States Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Attention: Harold J. Snyder, Jr. (Re: North Carolina Petition).

FOR FURTHER INFORMATION CONTACT:

Harold J. Snyder, Jr., address as above, Phone: (202) 755-8023.

SUPPLEMENTARY INFORMATION: On February 6, 1979, the State of North Carolina submitted to the EPA a "Petition for Amendment of a Rule under TOSCA" pursuant to section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620. Under TSCA, EPA has 90 days to respond to this citizen's petition. This petition is related to the current controversy in North Carolina over disposal of soil and debris contaminated by a PCB dumping incident which occurred along more than 200 miles of highway.

All comments filed in response to this notice will be available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday (excluding holidays) in Room 709, East Tower, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone: (202) 755-6956.

The petition reads as follows:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF THE ADMINISTRATOR

PETITION FOR AMENDMENT OF A RULE UNDER TOSCA

To: Douglas M. Costle, Administrator, United States Environmental Protection Agency.

Pursuant to Section 21 of the Toxic Substances Control Act, P.L. 94-469, (hereinafter TOSCA) the State of North Carolina hereby petitions the Administrator to amend 40 CFR 761.10(b) to allow the Regional Administrators discretion to approve additional methods of disposal for soil and debris which have been contaminated by PCB's as a result of a spill.

NECESSITY FOR AMENDMENT

The current rule regarding soil and debris contaminated with PCB's restricts the methods of disposal to incineration or chemical waste landfill. On the other hand dredge spoils and municipal sewage treatment sludge may be disposed of by incineration, landfilling, or by a method to be determined be a Regional Administrator upon a finding that one of the specifically authorized methods is not reasonable or appropriate.

It is the contention of the State of North Carolina that the Regional Administrators should be given the same latitude to approve alternate methods of disposal for PCB contaminated soil and debris. It is North Carolina's view that in certain circumstances disposal of soil and debris by incineration or landfill is inappropriate and unreasonable for technical, environmental or economic reasons.

The Environmental Protection Agency modified its proposed regulations for PCB disposal during the hearing and comment phase of the rulemaking to allow discretion to Regional Administrators to approve alternate methods of disposal of municipal sewage treatment sludge and dredge spoil. In the explanation of its modification Environmental Protection Agency stated:

"These changes respond to comments that the proposed disposal requirements lacked necessary flexibility and would be impossible to comply with where • • • very large quantities of material contaminated at a low level with PCB's were concerned." FEDERAL REGISTER, Vol. 43, No. 34, p. 7152. North Carolina believes that alternate methods of disposal for large volumes of soil and debris contaminated at low levels should be reviewed in the same light as dredge spoil and sewage sludge.

PROPOSED AMENDMENTS

North Carolina proposes that the Environmental Protection Agency adopt one of the following amendments to 40 CFR 761.10(b) or any similar amendment which will give the Regional Administrator discretion to approve additional methods of disposal of large quantities of soil and debris contaminated at low levels with PCB's.

(1) Amend 40 CFR 761.10(b)(3) to add a new sub subdivision (iii) as follows:

"(iii) Upon application, a disposal method to be determined by the Agency's Regional Administrator in the EPA Region in which the PCB mixture is located. Applications for disposal in a manner other than prescribed in (i) or (ii) above must be made in writing to the Regional Administrator. The application must contain information that disposal in an incinerator or chemical waste landfill is not reasonable and appropriate, based on technical, environmental or economic considerations and information that the alternate disposal method will provide adequate protection to health and the environment. The Regional Administrator may request other information he or she believes to be necessary for evaluation of the alternate disposal method(s). Any approvals by the Regional Administrator shall be in writing and may contain any appropriate limitations on the approved alternate method for disposal. In addition to these regulations to ensure that the discharges of soil and debris which can be defined as PCB mixtures are adequately controlled to protect the environment from all contaminants contained therein. The person to whom such approval is issued must comply with all limitations contained in the approval."

(2) Amend 40 CFR 761.10(b)(4) by rewriting the portion thereof that precedes sub subdivision (i) as follows:

"(4) All dredge spoils and municipal sewage treatment sludges, that are PCB mixtures and all soil and debris of more than 10 thousand cubic yards which have been contaminated with PCB's as a result of a spill or series of spills shall be disposed of."

CONCLUSION

The petitioner requests the Administrator to promptly commence an appropriate proceeding in accordance with section 6 of the Toxic Substances Control Act to amend 40 CFR 761.10(b) as proposed herein.

This the 2d day of February, 1979.

Respectfully submitted,

JAMES B. HUNT, Jr.,
Governor.

RUFUS L. EDMISTEN,
Attorney General.

HERBERT L. HYDE,
Secretary of Crime Control and Public Safety.

W. A. RANEY, Jr.,
Special Deputy Attorney General, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602, (919) 733-5725.

EPA invites comment from all interested parties.

Dated: March 7, 1979.

STEVEN JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-7395 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1073-4; PP 8G2060/T181]

PESTICIDE PROGRAMS

Notice of Establishment of a Temporary Tolerance; Glyphosate

Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO

63166, has submitted a pesticide petition (PP 8G2060) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity sugarcane at 2 parts per million (ppm), resulting from the preharvest application of the plant growth regulator sodium sesqui salt or glyphosate. (A related document establishing food and feed additive regulations for residues of glyphosate in sugarcane molasses appears elsewhere in today's FEDERAL REGISTER.)

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (524-EUP-45) that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. *N*-nitrosoglyphosate appears in the formulations as a contaminant. However, no residues of the compound are present at detectable levels in the sugarcane. The temporary tolerance is being established for the plant growth regulator, therefore, with the following provisions:

1. The total amount of the plant growth regulator to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep the records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 5, 1981. Residues not in excess of 2 ppm remaining in or on sugarcane after this expiration date will not be considered actionable if the plant growth regulator is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this plant growth regulator indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, East Tower, 401 M St., SW, Washington DC 20460 (202/755-7013).

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

Dated: March 7, 1979.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 79-7396 Filed 3-9-79, 8:45 am]

[6560-01-M]

[FRL 1073-6]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

AGENCY: Office of Federal Activities, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of February 26 to March 2, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from March 9, 1979 and will end on April 23, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Kathi Weaver Wilson, Office of Federal Activities, A-104, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of February 26 to March 2, 1979, the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availablity of the EIS in the FEDERAL REGISTER and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: March 7, 1979.

JOSEPH M. MCCABE,
Acting Director,
Office of Federal Activities.

APPENDIX I

EIS'S FILED WITH EPA DURING THE WEEK OF FEBRUARY 26 TO MARCH 2, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.

Draft

Essential agricultural uses of natural gas, regulatory, February 26: Proposed is the determination of essential agricultural uses of natural gas by the Secretary of Agriculture under Section 401(c) of the Natural Gas Policy Act of 1978 (NGPA). This decision will determine exactly which users of natural gas will be allowed priority use under the NGPA after application for such au-

thority. Five sectors which include: Food processing, fertilizers, glass containers, irrigation, and crop drying, account for 95% of the interstate gas consumed in essential agricultural uses. (EIS Order No. 90206.)

FOREST SERVICE

Draft

Cedars Planning Unit, Clearwater National Forest, March 2: Clearwater and Shoshone Counties, Idaho, Mar. 2: Proposed is a land management plan for the Cedars Planning Unit in Clearwater and Shoshone Counties, Clearwater National Forest, Idaho. The preferred plan provides a full range of land allocations within the unit, from optimum timber production on some management units to a wilderness management unit. The seven alternatives considered range from a maximum production of tangible products (wood and forage) to environmental preservation (wilderness). (EIS Order No. 90238.)

Final

Snow Bowl Ski Area Proposal, Coconino National Forest, Coconino County, Ariz., February 28: This proposal describes six alternatives for the further development of the Snow Bowl Ski Area located in the Coconino National Forest, Coconino County, Arizona. The statement also discusses an access road to the Snow Bowl, which must coordinate with the plan for the ski area. The Snow Bowl is a 777-acre permitted Ski area which was discussed in the final EIS, San Francisco Peaks land use plan filed in December 1972, which emphasized winter sports as the major use. (USDA-FS-03-04-78-01.) Comments made by: USDA, EPA, DOI, AHP, State and local agencies, groups and individuals. (EIS Order No. 90215.)

Star Planning Unit, Kootenai National Forest, Several Counties, Idaho: Feb. 28: This action involves the implementation of a revised land management plan for the Star planning unit, Troy District, Kootenai National Forest, located in Lincoln, Montana, Bonner, and Boundary Counties, Idaho. The proposal affects approximately 27,274 acres of national forest lands that have been stratified into nine management units with similar resource situations. This plan recognizes the recreation potential along the Kootenai River, tangible resources such as wood fiber and intangible resources such as esthetics. Comments made by: DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 90220.)

Fremont National Forest, Timber Management Plan, Lake and Klamath Counties, Oreg., February 26: Proposed is a ten year management plan for the Fremont National Forest in Lake and Klamath Counties, Oregon. The initial annual program level proposes to harvest 66.50 million board feet. The alternatives consider: (1) intensive forest management, (2) nonintensive plan with no change in annual allowable cut, (3) low investment, and (4) intensive management with deviation from evenflow. (USDA-FS-R-6-FES-)(ADM)-78-4).) Comments made by: EPA, USDA, DOI, OEO, HUD, State and local agencies, Groups, individuals and businesses. (EIS Order No. 90207.)

SOIL CONSERVATION SERVICE

Final

Rush Creek Watershed, Fairfield, Hocking, Perry, Counties, Ohio, March 2: Proposed is a project for watershed protection, flood prevention, and fish and wildlife in Fairfield, Hocking, and Perry Counties, Ohio. Planned watershed measures consist of 7 single-purpose floodwater retarding structures, one multipurpose fish and wildlife and floodwater retarding structure, 23.0 miles of channel work, and 1.9 miles of dikes. (USDA-SCS-EIS-WS-(ADM)-77-2(F)-OH) Comments made by: COE, DOI, EPA, FERC, State agencies. (EIS Order No. 90229.)

Big Sandy Creek Watershed, Trinity River, Several Counties, Tex., March 2: Proposed is a watershed plan for the Big Sandy Creek Watershed in clay, Jack, Montague, Tarrant and Wise Counties, Texas. The plan, which is partially completed, includes: 1) 57 floodwater retarding structures, 2) 31 grade stabilization structures, 3) land treatment measures on upland soils, 4) land stabilization measures or area land treatment measures on 825 acres of privately owned land, and 5) stabilization measures on 1,455 acres of the LBJ National Grasslands. (USDA-SCS-EIS-WS-(ADM)-78-4-(F)-TX), Comments made by: COE, HEW, USCG, USDA, DOI, EPA, State and local agencies. (EIS Order No. 90231.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Big Blue Lake Project, Big Blue River, Construction, Hancock and Rush Counties, Ind., March 1: Proposed is the construction of the Big Blue Lake Project, a multipurpose project on the Big Blue River in Hancock and Rush Counties, Indiana. The project will provide flood control, general recreation, fish and wildlife recreation, and water supply storage. When completed the project will create a 2,898-acre lake and conservation pool and will require the acquisition, including flowage easement, of about 8,900 acres of land. Both structural and nonstructural measures were included. (Louisville District) (EIS Order No. 90225.)

Final

Pillar Point Marina, Regulatory Permit, San Mateo County, Calif. February 2: The San Mateo County Harbor District, El Granada, California has applied for a permit to develop a marina at the north end of Half Moon Bay near the communities of El Granada, Princeton within the confines of the existing breakwaters built in 1961. The project site is located approximately 20 miles south of San Francisco. The project will include the construction of new rubble-mound breakwaters inside the existing breakwaters, enclosing approximately 42 acres of water area. The new breakwaters would have a peripheral length of approximately 3,290 feet, providing wave and surge protection within the boat basins. (San Francisco District). Comments made by: DOC, DOI, EPA, State and local agencies, groups of individuals. (EIS Order No. 90212.)

Final

Lake Erie Generating Station, Permit Application, Chautauqua County, N.Y., March 2: Proposed is the construction, operation, and maintenance of the porposed 1700 megawatt, fossil fuel, steam generating station, Lake Eric Generating Station, by the Niagara Mohawk Power Corporation (Applicant) at a site in Pomfret or Sheridan, New York. The proposed generating station will utilize two low-sulfur, western coal-fired units to produce steam for the generation of electric power. The exhaust steam from two turbine generators will be cooled and condensed by using Lake Erie water pumped to the plant via pipeline and circulated through a single natural draft cooling tower. (Buffalo District) Comments made by: EPA, AHP, USDA, DOC, DOE, HEW, HUD, DOI, DOT, GSA. (EIS Order No. 90228.)

Freeport Harbor Enlargement and maintenance, Brazoria County, Tex., March 3: Proposed is the enlargement and realignment of an existing Federal navigation project located in Brazoria County, Texas. Plan implementation calls for deepening, widening, and realigning of channels; relocation of a U.S. Coast Guard Station; relocation of an existing jetty; realignment of the Gulf of Mexico entrance channel; relocation and enlargement of the Brazosport turning basin; and construction of a new upper turning basin. (Galveston District). Comments made by: EPA, DOC, DOI, DOT, USCG, USDA, DOE, AHP, State and local agencies. (EIS Order No. 90232.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Precious Coral Fisheries, Western Pacific, FMP, Pacific Ocean, March 3: Proposed is the implementation of a fishery management plan for three species of precious corals in the Western Pacific Region. The management measures will include: (1) catch quotas, (2) a minimum size for pink coral colonies, (3) establishment of closed beds or refugia, (4) requirement that all coral harvesting be done under permit, and (5) requirement that all coral harvesting be done under permit holders. (EIS Order No. 90239.)

Final

Port Fourchon Development Plan, Loan Approval La Fourche County, La., March 3: The proposed action is approval of a loan offer to the greater Lafourche port commission to fund the fourth phase of a multiport facility to accommodate the needs of fishing/seafood industry, recreation/tourism industry, the offshore oil industry and the Louisiana Offshore Oil Port, Inc. (LOOP) in Lafourche Parish, Louisiana. These actions will include channel dredging, relocation and maintenance of Belle Pass Entrance Channel, stone jetty and drainage improvements, dredging and stabilization of a floatation canal, and construction of a bulkhead. Comments made by: USDA, DOC, COE, DOI, DOT, USCG, groups. (EIS Order No. 90233.)

MARITIME COMMISSION

Final

Tank vessels engaged in domestic trade, programmatic, February 28: The proposal of this statement would provide assistance in

the construction of tank vessels in the guarantee of financial obligations (notes, bonds, etc.) including interest, that are obtained in the private market by U.S. Citizens for the construction of such vessels in United States Shipyards under Title XI Financing. The primary purpose of the program is to promote the growth and modernization of the U.S. Merchant Marine by enabling private owners to obtain long-term financing as is available to the larger, financially stronger corporations. (MA-EIS-7302-78051-F.) Comments made by: DOE, EPA, DOI, State agencies. (EIS Order No. 90216.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Pence, region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-4533.

Draft

WWT Facilities, Hanover Co. Phase II Area, Grant, Hanover County, Va., March 28: Proposed is a wastewater treatment facilities plan for Hanover County, Phase II area, Virginia. The area has been divided into seven service area planning units (SAPU's), the alternatives follow three scenarios: 1) Limited Build (LOCAL), 2) subregional, and 3) regional (Areawide) solutions. Land treatment potential is incorporated into all alternatives. The alternatives are grouped according to the SAPU's served as follows: Limited build will upgrade existing systems, subregional will involve combinations of SAPU's with a separate system for each subregion, and regional which will involve service to the entire Phase II area. (EIS Order No. 90213.)

Contact: Mr. John Hagan, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, (404) 257-7458.

Draft

Lake Apopka Restoration Project, Grant, Lake and Orange Counties, Fla., March 2: proposed is restoration of Lake Apopka located in Lake and Orange Counties, Florida. The preferred alternative is a drawdown process which simulates a drought, and will involve the installation of Coffer Dams, Access Roads, Pumping Stations, a settling basin, canals, and other necessary facilities. Monitoring of water quality and bottom conditions will be conducted for an undetermined period following refill. A drawdown of Lake Beauclair will follow the drawdown of Lake Apopka. (EPA 904/9-78-027.) (EIS Order No. 90236.)

Contact: Mr. Clinton Spotts, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 729-2716.

Draft

Vistron Petrochemical Complex, NDPES Permit, Calhoun County, Tex., February 28: Proposed is a NPDES permit for wastewater discharge from the Vistron Petrochemical complex into the Victoria Barge Canal, Calhoun County, Texas. The complex will be located on a 2, 3 acre site and will consist of a barge dock, utility system, and storage tanks; at full operation 90,000 barrels of high-sulfur crude oil and 25 million standard cubic feet of natural gas will be required daily. Three alternatives are included. (EIS Order No. 90219.)

Final

Lakeview Wastewater Treatment Facilities, Grant, Baxter County, February 27: This proposal considers the construction of a wastewater treatment (WWT) plant located in Lakeview, Baxter County, Arkansas, which is designed to serve 3,000 persons at 100 gallons/day for an average wastewater flow of 300,000 GPD in the 1995 design year. The collection system will serve the towns of Lakeview, Edgewood Bay, Leisure Hills, Bull Shoals State Park, Lakeview Recreation Area and the Gaston Road Area. Several alternatives were considered including no-action; upgrading one-site disposal system; construction of a municipal collection and treatment system; and participation in a regional system. Comments made by: AHP, USDA, DOC, HEW, DOI, COE, FEA, State and local agencies, groups, individuals and businesses. (EIS Order No. 90211.)

FEDERAL MARITIME COMMISSION

Mr. Paul Gonzalez, Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5835.

Final

Combi Line Joint Service Agreements, Modification, Atlantic Ocean Gulf of Mexico Foreign, March 2: Proposed is the approval, disapproval or modification of several agreements under combi line joint service agreement. This agreement pertains to a joint service which operates lighter-aboard-ship (lash) vessels and non-lash vessels between U.S. south Atlantic and Gulf ports, including places on tributary inland waterways, and ports in the United Kingdom/Erie and continental Europe, also including places on tributary inland waterways. Under the proposed agreement the four existing vessels will be modified to increase their TEU capacity and a fifth vessel will be added. Comments made by: DOI. (EIS order No. 90230.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6306.

Draft

Plankinton House and North Wing Addition, Milwaukee County, Wis., February 28: Proposed is the clearance of all improvements on urban renewal parcel 5-1 including the demolition of the Plankinton House and North Wing addition (the last remaining activity) located in Milwaukee County, Wisconsin. The alternatives considered are: (1) no Federal action, (2) project as proposed, and (3) with modification. Alternative 3 includes: (1) documentation of Plankinton House prior the demolition, or (2) removal and transfer of portions of the house, or (3) demolition of the north wing only. (HUD-RO5-EIS-79-04(D).) (EIS order No. 90205.)

Final

Northwood Hills subdivision, Shelby County, Tenn., February 27: Proposed is the Northwood Hills 736 unit subdivision. These units will be mostly single-family with some townhouse units. It is located in Northeast Shelby County, Tennessee. It is located in a rapidly growing sector of Shelby County, bounded on the south by Egypt Central Road, on the west by West Coleman Road, on the north by Bolen House Roads, and on the east by East Coleman Road. The purpose of the proposed project is the development of approximately 228.4 acres of undeveloped land to a large planned residential community offering only one housing type, the single-family detached home. (HUD-RO4-EIS-77-29F.) Comments made by: DOC, DOI, USDA, EPA, TVA, FERC, DOE, GSA, State and local agencies. (EIS order No. 90209.)

Final

Southbrook Addition Subdivision, Fort Worth, Tarrant County, Tex., March 1: Proposed for consideration is an application for HUD Home Mortgage Insurance submitted by Centennial Homes, Incorporated. The subdivision involved, Southbrook, will cover approximately 123 acres and contain about 546 single family units with an expected population of 1,900. The project is located in Fort Worth, Tarrant County, Texas. (HUD-RO6-EIS-79-4F) Comments made by: AHP, USDA, COE, VA, State and local agencies. (EIS order No. 90222.)

Paddock Subdivision, Harris County, Tex., March 2: Proposed is the issuance of HUD Home Mortgage Insurance for the Paddock Subdivision located in Harris County, Texas. When completed, the subdivision, which encompasses approximately 850 acres, is expected to consist of approximately 3,815 single family and patio homes. Also included as part of the project are shopping and recreation facilities. (HUD-RO6-EIS-9F-1979.) Comments made by: EPA, COE, USDA, AHP, DOT, DOI, State and local agencies. (EIS order No. 90235.)

Final

Village Park, Waipahu, Oahu Island, Honoluiu County, Hawaii, March 1: Proposed is the issuance of HUD Home Mortgage Insurance for the Village Park Subdivision, Waipahu, Oahu Island, Hawaii. The project is located on 316.4 acres and is expected to house an estimated 6,540 people. Development will provide 1,445 single family detached units, 310 condominium units, 4.5 acres of commercial land, a grade school and 2 parks. The balance of the land remains in Gulch, easements or unaccessible land. Alternative site designs and no project are considered. (HUD-RO9-EIS-78-6F.) Comments made by: DOT, USDA, USN, EPA, DOC, USAF, GSA, VA, State and local agencies, groups and businesses. (EIS order No. 90153.)

A notice of availability was published for the above statement in the February 20, 1979 FEDERAL REGISTER, and retracted in the March 5, 1978, FEDERAL REGISTER for reasons of non-distribution. The statement has been refiled with the comment period beginning on March 1, 1979 and ending on March 30, 1979.

SECTION 104(h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

Chelsea Waterfront Neighborhood Revitalization, Suffolk County, Mass., February

28: Proposed is the redevelopment and reconstruction of the Chelsea Naval Hospital site located in the city of Chelsea, Suffolk County, Massachusetts. The program includes: (1) a waterside public park of 26 acres; (2) construction of 1200 residential units including 200 duplex townhouses, 670 midrise apartments, 300 subsidized elderly apartments, and parking for 700 cars; (3) a marina for 250 boats and a 350 seat restaurant; and (4) 200,000 square feet of industrial use. Comments made by: HUD, EPA, FAA, COE, DOI, State and local agencies. (EIS Order No. 90217.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg. Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Carbon Basin Area, Coal Leasing Application, Carbon County, Wyo., February 27: Proposed is the leasing of Federal coal, the granting of associated rights-of-way and special land-use permits, for an area of approximately 15,494 acres in the Carbon Basin area, Carbon County, Wyoming. The lease will be obtained through competitive bidding. The special land-use permits involved: (1) one railroad spur, (2) one telephone line, (3) one access road, and (4) the relocation of a county road. (EIS Order No. 90208.)

Final

Palo Verde-Devers 500kV transmission line, several counties, in Arizona and California, March 1: The proposed action is the construction of a single-circuit 500 kV transmission line from the Palo Verde nuclear generating station near Buckeye, Arizona to Southern California. The transmission line will vary between 235 and 265 miles long depending on the route selected. The project includes upgrading one substation, adding to telecommunication sites and upgrading several others and construction of new access roads as needed. (FES-79-12.) Comments made by: AHP, COE, USDA, DOI, USCG, State and local agencies, groups, individuals and businesses. (EIS Order No. 90224.)

Star Lake, Bisti Regional Coal, Right-of-way, McKinley and San Juan Counties N. Mex., March 1: Proposed is the issuance of right-of-way for the construction and operation of a railroad and a high voltage transmission line to serve the coal mining in the Star Lake-Bisti region, McKinley and San Juan Counties, New Mexico. The applicants are: (1) Star Lake Railroad Company, and (2) the Public Service Company of New Mexico. No action, partial action and phased development are considered as alternatives. Also included is a full development scenario and a transportation alternative. (FES-79-11.) Comments made by: DOC, DOI, AHP, USDA, EPA, HEW, DOE, HUD, DLAB, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90221.)

BUREAU OF RECLAMATION

Final

Pecos River Basin Water Salvage Project, several counties in New Mexico and Texas, February 26: The proposed project is the continuation of a phreatophyte management program consisting of the selective clearing of saltcedar from the flood plain of the Pecos River, from Santa Rosa, New Mexico to Girvin, Texas. The 47,200 acre area of clearing extends through Guadalupe, De Baca, Chaves, and Eddy Counties in New Mexico and through Loring, Reeves, Ward, Crane, and Pecos Counties in Texas. (FES-79-9.) Comments made by: AHP, DOI, DOT, EPA, FERC, USDA, COE, State and local agencies, groups and individuals. (EIS Order No. 90203.)

GEOLOGICAL SURVEY

Final

Spring Creek Mine, Mining Reclamation, Permit Big Horn Horn County, Mont., February 28: Proposed is a surface mining and reclamation plan for the Spring Creek Mine, Big Horn County, Montana, submitted by the Spring Creek Coal, Company. The company proposes to open a new mine, complete with plant, loading facilities, haul and access roads, and railroad spur, extending northwest from the Decker Mine. An estimated 243 million tons of low-sulfur coal would be removed from an area of about 1,850 acres within the 4,420-acre permit area. (FES-79-10.) Comments made by: AHP, FERC, USDA, HEW, COE, HUD, DOI, State and local agencies groups and businesses. (EIS Order No. 90218.)

DEPARTMENT OF JUSTICE

Contact: Mr. Lois Schiffer, Chief, General Litigation, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, (202) 633-2704.

Draft

Federal Detention Center, Construction, Tucson, Pima County, Ariz., March 2: Proposed is the construction of a new Federal detenetion center in Tucson, Pima County, Arizona. The complex will contain a gross area of approximately 40,000 square feet of low profile buildings, on a 40 acre site. The facility will house approximately 200 Federal prisoners and will be master planned for possible future expansion to house 350. (BOP-TUC-Z21.) (EIS Order No. 90240.)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Contact: Mr. W. Anderson Barnes, Executive Director, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Suite 1148, Washington, D.C. 20004.

Final Supplement

Market Square, Archives and Record Service Annex, District of Columbia, March 2: This statement supplements a final EIS filed in September 1974. Proposed is the construction of a National Archives and Records Service Annex in the Market Square Area of Pennsylvania Avenue, Northwest, in the District of Columbia. The structure will encompass approximately 1.3 million square feet. The annex will include research, office, storage, exhibit and dining areas in addition to a theater and a tunnel connecting it to the archives building. This document contains comments and responses only. Comments made by: DJUS, DCOL, TREA, DOI, EPA, local agencies, businesses. (EIS Order No. 90241.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Albany County Airport, Extension of Runway 1-19, Albany County, N.Y., March 2: Proposed are improvements for the Albany County Airport located in Albany County, New York. The project will involve: (1) extension of runway 1-19, (2) relocation and modification of approach lighting system, (3) extension and modification of parallel runway, (4) modification of drainage facilities, (5) relocation of the modification of drainage facilities, (6) relocation of the instrument landing system glide slope mast and other navigational aids, and (7) aquisition of 11 acres of land. Six alternatives are considered. (EIS Order No. 90237.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-85, Charlotte Bypass, NC-273 to U.S. 29/NC-49, Gaston and Mecklenburg Counties, N.C., February 26; Proposed is the upgrading of approximately 15.6 miles of existing I-85 through Charlotte from NC-273 in Gaston, County to the U.S. 29/NC-49 connector in Macklenburg County, all within North Carolina. The proposed improvements consist of widening the existing roadway from four to six lanes and reconstructing all deficient interchanges and structures. The alternatives considered include: (1) Mass transit, (2) a reduced facility concept, (3) the major design alternative, and (4) do nothing. (FHWA-NC-EIS-78-03-D.) (EIS Order No. 90204.)

Draft

Mary Clark Expressway, Construction, Berkeley and Charleston, S.C., March 1: Proposed is the construction of the Mary Clark Expressway in Berkeley and Charleston Counties, South Carolina, from Virginia Avenue Easterly across the Cooper and Wando Rivers to a terminus at either the U.S. 17 bypass or U.S. 17 at Mt. Pleasant. The four-lane freeway segment would be built entirely on new location and would provide direct service between the North Charleston and Mt. Pleasant areas in Charleston County and including the Thomas and Daniel Island areas of Berkeley County. The proposed freeway will be approximately nine miles in length. (FHWA-SC-EIS-79-01-D.) (EIS Order No. 90226.)

