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federal register

TUESDAY, DECEMBER 26, 1978

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NUTRITION PROGRAMS FOR THE ELDERLY
USDA/FNS increases level of assistance in food commodities for the period October 1, 1978, through September 30, 1979, to 38.5 cents per meal; effective 10-1-78 60177

URBAN AIR QUALITY
EPA and DOT announces availability of grants to organizations of local elected officials with transportation or maintenance planning responsibilities; comments by 1-25-79 60215

MOTOR VEHICLE SAFETY STANDARDS
DOT/NHTSA adds reporting requirements for equipment manufacturers and alters requirements for vehicle manufacturers regarding defects and noncompliance; effective 1-25-79 60165

ALASKA
Interior/NPS issues final interim rules for new national wildlife monuments; effective 12-26-78 (Part II of this issue) (2 documents) 60252, 60255

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HUD/FHC amends regulations relating to mortgage insurance and assistance payments; effective 12-26-78 60155

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HUD/FHC adopts interim rules mandating inspections of a reasonable sample of units under assistance program; effective 12-26-78; comments by 1-25-79 60157

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HUD/FHC issues rules prescribing late charges to be paid if mortgage insurance premiums for mortgages of a multifamily housing project, nursing home, hospital, group practice facility or Title X land development project are not paid within specified time period; effective 1-25-79 60153

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 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
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	CSC		CSA	CSC
	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 August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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NOTE: A complete listing of all public laws from the second session of the 95th Congress was published as Part II of the issue of December 4, 1978. (Price: 75 cents. Order by stock number 022-003-00960-4 from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Telephone 202-275-3030.)

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rules and regulations

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[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Schedule A exception for two Program Officers in the Division of Research and Stipends, National Endowment for the Humanities is amended to reflect the division's current designation as Division of Fellowships.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3182(b)(8) is amended as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities* * * *

(8) Until September 30, 1980, two Program Officers, Division of Fellowships.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-35839 Filed 12-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This authority excepts from the competitive service all positions at grades GS-15 and below on the staff of the National Commission on Social Security with the provision that no one may serve under this authority after January 31, 1981. This exception is granted because it is impracticable to examine for these positions.

EFFECTIVE DATE: December 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199(x) is added as set out below:

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(x) *National Commission on Social Security.* (1) Positions at GS-15 and below on the staff of the National Commission on Social Security. No one may serve under this authority after January 31, 1981.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-35838 Filed 12-22-78; 8:45 am]

[3410-37-M]

Title 7—Agriculture

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

Miscellaneous Amendments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations are being changed to correct organizational titles which were changed due a to reorganization of agencies, to change the references to the Rules of Practice for the withdrawal of inspection or grading services in the affected regulations to reflect a recodification of the rules, to delete some obsolete material, and to correct some misspelled words. These amendments are solely of a housekeeping nature.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Ashley R. Gulich, Food Safety and Quality Service, United States Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250, Phone: (202) 447-3506.

SUPPLEMENTAL INFORMATION: In June 1977, the Grading and Standardization Branches of the Poultry Division and the Inspection and Standardization Branches of the Dairy Quality Division in the newly organized Food Safety and Quality Service were placed in a Poultry and Dairy Division. Thus, references in the organizational titles such as Poultry Division or Dairy Division now becomes Poultry and Dairy Quality Division. Some definitions referring to organizational titles have been changed for clarification. Procedures for the withdrawal of grading or inspection service referenced in the affected regulations have been recodified from Part 2850 to 7 CFR, Part 1, Subpart H. These amendments to the regulations reflect this change. In addition, several misspelled words have been corrected and some obsolete material deleted.

Accordingly, 7 CFR, Parts 2855, 2856, 2858, 2859, and 2870 are amended as follows:

PART 2855—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

§ 2855.2 [Amended]

1. In § 2855.2, the definition of "Class" is amended by changing the word preceding "processing" from "or" to "of"; and a new definition is added in alphabetical order to read as follows: "Chief of the Grading Branch" means the Chief of the Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service.