Final

Death Valley Road, CA-168 to Death Valley National Monuments, Inyo County, Calif., February 26: Proposed is the improvement of Death Valley Road, RSW658, which extends about 62.4 miles from CA-168 near Big Pine to the northern boundary of Death Valley National Monument near Ubehebe Crater in Inyo County, California. Plans call for the pavement of portions which are now gravel, realignment of isolated sections, and upgrading of the roadway to increase safety. The project will displace 44 acres of vegetation and wildlife, and will increase noise, litter and secondary air pollution. (FHA-CA-EIS-77-03-F.) Comments made by: DOT, COE, USDA, DOI, State agencies, groups. (EIS Order No. 81243.)

A notice of availability was published for the above statement in the December 4, 1978, Federal Register, and retracted in the

January 8, 1979, FEDERAL REGISTER for reasons of non-distribution. The statement has been refiled with the comment period beginning February 26, 1979, and ending on March 27, 1979.

Final

Elkader Bypass, Iowa 13, Clayton County, Iowa, February 27: The proposed project involves the improvement of a segment of Iowa 13 in Clayton County in northeast Iowa. The proposed improvement provides for a two-lane facility for a length of approximately 2.4 miles. This statement studies four alingments, including three relocations and one reconstruction of the existing Iowa 13. Alternates are: (1) Two-lane facility following present alignment, (2) two-lane eastern bypass, proceeding northeast, rejoining existing alignment, (3) two-lane partial bypass, proceeding north, rejoining Iowa 13, and (4) two-lane bypass paralleling alternate 2. (FHWA-IOWA-EIS-78-02-F.) Comments made by: DOI, EPA, USDA, HUD, COE, DOT, State and local agencies, groups. (EIS Order No. 90210.)

TN-42, Algood Bypass to the Livingston Bypass, Overton Counties, Tenn., March 1: Proposed is the construction of State Route 42 in Putnam and Overton Counties, Tennessee. The 13-mile project begins at the proposed Algood Bypass and extends in a northeasterly direction on new location to south of the Livingston Bypass. Plans call for construction of a 4-lane divided highway on a minimum right-of-way width of 250 feet utilizing various proposed typical roadway sections. (FHWA-TN-EIS-76-06-F.) Comments made by: DOI, HUD, DOT, EPA, USDA, TVA, local agencies. (EIS Order No. 90227.)

Final

Northfield-Williamstown Highway, VT-12 to I-89, Orange and Washington Counties, Vt., March 2: The proposed action is the reconstruction of approximately 2.6 miles of the existing Northfield-Williamstown Highway, Washington and Orange Counties from a point on Vermont Route 12 in the Hamlet of South Northfield, and extending easterly to the I-89 interchange. The proposed improvement is a two-lane highway and each of the proposed alternate routings utilize portions of existing right-of-way as well requiring some new right-of-way. Also included in this proposal is realigning and widening of a short segment of VT-12 at its intersection with the proposed facility. (FHWA-VT-EIS-78-02-F.) Comments made by: DOI, EPA, HUD, State agencies. (EIS Order No. 90234.)

Draft Supplement

Primary Highway Extension, I-95 to Wilmington, several counties in North Carolina, February 28: This statement supplements a draft EIS filed in November 1977 concerning the extension of I-40 from Raliegh to Wilmington, North Carolina. This statement is concerned with the portion of the project between the proposed terminus of I-40 and I-95 near Benson to Wilmington. The four-lane facility would extend for a distance of 91.5 miles, with full access control. Alternatives include: (1) No build with improvements to existing facilities, (2) an expressway, and (3) eight freeway construction location alternatives, the project will pass through the counties of Johnston, Sampson, Dublin, Pender and New Hanover.

(FHWA-NC-EIS-77-07-DS.) (EIS Order No. 90214.)

EIS's FILED DURING THE WEEK OF FEBRUARY 26 TO MARCH 2, 1979

[Statement Title Index—By State and County]

State	County	Status	Statement title	Accession No.	Date filed	Orig. Agency No.
Arizona	Several	Final	Palo Verde-Devers 500KV Transmission Line.	90224	03-01-79	DOI
	Coconino	Final	Snow Bowl Ski Area Proposal, Coconino NF.	90215	02-28-79	USDA
	Pima	Draft	Federal Detention Center, Construction, Tucson.	90240	03-02-79	DJUS
Arkansas	Baxter	Final	Lakeview Wastewater Treatment Facilities, Grant.	90211	02-27-79	EPA
Atlantic Ocean		Final	Combi Line Joint Service Agreements, Modification.	90230	03-02-79	FMC
California	Several	Final	Palo Verde-Devers 500KV Transmission Line.	90224	03-01-79	DOI
	Inyo	Final	Death Valley Road, CA., 168 TO D. Valley Nat'l Mon.	81243	02-26-79	DOT
	San Mateo	Final	Pillar Point Marina, Regulatory Permit	90212	02-27-79	COE
District of Columbia		Supple	Market Square, Archives and Record Service Annex.			90241
					03-02-79	PADC
Florida	Lake	Draft	Lake Apopka Restoration Project, Grant	90236	03-02-79	EPA
	Orange	Draft	Lake Apopka Restoration Project, Grant	90236	03-02-79	EPA
Foreign		Final	Combi Line Joint Service Agreements, Modification.	90230	0302-79	FMC
Gulf of Mexico		Final	Combi Line Joint Service Agreements, Modification.	90230	03-02-79	FMC
Hawaii	Honolulu	Final	Village Park, Waipauhu, Oahu Island	90153	03-01-79	HUD
Idaho	Several	Final	Star Planning Unit, Kootenai NF	90220	02-28-79	USDA
	Clearwater	Draft	Cedars Planning Unit, Clearwater NF	90238	03-02-79	USDA
	Shoshone	Draft	Cedars Planning Unit, Clearwater NF	90238	03-02-79	USDA
Indiana	Hancock	Draft	Big Blue Lake Project, Big Blue River, Construction.	90225	03-01-79	COE
	Rush	Draft	Big Blue Lake Project, Big Blue River, Construction.	90225	03-01-79	COE
Iowa	Clayton	Final	Elkader Bypass, Iowa 13	90210	02-27-79	DOT
Louisiana	Lafourche	Final	Port Fourchon Development Plan, Loan Approval.	90233	03-02-79	DOC
Massachusetts	Suffolk	Final	Chelsea Waterfront Neighborhood Revitalization.	90217	02-28-79	HUD
Montana	Big Horn	Final	Spring Creek Mine, Mining/Reclamation, Permit.	90218	02-28-79	DOI
New Mexico	Several	Final	Pecos River Basin Water Salvage Project	90203	02-26-79	DOI
	McKinley	Final	Star Lake, Bisti Regional Coal, Right-of-way.	90221	03-01-79	DOI
	San Juan	Final	Star Lake, Bisti Regional Coal, Right-of-way.	90221	03-01-79	DOI
New York	Albany	Draft	Albany County Airport, Extension of Runway 1-19.	90237	03-02-79	DOT
	Chautauqua	Final	Lake Erie Generating Station, Permit Application.	90228	03-02-79	COE
North Carolina	Several	Supple	Primary Highway Extension, I-95 to Wilmington.	90214	02-28-79	DOT
	Gaston	Draft	I-85, Charlotte Bypass, NC-273 to U.S. 29/NC-49.	90204	02-26-79	DOT
	Mecklenburg	Draft	I-85, Charlotte Bypass, NC-273 to U.S. 29/NC-49.	90204	02-26-79	DOT
Ohio	Fairfield	Final	Rush Creek Watershed	90229	03-02-79	USDA
	Hocking	Final	Rush Creek Watershed	90229	03-02-79	USDA
	Perry	Final	Rush Creek Watershed	90229	03-02-79	USDA

EIS's Filed During the Week of February 26 to March 2, 1979—Continued

[Statement Title Index—By State and County]

State	County	Status	Statement title	Accession No.	Date filed	Orig. Agency No.
Oregon	Klamath	Final	Fremont National Forest, Timber Management Plan.	90207	02-26-79	USDA
	Lake	Final	Fremont National Forest, Timber Management Plan.	90207	02-26-79	USDA
Pacific Ocean		Draft	Precious Coral Fisheries, Western Pacific, FMP.	90239	03-02-79	DOC
Programmatic		Final	Tank Vessels Engaged in Domestic Trade	90216	02-28-79	DOC
Regulatory		Draft	Essential Agricultural Uses of Natural Gas.	90206	02-26-79	USDA
South Carolina	Berkeley	Draft	Mary Clark Expressway, Construction	90226	03-01-79	DOT
	Charleston	Draft	Mary Clark Expressway, Construction	90226	03-01-79	DOT
Tennessee	Overton	Final	TN-42, Algood Bypass the Livingston Bypass.	90227	03-01-79	DOT
	Putnam	Final	TN-42, Algood Bypass the Livingston Bypass.	90227	03-01-79	DOT
	Shelby	Final	Northwood Hills Subdivision	90209	02-27-79	HUD
Texas	Several	Final	Pecos River Basin Water Salvage Project	90203	02-28-79	DOI
	Several	Final	Big Sandy Creek Watershed, Trinity River.	90231	03-02-79	USDA
	Brazoria	Final	Freeport Harbor Enlargement and Maintenance.	90232	03-02-79	COE
	Calhoun	Draft	Vistron Petrochemical Complex, NDPES Permit.	90219	02-28-79	EPA
	Harris	Final	Paddock Subdivision	90235	03-02-79	HUD
	Tarrant	Final	Southbrook Addition Subdivision, Fort Worth.	90222	03-01-79	HUD
Vermont	Orange	Final	Northfield-Williamstown, VT-12 to I-89	90234	03-02-79	DOT
	Washington	Final	Northfield-Williamstown, VT-12 to I-89	90234	03-02-79	DOT
Virginia	Hanover	Draft	WWT Facilities, Hanover Co. Phase II Area, Grant.	90213	02-28-79	EPA
Wisconsin	Milwaukee	Draft	Plankinton House and North Wing Addition.	90205	02-26-79	HUD
Wyoming	Carbon	Draft	Carbon Basin Area, Coal Leasing Application.	90208	02-27-79	DOI

Appendix II.—*Extension Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notices of availability published in "Federal Register"	Waiver/ extension	Data review termination
None					

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
Department of Transportation				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.	Pinson Valley Parkway Extension, AL-79.	Draft	Filed with EPA, May 6, 1971.	01/31/79

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				

[FR Doc. 79-7440 Filed 3-9-79; 8:45 am]

[1505-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1064-8; OPP-180172F]

USE OF FERRIAMICIDE IN MISSISSIPPI

Correction

In FR Doc. 79-5742 appearing at page 11111 in the issue for Tuesday, February 27, 1979, on page 11113 in the third column the last full sentence in the first full paragraph should be replaced by the following:

However, the Mississippi Authority has reported the results of field trials conducted in Florida and Mississippi in 1977, using aerial application at one pound per acre. The Florida field trials resulted in a 90% mound reduction; the Mississippi field trials resulted in an 87.2% mound reduction.

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Docket No. 79-11]

DEL MONTE CORP. v. MATSON NAVIGATION CO.

Filing of Complaint

Notice is hereby given that a complaint filed by Del Monte Corporation against Matson Navigation Company was served March 2, 1979. The complaint alleges that respondent has refused to pay for loss and damage to complainant's cargo while paying similar claims to others, in violation of 46 U.S.C. 812(c) (section 14 Fourth (c) of the Shipping Act, 1916).

Hearing in this matter, if any is held, shall commence on or before September 2, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-7244 Filed 3-9-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

FINANCIAL PRIVACY ACT

Withdrawal of Proposed Statement of Customer Rights

AGENCY: The Board of Governors of the Federal Reserve System.

ACTION: Withdrawal of Proposed Statement of Customer Rights under the "Right to Financial Privacy Act of 1978."

SUMMARY: By Act of Congress, approved March 7, 1979, section 1104(d) of Pub. L. 95-630, the "Right to Financial Privacy Act of 1978," has been repealed.

Accordingly, on behalf of the Board of Governors, I hereby withdraw the Board's Proposed statement setting forth customers' financial privacy rights, published for comment on February 2, 1979 (44 FR 6770).

As a consequence of the repeal of section 1104(d), the Act no longer requires the Board to prepare a general statement of customer rights, and no longer requires financial institutions to notify their customers of these rights under the new law.

The Act continues to require Federal agencies to notify customers about certain rights under the financial privacy law in ten different instances. Thus, repeal of the section 1104(d) requirements does not appear to impair protections that the new law gives to customers of financial institutions.

THEORDORE E. ALLISON,
Secretary of the Board.

MARCH 7, 1979.

[FR Doc. 79-7412 Filed 3-9-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 6, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected business-

es. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 30, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of the recordkeeping and reporting requirements in 10 CFR Part 40, Domestic Licensing of Source Material. This part of NRC's regulations establishes procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source material and establishes and provides for the terms and conditions upon which the Commission will issue such licenses. Section 40.61 specifies the overall record retention requirements applicable to source material licensees for cases in which retention periods are not otherwise specified in the regulations. Section 40.64(b) requires that certain licensees file an annual inventory report of source material. Section 40.64(c) requires reports to be filed with the Commission in the event that an unlawful diversion or attempted diversion of specified quantities of source material occurs. Section 40.65 requires certain licensees to submit semi-annual reports of the quantities of radioactive materials released to unrestricted areas. The NRC estimates that approximately 400 licensees are affected by these requirements and that the burden for section 40.61 averages 40 minutes annually; for § 40.64(b) burden averages 2 hours annually; for § 40.64(c) burden averages 2 hours annually; and for § 40.65 burden averages 5 hours per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-7305 Filed 3-9-79; 8:45 am]

[6820-25-M]

GENERAL SERVICES ADMINISTRATION

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE, ADP PROCUREMENT

Meeting

Notice is hereby given that the General Services Administration (GSA) will sponsor a public workshop to discuss its Draft Remote Terminal Emulation handbooks (formerly referred to as Guidance Documents) on Wednesday, April 25, 1979, from 8:30 a.m. to 12 noon at the GSA Central Office Auditorium at 18th and F Streets NW., Washington, D.C.

Background. Remote terminal emulation is a benchmarking technique that can be used to test the performance of a teleprocessing (TP) computer system that would be impractical to test with the total planned network of computers, terminal devices, and data communication facilities. GSA is preparing a Federal Procurement Regulation (FPR) and two handbooks that will (1) restrict when and how Federal agencies can use emulation during competitive ADP procurements and (2) specify the emulation capabilities that ADP vendors should possess to qualify to bid on most Federal TP system procurements. The handbooks are:

(1) Use of Remote Terminal Emulation in Federal ADP System Procurements, and

(2) Remote Terminal Emulation Specifications for Federal ADP System Procurements.

An agency that issues a request for proposal after the effective date of the FPR (and the accompanying handbooks) may disqualify any vendor that does not provide the emulation capabilities specified in the handbooks and required by the agency, except under extraordinary circumstances. However, an agency may not require a vendor to provide more emulation capabilities than specified in the handbooks. The anticipated effective date is September 1979.

Purpose of meeting. The workshop will serve as a forum to brief the public on the two Remote Terminal Emulation handbooks, to receive comments, and to answer questions concerning the handbooks. The workshop is open to the public, but attendance may be limited depending upon available space.

General information. Individuals and organizations desiring copies of the draft handbooks or needing additional information pertaining to the workshop should submit their requests to: General Services Administration (CCD), Washington, D.C. 20405, Attn: Mr. Gerald W. Findley, Director, Special Projects Staff, Telephone (202) 566-1076.

Dated: February 27, 1979.

FRANK J. CARR,
Commissioner, Automated Data and Telecommunications Service.

[FR Doc. 79-7299 Filed 3-9-79; 8:45 am]

[1505-01-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0249]

BUCLIZINE HYDROCHLORIDE

Final Order on Objections and Request for a Hearing Regarding Approval of Supplemental New Drug Application

Correction

In FR Doc. 79-1739 appearing at page 4012 in the issue for Friday, January 19, 1979, make the following correction: On page 4012, in the last column, under the heading, "FOR FURTHER INFORMATION CONTACT", the telephone number given should be "(301-443-4020)".

[1505-01-M]

[Docket No. 78N-0311]

DRUGS FOR VETERINARY USE; DRUG EFFICACY STUDY IMPLEMENTATION

Nitrofurazone Topical Preparations

Correction

In FR Doc. 79-1837 appearing at page 4014 in the issue for Friday, January 19, 1979, make the following corrections:

(1) On page 4014, in the middle column, under the heading, "DATE", substitute "July 18, 1979" for "July 30, 1979".

(2) On page 4015, in the last column, in the 2nd full paragraph, in the 4th line, substitute "July 18, 1979" for "July 30, 1979".

[4110-84-M]

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HS (Health Services Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 10463, March 20, 1974, as amended most recently at 43 FR 37764, August 24, 1978) is amended to reflect the transfer of the legislative function from the Office of Program Development to the Division of Policy Development within the Bureau of Community Health Services.

Section HS-B, Organization and Functions, is amended as follows: Under the Bureau of Community Health Services (HSP) make the following changes:

(1) Delete item 5 from the functional statement for the Office of Program Development (HSP13) and renumber 6 as 5.

(2) Amend the functional statement for the Division of Policy Development (HSPG) by adding the following sentence: "; and (3) coordinates the development of the BCHS Legislative Program."

Dated: March 2, 1979.

L. DAVID TAYLOR,
Acting Assistant Secretary for Management and Budget.

[FR Doc. 79-7397 Filed 3-9-79; 8:45 am]

[1505-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. 79-543]

ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

Delegation of Authority

Correction

In FR Doc. 79-5321 appearing at page 10554 in the issue for Wednesday, February 21, 1979, the last word of the sixth line of this authority delegation, which now reads "Agricultural" should read "Architectural".

[4210-01-M]

[Docket No. D-79-546]

ACTING AREA MANAGER, DETROIT AREA OFFICE, REGION V

Designation and Delegation of Authority

AGENCY: Department of Housing and Urban Development, Region V.

ACTION: Designation and delegation of authority.

SUPPLEMENTARY INFORMATION: Designation of *Acting Area Manager*—Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Managers: Provided, that no official is authorized to serve as Acting Area Manager unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager.
2. The Director of Housing.
3. The Area Counsel.

4. The Director, Community Planning & Development.

EFFECTIVE DATE: This designation and delegation shall be effective as of October 31, 1978.

STEPHEN W. BROWN,
Area Manager,
Detroit Area Office.

[FR Doc. 79-7340 Filed 3-9-79; 8:45 am]

[4210-01-M]

[Docket No. D-79-547]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Atlanta Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Atlanta Area Office.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street, N.E., Atlanta, Georgia 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR ATLANTA AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Area Counsel.
5. Director, Fair Housing and Equal Opportunity Division.

This designation supersedes the designation effective June 18, 1978, (43 FR 3986, September 7, 1978).

(Delegation of Authority by the Secretary effective October 1, 1978, (36 FR 3389, February 23, 1971).)

This designation shall be effective as of October 12, 1978.

WILLIAM A. HARTMAN, Jr.,
Area Manager,
Atlanta Area Office.
A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 79-7341 Filed 3-9-79; 8:45 am]

[4210-01-M]

[Docket No. D-79-548]

CARIBBEAN AREA OFFICE

Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Manager.* Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions and duties redelegated or assigned to the Area Manager: Provided, that no official as authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager.
2. The Director, Administrative Management Division.
3. The Director, Housing Division.
4. The Director, Community Planning and Development Division.
5. The Area Counsel.

Effective Date. This designation and delegation shall be effective as of January 4, 1979.

THOMAS APPLEBY,
Regional Administrator,
New York Regional Office.

[FR Doc. 79-7342 Filed 3-9-79; 8:45 am]

[4210-01-M]

[Docket No. D-79-545]

DESIGNATION OF AUTHORITY

AGENCY: Department of Housing and Urban Development, Region I.

ACTION: Designation of Authority—Order of Succession.

SUMMARY: This document designates the order of succession to the position of Acting Regional Administrator, in the absence of the Regional Administrator and the Deputy Regional Administrator.

EFFECTIVE DATE: July 28, 1978.

SUPPLEMENTARY INFORMATION: During any period when, by reason of absence or disability, neither the Regional Administrator nor the Deputy Regional Administrator is available to exercise the powers and perform the duties of the Regional Administrator,

appointees to the positions listed below are authorized to act as Regional Administrator and exercise all the powers, functions and duties assigned to or vested in the Regional Administrator. However, no official shall act as Regional Administrator until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability or vacancy in office.

1. Director, Office of Regional Housing.
2. Regional Counsel.
3. Director, Office of Regional Administration.
4. Director, Office of Regional Community Planning and Development.
5. Director, Office of Regional Fair Housing and Equal Opportunity.

This designation supersedes the designation effective January 2, 1975.

Issued at Boston, Massachusetts, July 28, 1978.

EDWARD T. MARTIN,
Regional Administrator, Region I, Department of Housing and Urban Development.

[FR Doc. 79-7339 Filed 3-9-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14883-A]

ALASKA

Alaska Native Claims Selection

On November 19, 1974, Kwethluk Incorporated, for the Native village of Kwethluk, filed selection application F-14883-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act December 18, 1971 (85 Stat. 688, 701, 43 U.S.C. 1601, 1611(a) (Supp. V, 1975)), for the surface estate of lands located in the Kwethluk area.

As to the lands described below, the application is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 131,463 acres, is considered proper for acquisition by Kwethluk Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 6 N., R. 67 W.,
Secs. 4 and 5, all;
Secs. 8 and 9, all;
Secs. 16 and 17, all;
Secs. 20, 21 and 22, all;
Secs. 27 and 28, all;
Sec. 31, all;
Sec. 34, all.

Containing approximately 8,309 acres.

T. 7 N., R. 67 W.,
Sec. 1, all;
Sec. 2, excluding Native allotment F-17072 Parcel C;
Secs. 3 to 7, inclusive, all;
Secs. 11 and 12, all;
Secs. 17 to 20, inclusive, all;
Secs. 28, 29 and 30, all;
Secs. 32 and 33, all.

Containing approximately 11,307 acres.

T. 8 N., R. 67 W.,
Secs. 5 to 9, inclusive, all;
Secs. 17 to 20, inclusive, all;
Secs. 29, 30 and 31, all;
Sec. 32, excluding Native allotment F-029105 Parcel B;
Secs. 33 to 36, inclusive, all.

Containing approximately 10,660 acres.

T. 6 N., R. 68 W.,
Secs. 1 to 9, inclusive, all;
Sec. 10, excluding Native allotment F-17216;
Secs. 11 to 14, inclusive, all;
Sec. 15, excluding Native allotments F-17050 Parcel B and F-17216;
Sec. 16, all;
Secs. 22 and 23, all;
Sec. 24 excluding Native allotment F-19254 Parcel B;
Sec. 25, excluding Native allotments F-16016 and F-17204 Parcel B;
Sec. 26, all;
Sec. 35, all;
Sec. 36, excluding Native allotments F-16016 and F-16008 Parcel A.

Containing approximately 14, 027 acres.

T. 7 N., R. 68 W.,
Secs. 1 and 2, all;
Sec. 3, excluding Native allotment F-17212 Parcel B;
Secs. 4 to 7, inclusive, all;
Sec. 8, excluding Native allotments F-17221 Parcel B, F-17210 Parcel C and F-17222;
Sec. 9, excluding Native allotment F-17222;
Sec. 10, excluding Native allotment F-17212 Parcel C;
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-16015;
Secs. 14 and 15, all;
Sec. 16, excluding Native allotments F-17214 Parcel A and F-17057 Parcel A;
Sec. 17, excluding Native allotment F-17214 Parcel A;
Sec. 18, excluding Native allotment F-17072 Parcel B;
Sec. 19, excluding Native allotments F-17061 Parcel A, F-16807 Parcel B and F-16803;
Sec. 20, excluding Native allotments F-16803, F-17214 Parcel A and F-17015 Parcel A;
Sec. 21, excluding Native allotments F-17214 Parcel A and F-16013 Parcel A;
Secs. 22 to 27, inclusive, all;
Sec. 28, excluding Native allotment F-16724 Parcel C;
Secs. 29 to 36, inclusive, all.

Containing approximately 21,655 acres.

T. 8 N., R. 68 W.,
Secs. 1 to 18, inclusive, all;
Sec. 19, excluding Native allotment F-17099 Parcel B;
Secs. 20 to 27, inclusive, all;
Sec. 28, excluding Native allotments F-19262 Parcel A and F-17099 Parcel A;
Sec. 29, excluding Native allotments F-19262 Parcel A and F-17211;
Sec. 30, excluding Native allotments F-17099 Parcel B, F-19262 Parcel B, F-025345 Parcel B, F-17073 Parcel A and F-17060 Parcel B;
Sec. 31, excluding Native allotment F-17212 Parcel D;
Sec. 32, excluding Native allotments F-17212 Parcel D and F-17211;
Sec. 33, excluding Native allotments F-17073 Parcel B, F-17212 Parcel A and F-16009;
Secs. 34, 35 and 36, all.

Containing approximately 21,769 acres.

T. 9 N., R. 68 W.,
Sec. 22, excluding the Kuskokuak Slough and Native allotments F-16595 and F-16592;
Sec. 23, excluding the Kuskokuak Slough and Native allotments F-16592;
Secs. 24, 25 and 26, excluding the Kuskokuak Slough;
Sec. 27, excluding the Kuskokuak Slough and Native allotment F-17220 Parcel B;
Sec. 28, excluding the Kuskokuak Slough and Native allotment F-13380;
Sec. 29, excluding the Kuskokuak Slough;
Sec. 30, excluding the Kuskokuak Slough and Native allotment F-17206 Parcel B;
Sec. 31, excluding the Kuskokuak Slough and Native allotment F-17080;
Sec. 32, excluding the Kuskokuak Slough and Native allotments F-17080 and F-17214 Parcel B;
Sec. 33, excluding the Kuskokuak Slough;
Sec. 34, all;
Sec. 35, excluding the Kuskokuak Slough and Native allotments F-17213, F-17069 and F-17215;
Sec. 36, excluding the Kuskokuak Slough and Native allotments F-17069 and F-17215.

Containing approximately 7,030 acres.

T. 7 N., R. 69 W.,
Sec. 1, all;
Sec. 2, excluding Native allotment F-16182 Parcel A;
Sec. 3, excluding Native allotment F-17219 Parcel A;
Sec. 11, excluding Native allotments F-16181 Parcel A, F-16481 Parcel B, F-17607 and F-16182 Parcel B;
Sec. 12, excluding Native allotments F-17050 Parcel C and F-17052 Parcel B;
Sec. 13, excluding Native allotment F-17210 Parcel B.

Containing approximately 3,217 acres.

T. 8 N., R. 69 W.,
Sec. 1, excluding Native allotment F-17207;
Sec. 2, excluding the Kuskokuak Slough;
Sec. 3, excluding the Kuskokuak Slough and Native allotment F-17214 Parcel B;
Sec. 4, excluding the Kuskokuak Slough, Tract C of U.S. Survey No. 4221 and Native allotments F-17221 Parcel A, F-16481 Parcel A, F-17057 Parcel B and F-17072 Parcel A;
Sec. 5, excluding the Kuskokuak Slough, Tracts A, C and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17050 Parcel A and F-17070 Parcel A;
Sec. 6, excluding the Kuskokwim River, Kuskokuak Slough, Tracts A, B and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17076 Parcel A, F-17218 Parcel C, F-17219 Parcel B and F-13559 Parcel A;
Sec. 7, excluding the Kuskokuak Slough and Native allotments F-13559 Parcel A, F-17060 Parcel A and F-19257 Parcel A;
Sec. 8, all;
Sec. 9, excluding Native allotments F-17072 Parcel A, F-17210 Parcel A and F-19256 Parcel B;
Secs. 10 and 11, excluding the Kuskokuak Slough and Native allotment F-16483 Parcel B;
Sec. 12, excluding the Kuskokuak Slough and Native allotments F-17207, F-17217 Parcel A and F-17206 Parcel A;
Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17066 Parcel B;
Sec. 14, excluding the Kuskokuak Slough and Native allotments F-16724 Parcel B and F-13611;
Sec. 15, excluding the Kuskokuak Slough and Native allotments F-13611, F-17053 and F-17204 Parcel A;
Sec. 16, excluding Native allotments F-18289 Parcel B and F-17217 Parcel B;
Sec. 17, excluding Native allotments F-17217 Parcel B, F-17076 Parcel B and F-17067 Parcel A;
Sec. 18, excluding Native allotment F-17055;
Sec. 19, excluding Native allotment F-19260;
Sec. 20, excluding Native allotments F-13781 Parcel B and F-19260;
Sec. 21, excluding Native allotment F-13781 Parcel B;
Sec. 22, excluding the Kuskokuak Slough and Native allotment F-17053;
Sec. 23, excluding the Kuskokuak Slough and Native allotments F-17067 Parcel B, F-17205, F-13781 Parcel A and F-17052 Parcel A;
Sec. 24, excluding Native allotment F-17059 Parcel A;
Sec. 25, excluding Native allotments F-14189, F-025345 Parcel B and F-17078 Parcel A;
Sec. 26, excluding Native allotment F-17054 Parcel A;
Sec. 27, all;
Sec. 28, excluding Native allotment F-17015 Parcel C;
Sec. 29, excluding Native allotments F-19260 and F-13781 Parcel B;
Sec. 30, excluding Native allotment F-19260;
Secs. 31, 32 and 33, all;
Sec. 34, excluding Native allotment F-17219 Parcel A;
Sec. 35, excluding Native allotment F-17218 Parcel B;
Sec. 36, all.

Containing approximately 17,878 acres.

T. 9 N., R. 69 W.,
Secs. 25 and 26, excluding the Kuskokwim River;
Sec. 27, all;
Sec. 34, all;
Sec. 35, excluding the Kuskokwim River and Native allotment F-17079;
Sec. 36, excluding the Kuskokuak Slough and Native allotment F-17050 Parcel A.

Containing approximately 2,905 acres.

T. 8 N., R. 70 W.,

Sec. 1, excluding the Kuskokwim River and Native allotment F-13556 Parcel A;
Secs. 2 an 3, excluding the Kuskokwim River;
Sec. 4, excluding the Kuskokwim River and Church Slough;
Sec. 9, excluding the Kuskokwim River, Church Slough, Tupuknuk Slough and Native allotment F-17051 Parcel B;
Sec. 10, excluding the Kuskokwim River, Tupuknuk Slough and Native allotments F-13111, F-17056 Parcel B, F-19256 Parcel A and F-025345 Parcel A;
Sec. 11, excluding the Kuskokwim River, Kuskokuak Slough and Native allotments F-13111, F-13556 Parcel A, F-17019 Parcel A and F-17074 Parcel A;
Sec. 12, excluding the Kuskokwim River, Kuskokuak Slough and Native allotments F-17074 Parcel A, F-13556 Parcel A, F-18288 Parcel A and F-19257 Parcel A;
Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17074 Parcel B;
Sec. 14, excluding the Kuskokuak Slough;
Sec. 15, excluding Native allotment F-17075;
Sec. 16, excluding the Tupuknuk Slough;
Sec. 21, excluding the Tupuknuk Slough;
Secs. 22 and 23, all;
Sec. 24, excluding Native allotment F-17074 Parcel B;
Secs. 25, 26 and 27, all;
Sec. 28, excluding Native allotment F-17056 Parcel A;
Secs. 33 to 36, inclusive, all.

Containing approximately 12,706 acres.
Aggregating approximately 131,463 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14883-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 2 L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kwethluk River from the point of tidal influence in Sec. 4, T. 8 N., R. 69 W., Seward Meridian, upstream to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

b. (EN 11 C4) A site easement upland of the ordinary high water mark in Sec. 10, T. 6 N., R. 68 W., Seward Meridian, on the left bank of the Kwethluk River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

c. (EIN 13 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

d. (EIN 14 C) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft; travel along the shore, recreation and other similar uses. Deviations from the waterline are permitted when specific conditions so required, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978, and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated August 23, 1978 between the Secretary of the Interior, Calista Corporation and Kwethluk Incorporated.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December

18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (Supp. V, 1975), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. The terms and conditions of the agreement dated August 23, 1978, between the Secretary of the Interior, Calista Corporation and Kwethluk Incorporated. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Kwethluk Incorporated, serialized F-14883-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 701 C Street, Anchorage, Alaska.

Kwethluk Incorporated is entitled to conveyance of 138,240 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 131,463 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 6,777 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above will be granted to Calista Corporation at the same time conveyance is granted to Kwethluk Incorporated for the surface estate, and shall be subject to the same conditions as the surface conveyance.

The Kuskokwim River, Kuskokuak Slough, Tupuknuk Slough, and Church Slough are considered to be subject to tidal influence and navigable throughout the Kwethluk selection.

In accordance with Departmental regulation 43 CFR 2650.7(d) notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in both the Anchorage Times and The Tundra Drums. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until April 11, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513. If an appeal is taken, the parties to be served are:

Kwethluk, Incorporated, Kwethluk, Alaska 99621.

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

JUDITH A. KAMMINS,
Chief, Division of ANCSA Operations.

[FR Doc. 79-7304 Filed 3-9-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

BAKERSFIELD DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Bakersfield District Grazing Advisory Board will be held April 19 and 20, 1979.

The two-day meeting will start at 10:00 a.m. April 19, in the Bankruptcy Court, room 204, of the Federal Building, 800 Truxtun Ave., Bakersfield, California, 93301. The first day agenda will include: (1) A discussion of the function of the Grazing Board; (2) a review of grazing as it pertains to the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579), and the Public Rangelands Improvement Act (Pub. L. 95-514); (3) the expenditure of range betterment funds; (4) a review of the current policy and programs relating to allotment management plans, including the ongoing and future grazing environmental statement efforts; (5) a review of District Multiple Use plans and programs; (6) election of officers and; (7) arrangements for the next meeting. The meeting is open to the public and a public comment period is scheduled for 3:30 p.m., April 19, 1979.

On April 20, 1979, starting at 8:00 a.m., there will be an Advisory Board tour leaving the Federal Building for an inspection of grazing allotments in the Temblor Mountains. The tour is open to the public, however, they must supply their own transportation and lunch.

Anyone wishing to participate in the tour, or make comment at the meeting should write or call the Bakersfield District Office at 800 Truxtun Ave. Room 311, Bakersfield, CA 93301—(805) 861-4191.

Minutes of the meeting will be kept and a transcript will be available for public review within thirty days of the meeting at the Bakersfield District Office.

LOUIS A. BOLL,
District Manager, Bureau of Land Management.

[FR Doc. 79-7372 Filed 3-9-79; 8:45 am]

[4310-84-M]

SUSANVILLE DISTRICT GRAZING ADVISORY BOARD, SUSANVILLE, CALIF.

Amendment

In Volume 44 of the FEDERAL REGISTER appearing on page 11129 in the issue of Tuesday, February 27, 1979, the date of the meeting has been changed from March 28, 1979 to April 4, 1979.

HERMAN KAST,
Acting District Manager.

[FR Doc. 79-7245 Filed 3-9-79; 8:45 am]

[4310-09-M]

Office of the Secretary

[INT FES 79-7]

GARRISON DIVERSION UNIT, NORTH DAKOTA

Availability of Comprehensive Supplementary Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final comprehensive supplementary environmental statement describing the environmental impacts of seven alternatives for development of the unit. The draft supplement was filed with the Environmental Protection Agency on February 1, 1978. This statement supplements the final environmental statement for the

Garrison Diverson Unit (INT FES 74-3) and supplement (INT FES 74-21) filed with the Council on Environmental Quality January 10, 1974, and May 3, 1974, respectively.

Single copies of the environmental statement may be obtained on request to:

Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, DC 20240, Telephone (202) 343-4991.
Office of the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Montana 59103, Telephone (406) 657-6214.
Missouri-Souris Projects Office, Bureau of Reclamation, P.O. Box 1017, Bismark, North Dakota 58501, Telephone (701) 255-4011.

Please refer to the statement number above.

Dated: March 7, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-7243 Filed 3-9-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-49]

CERTAIN ATTACHE CASES

Commission Determination

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission has determined that no violation of section 337 of the Tariff Act of 1930, as amended, exists. Vice Chairman Alberger determined that the investigation should be declared more complicated and remanded to the presiding officer for further proceedings to permit the parties to augment the record on the issue of violation and the presiding officer should be required to file a recommended determination within 90 days.

Any party wishing to petition for reconsideration must do so within fourteen (14) days of service of the Commission determination. Such petitions must be in accord with § 210.56 of the Commission rules (19 CFR 210.56). Any person adversely affected by a final Commission determination may appeal such determination to the United States Court of Customs and Patent Appeals.

Copies of the Commission Determination, Order, and Opinions (USITC Publication 955, March 1979) are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. Notice of the institution of the Commission's investigation was published in the FEDERAL REGISTER of March 7, 1978 (43 FR 9379).

Issued: March 7, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-7388 Filed 3-9-79; 8:45 am]

[7020-02-M]

[AA1921-201]

RAYON STAPLE FIBER FROM ITALY

Investigation and Hearing

Having received advice from the Department of the Treasury on February 22, 1979, that viscose rayon staple fiber from Italy is being, or is likely to be, sold at less than fair value, the United States International Trade Commission on March 7, 1979, instituted investigation No. AA1921-201 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held on Thursday, April 5, 1979, in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. All persons shall have the right to appear in person or by counsel, to present evidence and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Friday, March 30, 1979.

Issued: March 7, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-7387 Filed 3-9-79; 8:45 am]

[7020-02-M]

[AA1921-192]

SILICON METAL FROM CANADA

Determination of No Injury

On December 5, 1978, the United States International Trade Commission received advice from the Department of the Treasury that silicon metal from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on December 15, 1978, the Commission insituted investigation No. AA1921-192 under section 201(a) of the act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Notice of the institution of the investigation and of the public hearing held in connection therewith was published in the FEDERAL REGISTER on December 21, 1978 (43 FR 59555). On January 23, 1979, a hearing was held in Washington, D.C., at which time all interested persons were provided the opportunity to appear by counsel or in person.

On the basis of its investigation, the Commission determines (Chairman Parker dissenting) that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of silicon metal from Canada that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested persons and information adduced at the hearing as well as information provided by the Department of the Treasury and data obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

STATEMENT OF REASONS OF COMMISSIONERS BILL ALBERGER, GEORGE M. MOORE, AND CATHERINE BEDELL

In order for the Commission to find in the affirmative in an investigation under the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] *and* the injury or likelihood thereof must be by reason of imports at less than fair value (LTFV).

DETERMINATION

On the basis of the information obtained in this investigation, we determine that an industry in the United States is not being and is not likely to be injured by reason of the importation of silicon metal from Canada which the Secretary of the Treasury has determined is being, or is likely to be, sold at LTFV.

THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

For the purposes of this investigation silicon metal has a silicon content ranging from 96 percent to 99.7 per-

[1] Prevention of the establishment of an industry is not an issue in this investigation and will not be discussed further.

cent. The balance is composed of varying quantities of other elements, chiefly iron, aluminum, and calcium. It is used predominantly in the nonferrous metals industry as an alloying constitutent to improve casting fluidity and wear resistance of aluminum alloys and by the chemical industry in the production of silicones. In this determination we consider the relevant domestic industry to consist of the facilities in the United States devoted to the production of silicon metal. Six firms currently produce silicon metal at eight establishments in the United States.

LTFV SALES

The Department of the Treasury found that virtually all imports of silicon metal from Canada during the period examined—September 1, 1977-February 28, 1978—were produced by SKW Electro-Metallurgy Canada, Ltd. (SKW), and therefore limited its investigation to sales by that firm. Fair-value comparisons were made on virtually all sales by SKW in the United States during the period of Treasury's investigation. LTFV margins ranging from 0.4 percent to 18.3 percent were found on 44 percent of the sales compared. The weighted average margin on all sales compared was 2.7 percent.

THE QUESTION OF INJURY BY REASON OF LTFV SALES

As discussed below, the record in this investigation contains some evidence of injury to the domestic industry producing silicon metal. It is clear, however, that whatever injury this industry has experienced is not by reason of LTFV imports from Canada.

U.S. consumption.—Apparent U.S. consumption of silicon metal dropped by over one-third between 1974 and 1975, a recession year—from 137,600 tons to 92,400 tons. Consumption has increased each year since 1975 and amounted to 158,500 tons in 1978, a record high and 71 percent more than consumption in 1975.

U.S. production and capacity utilization.—Annual U.S. production of silicon metal fluctuated widely during 1974-78—dropping by over one-fourth in 1975, recovering to a record high in 1976, and falling again in 1977 and 1978. U.S. capacity to produce silicon metal expanded by 57 percent from 1974 to 1978. As a result of the growth in capacity, the decline in production, and the working-off of high inventories, the rate of capacity utilization fell from 95 percent in 1976 to 54 percent in 1978.

U.S. producers' shipments.—During 1974-78 U.S. producers' shipments of silicon metal—including exports and intracompany transfers—peaked in 1976, declined by 11 percent in 1977, and then increased in 1978 to the record high level attained in 1976. Open-market shipments to domestic purchasers in 1978 were 1 percent less than those during the peak year of 1976. Despite the contention of the domestic producers that the impact of LTFV sales has been felt most markedly in the secondary aluminum market, their shipments to that market in 1978 rose to the second highest level reported during the 1978-78 period.

Inventories.—U.S. producers' stocks of silicon metal rose substantially during 1974-77, but were sharply reduced during 1978. Stocks held at the close of 1978 were at the lowest level since 1974.

Employment.—The average number of production and related workers engaged in operations on silicon metal, and the number of man-hours worked by such employees, fell by almost one-third from 1976 to 1978. The coming on stream of new productive facilities, improvements in existing production facilities, and the closing of older, less efficient facilities sharply increased worker productivity in this industry during 1976-78. Such increased productivity, rather than reduced output, accounts for the bulk of the decline in employment.

Imports and market share.—U.S. imports of silicon metal dropped sharply between 1974 and 1975—from 19,000 tons to 6,900 tons. Imports increased in 1976 to 9,400 tons and then climbed to 26,100 tons in 1977. Imports continued to rise in 1978—reaching 34,500 tons, or almost one-third more than during 1977. The ratio of imports to apparent consumption fell from 13.8 percent in 1974 to 6.9 percent in 1976, then rose to 18.6 percent in 1977 and 21.7 percent in 1978.

Imports from Canada rose from 540 tons in 1976 to almost 11,000 tons in 1977. However, in contrast to the one-third increase in aggregate U.S. imports of silicon metal during 1978, imports from Canada declined by about 5 percent. Based on the assumption that 44 percent of the imports from Canada in 1977 and 1978 were at LTFV (the percentage found by Treasury during the period of its investigation), such LTFV imports accounted for 3.4 percent and 2.9 percent, respectively, of apparent consumption in those years. Thus, fair value imports from all sources accounted for 15.2 percent and 18.8 percent of apparent consumption in the same years.

Profitability.—U.S. producers' profits from silicon metal operations have declined substantially since 1974, an exceptionally good year in which the industry reported a net operating profit of $19.5 million. Although the industry reported an operating loss of $1.4 million in 1977, three of the five market producers were able to operate at a profit in that year. Net operating profit recovered somewhat to $1.1 million in January-September 1978. Much of the decline in the industry's profits is attributable to the overexpansion of U.S. production capacity which in turn has resulted in the underutilization of facilities and increased depreciation costs.

Lost sales.—The Commission contacted 20 firms where U.S. producers alleged they had lost sales of silicon metal to LTFV imports from Canada in 1977 and 1978. Only three of these firms acknowledged that they had reduced their purchases of domestically produced silicon metal during those years and all of the purchases of Canadian silicon metal made by one of these firms during the period of Treasury's investigation consisted of imports entered at fair value. In most cases, firms alleged by domestic producers to have reduced their purchases of domestically made silicon metal in 1977 and 1978 advised that imports from Canada supplied their increased requirements for silicon metal, or that imports from Canada displaced imports from other countries. Furthermore, the dumping margins on the bulk of SKW's sales were sufficiently small in relation to the margin by which these imports undersold U.S. producers that had they been eliminated entirely SKW would have still undersold the U.S. producers.

Prices.—After remaining stable during 1976, U.S. producers' prices were increased by about 7 percent in early 1977. In July 1977 these increases were rescinded. General supply and demand conditions—including the presence in the marketplace of substantial quantities of imported silicon metal from countries other than Canada, at prices less than those of SKW—were the principal factors that caused the price rescission by the domestic producers. In 1978 U.S. producers increased their list prices for silicon metal by approximately 15 percent.

NO LIKELIHOOD OF INJURY BY REASON OF LTFV SALES

With consumption increasing, producers' shipments rising, sharply reduced producers' inventories, the upward turn in profits, and rising prices, there is no likelihood of injury to the domestic industry. Moreover, SKW—the only Canadian producer of silicon metal for export to the United States—has no excess capacity with which to threaten the domestic industry. In 1978 SKW reported that it operated at full capacity, and its sales in that year exceeded its production, thus it has no overhang of inventories to dispose of in the U.S. market. Furthermore, SKW has advised that it

has adjusted its pricing policy to the United States in accordance with Treasury's formula in order to insure that no further LTFV sales take place.

CONCLUSION

We are satisfied from the above considerations that the domestic industry producing silicon metal is not being and is not likely to be injured by reason of the importation of silicon metal from Canada found by the Secretary of the Treasury to be, or likely to be, sold in the United States at LTFV.

STATEMENT OF REASONS OF COMMISSIONER PAULA STERN

Having considered all the information before me in this investigation, I have determined, pursuant to Section 201 of the Antidumping Act of 1921, as amended, that an industry in the United States is not being or likely to be injured, or prevented from being established by reason of the importation into the United States of silicon metal from Canada. In making this determination, I found that the pricing practices of the Canadian exporter into the United States of silicon metal would have raised serious questions under the statute, but that the domestic industry in this investigation is not presently or likely to be suffering injury.

THE DOMESTIC INDUSTRY

Silicon metal is produced from abundant and relatively inexpensive silica raw materials through a process of washing, crushing, screening in some instances, and smelting. The process requires large amounts of energy which is, therefore, a major cost element for the industry. The bulk of silicon metal has a silicon content of from 97.5 percent to 99 percent and contains varying amounts of iron, aluminum, calcium and other elements. Although substitutable in certain respects, different grades of silicon metal have different applications. The most common use of silicon metal, from 40 percent to 50 percent of domestic consumption, is by the secondary aluminum industry (recycled aluminum), where price is the critical determinant for purchases. Chemical production accounts for roughly one-third of domestic silicon metal consumption and primary aluminum production accounts for less than 20 percent. These producers are more quality conscious than the secondary aluminum producers.

Silicon metal is presently produced at eight facilities in the United States owned by six firms—Union Carbide Corp.; Interlake Inc.; Hanna Mining Co.; Kawecki Berylco Industries, Inc.; Ohio Ferro-Alloys Corp.; and Reynolds Metal Co., which produces chiefly for its own use. While silicon metal production represents only a segment of the operations of all the firms in the industry, separate data, including allocations for general and administative expenses, were available for silicon metal production segments of each firm producing chiefly for the open market and I was able to review all aspects of the silicon metal industry as an independent entity.

IMPORTS

During the period of the Commission's review, 1974-1978, overall imports initially declined, but by the end of the period they accounted for an increased share of the U.S. market. Following the industry's boom year of 1974, when the ratio of imports to domestic consumption was 13.8 percent, imports dropped to 7.5 percent and 6.9 percent in 1975 and 1976, respectively, before increasing substantially to 18.6 percent in 1977 and 21.7 percent in 1978. Presently, four countries—Canada, Norway, the Republic of South Africa and Yugoslavia—account for approximately 90 percent of imports.

Since 1977, Canada has been the largest source of silicon metal imported into the United States, exporting 10,934 short tons in 1977 and 10,388 short tons in 1978—42 percent and 30 percent of total U.S. imports for those years. Until the latter part of 1976, however, Canadian exports to the United States were negligible. At that time, SKW Electro-Metallurgy Canada, Ltd. (SKW), become the sole Canadian exporter of silicon metal to the United States when it began operating by opening new facilities.

Treasury Department price comparisons on virtually all of SKW's imports into the United States during the period of September 1977 through February 1978 revealed that 44 percent of its sales in the United States were at less than fair value margins ranging from .4 percent to 18.3 percent. Treasury determined that the average less than fair value margin for all Canadian imports, including those at fair value, was 2.7 percent; the average margin on less than fair value imports was 6.2 percent.

INJURY

Section 201 of the Antidumping Act, as amended, does not set forth standards for determining whether an industry is being or is likely to be injured by reason of less than fair value imports. As a result, the Commission can and does exercise considerable discretion in making its determinations based upon the particular facts in each case. However, as I originally stated in my opinion on steel wire nails (Investigation No. AA1921-189), Section 201 of the Act requires the Commission to find that two conditions have been satisfied before an affirmative determination can be made. First, the Commission must determine that an industry is being or is likely to be injured. This determination is based upon an analysis of certain economic indicators—consumption, production, capacity changes and utilization, shipments, inventory levels, employment and profits. Second, the Commission must determine that the injury is "by reason of" the less than fair value imports. As for likelihood of injury, foreign capacity to produce for export is also considered. Of course, these indicators are merely illustrative, since a definitive set of factors for all cases is not possible. If the Commission finds that either condition has not been met, its determination must be negative, and it need not consider factors relevant to determining the other condition.

In the present investigation, I found that the domestic industry is not being or likely to be injured. However, I considered a straightforward analysis of traditional economic indicators inappropriate in this case because of the existence of a number of factors which complicated the industry situation. The first and most important of these factors was the decision by all of the domestic producers during the boom years of 1972-1974 to expand capacity. The bulk of the new capacity became operative during 1975 and 1976; and in the entire period of our review, capacity increased by 57 percent. This increased capacity depressed capacity utilization figures (down to just over 54 percent in 1978) to a far greater extent than did declines in production.

Second, since 1974, labor productivity (output of product per manhour) in the domestic industry has increased by 37 percent. This increasing productivity—the result of adding new facilities, improving existing facilities, and closing older less efficient facilities—is a sign of the industry's health, not injury. In the same period that the 37 percent increase in productivity occurred, employment of production and related workers declined by 37 percent and manhours worked by these employees declined by 35 percent. Thus, declines in employment are largely attributable to productivity increases rather than to declines in production.

Third, large fluctuations in the domestic silicon metal industry's inventory levels mask a positive pattern of demand for domestic production. Particularly, in 1975 and 1976, the domestic industry produced more silicon than it shipped or disposed of thorugh intra-company transfers; and inventories more than doubled from 1974 through 1977. In 1978 the domestic industry disposed of much of this excess inventory and the industry's inventory

levels dropped to their lowest levels of the entire period. This caused a 15 percent differential in production between 1976 and 1978. Shipments and transfers in 1978, however, matched the all time high of 1976—in both years nine percent above the boom year of 1974.

Fourth, the industry profit picture is replete with apparent contradictions. Since 1975, overall industry profits as a percent of net sales have been somewhat below those of manufacturing industries generally and of the non-ferrous metal producers industry. However, the industry has shown an overall loss only in 1977, and returned to profitability in 1978. Further, the experience of individual firms varied tremendously. Two of the five firms selling silicon metal on the open market consistently showed high levels of profits, far above the averages of manufacturing concerns and non-ferrous metal producers. Another firm was profitable in every year until 1978, when it showed a slight loss. Of the remaining two firms, one showed inordinately low profits even in the boom year of 1974, and since then has been consistently unprofitable due largely to its pricing policies. The fifth firm showed virtually no profit in 1976 and losses in 1977 and 1978, a commensurate with large increases in depreciation costs associated with new facilities.

In sum, during the period under review, the domestic industry built considerable new facilities, improved its productivity, and saw demand for its production reach new highs. Overall profits are low, but this is to be expected during a period of expansion as new facilities begin operating and older facilites close down. However, 1978 saw the industry return to profitability following its only year of loss. Further, a significant portion of the industry has shown high levels of profitability throughout the review period, demonstrating that the economic weaknesses in some of firms is not an industry-wide phenomenon. Thus, I found that the industry as a whole is not being injured.

Nor do I find any likelihood of injury by reason of less than fair value imports. In this regard, the Commission received information that SKW is presently shipping at full capacity, and there is no indication that SKW is contemplating any expansion of capacity. In addition, world demand for aluminum, a light, versatile, widely-utilized metal, is rising. As a result, worldwide demand for silicon metal will also increase. Consistent with this worldwide trend, the Bureau of Mines projects that U.S. demand for silicon materials will increase by an average of 3 percent per year through 1985. Further, SKW has stated that it has revised its pricing policy consistent with Treasury's method for calculating less than fair value to avoid future less than fair value sales. Finally, following a period of relative price stagnation, prices of silicon metal sold by U.S. producers increased twice during 1978, indicating that increased demand for silicon metal should translate in the future into increasing levels of profitability.

CONCLUSION

Although I have found that the domestic silicon metal industry is not being injured or likely to be injured by reason of less than fair value imports, I am concerned about the aggressive pricing practices of SKW, particularly during 1977. SKW's sales are concentrated in the secondary aluminum producers' market. As previously noted, this segment is the most price conscious with respect to silicon metal purchases and hence most vulnerable to less than fair value imports. Further, while the average less than fair value margin found by Treasury on all Canadian imports was not large, 2.7 percent, the wide range of less than fair value margins in individual transactions indicates that SKW consciously negotiated prices to make sales. In view of this information, had I found that the domestic industry is being injured or likely to be injured, SKW's pricing practice would have raised serious questions under the statute.

Statement of Reasons of Chairman Joseph O. Parker

On December 5, 1978, the United States International Trade Commission received advice from the Department of the Treasury that silicon metal from Canada is being, or is likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on December 15, 1978, the Commission instituted investigation No. AA1921-192 under section 201(a) of the act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established,[2] by reason of the importation of such merchandise into the United States.

DETERMINATION

On the basis of the information obtained in this investigation, I determine that an industry in the United States is being injured or is likely to be injured by reason of the importation of silicon metal from Canada which the Secretary of the Treasury has determined is being, or is likely to be, sold at LTFV.

[2]Prevention of the establishment of an industry is not an issue in this investigation and will not be discussed further.

THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

For purposes of its investigations, Treasury defined the subject merchandise as silicon metal, unwrought, containing by weight not over 99.7 percent pure silicon; and alloys of silicon metal, unwrought, containing by weight 96 percent or more but less than 99.0 percent silicon. Such imports are classified under items 632.4200 and 632.8420 of the Tariff Schedules of the United States Annotated. Most silicon metal, including that produced in the United States and that imported from Canada, has a silicon content of about 97.5 percent to 99 percent. In commercial practice, silicon is sold by grades, distinguished by the impurities in the metal. Silicon is used predominantly in the nonferrous metals industry—chiefly by aluminum producers—to improve casting fluidity and wear resistance, and in the chemical industry to produce silicone. Six firms currently produce silicon metal at eight establishments in the United States.

LTFV SALES

The Department of the Treasury found that virtually all imports of silicon metal from Canada during the period examined—September 1, 1977-February 28, 1978—were produced by SKW Electro-Metallurgy Canada, Ltd. (SKW), and therefore limited its investigation to sales by that firm. Fair-value comparisons made on virtually all sales by SKW in the United States during the period examined revealed LTFV margins ranging from 0.4 percent to 18.3 percent on 44 percent of the sales compared. The weighted average margin, if applied to all sales of SKW, whether or not sold at LTFV, would amount to 2.7 percent. The weighted average margin on all sales found to have been at LTFV was 6.2 percent.

INJURY BY REASON OF LTFV SALES

In my judgment, the information obtained in this investigation establishes that SKW's unfair pricing practices cause injury to the domestic industry which the Antidumping Act is designed to prevent. The purpose of the act is clear from the legislative history:

> • • • the Act is primarily concerned with the situation in which the margin of dumping contributes to underselling the U.S. product in the domestic market, resulting in injury or likelihood of injury to a domestic industry. Such injury may be manifested by such indicators as suppression or depression of prices, loss of customers, and penetration of the U.S. market. When clear indication of injury, or likelihood of injury, exists there would be reason for making an affirmative determination. The Antidumping Act is designed to discourage and prevent foreign suppliers from using unfair price discrimina-

tion practices to the detriment of a United States industry.[3]

The legislative history is also clear that, to protect domestic industries from unfair pricing, it must only be established that the level of injury is "that degree of injury which the law will recognize * * * [as] more than frivolous, inconsequential, insignificant, or immaterial." [4] Moreover, as the Senate Finance Committee pointed out that injury caused by unfair competition such as dumping does not require as strong a causation link as is required under fair trade conditions.[5]

A comparison of various indicators of the industry's economic health prior to 1977—the year established by Treasury as encompassing the onset of LTFV sales—with conditions in 1977 and 1978 shows a declining rate of capacity utilization, a decrease in production and shipments, an increase in inventories, a drop in employment, and a precipitous decline in profitability.