§ 2855.200 [Amended]

2. In § 2855.200(a), the second sentence is amended to read: "The rules of practice governing withdrawal of inspection and grading services in formal adjudicatory proceedings instituted by

the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action:"

§ 2855.560 [Amended]

3. Section 2855.560(a)(2)(vi) is amended by changing the words "Poultry Division" to read: "Poultry and Dairy Quality Division".

PART 2856—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

§ 2856.1 [Amended]

4. In § 2856.1, the definition for "Grading" or "grading service" is amended by deleting the words "or sampler," and a new definition is added in alphabetical order to read as follows:

"Chief of the Grading Branch" means the Chief of the Poultry Grading Branch of the Poultry and Dairy Quality Division, Food Safety and Quality Service."

§ 2856.6 [Amended]

5. Section 2856.6 is amended by deleting the words "and samplers".

§ 2856.31 [Amended]

6. In § 2856.31(a), the second sentence is amended to read: "The rules of practice governing withdrawal of grading services in formal adjudicatory proceedings instituted by the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action:"

§§ 2856.52, 2856.54 [Amended]

7. Sections 2856.52(a)(2)(vi) and 2856.54(a)(1)(vi) are amended by changing the words "Poultry Division" to read: "Poultry and Dairy Quality Division."

PART 2858—GRADING AND INSPECTION GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

8. In § 2858.1, the definitions for "Branch", "Director", and "Division" are amended to read as follows:

§ 2858.1 Meaning of words.

* * * * *

"Branch" means the Dairy Inspection Branch of the Poultry and Dairy Quality Division.

* * * * *

"Director" means the Director of the Poultry and Dairy Quality Division, or any other officer or employee of the Division to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

"Division" means the Poultry and Dairy Quality Division of the Food Safety and Quality Service.

* * * * *

§ 2858.50 [Amended]

9. In § 2858.50(d), the wording "Chief of the Inspection and Grading Branch, Dairy Division, Food Safety and Quality Service" is amended to read: "Chief of the Dairy Inspection Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service."

§ 2858.58 [Amended]

10. In § 2858.58(a), the second sentence is amended to read: "The rules of practice governing withdrawal of inspection and grading services in formal adjudicatory proceedings instituted by the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action."

§§ 2858.812, 2858.2657 [Amended]

11. In §§ 2858.812 and 2858.2657, the words "Dairy Division" are changed to read: "Poultry and Dairy Quality Division".

§ 2858.2606 [Amended]

12. In § 2858.2606, the words "Dairy Divisions" are changed to read: "Poultry and Dairy Quality Division".

§ 2858.2678 [Amended]

13. In § 2858.2678, the text beginning with the word "Dairy" and continuing to the end of the section is amended to read as follows:

"Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250."

§ 2858.2707 [Amended]

14. In § 2858.2707, the words "Dairy Division, C&MS," are changed to read: "Poultry and Dairy Quality Division, Food Safety and Quality Service".

§ 2858.2726 [Amended]

15. In § 2858.2726(b), the words "Dairy Standardization" are changed to read: "Poultry and Dairy Quality Division".

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS

§ 2859.5 [Amended]

16. In § 2859.5, a new definition is added in alphabetical order to read: "Chief of the Grading Branch" means Chief of the Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service.

§§ 2859.142, 2859.310 [Amended]

17. Sections 2859.142 and 2859.310(b) are amended by placing a period in lieu of the comma after the word "Branch" and deleting the wording "Poultry Division, Food Safety and Quality Service."

§ 2859.160 [Amended]

18. In § 2859.160, paragraph (a) is amended by changing the wording "(following the procedures of Title 7, Part 2850 of the Code of Federal Regulations)" to read: "(following the procedures of 7 CFR, Part 1, Subpart H)"; and paragraph (f)(3) is amended by changing the wording "(Part 2850 of this chapter)" to read: "(7 CFR, Part 1, Subpart H)."

§ 2859.539 [Amended]

19. Section 2859.539(b) is amended by changing the word "ordors" to "odors".

§ 2859.920 [Amended]

20. In § 2859.920, the first sentence of the text is amended to read as follows:

"Each person importing any eggs or egg products shall make application for inspection upon PY Form 222—Import Request, Eggs and Egg Products, to the Chief, Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality, Service, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Poultry and Dairy Quality Division, Poultry Grading Branch office at the port where the product is to be offered for importation."