Imports of silicon metal from Canada, all from SKW, jumped from 540 tons in 1976 to almost 11,000 tons in 1977. SKW reported to the Commission that its sales to U.S. customers in 1978 were substantially greater, in terms of quantity, than in 1977. During 1973-76, imports from Canada accounted for 1 percent or less of apparent annual domestic consumption; in 1977, such imports accounted for 7.8 percent. The principal market to which these imports from Canada went is the secondary aluminum market which is the largest single domestic market for silicon metal and the most price sensitive. Canadian imports to this market increased from 0 in January-September 1976 to a 10- to 15-percent share in 1977. Imports from SKW remained at about the same level in 1978 as in 1977.

From the information obtained in the investigation, it is clear that LTFV pricing provided competitive advantage and was a major factor in SKW's ability to penetrate the market at a time when domestic producers had excess capacity. The majority of SKW's shipments of silicon metal to the U.S. secondary aluminum market were at LTFV with margins ranging to more than 5 cents per pound of silicon content. The Commission investigation revealed that SKW was continually underselling the domestic producers in this market and that, in many instances, the margins of dumping were approximately the same as the margins by which SKW undersold the domestic product.

The majority of shipments to other U.S. markets were also made at LTFV, and SKW continually undersold domestic producers in these markets as well. Thus, it is clear that the majority of SKW's shipments were sold at a price below that of domestic producers and at less than fair value in order to penetrate the U.S. market and reach almost 100 percent capacity utilization of SKW's newly established facilities.

The pricing information available to the Commission also reveals that, notwithstanding rising costs, domestic producers' prices of both grades of silicon sold by SKW actually declined from the middle of 1977 to the middle of 1978. Since SKW accounted for the great bulk of the increased imports during this period and, as mentioned, was underselling the domestic producers, it is clear that such imports contributed to the depression of U.S. producers' prices.

In my judgment, the Commission's investigation establishes the very indications of injury, depression of prices, loss of customers, and penetration of the U.S. market that the legislative history reveals the Antidumping Act was designed to prevent. This investigation also establishes that the injury to the domestic industry is more than frivolous or insignificant and that it was by reason of Canadian LTFV imports within the meaning of the act.

Issued: March 5, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-7389 Filed 3-9-79; 8:45 am]

[3] *Trade Reform Act of 1974: Report of the Committee on Finance* * * * S. Rept. No. 93-1298, (93d Cong., 2d sess.), 1974, p. 179.

[4] Ibid., p. 180.

[5] Ibid.

[4410-18-M]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATURE AND PATTERNS OF HOMICIDE

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to study the nature and patterns of homicide. The project will be conducted in three stages, each producing a major research report. *Stage I* will conduct an extensive review and analysis of the existing homicide literature and develop a typology for classifying patterns of the offense. *Stage II* will test the utility of the model homicide typology by applying it to actual criminal justice case records in a pilot data-collection effort in selected cities. Finally, *Stage III* will design a recommended agenda for the Institute, based on Stage I and Stage II findings regarding future research needs. The grant will be awarded for 16-22 months, at a maximum funding level of $250,000.

The solicitation requests submission of full proposals and requires that submitting organizations have experience in and resource capabilities for designing and conducting research on social issues. Additional qualifications include knowledge of the substantive areas of homicide and violent crime. Finally, familiarity with criminal justice case records and expertise in utilization of criminal justice data would also be desirable.

In order to be considered for funding, all proposals must be postmarked no later than April 30, 1979.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, The Nature and Patterns of Homicide, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: February 15, 1979.

Approved:

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 79-7246 Filed 3-9-79; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-28]

NASA ADVISORY COUNCIL (NAC); AERONAUTICS ADVISORY COMMITTEE

Meeting

The Informal Ad Hoc Advisory Subcommittee on NASA Avionics and Controls Plan will meet on March 29-30, 1979, in Building 1219, Room 225, at the Langley Research Center, Hampton, VA. The meeting will be open to the public up to the seating capacity of the room (about 50 persons including Subcommittee members and participants).

The Subcommittee was established to review the NASA Avionics and Controls program assessment and proposed plan for future Research and Technology programs. The Chairperson is Mr. Duane T. McRuer, and there are 10 members of the Subcommittee.

For further information contact Dr. Herman A. Rediess, Executive Secretary of the Informal Ad Hoc Subcommittee on NASA Avionics and Controls Plan, Code RTE-3, NASA Headquarters, Washington, DC 20546 (202/755-2243).

AGENDA

March 29, 1979

8:30 a.m. Chairperson's Remarks
9:00 a.m. Executive Secretary's Report
9:30 a.m. Summary Presentation of Modified Avionics and Controls Plan
1:00 p.m. Discussion of Modified Plan
5:00 p.m. Adjourn

March 30, 1979

8:30 a.m. Subcommittee Deliberation and Recommendations
2:30 p.m. Adjourn

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations.

MARCH 5, 1975.

[FR Doc. 79-7249 Filed 3-9-79; 8:45 am]

[7510-01-M]

[Notice 79-27]

NASA ADVISORY COUNCIL (NAC); SPACE SCIENCE ADVISORY COMMITTEE

Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on April 4-6, 1979. The meeting will be open to the public. The meeting will take place from 9:00 a.m. to 5:30 p.m. on April 4 and 5 and from 9:00 a.m. to 12:30 p.m. on April 6, 1979, in Room 5026 of Federal Office Building 6, 400 Maryland Avenue SW, Washington, D.C. 20546.

The NAC Space Science Advisory Committe consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include a review of the NASA Office of Space Science (OSS) FY 1980 five year plan; status reports on the Decade Study in Astronomy; the Lunar Sample Program and the Space Science Platform Study; an overview of the OSS Life Sciences Program, and presentations of early Voyager and Pioneer Venus Results.

April 4, 1979

9:00 a.m. Introduction
9:30 a.m. OSS Program Status, FY 1980 Budget Report
10:15 a.m. Advisory Committee Activities
10:45 a.m. FY 1981 Five Year Plan, Gamma Ray Observatory and Venus Orbiter and Imaging Radar Status Update
11:00 a.m. Gravity Probe-B
11:45 a.m. Comet Mission
1:30 p.m. Origins of Plasma in Earth's Neighborhood
2:15 p.m. Advanced X-Ray Astronomy Facility
3:00 p.m. Solar Probe
4:00 p.m. Five Year Plan Discussion and Working Session

April 5, 1979

9:00 a.m. Mars Sample Return Mission
9:45 a.m. Decade Study in Astronomy
10:45 a.m. Lunar Sample Program Status
11:30 a.m. Overview of Life Sciences Program
1:30 p.m. Space Platform Study Status Report
3:00 p.m. Writing Session

April 6, 1979

9:00 a.m. Writing Session
10:00 a.m. Voyager Status and Movie
11:00 a.m. Pioneer Venus Results

For further information regarding this meeting, please contact Dr. Adrienne F. Timothy, Executive Secretary, at Area Code 202/755-3653, National Aeronautics and Space Administration, Washington, D.C. 20546.

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations.

MARCH 5, 1979.

[FR Doc. 79-7250 Filed 3-9-79; 8:45 am]

[7510-01-M]

[Notice 79-26]

SPACE AND TERRESTRIAL APPLICATIONS STEERING COMMITTEE (STASC), PROPOSAL EVALUATION ADVISORY SUBCOMMITTEE

Meeting

The Magnetic Field Satellite (MAGSAT) Panel of the STASC, Proposal Evaluation Advisory Subcommittee will meet at the Goddard Space Flight Center, Greenbelt, Maryland 20771, on April 3, 4, and 5, 1979. The meeting will be held in Room 200, Building 26, from 8:30 a.m. to 5:30 p.m. on each day. The Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Announcement of Opportunity for investigations using data to be obtained from its Magnetic Field Satellite (MAGSAT). Public discussion of the professional qualifications of the proposers and their potential scientific contributions to the MAGSAT Program would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), as described above, it has been determined that the sessions should be closed to the public.

For further information, please contact Mr. James Murphy, NASA Headquarters, Washington, D.C. 20546, area code 202/755-3848.

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations.

MARCH 5, 1979.

[FR Doc. 79-7251 Filed 3-9-79; 8:45 am]

[6820-AC-M]

NATIONAL COMMISSION ON SOCIAL SECURITY

RETIREMENT AND SURVIVORS PROGRAM

Meeting; Amendment

The National Commission on Social Security will hold a public meeting at Washington, D.C. on March 16, 1979 in Room 2230 of the Department of Transportation Building at 7th and D Street, SW. The purpose of the meeting is to discuss the Retirement and Survivors Program.

The meeting will begin at 1:00 p.m. and continue until Commission business is completed by not later than 5:00 p.m. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office:

Room 131A—Pension Building, 440 G Street, NW, Washington, D.C., Phone: 376-2622.

FRANCIS J. CROWLEY,
Executive Director.

[FR Doc. 79-7294 Filed 3-9-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

DRAFT REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, OH 706-4, is entitled "Guide for Preparation of Applications for the Use of Gamma Irradiators," and is intended for Division 10, "General." It describes the type of information that is needed by the NRC staff to evaluate an application for a license to use sealed radioactive sources for the gamma irradiation of materials.

This draft guide and associated value/impact statement are being issued to involve the public in the early stages of the development of a

regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by April 30, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 5th day of March 1979.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Director, Division of Siting, Health, and Safeguards Standards, Office of Standards Development.

[FR Doc. 79-7336 Filed 3-9-79; 8:45 am]

[7590-01-M]

DRAFT REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, SC 704-5, is entitled "Functional Specification for Safety-Related Valve Assemblies in Nuclear Power Plants," and is intended for Division 1, "Power Reactors." It delineates a procedure for implementing the Commission's regulations with respect to detailed specification of information pertinent to defining operating requirements for valve assemblies whose safety-related function is to open, close, or regulate fluid flow in light-water-cooled nuclear power plants.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 10, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 28th day of February 1979.

For the Nuclear Regulatory Commission.

GUY A. ARLOTTO,
Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79-7337 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-366]

GEORGIA POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

This amendment revises the Limiting Conditions for Operation and associated Surveillance requirements for the Core Spray System by adding an alternate flow path in Cold Shutdown and Refueling Modes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 27, 1979, (2) Amendment No. 6 to License No. NPF-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon re-

quest addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2d day of March 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-7308 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-466]

HOUSTON LIGHTING & POWER CO. (ALLENS CREEK NUCLEAR GENERATING STATION, UNIT 1)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceed to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar

Dated: March 1, 1979.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc. 79-7322 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO., CENTRAL IOWA POWER COOPERATIVE, AND CORN BELT POWER COOPERATIVE

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of issuance.

The amendment consists of changes to the Technical Specifications to add augmented inservice inspection of the modified safe-ends on the eight recirculation system inlet lines and specifies a power ascension schedule.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For futher details with respect to this action, see (1) the application for amendment dated February 22, 1979, as supplemented by letters dated March 1, 1979 and March 3, 1979, (2) Amendment No. 49 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. The Safety Evaluation also discusses a number of other matters which arose during the completion of repair work at the facility. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request address to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of March 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc 79-7323 Filed 3-9-79: 8:45 am]

[7590-01-M]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company (the licensee), which revised the license for operation of the Maine Yankee Atomic Power Station (the facility), located in Lincoln County, Maine. The amendment becomes effective on February 23, 1979.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated January 29, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 44 to License No. DPR-36 and (2) the Commission's related letter to the licensee dated February 23, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23rd day of February 1979.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7324 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-289 and 50-320]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER & LIGHT CO., AND PENNSYLVANIA ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-50 and Amendment No. 9 to Facility Operating License No. DPR-73, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised the licenses for operation of the Three Mile Island Nuclear Station, Units Nos. 1 and 2 (the facility), located in Dauphin County, Pennsylvania. The amendments become effective on February 23, 1979.

The amendments incorporate the "Three Mile Island Nuclear Station, Units 1 and 2, Modified Amended Physical Security Plan" into the licenses.

The licensees' filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensees' filing dated February 1, 1978, revised June 15, July 25, October 27 and November 17, 1978, and January 22 and February 22, 1979, and the Commission's Security Plan evaluation Report are proprietary information and are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 49 and 9 to Licenses Nos. DPR-50 and DPR-73, respectively, and (2) the Commission's related letter to Metropolitan Edison Company dated February 23, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of February 1979.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7325 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) which revises the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to allow spiral unloading and reloading of the core which results in reducing the required number of control blade guides.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 22, 1978, as supplemented January 15, 1979, (2) Amendment No. 27 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2nd day of March 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-7326 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO. AND ALLEGHENY ELECTRIC COOPERATIVE, INC. (SUSQUEHANNA STEAM ELECTRIC STATION, UNITS 1 AND 2)

Hearing

On August 9, 1978, the Nuclear Regulatory Commission pubished in the FEDERAL REGISTER, 43 FR 35406, a notice that the Commission had received an application for facility operating licenses from Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (the Applicants) to possess, use and operate the Susquehanna Steam Electric Station, Units 1 and 2, two boiling water reactors located on a site in Salem Township, Luzerne County, Pennsylvania. The notice provided that by September 8, 1978, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the Commission's rules of practice, 10 CFR Part 2, particularly 10 CFR 2.714.

Four petitions for leave to intervene and requests for a hearing in the proceeding were filed. In addition, the Bureau of Radiation Protection, Department of Environmental Resources, of the Commonwealth of Pennsylvania, filed a request to participate as an "interested State" pursuant to 10 CFR 2.715(c). An Atomic Safety and Licensing Board was established to rule upon such petitions and requests. After holding a special prehearing conference pursuant to 10 CFR 2.751a, the Atomic Safety and Licensing Board designated to rule upon petitions issued an order on March 6, 1979, granting the petitions for leave to intervene filed by the Environmental

Coalition on Nuclear Power (ECNP), Colleen Marsh et al., the Susquehanna Environmental Advocates (SEA), and the Citizens Against Nuclear Danger (CAND), and admitting those petitioners as parties to the proceeding. The Licensing Board also granted the request of the Bureau of Radiation Protection to participate as an "interested State."

Please take notice that a hearing will be conducted in this proceeding. An Atomic Safety and Licensing Board, consisting of the same members who served on the Board designated to rule upon petitions, has been designated to preside over this proceeding. They are Glenn O. Bright, Dr. Oscar H. Paris, and Charles Bechhoefer, who will serve as Chairman of the Board.

During the course of the proceeding, the Board will hold one or more prehearing conferences pursuant to 10 CFR 2.752. The public is invited to attend any prehearing conferences, as well as the evidentiary hearing. During some or all of these sessions, and in accordance with 10 CFR 2.715(a), any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his position on the issues. The number of persons making oral statements and the time allowed for each oral statement may be limited depending upon the total time available at various sessions. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary of the Commission.

For further details, see the application for the facility operating licenses, dated April 10, 1978, the Applicants' Environmental Report, Operating License Stage, dated July 12, 1978, and papers filed concerning the requests for a hearing and petitions for leave to intervene, including the Special Prehearing Conference Order ruling upon the intervention petitions, dated March 6, 1979, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes Barre, Pennsylvania 18701. As they become available, the following documents may be inspected at the above locations: (1) The Safety Evaluation Report prepared by the Commission's Office of Nuclear Reactor Regulation; (2) the Draft Environmental Statement; (3) the Final Environmental Statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Dated at Bethesda, Md., this 6th day of March 1979.

The Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

CHARLES BECHHOEFER,
Chairman.

[FR Doc. 79-7327 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., CITY OF EUGENE, OREG., AND PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. NPF-1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment revises the limiting conditions for operation and surveillance requirements for safety-related hydraulic shock suppressors (snubbers).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 10, 1977, as supplemented and amended September 1, 1978, and January 19, 1979, (2) Amendment No. 37 to License No. NPF-1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 26th day of February 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7328 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., CITY OF EUGENE, OREG., AND PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. NPF-1 issued to Portland General Electric Company et al. (the licensee), which revised the license for operation of Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment became effective on February 23, 1979.

The amendment revises the license to incorporate the current Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in con-

nection with issuance of this amendment.

The licensee's filings dated May 25, 1977, as revised through Revision No. 3, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 38 License No. NPF-1, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7329 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-286]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-64, issued to Power Authority of the State of New York (the licensee), which revised the licenses for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility), located in Buchanan, Westchester County, New York. The amendment became effective on February 23, 1979.

The amendment adds license conditions to include the Commission-approved physical security plan as part of the licenses.

The licensee's filing comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated May 25, 1977, as supplemented October 31, 1977, April 25, 1978, May 26, 1978, June 12, 1978 and February 14, 1979 and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 23 to License No. DPR-64, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7330 Filed 3-9-79; 8:45 am]

[7590-01-M]

RADIOACTIVE WASTE REPOSITORIES

Public Meetings

The Nuclear Regulatory Commission and the Department of Energy will be holding a series of meetings on the subject of radioactive waste repositories. These meetings will be open to the public. To notify interested members of the public of each of these meetings, the NRC will publish a meeting notice specifying the date, time, location, and subject. The prior notice will be available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and will be sent out to interested parties and individuals on a standard distribution list. Any person who wishes to be on this meeting notice distribution list should submit their name and address to Mr. James C. Malaro, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Md., this 2nd day of March 1979.

For the Nuclear Regulatory Commission.

JAMES C. MALARO,
Chief, High-Level and Transuranic Waste Branch, Division of Waste Management.

[FR Doc. 79-7335 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised the license for operation of the Rancho Seco Nuclear Generating Station (the facility), located in Sacramento County, California. The amendment becomes effective on February 23, 1979.

The amendment modifies a license condition to include the current Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated October 14, 1977, as amended December 28, 1977, May 10, 1978, October 3, 1978, November 17, 1978, February 2, 1979 and February 22, 1979 and the Commission's Security Plan Evaluation report are being withheld from public disclosure pursuant to 10 CFR

2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No 27 to license No. DPR-54 and (2) the Commission's related letter to the licensee dated February 23, 1979. These items are available for public inspection at the Commission's Public Document room, 1717 H Street, NW., Washington, D.C. and at the Business and Municipal Department Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of February 1979.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7331 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 40-8602]

UNITED NUCLEAR CORP.

Availability of Final Environmental Statement for Morton Ranch Uranium Mill

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the proposed Morton Ranch Uranium Mill to be located in Converse County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

The Final Environmental Statement is also being made available at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

The notice of availability of the Draft Environmental Statement for the Morton Ranch uranium mill and requests for comments from interested persons was published in the FEDERAL REGISTER on April 28, 1978 (43 FR 18366). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0532) may be purchased on or about March 23, 1979, from the National Technical Information Service, Springfield, Virginia 22161. (Printed copy: $10.75; Microfiche: $3.00.)

Dated at Silver Spring, Md., this 26th day of February, 1979.

For the Nuclear Regulatory Commission.

ROSS A. SCARANO,
Section Leader, Uranium Mill Licensing Section, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79-7332 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

Order Terminating Facility License

By application dated January 18, 1978, as supplemented October 12, 1978, the University of Delaware (the licensee) requested authorization to dismantle the AGN-201 Reactor (the facility), a research reactor located in Newark, Delaware, and to dispose of the component parts in accordance with a plan submitted as part of the application, and termination of Facility License No. R-43. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the FEDERAL REGISTER on February 23, 1978 (43 FR 7491). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action. After making proper findings, the Nuclear Regulatory Commission (the Commission) issued an "Order Authorizing Dismantling of Facility and Disposition of Component Parts" on June 12, 1978. That order was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26510).

The Commission has found that the facility has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts and fuel in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. The facility was dismantled pursuant to the Commission's Order dated June 12, 1978.

The facility area has been inspected by the Commission's Office of Inspection and Enforcement and radiation surveys confirm that radiation levels meet the values defined in the decommissioning plan, and the area is available for unrestricted access.

Therefore, pursuant to the application by the University of Delaware, Facility License No. R-43 is hereby terminated as of the date of this Order.

For further details with respect to this action, see (1) application for authorization to dismantle facility and dispose of component parts and for termination of facility license dated January 18, 1978, as supplemented October 12, 1978, (2) the Commission's Order Authorizing Dismantling of Facility dated June 12, 1978, and (3) the Commission's related Safety Evaluation. Each of these items is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 26th day of February 1979.

For the Nuclear Regulatory Commission.

BRIAN K. GRIMES,
Assistant Director for Engineering and Projects, Division of Operating Reactors.

[FR Doc. 79-7333 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 48 and 47 to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Company (the licensee), which revised the licenses for operation of the Surry Power Station, Unit Nos. 1 and 2, (the facility), located in Surry County, Virginia. The amendments become effective on February 23, 1979.

The amendments add license conditions to include the Commission-approved physical security plan as part of the licenses.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not

involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filings dated November 30, 1977, revised September 25, 1978, supplemented October 25, 1978, revised January 12, 1979, and supplemented February 16, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 48 and 47 to License Nos. DPR-32 and DPR-37, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7334 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-348]

ALABAMA POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. NPF-2 issued to Alabama Power Company (the licensee), which revised the license for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility), located in Houston County, Alabama. The amendment became effective on February 23, 1979.

The amendment adds license conditions to include the Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filings dated May 25, 1977 as supplemented on November 11 and December 13, 1977 and April 14 and November 16, 1978, and the Commission's Security Plan Evaluation Report are proprietary information and are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 9 to License No. NPF-2, and (2) the Commission's related letter to the licensee dated February 26, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 26th day of February 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7310 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-348]

ALABAMA POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-2, issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility) located in Houston County, Alabama.

The amendment revises the Technical Specifications relating to: (1) Radial peaking factor limits as a function of core height; (2) setpoint for a reactor trip following a turbine trip; (3) part length control rods which will be removed from the reactor during the first refueling outage; and (4) addition of a Maintenance Superintendent. Revisions 1 and 4 above are effective as of the date of issuance of this amendment. Revisions 2 and 3 above will be effective upon startup after fueling for Cycle 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1978, supplemented by letters dated December 21, 1978 and January 12, 1979, (2) Amendment No. 10 to License No. NPF-2, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Atten-

tion: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2nd day of March 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc 79-7311 Filed 3-9-79: 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-592, STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL.*

Availability of Safety Evaluation Report for Palo Verde Nuclear Generating Station, Units 4 and 5

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Palo Verde Nuclear Generating Station, Units 4 and 5, to be located in Maricopa County, Arizona, approximately 36 miles west of Phoenix, Arizona. Notice of receipt of an application for construction permits and operating licenses was published in the FEDERAL REGISTER on May 8, 1978 (43 FR 19729). This application was submitted by the* Arizona Public Service Company, acting on behalf of itself and the other applicants, Southern California Edison Company, El Paso Electric Company, San Diego Gas and Electric Company, Nevada Power Company, Department of Water and Power of the City of Los Angeles, City of Anaheim, California, City of Burbank, California, City of Glendale, California, City of Pasadena, California, City of Riverside, California.

The application references the Combustion Engineering, Incorporated Standard Safety Analysis Report CESSAR (Docket No. STN 50-470). It was submitted in conformance with the Nuclear Regulatory Commission staff's Policy and Procedures for the Replication of Custom Plant Designs, WASH-1340, dated July 1974. This approach permits a utility to submit an application for authorization to construct a nuclear power plant utilizing a plant design that was previously submitted as part of a construction permit application. The Palo Verde Nuclear Generating Station, Units 4 and 5 replicates the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (Docket Nos. STN 50-528, STN 50-529 and STN 50-530). Construction permits were issued for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 on May 25, 1976.

This report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004 for inspection and copying. The report (Document No. NUREG-0520) can also be purchased, at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22151.

Dated at Bethesda, Md., this 1st day of March 1979.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 79-7312 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS & ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 36 and 19 to Facility Operating Licenses Nos. DPR-53 and DPR-69 issued to Baltimore Gas & Electric Company (the licensee), which revised the Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility), located in Calvert County, Maryland. The amendments are effective as of the date of issuance.

The amendments revise the Appendix B Technical Specifications to allow an environmental study to be conducted for 24 months with each Unit operating at an increase of 2 F in the delta temperature of the condenser cooling water.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an evironmental impact statement is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendment dated January 15, 1979, (2) Amendment Nos. 36 and 19 to Licenses Nos. DPR-53 and DPR-69, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23rd day of February 1979.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[7590-01-M]

[Docket Nos. 50-261]

CAROLINA POWER & LIGHT CO.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised the license for operating of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility), located in Darlington County, South Carolina. The amendment became effective on February 23, 1979.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declara-

tion and environmental impact appraisal need not be prepared in connection will issuance of this amendment.

The licensee's filings dated May 25, 1977 and July 20, 1978, as supplemented February 16, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 35 to License No. DPR-23, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md, this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7314 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Provisional Operating License No. DPR-19, issued to the Commonwealth Edison Company (the licensee), which revised the Technical Specifications for operation of Unit No. 2 of Dresden Nuclear Power Station (the facility) located in Grundy County, Illinois. The license amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to permit operation of the reactor for a period of 24 hours from 1:00 p.m. on February 4, 1979, with a negative pressure of 0.2 inches of water in areas of the Reactor Building below the refueling floor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement of negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 4, 1979, (2) Amendment No. 40 to License No. DPR-19, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-7315 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-245, 50-336]

CONNECTICUT LIGHT & POWER CO., HARTFORD ELECTRIC LIGHT CO., WESTERN MASSACHUSETTS ELECTRIC CO., AND NORTHEAST NUCLEAR ENERGY CO.

Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Provisional Operating License No. DPR-21 and Amendment No. 48 to Facility Operating License No. DPR-65, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the licenses for operation of the Millstone Nuclear Power Station, Unit Nos. 1 and 2, (the facilities), located in Town of Waterford, Connecticut. The amendments became effective on February 23, 1979.

The amendments add a license condition to include the Commission-approved physical security plan as part of the licenses.

The licensees' filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensees' filing dated June 16, 1978, as revised August 4, 1978 and February 20, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 59 to License No. DPR-21 and Amendment No. 48 to License No. DPR-65 and (2) the Commission's related letter to the licensee dated February 23, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of February, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-7316 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-3, 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK

Issuance of Amendment to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 24 and 50 to Operating License Nos. DPR-5 and DPR-26, issued to Consolidated Edison Company of New York (the licensee), which revised the licenses for operation of the Indian Point Station Unit No. 1 and Indian Point Nuclear Generating Plant, Unit No. 2, (the facilities), located in Buchanan, Westchester County, New York. The amendments became effective on February 23, 1979.

The amendments add license conditions to include the Commission-approved physical security plan as part of the licenses.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filings dated May 25, 1977, as supplemented November 2, 1977, May 26, 1978, June 28, 1978, November 9, 1978, and February 7, 1979 and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 24 and 50 to License Nos. DPR-5 and DPR-26, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (1) and (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7317 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-247]

CONSOLIDATED EDISION CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-26, issued to Consolidated Edision Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the reactor coolant system pressure and temperature heatup and cooldown curves based on data from a material surveillance capsule.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a signficant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 9, 1979, (2) Amendment No. 49 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commision, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 1st day of March 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7318 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment corrects spent fuel storage information in Section 4 of the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 19, 1979, and (2) Amendment No. 23 to License No. DPR-6, and the Commission's letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washing-

ton, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-7319 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-334]

DUQUESNE LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Light Company (the licensee), which revised the license for operation of the Beaver Valley Power Station Unit No. 1, (the facility), located in Beaver County, Pennsylvania. The amendment became effective on February 23, 1979.

The amendment adds license conditions to include the Commission-approved physical security plan as part of the licenses.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commision has made appropriate findings as required by the Act and the Commission' rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated October 31, 1977, as supplemented May 15, 1978 and February 21, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 16 to License No. DPR-66, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 633 Franklin Avenue, Aliquippa, Pennsylvania. A copy of items (1) and (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7320 Filed 3-9-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-250, 50-251]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 44 and 36 to Facility Operating License Nos. DPR-31 and DPR-41, issued to Florida Power and Light Company (the licensee), which revised the licenses for operation of the Turkey Point Plant, Unit Nos. 3 and 4, (the facility), located in Dade County, Florida. The amendments became effective on February 23, 1979.

The amendments add license conditions to include the Commission-approved physical security plan as part of the licenses.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amemdments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filings dated October 18, 1978, as supplemented February 20, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment Nos. 44 and 36 to License Nos. DPR-31 and DPR-41, and (2) the Commission's related letter to the licensee dated February 27, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida Internation University, Miami, Florida. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc. 79-7321 Filed 3-9-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

AGENCY FORMS UNDER REVIEW

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 USC, 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, or exten-

sions. Each entry contains the following information:

The name and telephone number of the agency clearance officer; the office of the agency issuing this form; the title of the form; the agency form number, if applicable; how often the form must be filled out; who will be required or asked to report; an estimate of the number of forms that will be filled out; an estimate of the total number of hours needed to fill out the form; and the name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

COMMENTS AND QUESTIONS

Copies of the proposed forms 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.

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—DONALD W. BARROWMAN—447-6202)

REVISIONS

Economics, Statistics, and Cooperatives Service
June enumerative survey
Annually
Sample of farmers
150,700 responses, 52,800 hours
Off. of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF ENERGY

(AGENCY CLEARANCE OFFICER—ALBERT H. LINDEN—566-9021)

NEW FORMS

Grant Application for Technical Assistance and Energy Conservation Measures
EIA-145
Single time
Schools, hospitals, unit of local gov't and public care
125,000 responses, 10,500,000 hours
Hill, Jefferson E., 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(AGENCY CLEARANCE OFFICER—PETER GNESS—245-7488)

NEW FORMS

Food and Drug Administration
Dietary Foods Surveillance
Single time
Users of special dietary foods in telephone households
Richard Eisinger, 395-3214

Health Care Financing Administration (departmental)
Professional Standard Review Organization Grant Application and Instructions
HCFA-95, through 109
Annually
Organizations requesting conditional PSRO grants
195 responses, 23,400 hours
Richard Eisinger, 395-3214

DEPARTMENT OF JUSTICE

(AGENCY CLEARANCE OFFICER—DONALD E. LARUE—376-8283)

NEW FORMS

Law Enforcement Assistance Administration
Evaluation of Courts Training Projects
LEAA 3350
Single time
Judges, prosecutors, defenders and court administrators
1,860 responses, 744 hours
Lavene V. Collins, 395-3214

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-7406 Filed 3-9-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20940; 70-5943]

AMERICAN ELECTRIC POWER CO., INC.

Proposed Issuance and Sale of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan

MARCH 2, 1979.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By previous orders dated February 8, 1977, and April 19, 1978 (HCAR Nos. 19879 and 20506), AEP was authorized to issue and sell, from time to time through April 30, 1979, a total of 3,000,000 shares of its authorized but unissued common stock, $6.50 par value, pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Plan"). AEP states that through February 14, 1979, a total of 2,641,035 shares had been so issued and sold, leaving a balance of 358,965 shares available for issuance and sale, and that such balance will probably be exhausted upon payment of AEP's next dividend on its common stock, in March 1979.

The Plan basically provides that a participant may (1) purchase shares of common stock from AEP quarterly by automatically reinvesting cash dividends on all or less than all (a specified number) of shares of common stock registered in his name, or (2) purchase shares of common stock from AEP as often as once a month by making optional cash payments up to a maximum of $3,000 per calendar quarter, or (3) do both. The price of shares purchased with reinvested cash dividends is 95% of the average of the daily high and low sales prices of AEP's common stock for the five trading days ending on the day of purchase. All full-time employees of AEP system companies may enroll in the Plan to purchase shares of common stock with optional cash payments even though they are not registered holders of any shares of AEP common stock, and, if they wish, may arrange to make optional cash payments

through regular payroll deductions. The minimum monthly deduction is $5 and the maximum is 10% of regular salary or wages or $1,000, whichever is less. No brokerage commissions or service charges are paid by participants in connection with purchases in the Plan. All costs of administration of the Plan are paid by AEP. A participant may change his option under the Plan at any time. A participant may withdraw from the Plan at any time by giving written notice to the Agent. Unless the Agent is otherwise directed by the participant, upon withdrawal the participant receives a certificate for all whole shares credited to his account and a cash payment for the value of any fractional share.

By post-effective amendment applicant-declarant requests authorization (1) to increase from $3,000 to $5,000 the maximum amount of optional cash payments that may be invested by a participant during any calendar quarter, and (2) to issue and sell from time to time through April 30, 1980, up to an additional 4,000,000 shares of its authorized but unissued common stock pursuant to the Plan as so amended.

It is stated that the amounts of dividends reinvested each quarter under the Plan have grown regularly and continously, and that this trend is expected to continue. The quarterly amounts of reinvested dividends in 1977 and 1978 were as follows:

[In thousands]

	1977	1978
Quarter ended:		
March	$2,436	$4,840
June	2,929	5,031
September	3,418	5,198
December	3,984	5,866

Optional cash payments by participants totaled approximately $9,737,000 in 1977 and $13,409,000 in 1978. Based on its estimates of future shareholder participation in the Plan for the year ending April 30, 1980, AEP feels the proposed 4,000,000 shares will be sufficient to meet Plan requirements and provide a sufficient margin to meet unexpected contingencies, such as an extraordinary increase in participation in the Plan.

AEP requests an exemption from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5).

The fees and expenses to be incurred in connection with the proposed transaction (exclusive of the fees of the administrator of the Plan, estimated at $280,000 annually) are estimated at $84,600, including printing expenses of $27,000, legal fees of $5,000 and accountants' fees of $5,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7256 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Release No. 20943; 70-6272]

ARKANSAS POWER & LIGHT CO.

Proposal To Sell an Interest in Two Coal-Fired Electric Generating Units

MARCH 2, 1979.

Notice is hereby given that Arkansas Power & Light Company ("AP&L"), First National Bank Building, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the delcaration, which is summarized below, for a complete statement of the proposed transaction.

AP&L proposes to sell to Arkansas Electric Cooperative Corporation ("AECC"), an electric cooperative corporation organized and existing under the laws of the State of Arkansas, pursuant to an Ownership Agreement ("Ownership agreement"), a 35% undivided ownership interest as tenant in common in two 700 MW nominally rated coal-fired generating units known as Independence Steam Electric Station, ("Independence Plant") being constructed near Newark, in Independence County, Arkansas. AP&L has made similar arrangements for the sale to City Water and Light Plant of the City of Jonesboro, Jonesboro, Arkansas ("Jonesboro"), of a 5% undivided ownership interest and to the City of Conway, Arkansas ("Conway"), of an undivided interest of approximately 2%, as tenants in common in the Independence Plant. Assuming that the closing of such sales were to take place on April 2, 1979, AP&L would expect to receive approximately $922,000 from Jonesboro and approximately $369,000 from Conway in respect of the purchase of such undivided ownership interests. AP&L will obtain from the corporate trustee under its Mortgage and Deed of Trust, dated as of October 1, 1944, as supplemented, a release of the undivided ownership interests in the Independence Plant which are to be sold and will retain a 58% undivided ownership interest in such Plant.

AECC is to pay AP&L an amount equal to 35% of AP&L's cost incurred in the construction of the Independence Plant (AECC's share estimated as of April 2, 1979, to be $5,185,000) plus 35% of AP&L's cost of money to finance such construction (AECC's share estimated as of April 2, 1979, to be $1,269,000).

After the closing, AP&L is to complete the construction of the Independence Plant on its own behalf and as agent for AECC, and AECC is to make monthly payments in advance to AP&L in respect of 35% of all additional costs to be incurred in the construction and completion of the Independence Plant. The Ownership Agreement will further provide that the respective investments of AP&L and AECC in the construction of the Independence Plant, and consequently the respective undivided ownership interests of each party, may be adjusted under certain circumstances due to (1) the availability of an equivalent amount of more economical energy to AP&L from other sources, (2) AP&L's not requiring the capacity and energy from the Independence Plant, or (3) the inability of either AP&L or AECC to finance its respective investment in

the continuing construction of the Independence Plant.

AP&L expects to apply the total proceeds of the sale scheduled for April 2, 1979, (estimated at about $6,454,000) to the repayment of short-term indebtedness incurred to finance its construction program or to directly finance its construction program.

AP&L will enter into a separate Operating Agreement with AECC ("Operating Agreement") providing for the sole operation and maintenance of the Independence Plant by AP&L. In general, AECC will be responsible for that portion of all costs of operation and maintenance, other than fuel costs, in accordance with its ownership interest. AECC will also make payments to AP&L for fuel costs for all kWh generated at the Independence Plant for its account. The Operating Agreement will further provide for the sharing by AECC of certain other overhead, administrative and general expenses and costs to be incurred by AP&L in operating and maintaining the Independence Plant. The Operating Agreement will terminate on the earlier of the date the Independence Plant is retired from commercial service or December 31, 2018, or on such other date as is agreed to by the parties thereto.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state or federal commission, other than this Commission, is required to authorize the proposed transaction. It is further stated that the sales of interests in the Independence Plant to Jonesboro and Conway are excepted from the provisions of the Act by Rule 44(b)(3) promulgated thereunder.

Notice is further given that any interested person may, not later than March 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7257 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Rel. No. 20939; 70-6163]

CENTRAL & SOUTH WEST CORP. ET AL.

Proposed Revisions to System Money Pool Arrangement

MARCH 2, 1979.

In the matter of Central and South West Corporation, Central and South West Services, Inc., 2700 One Main Place, Dallas, Texas 75250; Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102; West Texas Utilities Company, P.O. Box 841, Abilene, Texas 79604. Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power and Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO"), West Texas Utilities Company ("WTU"), Public Service Company of Oklahoma ("PSO") and Central and South West Services, Inc. ("CSWS") (collectively the "subsidiaries") have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended in this matter pursuant to Sections 6, 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45 and 50 promulgated thereunder concerning the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 30, 1978, and October 27, 1978 (HCAR Nos. 20608 and 20749), applicants-declarants were authorized to incur short-term borrowings through December 31, 1979, in an aggregate collective amount of $200,000,000 and in the following individual amounts: CSW, $200,000,000; CPL, $71,000,000; PSO, $74,000,000; SWEPCO, $50,000,000; WTU, $20,000,000; and CSWS, $2,000,000. The short-term borrowings are pursuant to a CSW System money pool ("money pool") under which applicants-declarants coordinate their short-term borrowings and make borrowings outside the money pool from banks and through the issuance of commercial paper. the money pool consists of funds from the following sources: (i) surplus finds, of CSW; (ii) surplus funds of any of the subsidiaries; (iii) borrowings by CSW or the subsidiaries from banks; and (iv) proceeds from CSW's sales of commerical paper.

CSW administers the money pool by matching up, to the extent possible, short-term cash surpluses and loan requirements of itself and its subsidiaries. Subsidiary requests for short-term loans are met first from surplus funds of the other subsidiaries which are available to the money pool and then from CSW's corporate funds, to the extent available. When these sources of funds are insufficient to meet short-term loan requests, borrowings are made from outside the system. CSW is authorized to issue and sell its commercial paper to commercial paper dealers at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers to commercial paper dealers, and at an interest cost not exceeding the effective cost of money for unsecured prime-rate commercial bank loans prevailing on the date of issue of such commercial paper.

CSW and its subsidiaries are also authorized, in the event that such borrowings would produce a lower effective cost of money than the issuance by CSW of its commercial paper, to borrow from banks to meet short-term borrowing needs which could not be met by the money pool. Such bank borrowings are also authorized even when the cost of such borrowings is not less than the cost of equivalent borrowings through the money pool if and only to the extent that such bank requires that the borrowings be made as a condition of maintaining the subsidiary's line of credit with the bank, subject to an aggregate limit at any one time outstanding of $10,000,000 for all such bank borrowings and of $5,000,000 for any one subsidiary.

The interest rate applicable to all loans of surplus funds through the money pool is the rate published in the Wall Street Journal for commercial paper placed directly by a major finance company and having a term most nearly equal to the term of the particular money pool loan in question. The interest rate applicable to the funds borrowed by CSW from external sources and loaned through the

money pool is equal to CSW's net cost for the external borrowings.

By post-effective amendment applicants-declarants seek (1) to change the manner of allocating certain costs incurred in connection with the CSW borrowings from the method authorized in HCAR No. 20749; (2) to add certain bank borrowing arrangements to those previously authorized; and (3) to increase WTU's short-term debt limitation from $20,000,000 to $25,000,000.

Concerning the allocation costs, the present authorization provides that the cost of compensating balances and fees paid to banks to maintain credit lines are initially allocated to the subsidiaries on the basis of 10% to WTU and 30% each to CPL, PSO and SWEPCO, and such costs are retroactively reallocated at the end of each calendar year among the subsidiaries (and CSW, should CSW borrow for its corporate needs) pro rata on the basis of the relative weighted average principal amounts of borrowings incurred from external sources during the year for the benefit of each such company. Applicants-declarants request authorization to reallocate these costs on the basis of the relative maximum outstanding short-term borrowings of each company (including CSW when it borrows for its own corporate needs). Under this proposal each company will be reallocated that proportion of the total line of credit costs which is equal to the percentage which its maximum short-term borrowings during the year represents of the aggregate of the maximum short-term borrowings, on a non-coincidental basis, of all the companies.

Concerning the addition of certain banks to these previously authorized, applicants-declarants seek permission to make bank borrowings pursuant to the revised arrangements set forth below. Borrowings would be at the prime rate in all cases except for loans from First National Bank in Dallas, Republic National Bank and Irving Trust Company, in all three cases the rate being 107% of prime, and except for loans from the trust departments of Texas Commerce Bank, Merchantile Bank at Dallas and Republic National Bank, the details of which loans are set forth later herein. Applicants-declarants' bank lines as of January 15, 1979, were as follows:

Bank	Amount of line	Compensation basis (a)
Bankers Trust Company	$25,000,000	Balances.
The First National Bank of Chicago	15,000,000	Balances.
First National Bank in Dallas	6,500,000	(b) Balances and fees.
Republic National Bank	5,000,000	(c) Balances and fees.
Irving Trust Company	5,000,000	(c) Balances and fees.
Marine Midland Bank	5,000,000	Balances.
Merchantile National Bank at Dallas	5,000,000	Balances.
Bank of Delaware	4,500,000	Balances.
Harris Trust & Savings Bank	2,000,000	Balances.
First City National Bank	2,000,000	Balances.
Service Area Banks:		
CPL (24 Local Banks)	$29,354,000	Balances.
PSO (2 Local Banks)	9,500,000	Balances.
SWEPCO (37 Local Banks)	20,615,000	Balances.
WTU (6 Local Banks)	8,515,000	Balances.
Total	$142,984,000	

(a) Balances maintained in support of lines of credit are generally nonsegregated working funds of the applicants and are not restricted as to withdrawal. These nonsegregated balances generally aggregate approximately 10% of the line of credit. Substantial usage under these lines of credit could result in increased compensating balance requirements. Where a fee basis is maintained, a designated portion of the total line of credit is supported by a fee equal on an annual basis to the principal amount of that portion x 7% x the prime rate. The balance of the line of credit in these situations is maintained on the compensating balances basis described above.

(b) $4.0 million is supported by compensating balances and $2.5 million by fees.

(c) $2.5 million is supported by compensating balances and $2.5 million by fees.

In addition to the above, borrowings of up to $10,000,000, $5,000,000 and $5,000,000 would be from funds managed by the trust departments of Texas Commerce Bank, Merchantile Bank at Dallas and Republic National Bank, respectively. The Texas Commerce trust fund borrowings would be evidenced by notes payable on demand or a stated maturity date not exceeding six months from date of issuance and would bear interest at a rate equal to the 90-day rate on General Motors Acceptance Corporation's commercial paper, or, if CSW has outstanding commercial paper with a 90 to 180-day maturity, at the highest effective rate to the ultimate purchasers of such paper. The Merchantile Bank at Dallas and Republic National Bank trust fund borrowings would be evidenced by notes payable on demand and would bear interest at a rate equal to the highest annual interest rate on 30 to 179-day commercial paper placed by a major finance company as reported in *The Wall Street Journal*.

Concerning the proposed increase in WTU's short-term debt limitation from $20,000,000 to $25,000,000, it is stated that such increase is necessary in order to consummate a related financial transaction between WTU and CSW, which transaction is the subject of separate application before this Commission (File No. 70-6261) and involves the payment by WTU of an extraordinary $15,000,000 dividend on common stock to CSW, a contemporaneous loan by CSW to WTU of such amount, and WTU's repayment of its short-term borrowings with a long-term debt offering later in 1979.

The proceeds of short-term borrowings (other than the financial transactions between WTU and CSW, mentioned above) will be used (i) in the case of borrowings by CPL, PSO, SWEPCO and WTU, for the interim financing of their construction programs and to provide for other temporary working capital needs; (ii) in the case of borrowings by CSW, for loans or contributions to capital to the subsidiaries for such purposes; (iii) in the case of borrowings by CSWS, to provide working capital for its operations; and (iv) to repay borrowings previously incurred for such purposes.

The estimated capital programs for 1979 for the operating companies are as follows:

	1979
CPL	$216,000,000
PSO	$251,000,000
SWEPCO	$142,000,000
WTU	$24,000,000

None of the proceeds from such borrowings shall be utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of any of the operating companies if such operating company were not part of the CSW System, nor will any expenditures be made by any of the operating companies for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application-declaration have been expended. For the purposes of the foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any pro-

posal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the Central and South West System.

CSW requests exemption from the competitive bidding requirements of Rule 50 under the Act in connection with the proposed issuance of commercial paper pursuant to paragraph (a)(5)(B) thereof.

The additional fees and expenses to be incurred in connection with the proposed transactions are estimated at $200. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 27, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7258 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5634; File No. 81-458]

EQUITABLE GENERAL CORP.

Application and Opportunity for Hearing

MARCH 2, 1979.

Notice is hereby given that Equitable General Corporation (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting the Applicant from the requirements to file reports pursuant to Sections 13 and 15(d) of that Act.

The Applicant states in part:

1. Pursuant to a merger effected on January 11, 1979, the Applicant was merged with and into Gulf Life Insurance Company, a subsidiary of Gulf United Corporation ("Gulf United"), and each outstanding shares of the Applicant was exchanged for shares of Gulf United $3.78 Cumulative Convertible Preferred Stock, Series B. As a result of the merger, the Applicant ceased to exist or to have any shareholders.

2. The common stock of Gulf United is registered with the Commission pursuant to Section 12(b) of the 1934 Act, and is publicly traded on the New York and Midwest Stock Exchanges.

3. The results of the Applicant's operations for the fiscal year ended December 31, 1978, will be reflected in the Form 10-K and annual report to shareholders of Gulf United for that same period. Results of operations for fiscal 1979 will likewise be reflected in the consolidated financial statements of Gulf United.

4. As a result of the merger, there are no securities of the Applicant in the hands of the public, and there is no longer any trading market for the Applicant's securities.

In the absence of an exemption, Applicant is required to file reports pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder for the fiscal year ended December 31, 1978 and for the fiscal year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant believes that the time, effort and expense involved in the preparation of additional periodic reports will be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application, which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person no later than March 27, 1979, may submit to the Commission his view or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the persons submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7259 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5641; File No. 81-459]

HYDROMETALS, INC.

Application and Opportunity for Hearing

MARCH 2, 1979.

Notice is hereby given that Hydrometals, Inc. ("Applicant") has filed an application, pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. The Applicant is subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act;

2. As a result of a merger in October 1978, the Applicant's common stock in existence before the merger has been cancelled or converted into Senior Promissory Notes of Wallace-Murray Corporation, and no longer exists;

3. As a result of the merger, the Applicant became a wholly-owned subsidiary of Wallace-Murray Corporation, and no further trading has been effected in the stock of the Applicant;

4. Registration of the Applicant's common stock under Section 12(g) of the 1934 Act, as amended, was terminated on November 28, 1978.

Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549

Notice is further given that any interested person not later than March 27, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 N. Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7260 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5640; File No. 81-465]

JEANNETTE CORP.

Application and Opportunity for Hearing

MARCH 2, 1979.

Notice is hereby given that Jeannette Corporation (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), for an order exempting the Applicant from the reporting requirements of Section 15(d) of the Exchange Act.

The Applicant states, in part:

1. Pursuant to a statutory merger effected on December 19, 1978, a wholly owned subsidiary of KNY Development Corp. ("KNY"), a wholly owned subsidiary of Coca-Cola Bottling Company of New York, Inc. ("CCB"), was merged with and into Applicant. Each share of Applicant's common stock held by the public was converted into and exchanged for $20.00 per share, and as a result of this merger Applicant is now a wholly owned subsidiary of KNY and no longer has any public shareholders.

2. Audited financial statements for Applicant for its fiscal year ended December 31, 1977, as well as unaudited financial statements for the nine month period ended September 30, 1978, were contained in the proxy statement sent to Applicant's shareholders in connection with the merger.

3. The common stock of CCB is registered with the Commission pursuant to Section 12(b) of the Exchange Act. CCB files current, quarterly and annual reports pursuant to Section 13 of such Act.

4. Textual information regarding Applicant will be included in CCB's Annual Report on Form 10-K for its fiscal year ended December 31, 1978.

In the absence of an exemption, Applicant is required to file reports pursuant to Section 15(d) of the Exchange Act and the rules and regulations thereunder for its fiscal year ended December 31, 1978. Applicant believes that the filing of such additional reports pursuant to Section 15(d) would serve no useful purpose and that the expense incurred in preparing such reports would be substantial.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person no later than March 27, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7261 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Release No. 6031; 18-13]

McDERMOTT, WILL & EMERY PROFIT SHARING PLAN AND TRUST

Filing of Application

MARCH 2, 1979.

Notice is hereby given that the law firm of McDermott, Will & Emery ("Applicant" or the "Firm"), 111 West Monroe Street, Chicago, IL 60603, an Illinois partnership, has by letters dated March 28, June 2, and July 13, 1978, applied for an exemption from the registration requirements of the Securities Act of 1933 ("Act") for any participations or interests issued in connection with its Profit Sharing Plan and Trust for partners and associate lawyers (hereinafter collectively referred to as the "Plan"). All interested persons are referred to those documents, which are on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. INTRODUCTION

The Plan covers Applicant's partners and associate lawyers, of whom there were 85 and 63, respectively, as of March 28, 1978. All attorneys are eligible to participate in the Plan if they have completed three years of service with the Firm. The Plan is of a type, commonly referred to as a "Keogh" plan, which covers persons (in this case the Firm's partners) who are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code"). Therefore, even though the Plan is qualified under Section 401 of the Code, the exemption provided by Section 3(a)(2) of the Act is inapplicable to interests in the Plan, absent an order of the Commission issued under Section 3(a)(2).

Applicant states that prior to November of 1977, the Firm had only an Illinois office and relied on, among other available exemptions, the so-called "intrastate" exemption from registration under Section 5 of the Act. At the end of November, 1977, the Firm opened an office in Florida and, in September of 1978, opened an office in Washington, D.C. The Firm now deems it appropriate to apply for an exemption under Section 3(a)(2).

In relevant part, Section 3(a)(2) provides that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropri-

ate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

II. DESCRIPTION AND ADMINISTRATION OF THE PLAN

Applicant states that the Plan was adopted in 1966 and was amended and restated in its entirety, effective as of January 1, 1976, in order to comply with the Employee Retirement Income Security Act of 1974 ("ERISA"). The Internal Revenue Service has issued a ruling to the effect that the Plan, as so amended and restated, continues to be a qualified plan under Section 401 of the Code. The Plan is an employee pension benefit plan subject to the fiduciary standards and to the full reporting and disclosure requirements of ERISA.

The Plan has a mandatory Firm contribution feature and a voluntary participant contribution feature, both of which are based on a percentage of compensation. In general, the Firm's annual contributions on behalf of a participant plus one-half of any voluntary contributions such participant makes for the year cannot exceed the lesser of $30,050 or 25% of earnings (the $30,050 figure will be adjusted in future years to cover cost-of-living increases).

Applicant states that the Plan is administered through a single trust with three of the Firm's senior partners acting as trustees. The trust agreement contains provisions for separate investment funds to be managed by separate investment managers. The Plan presently has theree investment funds: an Equity Fund, a Principal Fund, and an Individual Investment Fund. A participant has the right to designate the amounts to be held in each of the three investment funds and to change such designations. The Trustees have the power to appoint and to remove investment managers with respect to Plan assets. Applicant asserts that the Firm exercises substantial administrative responsibilities in connection with the Plan.

Applicant contends that were the Firm a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under Section 3(a)(2) of the Act, because no person who would be an "employee" within the meaning of Section 401(c)(1) of the Code would participate in the Plan. Applicant argues that the mere fact that it conducts its business as a partnership rather than as a corporation should not result in a requirement that interests in the Plan be registered under the Act.

Applicant also maintains that were the Firm's partners not permitted to participate in the Plan, the interests or participations issued in connection with the Plan would be exempt under Section 3(a(2) since no other persons covered by the Plan would be "employees" within the meaning of Section 401(c)(1) of the Code. Applicant argues that there is no valid basis for a contrary result merely because the Plan also covers partners in the Firm.

Applicant also argues that the Plan covers only partners and associate lawyers of the Firm, who are professionals generally sophisticated in investments and financial analysis and able to protect their interests adequately without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to the participants.

Applicant requests permission to have certain of the assets of the Plan commingled in an indexed collective investment fund maintained by a national bank for corporate pension and profit sharing plans and to have certain of the assets of the Plan remain in the individual investment fund maintained by a national brokerage house. If the firm were a corporation and not a partnership, participation in these forms of investment programs would be permitted.

Finally, Applicant argues that the characteristics of the Plan are essentially typical of those maintained by many single corporate employers and that the legislative history of the relevant language in Section 3(a)(2) of the Act does not suggest any intent on the part of Congress that interests issued in connection with single-employer Keogh plans necessarily should be registered under the Act. Applicant argues that its Plan is distinguishable from multi-employer plans or uniform prototype plans designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons and that these latter plans are the type of plans Congress intended to exclude from the Section 3(a)(2) exemption.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 27, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement of the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7262 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Release No. 20938; 70-6267]

NATIONAL FUEL GAS CO.

Proposed Issuance and Sale of Short-Term Note to Bank

MARCH 2, 1979.

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 thereof as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

National proposes to issue and sell to The Chase Manhattan Bank, N.A. ("Chase") a $4,500,000 short-term unsecured note. Such unsecured note will be dated as of the date of issuance, will mature no later than nine months from the date thereof, will be prepayable at any time without premium, and will bear interest at the Chase prime rate as it fluctuates from time to time. There will be no commitment fee or any closing or related costs in connection with the proposed borrowing. National has agreed with Chase to maintain an average balance of 20% of average loans outstanding. The aver-

age balances maintained for normal operating needs are sufficient to cover such average balance. Assuming an average balance of 20% was required, the effective cost of money based on the current prime of 11.5% would be 14.375% per annum.

National intends to use the proceeds from the sale of its short-term note to pay at maturity approximately $4,500,000 of 3¼% Sinking Funding Debentures due 1979. The company tentatively proposes to repay the $4,500,000 through funds received in connection with the issuance and sale later in 1979 of its debentures or the issuance and sale later in 1979 of a twelve-month note to Chase.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $4,350. It is stated that no state commission and no federal commission, other than this commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 23, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7263 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Administrative Proceeding File No. 3-5633; File No. 81-407]

NEONEX INTERNATIONAL, LTD.

Application and Opportunity for Hearing

MARCH 2, 1979.

Notice is hereby given that Neonex International Ltd. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for a partial exemption from the filing requirements of Section 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. The Applicant is a Canadian corporation subject to the reporting provisions of Section 13 and 15(d) of the 1934 Act.

2. On November 1, 1977, the Applicant became a wholly-owned subsidiary of Jim Pattison Holdings Ltd. as the result of an amalgamation.