§ 2859.930 [Amended]

21. In § 2859.930, the wording under "NOTICE" is amended to read as follows:

"This package of ———— must be delivered intact to an inspector of the Poultry and Dairy Quality Division, U.S. Department of Agriculture."

PART 2870—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

§ 2870.1 [Amended]

22. In § 2870.1, a new definition is added in alphabetical order to read as follows: "Chief of the Grading Branch" means Chief of the Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service.

§ 2870.38 [Amended]

23. In § 2870.38(c), the wording "(7 CFR Part 2850)" is amended to read: "(7 CFR, Part 1, Subpart H)."

§ 2870.40 [Amended]

24. In § 2870.40, the second sentence is amended to read: "The rules of practice governing withdrawal of grading services in formal adjudicatory proceedings instituted by the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action."

§§ 2870.73, 2870.76 and 2870.77 [Amended]

25. Sections 2870.73, 2870.76(a)(1)(vi), and 2870.77(a)(2)(vi) are amended by changing the words "Poultry Division" to read: "Poultry and Dairy Quality Division."

(60 Stat. 1087, 7 U.S.C. 1621 *et seq.*; 84 Stat. 1620, 21 U.S.C. 1031 *et seq.*)

These amendments are solely for clarification and housekeeping purposes and do not substantially affect any member of the public. Dr. D. L. Houston has therefore determined that, pursuant to the authority of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest and, further, it is found that these amendments should be made effective less than 30 days after publication in the FEDERAL REGISTER so that they may appear in the next issue of the Code of Federal Regulations for the benefit and use of the public.

Further, these amendments have not been designated "significant" under the USDA criteria implementing Executive Order 12044 and an impact analysis was not prepared.

Done at Washington, D.C. on: December 20, 1978.

DONALD L. HOUSTON,
Administrator, Food Safety and Quality Service.

[FR Doc. 78-35875 Filed 12-22-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-EA-88; Amdt. 39-3377]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-36-285, -300, -375 type airplanes and requires repetitive inspections and replacement where necessary of the rod end bearings in the elevator and aileron system for corrosion. The purpose of the requirement is to preclude seizure in the socket which can result in failure in the neck down area of the shank. This failure can lead to loss of control.

EFFECTIVE DATE: December 26, 1978. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 11745.

FOR FURTHER INFORMATION CONTACT:

J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of corroded rod end bearings on these aircraft used in agricultural spraying. The corrosion leads to, eventually, loss of control. The amendment requires repetitive inspections and allows replacement with a more corrosion-resistant bearing. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exist for making the rule effective in less than 30 days.

ADOPTION OF THE AMENDMENT

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

Piper: Applies to Piper Model PA-36-285 and PA-36-300, Serial Nos. 36-7360001 thru 36-7760123, 36-7760125 thru 36-7860001, 36-7860003, 36-7860007, 36-7860010 thru 36-7860015, 36-7860017 thru 36-7860019, 36-7860021 thru 36-7860024, 36-7860027 thru 36-7860031, 36-7860034, 36-7860036, 36-7860041, 36-7860043 thru 36-7860045, 36-7860047, 36-7860049 thru 36-7860051, 36-7860061 thru 36-7860063, 36-7860069, 36-7860071, 36-7860073 thru 36-7860079, 36-7860081 thru 36-7860083, 36-7860086 thru 36-7860114 and 36-7860116 and Model PA-36-375, Serial Nos. 36-7802002 thru 36-7802019, 36-7802021 thru 36-7802023, 36-7802025 thru 36-7802029, 36-7802031, 36-7802040 thru 36-7802042 and 36-7802049 certificated in all categories.

To prevent hazards in flight associated with the seizing of rod end bearings in the elevator and aileron control systems, accomplish the following:

(a) Within the next ten hours in service from the effective date of this AD or upon the attainment of 50 hours total time in service whichever is later, unless previously accomplished within the previous 50 hours, and at intervals not to exceed 50 hours in service from the last inspection, inspect and replace the rod end bearings in the elevator and aileron system controls in accordance with the "Instructions Section—Paragraphs 1 thru 5" of Piper Service Bulletin No. 608 dated July 11, 1975, or equivalent.