3. On December 19, 1977 a Certificate of Termination of registration pursuant to Rule 12g-4 and notice of suspension pursuant to Rule 15d-6 was filed on behalf of Applicant.

4. There is no public trading in Applicant's securities.

In the absence of an exemption, Applicant would be required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act, including the annual report on Form 10-K for the fiscal year ended December 31, 1977. The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than March 27, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7264 Filed 3-9-79; 8:45 am]

[8010-01-M]

[Release No. 20942; 70-6263]

SOUTHERN CO., ET AL.

Proposed Issuance and Sale of Short-Term Notes to Banks and Dealers in Commercial Paper, Capital Contributions to Subsidiaries, and Exception From Competitive Bidding

In the matter of The Southern Company, P.O. Box 720071, Atlanta, Georgia 30346; Gulf Power Company, P.O. Box 1151, Pensacola, Florida 32520; Mississippi Power Company, P.O. Box 4079, Gulfport, Mississippi 39501 (70-6263).

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and two of its wholly owned electric utility subsidiary companies, Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, and 12 of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern, Gulf, and Mississippi propose to borrow from banks and to issue and sell commercial paper from time to time on or before March 31, 1980. These borrowings would be in the following maximum aggregate principal amounts outstanding at any one time: Southern—$100,000,000; Gulf—$93,000,000; and Mississippi—$20,000,000.

Pursuant to Commission authorization (HCAR No. 20469), Gulf, Mississippi, and Southern have authority to effect short-term borrowings on or before March 31, 1979. The amount of short-term debt estimated to be outstanding at March 31, 1979 is $2,900,000 for Gulf and $7,700,000 for Mississippi. Southern does not expect to have any short-term debt outstanding on that date.

The bank borrowings will be evidenced by notes to be dated the date of the borrowing and to mature not more than one year after the date of issue in the case of Southern and not more than nine months after the date

of issue in the case of Gulf and Mississippi. Each note evidencing bank borrowing will bear interest at an effective rate per annum in effect at the lending bank customary for similar companies and will be prepayable, in whole or in part, without penalty or premium.

Gulf and Mississippi each maintain with the local banks, from which borrowings will be made, average daily operating balances adequate to meet the requirements of such banks in respect of certain services to such companies. It may reasonably be expected that banks may require the maintenance of balances and/or fees in lieu of balances in respect of any such borrowings. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement generally not in excess of 20%, the effective interest cost of the related borrowings, based on a prime rate of 11.75%, would be 14.69% per annum.

Southern has obtained a line of credit from Barclays Bank International Limited ("Barclays") of $40,000,000 and lines of credit from Union Bank of Switzerland ("Union"), Credit Suisse and Swiss Bank Corporation ("Swiss Bank") each in the principal amount of $20,000,000. Each line of credit currently matures December 31, 1979. A commitment fee of ¼% per annum on undrawn amounts is payable for each line of credit. Borrowings from Barclays would bear interest at an effective rate of ½% per annum over its floating prime rate. Borrowings from Union, Credit Suisse and Swiss Bank (collectively, the "Swiss Banks") would, at Southern's option, either bear interest at an effective rate of ½% per annum over lender's floating prime or at a margin over the London Interbank Offered Rate ("LIBOR"). Swiss Bank also offers borrowings at ½% per annum over its prime rate on the date of advance, fixed for 90 days. Borrowings from Union and Credit Suisse bearing interest at a margin over LIBOR, will not be prepayable. Borrowings from Swiss Bank are prepayable only if amounts prepaid are accompanied by an amount equal to any loss or expense which has been sustained by Swiss Bank as a result of such prepayment. Such loss or expense will normally equal the difference between the interest that would have been earned through scheduled maturity on amounts prepaid and the interest Swiss Bank could earn by relending such amounts through scheduled maturity. Except in the case of Swiss Bank, advances bearing interest a rate related to lender's floating prime may be for any term provided that they mature in one year or at the then current expiration date for the line of credit whichever is earlier. Such advances by Swiss Bank would mature within 180 days or at the date of expiration of the lines of credit, whichever is earlier. The margins over LIBOR and tenor of advances bearing interest based on LIBOR are summarized below:

	Margin over LIBOR	Tenor
Union Bank	½%	Periods of one to six months.
Credit Suisse	¾%	Periods of 30, 60 or 90 days.
Swiss Bank	¾%	Periods of 30 to 180 days.

Southern states the effective cost of such lines of credit is comparable to the effective cost of simiar lines of credit from domestic banks. The comparable effective cost to Southern of amounts borrowed from Barclays and the effective cost of amounts borrowed from the Swiss Banks at a rate related to their prime rate would in each case be 12.25% (prime rate plus ½%). The LIBOR for the three-month funds availalble on January 26, 1979, was quoted by the Swiss Bank at 10.8125% to 10.875% per annum. Assuming a LIBOR of 10.875% the comparable effective cost of amounts borrowed for three months from the Swiss Banks at a rate related to LIBOR would be 11.375% in the case of Union Bank (LIBOR plus ½% and 11.625% in the case of Credit Suisse and Swiss Bank (LIBOR plus ¾%). Southern expects to borrow from the Swiss Banks at whichever option yields the lowest effective cost at the time for the period the funds are required.

Southern estimates that 10% compensating balances are currently equivalent to a minimum cost relative to the credit line of .968% per annum, which is 10% of the most recent coupon rate for new 91 day U.S. Treasury Bills dated February 1, 1979. When domestic banks charge a fee in lieu of balances, such fees in general approximate .5% per annum. The comparable costs of undrawn amounts with the banks named above would be .25% per annum.

Southern, Gulf, and Mississippi also proposed from time to time to prior to March 31, 1980 to issue and sell commercial paper in the form of short-term promissiory notes to dealers in commercial paper. The commercial paper notes will have varying maturities of not more than 270 days after the date of issue, will be issued in varying denominations of not less than $50,000 and not more than $5,000,000, and will not by their terms be prepayable prior to maturity. The commercial paper will be sold directly to or through the dealers at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. No commercial paper note will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the issuer could borrow from banks.

Except for a commission not to exceed ⅛ of 1% per annum payable to the dealer in respect of commercial paper sold through the dealer as agent, no commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer will reoffer such commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing interest rate to the issuer or at an equivalent cost if sold on an interest bearing basis. The commercial paper will be offered by each dealer to not more than 200 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer. No additions will be made to such list of customers. It is expected that the commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others on the customer list.

Southern intends to use proceeds of the bank notes and commercial paper notes together with treasury funds and proceeds form the sale of additional common stock through its dividend reinvestment plan, its employee savings plan and its employee stock ownership, all of which are the subject of separate filings, to make, from time to time, additional equity investments in the form of capital contributions to Georgia Power Company ("Georgia"), Alabama, Gulf, and Mississippi, to make loans to Southern Company Services, Inc., to pay such notes when due, and for other corporate purposes. Southern proposes herein to make capital contributions to its subsidiaries from April 1, 1979 through March 31, 1980, as follows: $315,000,000 to Alabama; $180,000,000 to Georgia; $40,000,000 to Gulf; and $15,000,000 to Mississippi.

The proceeds from the bank notes and commercial paper notes will be used by Gulf and Mississippi, respectively, to reimburse their treasuries for part of the expenditures incurred in connection with their construction programs, to finance in part their future construction programs, to pay at maturity outstanding bank notes and commercial paper notes incurred for such purposes and for other corporate purposes. Construction expenditures for 1979 and January-March 1980 are estimated at $91,785,000 and $28,815,000, respectively for Gulf and

$28,005,000 and $11,883,000, respectively, for Mississippi.

The applicants-declarants request exception from the competitive bidding requirements of Rule 50 in connection with the sale of commercial paper notes pursuant to clause (a)(5) thereof. It is stated, in this connection, that (a) all commercial paper which they propose to issue and sell will have a maturity not in excess of 270 days, (b) current rates for commercial paper for prime borrowers, such as applicants-declarants, are published daily in fianancial publications, and (c) it is not practical to invite invitations for bids for commercial paper. It is also requested that authorization be granted to file certificates of notification under Rule 24 on a quarterly basis.

Fees and expenses to be incurred by Southern in connection with the proposed transactions are estimated at $3,400, including legal fees of $2,500; Gulf's expenses are estimated at $1,400, including legal fees of $500; and Mississippi's expenses are estimated at $1,400, including legal fees of $500.

The Florida Public Service Commission has jurisdiction over the issuance of notes to banks and the issuance of notes and commercial paper by Gulf. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-7265 Filed 3-9-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0204]

CAMERON FINANCIAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On October 17, 1978, a notice was published in the FEDERAL REGISTER (43FR 47805) stating that an application has been filed by Cameron Financial Corp., 1410 Frost Bank Tower, San Antonio, Texas 78205, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102(1978)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business November 1, 1978, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0204 on February 23, 1979, to Cameron Financial Corp. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-7365 Filed 3-9-79; 8:45 am]

[8025-01-M]

[Proposed License No. 09/09-0242]

DRAPER ASSOCIATES, INC.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (CFR 107.102 1979)) by Draper Associates, Inc., Two Palo Alto Square, Suite 700, Palo Alto, California 94301, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. et seq).

Officers, Directors, and 10 or More Percent Shareholders

William H. Draper III, 91 Tallwood Court, Atherton, California 94025; President and Director.

Phyllis C. Draper, 91 Tallwood Court, Atherton, California 94025; Vice President, Director, and Chief Financial Officer.

Rebecca S. Draper, 2548 Hyde Street, San Francisco, California; Director; 33⅓ percent.

Polly C. Draper, 153 Cold Spring Street, New Haven, Connecticut 06511; Director; 33⅓ percent.

Timothy C. Draper, 91 Tallwood Court, Atherton, California 94025; Director; 33⅓ percent.

James C. Gaither, 37 Southwood Avenue, Ross, California 94957; Secretary.

The Applicant will begin operations with initial private capital of $300,000. Private capital will be increased to $500,000 prior to October 1, 1979. SBA will not provide leverage until the Applicant's private capital is increased to at least $500,000.

The Applicant recognizes the need for both equities and loans. However, the applicant will, as much as it is practical, emphasize equity investments with particular attention to growth potentials. The Applicant's President was formerly President of Draper & Johnson Investment Company, an SBIC.

Matters involved in SBA's consideration of the application include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing would be in the furtherance of the purpose of the Act.

Notice is hereby given that any person may not later than March 27, 1979, submit written comments to the Deputy Associate Administrator, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Palo Alto, California.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies)

Dated: March 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-7364 Filed 3-9-79; 8:45 am]

[8025-01-M]

REGION X ADVISORY COUNCIL EXECUTIVE BOARD

Cancellation of Meeting

The Small Business Administration Region X Advisory Council Executive Board public meeting scheduled at 1:00 p.m., on Wednesday, March 21, 1979, in the Seattle-First National Bank Board Room, Dexter-Horton Building, 710 Second Avenue, Seattle, Washington has been cancelled.

For further information, write or call Larry C. Gourlie, Regional Director, U.S. Small Business Administration, Dexter-Horton Building, 710 Second Avenue, Seattle, Washington 98104—(206) 442-5676.

Dated: March 6, 1979.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-7363 Filed 3-9-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 79-035]

CHEMICAL TRANSPORTATION ADVISORY COMMITTEE, SUBCOMMITTEE ON BULK LIQUID FACILITIES

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Chemical Transportation Advisory Committee's Subcommittee on Bulk Liquid Facilities to be held on Wednesday, March 28, 1979, beginning at 9:30 a.m., Room 6332, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. The agenda for this meeting is as follows:

1. Presentation of the subcommittees' final draft of recommendations for regulation of bulk liquid waterfront facilities by Mr. Gerald Spaeth of Bulk Terminals Co., Chicago, IL.

2. Open discussion on those recommendations.

3. Open discussion of status of Coast Guard waterfront facilities rulemaking.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, Lt. D. G. Dickman, c/o Commandant (G-WLE-1/73), U.S. Coast Guard, Washington, DC 20590, 202-426-1927. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on March 8, 1979.

F. P. SCHUBERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

MARCH 7, 1979.

[FR Doc. 79-7386 Filed 3-9-79; 8:45 am]

[4910-60-M]

Materials Transportation Bureau

STATE OF RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS: APPLICATION FOR INCONSISTENCY RULING

Public Notice and Invitation To Comment

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Public Notice and Invitation to Comment.

SUMMARY: The State of Rhode Island, Public Utilities Commission, Division of Public Utilities and Carriers, has applied for an administrative ruling as to whether that Division's "Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be used by a Public Utility" are inconsistent with and thus preempted by the Hazardous materials Transportation Act or regulations issued thereunder. Public comment is solicited.

DATES: Comments received on or before April 20, 1979 will be considered before an inconsistency ruling is issued by the Associate Director for Operations and Enforcement.

ADDRESSES: The Division of Public Utilities and Carriers' application and any comments received may be reviewed in the Dockets Branch, Materials Transportation Bureau, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590. Comments on the application must be submitted to the Dockets Branch at the above address. Five copies are requested. A copy of each comment must also be sent to Mr. Edward F. Burke, Administrator, Division of Public Utilities and Carriers, 100 Orange Street, Providence, R.I. 02903, and that fact certified at the time the comment is submitted to the Dockets Branch. (The following format is acceptable: "I hereby certify that a copy of this comment has been sent Mr. Edward F. Burke at the address noted in the Federal Register publication.")

FOR FURTHER INFORMATION CONTACT:

David G. Ortez, Office of the Chief Counsel, Research and Special Programs Administration, Department of Transportation, 2100 Second Street, S.W., Washington, D.C. 20590 (phone (202) 755-4972.

SUPPLEMENTARY INFORMATION:

1. *Background.* The Hazardous Materials Transportation Act (49 U.S.C. §§ 1801-1812) (HMTA) at § 112(a) (49 U.S.C. § 1811(a)) expressly preempts "any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement" of the HMTA or regulations issued under the HMTA. Section 122(b) (49 U.S.C. § 1811(b)) provides that an inconsistent state or political subdivision requirement ceases to be preempted, however, if upon application the Secretary of DOT determines that the State or local requirement (1) provides and equal or greater level of public safety than the HMTA or regulations issued thereunder and (2) does not unduly burden commerce.

Regulations implementing § 112 are codified are 49 CFR 107.201—107.225. These procedural regulations provide for the issuance of inconsistency rulings and non-preemption determinations. Briefly, an inconsistency ruling, such as is being sought here, is an administrative opinion as to the relationship between a Federal requirement (in the HMTA or regulations issued thereunder) and a requirement of a State or political subdivision thereof. 49 CFR 107.209(c) sets forth the following factors that are to be considered in making the ruling:

(1) Whether compliance with both the State or political subdivision requirement and the Act or regulations issued under the Act is possible; and

(2) The extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

If a State or local requirement is found to be inconsistent with a Federal requirement, the State or locality may seek a non-preemption determination, i.e. a waiver of preemption, which results if the criteria of § 112(b) of the HMTA (49 U.S.C. § 1811(b)) are met.

2. *Division of Public Utilities and Carriers' Application for Inconsistency Ruling.* On December 1, 1978, the Division of Public Utilities and Carriers for the State of Rhode Island filed and application for a ruling a to whether certain rules an regulations pertaining to the highway transportation of liquefied natural gas (LNG) and liquefied petroleum gas (LPG) are inconsistent with any requirement of the HMTA or regulations issued thereunder. The Rhode Island requirements apply when the LNG or LPG is

intended to be used by a public utility, is transported by interstate or intrastate motor carrier, and the loading or unloading of the cargo tank is performed within Rhode Island.

The Rhode Island requirements, entitled "Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be Used by a Public Utility," are included as an Appendix to this document. The State requires that a subject motor carrier obtain a permit at least four hours prior to any transport on roads within the State. In applying for such a permit a carrier must provide certain data, including the specific vehicle to be used and a detailed description of the route to be followed. The permit must be kept in the possession of the operator of the vehicle. Furthermore, the State requires that subject trucks (1) be equipped with a two-way radio in order to alert authorities of any accident or mishap; (2) stay off State roads and highways between the hours of 7-9 a.m. and 4-6 p.m., Monday through Friday; (3) provide immediate notification of any accident, mishap or safety irregularity to the State Police and also, within 24 hours of any such incident, file a written report with two designated State agencies; (4) be equipped with a sign on the rear bumper stating "MUST STAY BACK 500 FEET" in letters at least three inches high, illuminated for nighttime travel; (5) travel with headlights on at all times; (6) have trailers equipped with a frangible shank-type lock and (7) be inspected for safety equipment defects and for cargo leaks prior to leaving and upon arrival at loading/unloading areas.

Rhode Island's application does not identify the specific provisions of the HMTA or the regulations issued under the HMTA with which it seeks to have its requirements compared for consistency as required by 49 CFR 107.203(b)(3). For two reasons, however, the Materials Transportation Bureau believes that no useful purpose would be served by returning the application to Rhode Island for compliance with this requirement and it is hereby waived.

First, there are no container specifications in the Hazardous Materials Regulations applicable to motor vehicle transportation of LNG. Therefore highway movement of this material is possible only under an exemption issued under 49 U.S.C. § 1806 and 49 CFR 107.101-.125. A number of exemptions have been issued that allow this transportation and while their terms are not identical the standard provisions found in them generally concern the following:

1. Compliance with ASME Code, Section VIII.
2. Tank design, design pressure and retest pressure.
3. Filling density and filling practices.
4. Insulation.
5. Safety relief devices and settings.
6. Establishment of holding time.
7. Establishment of one-way travel time (permissible time lapse during transportation).
8. Cargo tank markings.
9. Conditions for transport of empty tanks.
10. Driver instruction and recordkeeping.
11. Incident reporting.

Note that for transportation under exemption compliance with the Hazardous Materials Regulations is necessary except as otherwise specifically authorized by the exemption. Placarding, for example, is still required although not addressed in the text of the document granting the exemption permitting LNG transportation.

Secondly, the only Rhode Island requirements that are specifically addressed in the Hazardous Materials Regulations are those that relate to incident reports, shipper certifications, illumination, and vehicle safety checks.

3. *Public Comment.* Comments should be restricted to the question of whether Rhode Island's "Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be Used by a Public Utility" are inconsistent with the HMTA or regulations issued thereunder. Commenters may wish to address only certain requirements since it is possible that some of the State requirements are inconsistent and others are not.

Since the application being considered is for an inconsistency ruling and not a non-preemption determination, comments on the effect on interstate commerce of the Rhode Island requirements, as that effect relates to a waiver of preemption under 49 U.S.C. 1811(b), are inappropriate in this proceeding.

Persons intending to comment on the application should examine the HMTA (49 U.S.C. §§ 1801-1812), the DOT Hazardous Materials Regulations (49 CFR Parts 171-179), and the procedures governing the Department's consideration of applications for inconsistency rulings (49 CFR 107.201-.211), as well as the Rhode Island requirements contained in the Appendix to this Notice.

In order to assist commenters, the following facts, which do not necessarily cover all the issues raised by the application, are noted:

1. Title 49 CFR 177.804, effective February 6, 1978 (43 FR 4858, February 6, 1978) requires persons subject to 49 CFR Part 177 to comply with applicable Federal Motor Carrier Safety Regulations (49 CFR Parts 390-397), exclusive of 49 CFR 397.3 and 397.9. The provisions of the Federal Motor Carrier Safety Regulations incorporated by reference at 49 CFR 177.804 may thus have their preemptive effect considered under the administrative procedures at 49 CFR Part 107, Subpart C.

2. There is authority in the HMTA (49 U.S.C. § 1804) for DOT to impose routing requirements, which could include restrictions on time of travel, but to the present DOT has not exercised this authority. The only routing requirement applicable to highway transportation of hazardous material is a general provision in 49 CFR 307.9. This provision is one of the Federal Motor Carrier Safety Regulations that has not been issued under the authority of the HMTA and therefore may not be considered in making an inconsistency ruling.

3. There are no permit requirements in the Hazardous Materials Regulations. Some of the information required to be contained in the Rhode Island permit application, however, is also contained in the shipping paper required by the Hazardous Materials Regulations. The shipping paper must contain the proper shipping name of the material and its hazard class (49 CFR 172.202). (The shipping paper for shipment made under DOT exemption must also identify the exemption by number, 49 CFR 172.203(a).) The shipping paper must also include a certification by the shipper that the materials being offered for transportation are in accordance with the Hazardous Materials Regulations (49 CFR 172.204). (The reference in the Rhode Island requirements to the load being in compliance with the motor carrier safety regulations appears to be incorrect. Those regulations, in 49 CFR Parts 390-397, only specifically address hazardous materials transportation in Part 397, and that Part only deals with parking and driving rules.) Also, a carrier is forbidden from transporting a hazardous material unless the material is accompanied by a shipping paper that includes a proper shipper's certification (49 CFR 177.817).

4. The reference in the Rhode Island definitions to a "Federal Department of Transportation Special Safety Permit" is outdated. The document issued by DOT that allows the use of a specific container for highway transportation of LNG is an "exemption" (formerly referred to as a "special permit").

5. 49 CFR Part 396 sets forth requirements for the inspection and maintenance of motor vehicles.

6. 49 CFR 171.15 requires telephone notification to DOT "at the earliest practicable moment" after a hazardous materials incident, of the type set forth in that section, occurs. Additionally, 49 CFR 171.16 requires a written

report to DOT within 15 days of certain hazardous materials incidents. These provisions are specifically made applicable to highway transportation by 49 CFR 177.807.

7. 49 CFR 393.25(e)(3), 393.25(e)(5) and 393.25(e)(6) address certain rear lighting requirements for motor vehicles.

8. The Rhode Island requirement for a "frangible shank type lock to prevent tampering of valves or equipment" on trailers is not required for LPG transportation under the Hazardous Materials Regulations or for LNG highway movement under authorizing exemptions.

(49 U.S.C. § 1811; 49 CFR 1.53(b)(1); 49 CFR Part 1, App. A; 49 CFR Part 107, Subpart C.)

Issued in Washington, D.C., on March 5, 1979.

ROBERT L. PAULLIN,
Associate Director for Operations and Enforcement.

APPENDIX.—STATE OF RHODE ISLAND, PUBLIC UTILITIES COMMISSION, DIVISION OF PUBLIC UTILITIES AND CARRIERS

RULES AND REGULATIONS GOVERNING THE TRANSPORTATION OF LIQUEFIED NATURAL GAS AND LIQUEFIED PROPANE GAS INTENDED TO BE USED BY A PUBLIC UTILITY

These regulations are to include motor carriers operating in intrastate commerce as well as motor carriers in interstate commerce where the loading or unloading of tank trailers is required to be performed within the State of Rhode Island.

Effective: November 3, 1978.

DECLARATION OF POLICY

It is hereby declared to be the policy of the state to regulate the transportation of hazardous materials, as herein defined, within the boundaries and/or over the highways and roads of this state. The Division of Public Utilities and Carriers is authorized to regulate the transportation of Liquefied Natural Gas and Liquefied Propane Gas intended for use by a public utility over the highways and roads of this state and anywhere within its boundaries in accordance with the provisions of Sections 39-1-2.1 and 45-2-17 of the General Laws of Rhode Island, as amended. Further, said Division is charged with the safety and welfare of the citizens of the State of Rhode Island and their property located within its bounds under these sections.

Therefore, these rules and regulations are hereby promulgated by said Division pursuant to the authority cited herein.

I. *Definitions:* Terms used herein shall be construed as follows unless another meaning is expressed or is clearly apparent from the language or content.

Administrator: Means the Administrator of the Division of public Utilities and Carriers.

Application: Any written request to the Division of Public Utilities and Carriers for a permit.

Carrier: See 'Motor Carrier'.

Confirmation of permit: A Permit shall be deemed valid when the operator of the vehicle, upon request, can produce the permit, or an authorized telegram, telex or twx sent by the Division of Public Utilities and Carriers of the State of Rhode Island.

Federal Dept. of Transportation special safety permit: A permit issued for [sic] the Federal Department of Transportation for the use of a specific container to be used for the transportation of Liquefied Natural Gas.

Liquefied natural gas: A fluid in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas.

Liquefied petroleum gas (LP-gas or LPG): Any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: Propane, Propylene, Butane (normal butane or iso-butane) and Butylenes.

Motor carriers: A common carrier by motor vehicle, a contract carrier by motor vehicle, a private carrier by motor vehicle or an interstate carrier by motor vehicle.

Permit: A written document allowing the use of certain specified Rhode Island Highways for the transportation of hazardous material issued by the Administrator to a permittee.

Permitte: Any person who has applied for and has been issued a permit to transport hazardous material over certain Rhode Island Highways.

Person: Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

II. *Permit required:* All motor carriers transporting Liquefied Natural Gas or Liquefied Propane Gas intended to be used by a public utility must have applied for and have received a Rhode Island Permit prior to transporting either Liquefied Natural Gas or Liquefied Propane Gas upon and along any highway, street or road within the State of Rhode Island.

III. *Application for permit:* Any motor carrier transporting the commodities herein defined will file with the Motor Carrier Examiner, Division of Public Utilities and Carriers, an application at least 4 hours prior to the commencement of the transportation service over said Rhode Island Highways. The application for a permit may be submitted for a period of use of up to two weeks duration prior to utilization of said permit.

The application will include the following:

1. Name and mailing address of the carrier.
2. A detailed description of the route/routes to be followed by the carrier.
3. Description of commodity to be transported, type of label required and quantity.
4. Date and time the transprtation service will be provided.
5. Origin and destination of shipment.
6. Vehicle identification number.
7. Vehicle registration.
8. Proof of vehicle inspection.
9. Proof of proper insurance coverage.
10. A certification from the shipper certifying that the load is in compliance with the applicable motor carrier safety regulations of the Federal Department of Transportation.
11. A certification from the carrier certifying that the load is in compliance with the applicable motor carrier safety regulations of the Federal Department of Transportation.

The permit, a confirmation of such permit, or a copy of the permit shall be retained in the possession of the operator of the vehicle at all times while transporting the herein defined commodities over Rhode Island Highways.

IV. *Radio communication:* Any motor carrier, as herein defined, transporting commodities, as herein defined, over the highways of this state will be equipped with a two-way radio within easy reach of the driver. This radio will be utilized to alert the appropriate federal, state or municipal agencies of any accident or mishap occurring within the State of Rhode Island.

V. *Hours of travel:* No transportation of Liquefied Natural Gas and Liquefied Propane Gas, as herein defined, will be transported [sic] over any highway, street, or road of this state during the hours of 7-9 AM and 4-6 PM, Monday through Friday.

VI. *Notice of accidents:* Any motor carrier transporting the commodities herein defined must immediately notify the Rhode Island State Police, amd must file in writing with the Motor Carrier Examiner, Division of Public Utilities and Carriers, and the Rhode Island Department of Transportation, notice of any accident, mishap, or any safety irregularities, within twenty-four (24) hours of same.

VII. All vehicles will be equipped with a sign on the rear bumper with the following notation:

"MUST STAY BACK 500 FEET"

All letters must be a least three (3) inches high and be illuminated for evening travel.

VIII. All vehicles used for the transportation of Liquefied Natural Gas or Liquefied Propane Gas are required to travel with headlights on at all times while within the State of Rhode Island, whether said vehicle is delivering to a public utility or returning to its out-of-state terminal, having made a delivery.

IX. All trailers shall be equipped with frangible shank type lock to prevent tampering of valves or equipment.

X. Prior to leaving and upon arrival at loading/unloading areas, drivers along with proper personnel, will inspect their vehicle and trailers for defects in safety equipment and for liquid and gas leaks. Any repairs necessary shall be made as required before leaving for travel over the highways.

XI. *Other regulatory control:* These regulations shall be considered as being in addition to any Federal regulations governing the transportation of hazardous materials.

[FR Doc. 79-7215 Filed 3-9-79; 8:45 am]

[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 79-3]

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I § 10(a)(2)), notice is hereby given that a closed meeting of the Advisory Committee on Explosives Tagging will be held on April 19, 1979, at the Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC, room 5041, beginning at 9:30 a.m. (EST).

The Advisory Committee will discuss detailed proprietary, scientific, and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential within the ambit of 5 U.S.C. 552b(c)(4). Accordingly, the meeting of the Advisory Committee will, under authority of section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App. I § 10(d)), not be open to the public.

All communications regarding this meeting of the Advisory Committee should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Attention: Mr. A. Atley Peterson, Committee Chairman, room 5205.

Signed: March 2, 1979.

G. R. DICKERSON,
Director.

[FR Doc. 79-7267 Filed 3-9-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38 United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on March 29, 1979, at 9 a.m. The meeting will be for the purpose of reviewing provisions of parts of the VA vocational rehabilitation, job training and education programs and making appropriate recommendations thereon.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2152), prior to March 22.

Interested persons may attend, appear before, or file statements with the committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:30 p.m. on March 29, 1979.

Dated: March 2, 1979.

MAX CLELAND,
Administrator.

[FR Doc. 79-7371 Filed 3-9-79; 8:45 am]

[8320-01-M]

REPLACEMENT HOSPITAL, VAMC SEATTLE, WASH.

Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the Veterans Administration 515-Bed Replacement Hospital, VAMC Seattle, Washington," dated March 1979, has been prepared as required by the National Environmental Policy of 1969.

The preferred location of the Replacement Hospital is at the existing Veterans Administration Medical Center, Seattle, Washington. The Replacement Hospital will have 515 hospital beds and the necessary outpatient and support functions. The facility will be physically attached to the existing Medical Center buildings which will be renovated to house many office and research functions.

The Draft Statement discusses the environmental impact of the Replacement Hospital for the preferred alternative and discusses the other viable alternatives including "No Action". The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street NW., Washington, D.C. 20420 (202-389-2526).

Single copies of the Draft Statement may be obtained on request to: Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: March 6, 1979.

By direction of the Administrator.

MAURY S. CRALLE, Jr.,
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-7370 Filed 3-9-79; 8:45 am]

[8320-01-M]

VOLUNTARY SERVICE NATIONAL ADVISORY COMMITTEE

Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Veterans Administration Voluntary Service National Advisory Committee has been renewed by the Administrator of Veterans Affairs for a two-year period beginning February 5, 1979 through February 5, 1981.

Dated: March 2, 1979.

MAX CLELAND,
Administrator.

[FR Doc. 79-7369 Filed 3-9-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 41]

ASSIGNMENT OF HEARINGS

MARCH 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 127539 (Sub-70F), Parker Refrigerated Service, Inc., now assigned for hearing on March 26, 1979, at San Francisco, California and will be held in Court Room No. 1, Sixth Floor and continued to April 2, 1979, at Los Angeles, California and will be held in Room 203, U.S. Courthouse, 111 North Hill Street. No. MC 29886 (Sub No. 350F), Dallas & Mavis Forwarding Co., Inc. now assigned for hearing on March 12, 1979, at Washington, D.C. is canceled and application dismissed.

MC 989 (Sub-32F), Ideal Truck Lines, Inc., now assigned for hearing on April 23, 1979, at Casper, Wyoming and will be held in Casper Hilton Inn, Union Boulevard & I-25.

MC 43716 (Sub-34F), Bigge Drayage Co., now assigned for hearing on March 15, 1979,

at the Office of Interstate Commerce Commission, Washington, D.C., in a hearing room to be later designated.

MC 127840 (Sub-80F), Montgomery Tank Lines, Inc., now assigned for hearing on April 12, 1979, (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 103993 (Sub-931F), Morgan Drive-Away, Inc., now assigned for continued hearing on March 19, 1979 (1 week), will be held in Room 349, 230 South Dearborn Street on March 19, 1979 only and continued to March 20, 1979 (4 days), in Private Dining Room No. 16, Palmer House, 17 East Monroe, instead of Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7377 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Revised Service Order No. 1312; Section (h); Exception No. 1; Amendment No. 1]

CONSOLIDATED RAIL CORP.

Upon further consideration of Exception No. 1 and good cause appearing therefor:

It is ordered, Exception No. 1 to Revised Service Order No. 1312 is amended to: *Expire March 9, 1979.*

Issued at Washington, D.C., February 28, 1979.

JOEL E. BURNS,
Director, Bureau of Operations.

[FR Doc. 79-7378 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Notice No. 37]

MOTOR CARRIER TEMPORARY AUTHORITY

FEBRUARY 28, 1979.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interestate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 121793 (Sub-2TA), filed February 1, 1979. Applicant: JESSE EASLEY d.b.a. Val Verde Cartage & Storage, P.O. Box 302, Socorro, NM 87801. Representative: Edwing E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, NM 87102. *Common carrier:* regular route: *General commodities* (except commodities in bulk, household goods and commodities the transportation of which because of size or weight require the use of special equipment for handling), in intrastate commerce between Socorro, NM and Albuquerque, NM, under nonscheduled service, serving intermediate points: (1) From Socorro, NM, over Interstate 25 to junction with U.S. Hwy. 85 near Bernardo, NM, then over U.S. Hwy 85 and Interstate 25 to Albuquerque, NM, serving all intermediate points; and return over the same route. (2) From Socorro, NM, over NM Hwy 47 to Albuquerque, NM, and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant proposes to inerline at Socorro, Belen, and Albuquerque, NM. An underlying ETA seeks 90 days authority. Supporting shipper(s): There were 27 shippers. Their statement may be examined at the office listed below and Headquarters. Send portests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 123061 (Sub-109TA), filed January 31, 1979. Applicant: LEATHAM BROTHERS, INC., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 1283 East South Temple, No. 501, Salt Lake City, UT 84102. *Salt and salt products* from the facilities of Morton Salt Co. at Saltair, UT, to points in CA, for 180 days. Supporting shipper(s): Morton Salt, A Division of Morton Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protest to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 123407 (Sub-537TA), filed January 29, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr., (same address as applicant). *Roofing granules, in bags,* from Kremlin, WI, to South Bend, IN, for 180 days. Supporting Shipper(s): GAF Corp., 1361 Alps Road, Wayne, NJ 07470. Send protests to: TA Annie Booker, 219 S. Dearborn St. Rm. 1386, Chicago, IL 60604.

MC 124025 (Sub-4TA), filed February 1, 1979. Applicant: GLASS TRUCKING COMPANY, 200 Chestnut St., P.O. Box 276, Newkirk, OK 74647. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract carrier, irregular route: *flour,* in bulk, form Wichita, KS to Tulsa, OK. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Cereal Food Processors, Inc., P.O. Box 1913, Wichita, KS 67201. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 124579 (Sub-27TA), filed February 5, 1979. Applicant: WIKEL BULK EXPRESS, INC., R.D. No. 2, State Rt. 13, Huron, OH 44839. Representative: Robert E. Wikel (same as above). *Apple Juice,* in bulk, in tank vehicles, Between Paw Paw, MI and Middleport, NY., for 180 days. Supporting Shipper(s): Quality Brands, Inc., 29525 Chagrin Blvd., Pepper Pike, OH 44122. Send protests to: I.C.C., 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 124896 (Sub-83TA), filed February 5, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Jack Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Bananas* for Del Monte Banana Company from Wilmington, DE to points in IL, IN, MI, OH, PA, WV, VA, and WI, for 180 days. An underlying ETA was filed seeking 90 days authority. Supporting Shipper(s): Del Monte Banana Company, P.O. Box 011940, Miami, FL 33101. Send protests to: Mr. Archie W. Andrews, District Supervisor, Insterstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 125952 (Sub-34TA), filed February 2, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104.

Contract carrier: irregular routes: *Canned seafoods,* from Terminal Island, CA to points in OR and WA, under contract with Star-Kist Foods, Inc., for 180 days. Supporting Shippers(s): Star-Kist Foods, Inc., 582 Tuna St., Terminal Island, CA 90731. Send protests to: Shirley M. Homes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 128734 (Sub-5TA), filed February 5, 1979. Applicant: W.B. PRODUCE HAULERS, INC., 542 Grandville, SW., Grand Rapids, MI 49502. Representative: David E. Jerome, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Contract carrier:* irregular routes: Meat, *meat products and articles distributed by meat packing houses as described in Motor Carriers Certificate 61 MCC 209 and 766 (except hides and commodities in bulk),* from the facilities of Swift & Company at Rochelle, IL to CT, MA, NJ, NY, and PA, under a continuing contract with Swift & Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: C. R. Flemming, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 129563 (Sub-5TA), filed February 6, 1979. Applicant: ONONDAGA BEVERAGE TRANSPORT, INC., 345 Spencer Street, Syracuse, NY 13204. Representative: Freeda Harvey, 345 Spencer Street, Syracuse, NY 13204. *Contract carrier;* irregular routes: *Malt beverages,* from 1) Etobicoke, Ontario, Canada (via port of entry at Buffalo, NY on international boundary line between United States and Canada) to Baltimore, MD, and 2) from Baltimore, MD to Syracuse and Buffalo, NY. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers(s): Carling National Breweries, Inc., 3720 Dillon Street, Baltimore, MD 21224; Onondaga Beer Imports, Inc., 345 Spencer St., Syracuse, NY 13204; Buffalo Beverage Corp., 3060 William Street, Buffalo, NY 14227. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St. Rm. 1259, Syracuse, NY 13260.

MC 133167 (Sub-3TA), filed February 1, 1979. Applicant: JOHN R. RAWLS TRUCKING CO., INC., P.O. Box 174, Capron, Virginia 23829. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Virginia 23229. *Lumber,* between the facilities of Commonwealth Wood Preservers, Inc., at or near Newport News, VA, on the one hand, and, on the other, points in Ohio and Tennessee, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers(s): Mr. Millard Davis, Vice President, Commonwealth Wood Preservers, Inc., P.O. Box 5041, Newport News, VA 23605. Send protests to: Paul D. Collins, District Supervisor, ICC, Rm 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 134280 (Sub-7TA), filed February 5, 1979. Applicant: YOUNG'S EXPRESS, INC., 1501 N. Warwick Avenue, Baltimore, MD 21216. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 327, Arlington, VA 22201. *Contract Carrier:* irregular routes: *Steel, cold rolled and galvanized, in coils,* for the account of Corell Steel Company, from Sparrows Point, Baltimore Co., MD to the facilities of Corell Steel Company, Bristol, PA, for 90 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Coreli Steel Company, 201 South Water Street, Philadelphia, PA 19148. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 134405 (Sub-59TA), filed February 2, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Petroleum and petroleum products,* in bulk, in tank vehicles, from Deer Park, Port Arthur, and Smiths Bluff, TX to Ardmore, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Uniroyal, Inc., Box 1867, Ardmore, OK 73401. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 135078 (Sub-40TA), filed February 7, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. *(1) Malt beverages and (2) empty containers for recycling and such materials and supplies used in breweries,* (1) from points in Jefferson County, CO, to points in KS and NE, and (2) from points in KS and NE to points in Jefferson County, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Lou Bonner, Adolph Coors Company, Golden, CO 80401. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 135410 (Sub-41TA), filed February 5, 1979. Applicant: Courtney J. Munson, d.b.a., MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Attorney, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation located at Cedar Rapids and Des Moines, IA and Monmouth and Peoria, IL to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK. 73105. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135658 (Sub-5TA), filed January 18, 1979. Applicant: ROCK RIVER CARTAGE, INC., R.R. No. 2. Box 430, Rock Falls, IL 61071. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier:* irregular routes: *Cold finished, turned, ground and polished, steel bars,* for the account of Republic Steel Corporation, Union Drawn Division, from Gary, IN to Rock Island and Moline, IL for 180 days. An underlying ETA for 90 days has been granted. Supporting Shipper(s): Republic Steel Corp., P.O. Box 801, Massillon, OH 44646. Send protests to: TA Annie Booker, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 136212 (Sub-27TA), filed February 7, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 81849, Lincoln, NE 68501. *Meats, packinghouse products and commodities used by packinghouses as described in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* between Gothenburg, NE, on the one hand, and, on the other, CO, IL, KS, MO, MI, OH, OK, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Art Claeys, Blaine Packing Company, Inc., 1009 Lake Street, Gothenburg, NE 69138. Send protests to: Max H. Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 138469 (Sub-105TA), filed February 2, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. (1) *Metal chair frames and component parts thereof,* and (2) *chair cushions and component parts thereof,* from Chicago, IL to the facilities of Unarco Commercial Products, Division of Unarco Industries, Inc., at Oklahoma City, OK, for 180 days. An underlying

ETA seeks 90 days authority. Supporting Shipper(s): Unarco Commercial Products, Division of Unarco Industries, Inc., 1316 W. Main Street, Oklahoma City, OK 73124. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138882 (Sub-216TA), filed February 2, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., PO Drawer 707, Troy, AL 36081. Representative: George A. Olsen, PO Box 357, Gladstone, NJ 07934. *Unfrozen foodstuffs*, from the facilities of Ragu Foods, Inc., at Henderson and Owensboro, KY, to points in AL, GA, LA, MS, SC, NC, TN and AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Mable E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 138882 (Sub-217TA), filed February 2, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Zinc, zinc oxide, zinc dust, lead sheet, metallic cadmium, zinc dross, residue, skimmings and scrap, equipment, materials, and supplies used in the manufacturing of the above*, between the facilities of St. Joe Zinc Co., Josephtown, (Potter Township, Beaver County) Pennsylvania and points in and east of MN, IA, NE, KS, OK, and TX, for 180 days. Supporting Shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 139083 (Sub-5TA), filed February 7, 1979. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Court House, Ohio 43160. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. *(1) buildings, conduit, ducts, raceways, (2) parts and accessories for the items described in (1) above and (3) equipment, materials, and supplies used in the manufacture of (1) and (2) above, except commodities in bulk* between Parkersburg, WV, on the one hand, and, on the other, points in the continential United States (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Walker/Parkersburg, Division of Textron, Inc., Parkersburg, WV 26101. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 139495 (Sub-414TA), filed February 6, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. (1) *Malt beverages and related advertising materials:* (2) *empty used beverage containers for recycling, and materials and supplies used in and dealt with by breweries*, between Jefferson County, CO. and all points in the states of KS and OK, for 180 days. Supporting Shipper(s): Adolph Coors Co., Golden, CO. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 140030 (Sub-6TA), filed February 1, 1979. Applicant: PLASTIC EXPRESS, 2999 La Jolla Street, Anaheim, CA 92806. Representative: Rechard Celio, 1415 West Carvey Ave., West Covina, CA 91790. *Resin Pellets*, in mechanically refrigerated equipment, from Big Springs, TX to points in AZ, CA, CO, NV, NM, OR, UT, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Cosden Oil & Chemical, Co., Willard Bunn, P.O. Box 1311, Big Springs, TX. 79720. Send protests to: Irene Carlos, TA, Interstate Commerce Commission, 300 North Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 140563 (Sub-23TA), filed February 1, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, Georgia 30027. Representative: Archie B. Culbreth, Suite 202—2200 Centry Parkway, Atlanta, Georgia 30345. *Mineral wool insulation (fibre glass), except in bulk*, from the facilities of CertainTeed Corporation at or near Mountaintop, PA to points in LA and TX; for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper: CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 140755 (Sub-58TA), filed February 5, 1979. Applicant: BRAY TRANSPORTS, INC., 1401 N. Little Street, P.O. Box 270, Cushing, OK 74023. Representative: Dudley G. Sherrill (Same address as applicant). *Petroleum products*, in bulk, in tank vehicles, from El Dorado, KS to IL and IN; for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Getty Refining and Marketing Company, 1437 South Boulder, Tulsa, OK 74119. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140820 (Sub-10TA), filed January 26, 1979. Applicant: A&R TRANSPORT, INC., 2996 N. Illinois 71, Rt. 3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Sand, in bulk*, from LaSalle County, IL and Berrin County, MI to points in AL, AR, CT, DE FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN TX, VT, VA, WV, and WI for 180 days. An underlying ETA has been granted. Supporting Shipper: Manley Bros., P.O. Box 538, Chesterton, IN 46304. Send protests to: TA Annie Booker, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 141344 (Sub-3TA), filed February 5, 1979. Applicant: ALLEN TRANSPORT CORP., P.O. Box 9702, Richmond, Virginia 23228. Representative: Richard J. Lee, Suite 1222, 700 East Main Street, Richmond, Virginia 23219. *Commodities which because of size or weight require the use of special equipment and/or handling*, between points in Hanover, Louisa, Spotsylvania, Caroline, King and Queen, King William, New Kent, James City, Charles City, Surry, Prince George, Sussex, Nottoway, Isle of Wight, Southampton, Greensville, Brunswick, Dinwiddie, Amelia, Chesterfield, Powhatan, Goochland, and Henrico Counties, Va.; and Richmond, Petersburg, Hopewell, Colonial Heights, Fredericksburg, Williamsburg, Newport News, Hampton, Norfolk, Portsmouth, Virginia Beach, Suffolk, Franklin, Chesapeake, Emporia and Fishersville, Va., on the one hand, and, on the other, points in Virginia, South Carolina, North Carolina, Maryland, West Virginia, Tennessee, and the District of Columbia. (except between points in Hanover, Charles City, Prince George, Dinwiddie, Chesterfield, Powhatan, Goochland, and Henrico Counties, VA; Richmond, Petersburg, Hopewell, and Colonial Heights, VA, on the one hand, and, on the other, points in North Carolina; restricted to the transportation of shipments originating at and destined to points in this exception), for 180 days. Supporting shipper(s): There are 21 supporting shippers to this application. Their statements may be examined at the office listed below or ICC HDQRTS, Washington, D.C. 20423. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Rm 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 141914 (Sub-50 TA), filed February 2, 1979. Applicant: FRANKS &

SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). *Marine engines and such commodities as are dealt in or used by manufacturers and distributors of marine engines* (except commodities in bulk), between the facilities of Mercury Marine Division of Brunswick Corporation, at or near Stillwater, OK, on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Brunswick Corporation, One Brunswick Plaza, Skokie, IL 60077. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 142310 (Sub-11 TA), filed February 1, 1979. Applicant: H.O. WOLDING, INC., P.O. Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Paper and paper products* originating at the facilities of Appleton Papers, Inc. at or near Appleton and Combined Locks, WI and destined to points in AZ, CA, NV, OR & WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Appleton Papers, Inc., P.O. Box 359, Appleton, WI 54912. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commision, Bureau of Operations, U.S. Federal; Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 142130 (Sub-2 TA), filed February 1, 1979. Applicant: CRESCENT INDUSTRIES, INC., P.O. Box 18146, Dallas, TX 75218. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Aircraft, aircraft parts and equipment, including transitainers, mobiltainers, and other shipping devices in straight or mixed* shipments, between points in ME, NH, VT, MA, RI, CT, NY, NJ, MD, DE, VA, WV, PA, OH, MI, and DC, on the one hand, and on the other, points and places in NE, KS, OK, TX, NM, AZ, CA, UT, CO, and WY for 180 days. Corresponding ETA has been filed for 90 days authority. Supporting Shipper(s): U.S. Legal Services Agency, U.S. Army Legal Services Agency, Nassif Building, Falls Church, VA 22041. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 143127 (Sub-23 TA), filed February 2, 1979. Applicant: K.J. TRANSPORTATION, INC., 1000 Jefferson Rd., Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Foodstuffs, canned and preserved,* from the facilities of Heinz U.S.A. at or near Muscatine, IA to the facilities of Heinz U.S.A. at Harrison, NJ; Toledo, OH; Mechanicsburg and Pittsburgh, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heinz U.S.A., Division of H. J. Heinz Company, Mr. Joseph H. Janeda, Coordinator-Distribution Planning, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St. Rm. 1259, Syracuse, NY 13260.

MC 143423 (Sub-9TA), filed February 2, 1979. Applicant: WILLIAM T. AUSTIN, d/b/a AUSTIN TRUCKING COMPANY, 2026 Clayton Avenue, SW., Decatur, AL 35601. Representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Contract, irregular: *Household refrigerators,* from the facilities of General Electric Company, Decatur, AL to points in the U.S. east of the Mississippi River, plus Little Rock, AR, for 180 days. Supporting Shipper(s): General Electric Company, Appliance Park, Louisville, KY 40225. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 143446 (Sub-4TA), filed February 2, 1979. Applicant: GARY L. McCALLISTER AND MONTE A. McCALLISTER, d.b.a. McCALLISTER BROS., a partnership, P.O. Box 214, Rock Springs, WY 82901. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001. *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, their products and by products, except complete drilling rigs, between points in Fremont, Natrona and Big Horn Counties, WY, on the one hand, and, on the other (a) points in CO located west of U.S. Hwy 85 and north of Interstate Hwy 70, U.S. Hwy 6, and (b) points in Daggett, Summit, Duchesne, Uintah, Carbon, Grand, Sanpete, Utah, Wasatch, Salt Lake, Davis, Morgan, Weber, Rich, Cache, Tooele, Box Elder, and Emery Counties, UT, and (c) points in ID; (2) *bentonite, barite, drilling compounds and completion materials,* in sacks and in bulk from NV to points in Sweetwater, Carbon, Uinta, Lincoln, Teton, Fremont, Natrona and Big Horn Counties, WY, points in CO located west of U.S. Hwy 85 and north of Interstate Hwy 70, U.S. Hwy 6, and points in Daggett, Summit, Duchesne, Uintah, Carbon, Grand, Sanpete, Utah, Wasatch, Salt Lake, Davis, Morgan, Weber, Rich, Cache, Tooele, Box Elder and Emery Counties, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N. L. Baroid Petroleum Services, P.O. Box 207, Rock Springs, WY 82901 and Land & Marine Rental Company, 1912 Elk Street, Rock Springs, WY 82901. Send protests to: District Supervisor Paul A. Naughton, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 143570 (Sub-8TA), filed February 2, 1979. Applicant: D & G TRUCKING INC., 4420 East Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Feed, feed ingredients and feed supplements (except liquid products in bulk in tank type vehicles), from points in CA, excluding Moorman's Manufacturing Co. of CA, located at or near San Gabriel, CA, to points in the States or OR, UT, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. J. Stoll and Sons, Inc., 2320 S. E. Grand, Portland, OR 97214. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 143775 (Sub-63TA), filed February 31, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Polyester body filler, polishing and cleaning compounds, buffing pads, cleaning cloths, putty, paint (except in bulk), and tools, parts and accessories used in the repair of automotive chassis,* from Canton and Gnadenhutten, OH and their respective commercial zones to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Chemical and Plastics Company, 1446 Tuscarawas West Street, Canton, OH 44706. Send protests to: Acting District Supervisor T. E. Klobas, 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 144054 (Sub-5TA), filed February 5, 1979. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 East Vilas Road, Medford, OR 97501. Representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, OR 97210. *Charcoal, Charcoal briquettes, hickory chips, charcoal lighter fluid, fireplace logs* (made of compressed sawdust), and *related Bar-B-Q supplies,* from the facilities of Husky Industries, Inc., at or near White City, OR to points in AZ, CA, ID, CO, MT, NV, UT, WA, and WY, for 180 days. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East,

Atlanta, GA 30346. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 144503 (Sub-6TA), filed January 26, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, of 61 MCC 209 and 766 (except hides and commodities in bulk)*, from the facilities of Wilson Food Corporation at Cedar Rapids, IA to points in FL, NC, and SC; and from Omaha, NE to points in AL, FL, GA, NC and SC; for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, Georgia 30309.

MC 144503 (Sub-7TA), filed January 31, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, of 61 MCC 209 and 766 (except hides and commodities in bulk)*, from the facilities utilized by John Morrel & Co. at Estherville and Sioux City, IA, and Sioux Falls, SD, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Restricted to the transportation of traffic originating at the facilities of John Morrell & Co.), for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle Street, Chicago, Illinois 60604. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, Georgia 30030.

MC 144726 (Sub-4TA), filed February 2, 1979. Applicant: K. K. W. TRUCKING, INC., 516 West 140th Street, Gardena, CA 90243. Representative: James P. Beck, 717 17th Street, suite 2600, Denver, CO 80202. *Furniture, furnishings, fixtures, appliances and commodities as are dealt in by furnishing stores* between points in CA, AZ, and NV. For 180 days. An underlying ETA seeks up to 90 days operating authority. Restriction: Restricted to traffic originating at or destined to the facilities of John Breuner Company. Supporting shipper(s): John Breuner Company, 3201 Fostoria Way, San Ramon, CA 94583. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144750 (Sub-2TA), filed January 31, 1979. Applicant: MOAB TRUCK CENTER, INC., P.O. Box 116, Moab, UT 84532. Representative: Ralph Dunn (same address as applicant). *Uranium and vanadium bearing ores* from points in Montrose County, CO, to poinst in San Juan County, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): C and D Exploration, P.O. Box 13, Bedrock, CO 81411. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 144772 (Sub-3 TA), filed February 1, 1979. Applicant: PINE PRAIRIE TRUCKING, INC., P.O. Box 305, Hamburg, AR 71646. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. *Contract carrier:* irregular routes: *Soybean meal*, in bulk, from Memphis, TN to points in AR, LA and MS, under contract or continuing contracts with Ralston Purina Company, of St. Louis, MO, for 180 days. An underlyng ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, Soybean Plant, Memphis, TN. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145102 (Sub-10 TA), filed February 6, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madision, WI 53703. *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters and printers of paper and paper products* (except commodities in bulk) (a) from the facilities of Consolidated Papers, Inc., at or near Stevens Point and Wisconsin Rapids, WI to points in AZ, CA, OR and WA, and (b) from the facilities of Nekoosa Papers Inc. at or near Nekoosa, Port Edwards and Stevens Point, WI to points in AZ, CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Consolidated Papers, Inc. Wisconsin Rapids, WI 54494 and Nekoosa Papers, Inc., Port Edwards, WI 54469. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 145102 (Sub-11TA) filed February 6, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Paper and paper products* originating at the facilities of Appleton Papers, Inc. at or near Appleton and Combined Locks, WI and destined to points in AZ, CA, NV, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Appletion Papers, Inc., P.O. Box 359, Appleton, WI 54912. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 145298 (Sub-2TA), filed February 5, 1979. Applicant: J. R. BUTLER, INC., 1031 Reeves St., Dunmore, PA 18512. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Contract carrier:* irregular routes: *Iron, steel, and iron and steel* articles, from Niles, OH, to Buffalo, NY; and, from Buffalo, NY, to points in OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Gibralter Group of Companies, 635 South Park Ave., Buffalo, NY 14240. Send protest to: P. J. Kenworthy, DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 145322 (Sub-1TA), filed February 5, 1979. Applicant: WATSON TRUCKING, INC., Route 1, Old Dunbar Road, Byron, GA 31008. Representative: J. Michael May, Suite 508, 1447 Peachtree St., N.E., Atlanta GA 30309. *Well sand and well gravel, in bulk in dump vehicles* from points in Macon County, AL to points in GA on and South of Interstate Hwy 20, for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper(s): A. J. English Well Drilling & Pump Supply, Inc., Ft. Valley, GA 31030. Send protest to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 145374 (Sub-1TA), filed February 2, 1979. Applicant: THOMAS E. FANELLI, d.b.a. AIR CARGO SERVICES. P.O. Box 30961, Raleigh, NC 27612. Representative: Same as applicant. *General commodities, except in bulk and automobiles, having a prior or subsequent movement by air* between Raleigh-Durham Airport, NC and airport facilities at Charlotte, NC, for 180 days. An underlying ETA was filed seeking 90 days authority. Supporting Shipper(s): Flying Tiger Line, 3313 Cessna Road, Charlotte, NC 28211. Send protest to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 145465 (Sub-1TA), filed February 5, 1979. Applicant: GURN ENTER-

PRISES, INC., Route 6, Box 8, Allegan, MI 49010. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 27140. *Contract carrier:* irregular routes, *drugs and toilet articles and materials and supplies used in the manufacture, sale and distribution thereof,* between Allegan MI and points in its commercial zone, on the one hand, and on the other, points in AZ, AL, FL, GA, OK, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): L. Perrigo Company, 117 Water Street, Allegan, MI 49010. Send protest to: C. R. Flemming, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 145557 (Sub-1TA), filed February 7, 1979. Applicant: LIBERTY TRANSPORT, INC., 4614 South 40th Street, St. Joseph, MO 64503. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Malt beverages* (except commodities in bulk), *advertising materials* and *supplies* from Golden, CO to Kansas City, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): South Side Distributors, Inc., 5712 E. M-150 Hwy, Kansas City, MO. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 145772 (Sub-3TA), filed February 1, 1979. Applicant: LANG CARTAGE CORP., 1308 Southwest Ave., Waukesha, WI 53187. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Industrial and institutional cleaning and building maintenance products,* from Schaumburg, IL to points in WI, the UP of MI and points in and south of Big Stone, Stevens, Douglas, Todd, Morrison, Crow Wing, Aitkin, and St. Louis, Counties, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fuller Brush Company, 602 Lunt, Schaumburg, IL 60194. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 146077 (Sub-1TA), filed February 2, 1979. Applicant: JOHN T. CHESHIRE, d.b.a. CARGO CARRIERS, P.O. Box 19351, Greensboro, NC 27410. Representative: Same as applicant. *General commodities, except in bulk, having prior or subsequent interstate movement by air* between commercial airports located in Guilford and Mecklenburg counties for 180 days. An underlying ETA was filed seeking 90 days authority. Supporting Shipper(s): Flying Tiger Line, 3313 Cessna Road, Charlotte, NC 28219. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NW 27611.