(b) Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon the installation of Heim MSS-3D, -4D and -5D rod end bearings for Piper part numbers 452633, 452590 and 452645, respectively, compliance with the inspection requirements of (a) may be canceled.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

Effective Date: This amendment is effective December 26, 1978.

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

Issued in Jamaica, New York, on December 12, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-35546 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Docket No. 78-EA-94; Amdt. 39-3378]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-38-112 type airplanes and requires inspection of the bend radius of the vertical fin forward spar attachment plate for cracks. The purpose of the replacement is to prevent hazards associated with weakening of the vertical fin.

EFFECTIVE DATE: December 26, 1978. Compliance is required within five (5) hours in service.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 11745.

FOR FURTHER INFORMATION CONTACT:

J. Maher, Airframe Section, AEA-

212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York, 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been a report of the presence of a forming crack in the bend radius of the vertical fin forward spar attachment plate. In addition, a survey of parts inventory revealed an additional number of defective plates. In view of the hazard, an immediate distribution was made of this AD by air mail on October 13, 1978, to all known owners of the subject aircraft requiring the same inspection. Since the same hazard still exists and to assure complete promulgation of the AD, this amendment is being issued requiring the same inspection. With the existence of the hazard, notice and public procedure hereon are impractical and good cause exist for making the amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

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

Piper: Applies to Model PA-38-112, Serial Numbers 38-78A0001 thru 38-78A06552, 38-78A0653, 38-78A0655, 38-78A0656, 38-78A0658, 38-78A0660, 38-78A0661, 38-78A0664 thru 38-78A0672, 38-78A0674, 38-78A0676, 38-78A0677, 38-78A0680 thru 38-78A0682, 38-78A0686, 38-78A0690, 38-78A0693, 38-78A0701, 38-78A0702, 38-78A0708, 38-78A0711, 38-78A0717, 38-78A0723, 38-78A0729, 38-78A0734 and 38-78A0749 certificated in all categories.

To avoid possible hazards in flight associatyed with a crack in the vertical fin forward spar attachment plate accomplish the following within the next five hours in service unless previously accomplished:

a. Remove the dorsal fin fairing P/N 77607-02 and inspect the forward bend radius of the vertical fin forward spar attachment plate P/N 77553-5 for cracks using a dye penetrant inspection method.

b. If a cracked plate is found, replace with an undamaged part of the same part number before further flight, except a ferry flight to a place of repair may be authorized in accordance with FAR 21.197 with prior approval of the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

(Piper Service Bulletin No. 628A refers to this subject)

Effective Date: This amendment is effective December 26, 1978.

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

Issued in Jamaica, New York, on December 12, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-35547 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Docket No. 78-CE-10-AD; Amdt. 39-3379]

PART 39—AIRWORTHINESS DIRECTIVES

Cesna 140A, 150, A150, 170, 172, 175, P172, 177, 180, 182, 185/A185, 188/A188, 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210, 336, and 337/T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD), applicable to the above Cessna Series airplanes, which requires installation of vented fuel caps to provide alternate fuel tank venting. This action is necessary because there have been several instances of fuel tank vent system obstruction by foreign material and/or sticking of the fuel vent valve in the existing fuel tank vent system. These have caused loss of engine power and resulted in aircraft accidents.

EFFECTIVE DATE: January 30, 1979.

COMPLIANCE TIME: Within 100 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Service Letter No. SE77-6, dated March 4, 1977, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201. A copy of the service instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591, and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: On June 1, 1978, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to the several Cessna Series airplanes listed above and published it in the FEDERAL REGISTER on June 15, 1978 (43 FR 25831, 25832). This proposal required installation of vented fuel caps to provide alternate fuel tank venting. The action was proposed to prevent fuel starvation should the primary vent system become obstructed by foreign material or sticking of the fuel vent valve.

Interested persons were invited to participate in this rule making by submitting written comments on the proposal to the FAA. One comment to the docket was received.