MC 146153 (Sub-1TA), filed January 29, 1979. Applicant: HOWARD KIRKHAM d.b.a. H & H TRUCK SERVICE, Route 9, Box 328, Paducah, KY 42001. Representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, KY 42001. *Meat, meat products, meat by-products, and articles distributed by meat packing houses, as described in Section A and C of Appendix 1 to the report in description in Motor Carrier Certificate 61 M.C.C. 209 and 766* (except hides and commodities in bulk) from the facilities of Spencer Foods, Inc. at Schuyler, NE and the facilities of Debuque Packing Co. at Dennison, IA and Des Moines, IA to Paducah, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Metzger Packing Co., Inc., 530 South Second Street, Paducah, KY 42001. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 146176 (Sub-2TA), filed February 1, 1979. Applicant: J & L TRANSPORT, INC., Rt. 1, Box 306, Almond, WI 54909. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Paper and paper products* originating at the facilities of Appleton Papers, Inc. at or near Appleton and Combined Locks, WI and destined to points in AZ, CA, NV, OR, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Appleton Papers, Inc., P.O. Box 359, Appleton, WI 54912. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146278TA, filed February 6, 1979. Applicant: TERRY W. KULTGEN & NORMAN W. KULTGEN, d/b/a B & K ENTERPRISES, 7950 S. 27th St., Oak Creek, WI 53154. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Contract carrier; irregular routes; *Rotating biological disc assembles, which because of size or weight, require special equipment or special handling,* from the plantsite of Tait/Bio-Shafts, Inc., at Oconomowoc, WI to Crescent City, CA and points in its Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Tait/Bio-Shafts, Inc., 5656 N. Frontier Rd., Oconomowoc, WI 53066. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7374 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Notice No. 162]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1979.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC-78036. By application filed March 1, 1979, FOUR STAR TERMINALS, INC., (formerly known as Lamb Service, Inc.), 8820 Kings Road, P.O. Box 8239, Anchorage, AK 99508, seeks temporary authority to transfer the operating rights of AR-DEES ALASKA TRUCK LINES, INC., a corporation in bankruptcy—U.S. District Court for the District of Alaska, Bankruptcy No. A78-67, Mary Beth Artus, Trustee, c/o Artus & Choquette, 805 W. Third Avenue, Anchorage, AL 99501, under section 210a(b). The transfer to FOUR STAR TERMINALS, INC., (formerly known as Lamb Service, Inc.), of the operating rights of AR-DEES ALASKA TRUCK LINES, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7384 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Ex parte No. 241; Rule 19; 58th Rev. Exemp. No. 90]

ABERDEEN & ROCKFISH RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

To all railroads:

It appearing, That certain of the railroads named below own numerous 50-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compli-

ance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Servce Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad Company
Reporting Marks: CLP
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
Genessee and Wyoming Railroad Company
Reporting Marks: GNWR
Greenville and Northern Railway Company
Reporting Marks: GRN
Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: SW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
New Orleans Public Belt Railroad
Reporting Marks: NOPB
Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
Oregon, Pacific and Eastern Railway Company
Reporting Marks: OPE
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Raritan River Rail Road Company
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN
St. Lawrence Railroad
Reporting Marks: NSL
Sierra Railroad Company
Reporting Marks: SERA
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
[1]Texas, Oklahoma & Eastern Railroad Company
Reporting Marks: TO&E-TOE
Tidewater Southern Railway Company
Reporting Marks: TS
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Vermont Railway, Inc.
Reporting Marks: VTR
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective March 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 23, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-7382 Filed 3-9-79; 8:45 am]

[1] Addition.

[7035-01-M]

[Ex Parte No. 241; Rule 19; Exemption No. 160]

PITTSBURGH & LAKE ERIE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

To all railroads: Because of a strike situation, The Pittsburgh and Lake Erie Railroad Company is unable to furnish shippers gondola cars of suitable ownership to maintain opertions thereby threatening to close factories and create substantial economic loss.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

The Pittsburgh and Lake Erie Railroad Company is authorized to accept from shippers general service plain gondola cars less than 61-ft., in length and bearing mechanical designations "GA", "GB", "GD", "GH", "GS", and "GT", as listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410 issued by W. J. Trezise, or successive issues thereof, regardless of the provisions of Car Service Rules 1 and 2.

It is further ordered, This examination shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective March 2, 1979.

Expires March 9, 1979.

Issued at Washington, D.C., March 2, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-7385 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Service Order No. 1344; I.C.C. Order No. 26; Amendment No. 1]

SOO LINE RAILROAD CO.

Rerouting Traffic

MARCH 7, 1979.

Upon further consideration of I.C.C. Order No. 26 and good cause appearing therefor:

It is ordered, I.C.C. Order No. 26 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 7, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 28, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-7383 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Docket No. AB-26 (Sub-No. 11)]

SOUTHERN RAILWAY CO. AND TRANSYLVANIA RAILROAD CO.

Abandonment Between Brevard and Rosman, N.C.; Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (formerly Section 1a(6)(a)) (49 U.S.C. 10903) that by a decision decided November 21, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 354 I.C.C. 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Southern Railway Company and the Transylvania Railway Company of the Rosman Branch line located in Transylvania County, NC. The line sought to be abandoned is located between milepost TR 21.8 near Brevard, NC

and milepost TR 32.33 near Rosman, NC. The track is owned by the Transylvania Railroad Company and operated by its parent, the Southern Railway Company, under lease. A certificate of abandonment will be issued to the Southern Railway Company and Transylvania Railroad Company based on the above-described finding of abandonment, April 11, 1979, unless within 30 days from the date of publication, (April 11, 1979), the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7380 Filed 3-9-79; 8:45 am]

[7035-01-M]

[Application No. MC-1476]

RELEASED RATES

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1476.

SUMMARY: Exhibitors Film Delivery & Service, Inc. of North Kansas City, Mo. now has released rate authority covering parcels or pieces weighing not more than 100 pounds in 15 Midwest, Southwest and Intermountain States under Released Rates Order No. MC-872. They seek to extend this authority to points in California and Nevada in connection with West-Pak, Inc., of San Francisco and to points in Nevada and additional points in Utah in connection with Wycoff Company, Incorporated.

The net effect will be to limit these carriers' liability in the new territory for any freight they may lose or damage to $50 per article or package or $100 per shipment unless the shipper declares a greater value and pays higher freight charges.

ADDRESSES: Anyone seeking copies of the application should contact Mr. Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38137, Telephone 901-767-5600.

FOR FURTHER INFORMATION CONTACT:

Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act. If the authority is granted, released value rates will be published in the Exhibitors Film Delivery Service Tariff 500-E, MF-ICC 14.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7381 Filed 3-9-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. P-17]

ST. LOUIS SOUTHWESTERN RAILWAY CO.

Passenger Train Operation

MARCH 7, 1979.

Decided February 27, 1979.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Laredo. A portion of these MP tracks between Big Sandy, Texas, and Texarkana, Arkansas-Texas, are temporarily out of service because of a derailment. An alternate route is available between these points via the lines of the St. Louis Southwestern Railway Company between Big Sandy and Texarkana.

It is the opinion of the Commission that th use of such alternate route is necessary in the interet of the public and the commerce of the people; that notice and public procedure herein 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, (a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by section 402(c) of the rail Passenger Service Act of 1970 (45 USC § 562(c)), the St. Louis Southwestern Railway Company is directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Missouri Pacific Railroad Company at Big Sandy, Texas, and a connection with the Missouri Pacific at Texarkana, Arkansas-Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applciable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 8:30 p.m., CST February 27, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 1:59 p.m., CST February 28, 1979, unless otherwise modified, changed or suspended by order of this Commission.

This order shall be served upon the St. Louis Southwestern Railway Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the Federal Register.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-7379 Filed 3-9-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552(e)(3).

CONTENTS

[6320-01-M]

1

[M-201; March 2, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion, short notice, and closure of meeting.

TIME AND DATE: 3:30 p.m., March 5, 1979.

PLACE: Room 1011.

SUBJECT:

1. Dockets 33959, 33931, 34021 and 34020: Application of Eastern Air Lines for temporary exemption authority between Miami and Guatemala City, Guatemala; Applications of Air Florida, Eastern, and Southern Airways for temporary exemption authority between Miami and San Jose, Costa Rica (Memo No. 8544, BIA).

2. Docket 32868: Application of Eastern Air Lines, Inc. for an exemption to operate nonstop between Miami and Santo Domingo (Memo No. 8527-A, BIA, OGC).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Items 1 and 2 contain information and staff recommendations affecting future U.S.-Costa Rica/Guatemala air transport relations. At the Board's public meeting of March 1, 1979, Member O'Melia requested that these items be withdrawn from the Board's public agenda and discussed in closed session. The Board agrees with his conclusion that public disclosure of the information contained in Items 1 and 2 could compromise our ability to achieve aviation objectives that would be in the best interests of the United States. Accordingly, the following Board Members have voted that public observation of these items would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting on Items 1 and 2 will be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

These items are requests for immediate authority and should be considered promptly. They were on the Board's Thursday, March 1, 1979 agenda but involve foreign policy consideration which must be discussed at a closed meeting. Accordingly, the following Members have voted that agency business requires that the Board meet on less than seven days notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member Gloria Schaffer.

Assistants to Board Members.—Mr. David M. Kirstein, Mr. Elias Rodriguez, and Mr. Stephen H. Lachter.

Acting Managing Director.—Mr. Sanford Rederer.

Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Bureau of International Affairs.—Mr. Donald A. Farmer, Jr., Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, Mr. Francis S. Murphy, Mr. Donald L. Litton, Ms. Mary I. Pett, Mr. James S. Horneman, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Willard L. Demory, Mr. Richard Stair, and Mr. Peter Rosenow.

Office of the General Counsel.—Mr. Phillip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Herbert P. Aswall, and Mr. Douglas V. Leister.

Office of Economic Analysis.—Mr. Robert Frank and Mr. Richard Klem.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Louise Patrick, and Ms. Linda Senese.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting may be closed to public observation.

PHILLIP J. BAKES,
General Counsel.

[S-472-79 Filed 3-8-79; 10:12 am]

[6320-01-M]

2

[M-201, Amdt. 2; March 6, 1979]

CIVIL AERONAUTICS BOARD.

Notice of Addition of items to the March 5, 1979, closed meeting.

TIME AND DATE: 4:30 p.m., March 5, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

3. Discusssion on "Policy toward U.S. carrier applications for foreign routes under comity and reciprocity" (BIA).
4. U.S.-Philippine Negotiations (BIA).

STATUS: Closed.

PERSON TO CONTACT:
Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Following a discussion between the Chairman and the Director of BIA on March 1, on Item 3, it was determined because of events that obtaining Board views on the matter as soon as possible was necessary. Guidance from the Board for the issue of carrier discussions regarding service on the basis of comity and reciprocity with officials of foreign nations where bilateral agreements do not exist therefore, needs to be obtained on less than seven day's notice. Accordingly, the following Members have voted that agency business requires the addition of Items 3 and 4 to the March 5, 1979 meeting and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen;
Member, Richard J. O'Melia;
Member, Elizabeth E. Bailey; and
Member, Gloria Schaffer

The discussion will include topics, strategy and positions that may be determined by the U.S. government relating to U.S. carrier service to foreign countries where bilateral agreements do not exist. The ability of the U.S. to achieve its objectives could be seriously compromised if these positions and strategies addressed in this discussion

are prematurely disclosed. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen;
Member, Richard J. O'Melia;
Member, Elizabeth E. Bailey; and
Member, Gloria Schaffer

On February 28 the Department of State requested Board comment by March 6 on a proposal by the Government of the Philippines regarding air services between the U.S. and the Philippines. To meet the Departments' deadline, no earlier notification of Board action was possible:

Chairman, Marvin S. Cohen;
Member, Richard J. O'Melia;
Member, Elizabeth E. Bailey; and
Member, Gloria Schaffer

This memo concerns a position to be taken by the United States in response to a proposal by the Government of the Philippines for air services between the U.S. and the Philippines. Public disclosures, particulary to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen;
Member, Richard J. O'Melia;
Member, Elizabeth E. Bailey; and
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND

Board Members.—
Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David M. Kirstein, Mr. Elias Rodriguez, and Mr. Stephen H. Lachter.
Acting Managing Director.—Mr. Sanford Rederer.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Bureau of International Affairs.—Mr. Donald A. Farmer, Jr., Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, Mr. Francis S. Murphy, Mr. Donald L. Litton, Ms. Mary I. Pett, Mr. James S. Horneman, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Willard L. Demory, and Mr. Richard Stair.
Office of the General Counsel.—Mr. Phillip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.
Bureau of Pricing and Domesitc Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Herbert Aswall, and Mr. Douglas V. Leister.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson.
Office of Economic Analysis.—Mr. Robert Frank, and Mr. Richard Klem.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, and Ms. Linda Senese.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

PHILLIP J. BAKES,
General Counsel.

[S-473-79 Filed 3-8-79; 10:12 am]

[6320-01-M]

3

[M-200, Amdt. 1; March 6, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the March 8, 1979, meeting.

TIME AND DATE: 10 a.m., March 8, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

8a. Altair's proposal to increase fares approximately 30 percent in nine markets (Memo 8564, BPDA).
13a. Docket 34235: Texas International Airlines Notice to terminate service at Texarkana, Texas-Arkansas (Memo 8566, BPDA, OCCR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 8a was not submitted earlier because the significance of the policy question involved was not recognized since Altair's full certificate has not yet issued. It is necessary that this item be considered on March 8 since the Board must take any suspension action before March 9, 1979. Item 13a has a 90-day notice period which expires on March 11, 1979, therefore, this is the last meeting at which the matter can be considered publicly. Accordingly, the following Members have voted that agency business requires that Items 8a and 13a be added to the March 8, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-474-79 Filed 3-8-79; 10:12 am]

[6320-01-M]

4

[M-200, Amdt. 2; March 6, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the March 8, 1979, Meeting agenda.

TIME AND DATE: 10 a.m., March 8, 1979.

PLACE: Room 1027, Room 1011 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

12a. Docket 34786: Request of International Airforwarder and Agents Association that the Board exempt foreign air freight forwarders from the tariff filing requirements of the Act (BPDA, OGC, BIA).
15. United States Position for Resumption of Consultations with New Zealand (BIA, BPDA, OEA).

STATUS: 12a—Open. 15—Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENATARY INFORMATION: The staff had originally prepared a recommendation that the Board vote on Item 12a through the notation procedure. However, one of the Members indicated a desire to discuss this at a Sunshine Meeting. Since tariffs of U.S. fowarders must be terminated no later than March 14, and since the next Sunshine Meeting will not be held until March 15, we find that agency business requires that this matter be considered at the March 8 meeting. Accordingly, the following Members have voted that Item 12a be added to the March 8, meeting and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

The New Zealand consultations will resume on March 12. The short notice request is necessary because of the imminence of the negotiations and because of delay required to make changes in the draft position requested last week by other Bureaus. Accordingly, the following Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia

Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This meeting will concern strategy and positions to be taken by the United States in negotiations with New Zealand. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552 (c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Member, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND

Board Members.—
Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer.
Assistant to Board Members—Mr. David M. Kirstein, Mr. Elias Rodriguez, and Mr. Stephen H. Lachter.
Acting Managing Director-Mr. Sanford Rederer.
Executive Assistant to the Managing Director—Mr. John R. Hancock.
Bureau of Consumer Protection—Mr. Reuben B. Robertson, Ms. Patricia Kennedy, and Mr. John T. Golden.
Bureau of International affairs—Mr. Donald A. Farmer, Jr., Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, Mr. Francis S. Murphy, Mr. Donald L. Litton, Ms. Mary Pett, Mr. James S. Horneman, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Willard L. Demory, Mr. Richard Stair, and Mr. Ronald Miller.
Office of the General Counsel—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.
Bureau of Pricing and Domestic Aviation—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Herbert P. Aswall, and Mr. Douglas V. Leister.
Office of Economic Analysis—Mr. Robert Frank, and Mr. Richard Kiem.
Office of the Secretary—Mrs. Phyllis T. Kaylor, and Ms. Linda Senese.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting may be closed to public observation.

PHILIP J. BAKES,
General Counsel.

[S-475 Filed 3-8-79; 10:12 am]

[6320-01-M]

5

[M-202; March 5, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: March 12, 1979, 9:30 a.m.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: U.S. International Aviation Strategy (Part Two); Canada and Mexico (BPDA, OEA, BCP, BIA).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: This memo concerns strategy and positions that have been taken and may be taken by the United States in negotiations with foreign countries. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters ther premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistant to Board Members.—Mr. David M. Kirstein, Mr. Elias Rodriguez, and Mr. Stephen H. Lachter.
Acting Managing Director.—Mr. Sanford Rederer.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Bureau of International Affairs.—Mr. Donald A. Farmer, Jr., Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, Mr. Francis S. Murphy, Mr. Donald L. Litton, Ms. Mary I. Pett, Mr. James S. Horneman, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Willard L. Demory, and Mr. Richard Stair.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.
Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Herbert Aswali, and Mr. Douglas V. Leister.
Office of Economic Analysis.—Mr. Robert Frank and Mr. Richard Kiem.
Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Linda Senese.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

PHILLIP J. BAKES,
General Counsel.

[S-476-79 Filed 3-8-79; 10:12 am]

[3125-01-M]

6

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: 10:30 a.m., March 14, 1979.

PLACE: Conference Room, 722 Jackson Place, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed Changes to the Council's Public Meeting Procedures.

CONTACT PERSON FOR MORE INFORMATION:

Foster Knight, 395-4616.

DATED: March 8, 1979.

[S-482-79 Filed 3-8-79; 1:29 am]

[3125-01-M]

7

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: 9:30 a.m., Friday, March 9, 1979.

PLACE: 722 Jackson Place NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Participation of the Council in a civil action, *Pacific Legal Foundation* v. *Council on Environmental Quality et al.* Civ. No. 79-0116.

CONTACT PERSON FOR MORE INFORMATION:

Foster Knight, 395-4616.

DATED: March 8, 1979.

[S-481-79 Filed 3-8-79; 1:29 am]

[6714-01-M]

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGES IN SUBJECT MATTER OF AGENCY MEETING

At the commencement of its open

meeting held at 2:00 p.m. on Tuesday, March 6, 1979, the Corporation's Board of Directors voted, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), with Director John G. Heimann (Comptroller of the Currency) concurring in the motion, to withdraw the following matters from the agenda for consideration at the meeting:

Memorandum and resolution proposing the revision of Part 334 of the Corporation's rules and regulations, entitled "Bank Service Arrangements," in order to implement section 308 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Staff recommendations for making publicly available the record of proceedings on section 8(b) hearings initiated for insider abuse and consumer and civil rights issues.

The Board further determined, by the same majority vote, that Corporation business required its addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution proposing the publication for comment of corporation regulations which would implement title VIII ("Correspondent Accounts") and title IX ("Disclosure of Material Facts") of the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: March 6, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
HOYLE L. ROBINSON,
Acting Executive Secretary.

[S-480-79 Filed 3-8-79; 11:50 am]

[6740-02-M]

9

MARCH 7, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 14, 1979.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information.

POWER AGENDA—249TH MEETING, MARCH 14, 1979, REGULAR MEETING (10 A.M.)

CAP-1. Docket No. ER78-414, Delmarva Power and Light Co.
CAP-2. Docket Nos. ER79-159 and ER79-178, Central Illinois Public Service Co., Illinois Power Co., and Union Electric Co.
CAP-3. Docket Nos. ER78-624 and ER79-18, Union Electric Co.
CAP-4. Docket Nos. ER79-164 and ER79-165, Indiana and Michigan Electric Co., Indianapolis Power & Light Co., Northern Indiana Public Service Co.
CAP-5. Project No. 2787, White Current Corp.
CAP-6. Project No. 2754, City of Keene, N.H.

GAS AGENDA—249TH MEETING, MARCH 14, 1979, REGULAR MEETING

CAG-1. Docket Nos. G-20273 and RP66-7, Columbia Gas Transmission Corp.
CAG-2. Docket Nos. RP77-105, RP76-76, RP75-86, et al., Colorado Interstate Gas Co.
CAG-3. Docket No. CI77-711, Transco Exploration Co. Docket No. CI79-182, Sabine Production Co. Docket No. CI77-772, Atlantic Richfield Co. Docket Nos. CS75-563, et al., Robert L. Manning, et al. Docket Nos. CI78-289, et al., Kerr-McGee Corp., et al. Docket Nos. CS78-451, et al., SCG Gas Quest, Inc., et al. Docket Nos. CS69-6, et al., Freeport Oil Co. (Freeport Oil Co., a Division of Freeport Minerals Co.), et al. Docket No. CI65-453, Atlantic Richfield Co. Docket No. CI77-250, Pioneer Production Corp. Docket No. CI78-520, Southland Royalty Co. Docket No. CI79-55, Sun Oil Co. Docket No. CI78-1213, Texas Pacific Oil Co., Inc. Docket No. CI79-195, Sabine Production Co. Docket No. CI78-745, Southland Royalty Co. Docket No. CI79-188, Getty Oil Co. Docket No. CI78-604, Gulf Oil Corp. Docket No. CI79-174, Sabine Production Co. Docket No. CI78-736, Gulf Oil Corp. Docket No. CI77-327, Cities Service Co. Docket No. CI78-1094, Anadarko Production Co. Docket No. CI78-1123, Mesa Petroleum Co.
CAG-4. Docket No. CI78-1199, Amoco Production Co.
CAG-5. Docket Nos. G-5985, et al., General American Oil Co. of Texas, et al.
CAG-6. Docket Nos. CI64-555, et al., Sun Oil Co., et al.
CAG-7. Docket Nos. CP77-421, CP79-15, CP79-44, CP79-49, CP79-51 and CP79-69, Transcontinental Gas Pipe Line Corp. Docket Nos. CP77-324, CP77-548, CP78-117 and CP79-154, Texas Eastern Transmission Corp. Docket Nos. CP77-321, CP78-241 and CP79-73, Southern Natural Gas Co. Docket No. CP77-566, Transcontinental Gas Pipe Line Corp. and Michigan Wisconsin Pipe Line Co. Docket Nos. CP77-592 and CP77-639, Trunkline Gas Co. Docket No. CP78-246, Texas Gas Transmission Corp. Docket No. CP78-68, Florida Gas Transmission Corp.
CAG-8 Docket No. CP79-86, Columbia Gas Transmission Corp. and Texas Eastern Transmission Corp.
CAG-9 Docket No. CP78-544, Columbia Gulf Transmission Co. and Transcontinental Gas Pipe Line Corp.
CAG-10 Docket No. CP71-304, Union Light, Heat & Power Co. and Columbia Gas Transmission Corp.
CAG-11. Docket No. CP78-406, Transcontinental Gas Pipe Line Corp.
CAG-12 Docket No. CP78-432, ANR Storage Co.

MISCELLANEOUS AGENDA—294TH MEETING, MARCH 14, 1979, REGULAR MEETING

CAM-1. Docket No. RO79-1, Central Oil Co.
CAM-2. Docket Nos. RA79-6 and RA79-14, Anadarko Production Corp.
CAM-3. Docket No. RA79-12, Sentry Refining, Inc.
CAM-4. McCulloch Interstate Gas Corp.

MISCELLANEOUS AGENDA—249TH MEETING, MARCH 14, 1979, REGULAR MEETING

M-1. Docket No. RM79-3, Natural Gas Policy Act of 1978.

KENNETH F. PLUMB,
Secretary.

[S-478-79 Filed 3-8-79; 11:06 am]

[3510-13-M]

10

UNITED STATES METRIC BOARD.

TIME AND DATE: 2 p.m., Wednesday, April 4, 1979; 8:30 a.m., Thursday, April 5, 1979.

PLACE: Department of Transportation, 400 Seventh Street, SW., Conference room 2230, Washington, D.C. 20590.

STATUS: Open.

MATTERS TO BE CONSIDERED:

WEDNESDAY, APRIL 4

American National Standards Institute Presentation Report from National Conference on Weights and Measures.
Presentation on Australian Experience in Metric Conversion.

THURSDAY, APRIL 5

Approval of minutes of February 16, 1979 meeting.
Approval of Agenda.
Staff report.
Budget report.
Status of ICMP draft Federal Policy.
Status of draft procedural guidelines for conversion planning.
Approval of Standards of Conduct regulations.
Briefing on establishment of research priorities.
Agenda items for June meeting.

CONTACT PERSON FOR MORE INFORMATION:

Joan Phillips, 703-235-1933.

LOUIS F. POLK,
Chairman,
United States Metric Board.

[S-477-79 Filed 3-8-79; 10:12 am]

[7545-01-M]

11

NATIONAL LABOR RELATIONS BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 12824, March 8, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m. Wednesday, March 14, 1979.

CHANGES IN THE MEETING: The time of the meeting has been changed to 2:30 p.m.

Dated, Washington, D.C., March 7, 1979.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary,
National Labor Relations Board.

[S-479-79 Filed 3-8-79; 11:06 am]

[8010-01-M]

12

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 12, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will he held on Tuesday, March 13, 1979, at 10:00 a.m. and following the 2:00 p.m. and 3:00 p.m. open meetings and on Wednesday, March 14, 1979, immediately following 10:00 a.m. open meeting. Open meetings will be held on Tuesday, March 13, at 2:00 p.m. and 3:00 p.m. and on Wednesday, March 14, 1979, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present. The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c), (4), (8), (9)(A) and (10) and 17 CFR 200.402(a), (8), (9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meetings scheduled for Tuesday, March 13, 1979, will be:

Formal orders of investigation.
Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Litigation matters.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive action and administrative proceedings.
Administrative proceeding order in an enforcement case.
Freedom of Information Act appeal.
Post oral argument discussions.

The subject matter of the closed meeting scheduled for Wednesday, March 14, 1979, immediately following the open meeting at 10:00 a.m., will be:

Reports of Investigation.
Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Tuesday, March 13, 1979, at 2:00 p.m., will be:

Oral argument on an application by Nicholas J. Nickolaou and Audrey Lombardi for review of disciplinary action taken against them by the Chicago Board Options Exchange, Inc.

The subject matter of the open meeting scheduled for Tuesday, March 13, 1979, at 3:00 p.m., will be:

Oral argument of an appeal by the Commission's Division of Enforcement from the decision of the Administrative Law Judge's dismissal of proceedings against Stanley Richards and Lloyd J. Harty, Jr.

The subject matter of the open meeting scheduled for Wednesday, March 14, 1979, at 10:00 a.m., will be:

1. Consideration of an application by Australian Resources Development Bank Limited, an Australian Bank, which seeks an order declaring it not to be an investment company, or, alternatively, exempting it from all provisions of the Act. For further information, please contact W. Randolph Thompson, at (202) 755-1579.

2. Consideration of rule proposals submitted by the Institute for Public Representation, a public interest group affiliated with Georgetown University to: (1) amend the Commission's Rules of Practice to set forth responsibilities of lawyers to report fraud or other violations of the law by corporate clients or others to the Commission, to management and to the board of directors; and (2) amend the Commission's disclosure forms to require disclosure of information concerning (a) the obligations of corporate attorneys to report violations of the law to the board of directors, (b) agreements between corporations and outside counsel and (c) resignations or dismissals of corporate counsel. For further information, please contact Federic Townsend at (202) 376-3561

FOR FURTHER INFORMATION, CONTACT:

John Ketels at (202) 755-1129.

MARCH 5, 1979.

[S-483-79 Filed 3-8-79; 3:11 pm]