The commenter stated that the Cessna Model 180 should not be included in the airplanes to which the AD is applicable because no reports of fuel vent blockage were received on this model, and expressed the opinion that the mud daubers would render the vented caps ineffective by plugging the additional vents in caps. The use of a fuel vent cover as an alternate measure to preclude insect blockage of the fuel vent was also suggested. The commenter also stated that the procedure required by the Executive Office was not complied with by the FAA on this AD. In response thereto, the FAA agrees that no reports have been received on Cessna Model 180 airplanes. However, it believes that this model should also be included because reports have been received on the Cessna Model 182 having the same vent system design. The FAA believes that the same probability of vent blockage exists on these two models and attributes the lack of service reports on the Model 180 to the lower exposure of the lesser numbers of airplanes of this model. With respect to the blockage of the vented caps by insects, the design of the vents in the cap is such that this is precluded.

The FAA considered the use of a fuel vent cover as an alternative to the proposed action but concluded that the probability of the pilot forgetting to install the cover when parking the airplane or remove the cover during the preflight inspection was such that this solution might not correct the problem and could introduce another unsafe condition. The use of a flap valve, which opens automatically in the airstream, was not considered practical because the shape of the vent tube and its location behind the wing strut in the turbulent airstream disturbed by this strut is such that positive opening of the valve cannot be assured.

Finally, we presume that when the commentator referred to the "Executive Office", it was a reference to the applicable laws, regulations and orders involved in issuing ADs. We wish to advise that this rule making action complies with all the requirements of the Administrative Procedures Act and applicable Executive Orders.

Accordingly, since the unsafe condition described herein is likely to exist or develop in other airplanes having fuel vent systems of the same type design, an AD is issued requiring installation of vented fuel caps on Cessna 140A, 150, A150, 170, 172, 175, P172, 177, 180, 182, 185/A185, 188/A188, 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210, 336 and 337/T337 series airplanes.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

CESSNA. Applies to the following series and serial number airplanes certified in all categories:

Series	Serial numbers
140A	15200 through 15724
150	17001 through 17999 and 15059001 through 15077005
A150	A1500001 through A1500609
170	18730 through 27169
172	28000 through 29999; 36000 through 36999; and 17246001 through 17265684
175	17555001 through 17557119
P172	P17257120 through P17257189
177	17700001 through 17701597
180	30000 through 32999 and 18050001 through 18052202
182	33000 through 34999 and 18251001 through 18260638
185/A185	18500001 through 18501896
188/A188	With wing tanks; serials 1880001 through 18800762
205	205-0001 through 205-0577
206	206-0001 through 206-0275
U206/TU206	U20600276 through U20601666
P206/TP206	P20600001 through P20600647
207/T207	20700001 through 20700203
210/T210	21057001 through 21059361 and T210-0001 through T-210-0454
336	336-0001 through 336-0195
337/T337	33700001 through 33701405

Compliance: Required as indicated unless already accomplished.

To provide an alternate source of fuel tank venting, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Install applicable vented fuel cap(s) with related adapters and placards in accordance with Cessna Service Letter SE77-6, dated March 4, 1977, or later revisions.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 30, 1979.

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

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

Issued in Kansas City, Missouri on December 13, 1978.

C. R. MELUGIN, Jr.

[FR Doc. 78-35824 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Docket No. 78-SO-76; Amdt. No. 39-3380]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft Corp., Model PA-31-350

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This airworthiness directive is being issued to require adjustment of elevator control cable tension allowing for temperature effects, and to require installation of protective guard strips around a hydraulic line and the edge of a lightening hole in a fuselage frame. This is a result of an incident in which the pilot of a Piper PA-31-350 Navajo Chieftain reported experiencing momentary restriction of the elevator control system when applying nose up control inputs. Subsequent investigation determined that the elevator control cables were slack, and that there were indications of possible contact of elevator control system hardware with adjacent structure. For further details, see SUPPLEMENTARY INFORMATION.

DATES: Effective January 4, 1979. Compliance as prescribed in body of airworthiness directive.

ADDRESSES: Piper Service Bulletin #621 may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (717) 748-6711. A copy of Piper Service Bulletin #621 is located in Room 275, Engineering and Manufacturing Branch, Federal Aviation Administration, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT:

Steve Flanagan, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLMENTARY INFORMATION: An incident has been reported in which the pilot of a Piper PA-31-350 Navajo Chieftain reportedly experienced momentary restriction of the elevator control system when rapidly applying full-up elevator. Subsequent investigation suggested the possibility that the elevator control cables might have hung up on the edge of a lightening hole in a fuselage frame through which the control cables pass. Also, signs of elevator cable and/or elevator cable turnbuckle contact against an adjacent hydraulic line were found. Contributing to this condition is the possibility that insufficient preload was put on the elevator control cables during rigging and/or adjustment, as the elevator cables were reportedly found to be slack. Since a similar condition may exist on other aircraft of the same type design, an airworthiness directive is being issued to require that a guard strip be installed around the edge of the lightening hole, that protection against cable contact be provided around the hydraulic line, and that the elevator cable tension be adjusted, allowing for the effects of ambient temperature.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

PIPER AIRCRAFT CORPORATION. Applies to Piper PA-31-350 Navajo Chieftain aircraft, Serial Numbers 31-5001 through 31-7852151, certificated in all categories.

Compliance required within the next 25 hours of operation after the effective date of this AD.

To insure free operation of the elevator control system, accomplish the following:

1. Install cable guide tube, Piper Part Number 71045-2, around the lightening hole in the frame at Fuselage Station 87.50, in accordance with the "Instructions" section of Piper Service Bulletin 621, dated October 13, 1978, or later edition approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

2. Install nylon spiral sleeving around hydraulic line in accordance with the above referenced instructions.

3. Adjust elevator control cable tension in accordance with the above referenced instructions and instructions contained in the Piper PA-31-350 Navajo Chieftain Service Manual.

Compliance with the provisions of this AD may be accomplished in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

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

Issued in East Point, Ga., on December 13, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-35825 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ANW-19]

[14 CFR Part 71]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment alters the designation of controlled airspace in the vicinity of Redmond, Oregon. The rule designates additional airspace as 700 foot transition area. This alteration is needed because the present 700 foot transition area is inadequate to provide controlled airspace protection for aircraft executing a proposed ILS instrument approach procedure to Roberts Field, Redmond, Oregon.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist (ANW-533), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington, 98108; telephone: (206) 767-2610.

SUPPLEMENTARY INFORMATION:

HISTORY

A Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER on Monday, October 2, 1978, which described the proposed Redmond, Oregon transition area. Interested parties were invited to participate in the rule making proceeding by submitting written comments on the proposal to the FAA. The one comment that was received was from the Aircraft Owners and Pilots Association (AOPA) which interposed no objection to the proposal.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR) designates additional 700 foot transition area as controlled airspace to encompass aircraft executing a proposed ILS instrument approach procedure to Roberts Field, Redmond, Oregon.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, the Redmond, Oregon Transition Area in Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, December 28, 1978, as follows:

REDMOND, OREG.

In 71.181, Subpart G, Redmond, Oregon, delete lines 1 and 2 and that portion of line 3 ending with "21 miles east of the VORTAC" and substitute the following: "That airspace extending upward from 700 feet above the surface within two miles north and 13.5 miles south of the Redmond VORTAC 059 radial to 33 miles east of the VORTAC."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

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

Issued in Seattle, Washington on December 14, 1978.

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

[FR Doc. 78-35556 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ASW-46]

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

Designation of Transition Area: Kountze-Silsbee, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Kountze-Silsbee, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Hardin County Airport. The circumstance which created the need for the action is the establishment of a navigational aid (NDB) at the airport to provide capability for flight under instrument weather conditions to the airport.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On October 12, 1978, a notice of proposed rule making was published in the FEDERAL REGISTER (43 FR 46978) stating that the Federal Aviation Administration proposed to designate the Kountze-Silsbee, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received and one commentor objected to the proposal.

DISCUSSION OF COMMENTS

The airport manager of the Evadale Airport expressed concern that the proposed transition area and associated instrument approach procedures would conflict with existing procedures at Evadale Airport. The airports are nine nautical miles apart and within the approach control service area of the FAA air traffic control facility at Beaumont, Tex. Radar coverage exists from 1,500 feet MSL over the airports. The coverage is below the initial approach-missed altitudes of both facilities. The FAA has determined that air traffic operations at the adjacent airports can be handled safely and expeditiously. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Kountze-Silsbee, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Hardin County Airport.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 GMT, February 22, 1979, as follows:

In Subpart G, 71.181 (43 FR 440), the following transition area is added:

KOUNTZE-SILSBEE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hardin County Airport (latitude 30°20'13" N., longitude 94°15'34" W.) and within 3.5 miles either side of the 327° bearing from the Hardin County NDB (latitude 30°20'14" N., longitude 94°15'36" W.) extend-

ing from the 5-mile radius to 8.5 miles northwest of the NDB.

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

NOTE—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 3, 1978).

Issued in Fort Worth, Tex., on December 12, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-35550 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ASW-45]

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

Alteration of Transition Area: Killeen, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Killeen, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Killeen Municipal Airport. The circumstance which created the need for the action was the establishment of a nondirectional radio beacon (NDB) south of the airport requiring additional controlled airspace for protection of aircraft utilizing the facility.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On October 5, 1978, a notice of proposed rule making was published in the FEDERAL REGISTER (43 FR 46038) stating that the Federal Aviation Administration proposed to alter the Killeen, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Killeen, Tex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing new instrument procedures established for the Killeen Municipal Airport.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 GMT, February 22, 1979, as follows:

In Subpart G, 71.181 (43 FR 440), the Killeen, Tex., transition area is amended as follows:

KILLEEN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219°T (210°M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles each side of the 337° bearing from STARN RBN (latitude 31°10'03" N., longitude 97°52'41" W.) extending from the 7-mile radius area to 11.5 miles north of the RBN; within a 5-mile radius of Killeen Municipal Airport (latitude 31°05'15" N., longitude 97°41'00" W.), within 3.5 miles each side of the 197° bearing from the IRESH NDB (latitude 31°01'26" N., longitude 97°42'28" W.), extending from the 5-mile radius to 11.5 miles southwest of the IRESH NDB.

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

NOTE—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582); March 3, 1978).

Issued in Fort Worth, Tex., on December 11, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-35551 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ASW-47]

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

Alteration of Transition Area: Raton, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Raton, N. Mex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Crews Field Airport. The circumstance which created the need for the action was the establishment of a navigation facility off the airport to provide additional capability for flight under instrument flight rules (IFR) procedures to the airport.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Ken Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On October 12, 1978, a notice of proposed rule making was published in the FEDERAL REGISTER (43 FR 46979) stating that the Federal Aviation Administration proposed to alter the Raton, N. Mex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. We received no objections to the proposal. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Raton, N. Mex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing the newly established instrument procedure to the Crews Field Airport.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 GMT, February 22, 1978, as follows:

In Subpart G, 71.181 (43 FR 440), the following transition area is altered to read:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'29" N., longitude 104°30'04" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, and wihin 3.5 miles each side of the 214° bearing from the NDB (latitude 36°42'02" N., longitude 104°32'21" W.) extending from the 8.5-mile radius area to 9.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC.

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

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 3, 1978).

Issued in Fort Worth, Tex., on December 11, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-35552 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-97]

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

Alteration of Transition Area: Wrightstown, N.J.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Wrightstown, N.J., Transition Area over Asbury Park-Neptune Airport, Neptune, N.J. This alteration will delete a portion of the transition area. This alteration is required due to the closure of the airport which had an authorized instrument approach.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Wrightstown, N.J., Transition Area. Since this amendment creates no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 26, 1978, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Wrightstown, N.J. 700-foot floor transition area by deleting, "and within a 5-mile radius of the center, 40°13'05"N., 74°05'30"W., of Asbury Park-Neptune Airport, Neptune, N.J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR".

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

Issued in Jamaica, New York, on December 6, 1978.

TIMOTHY L. HARTNETT,
Acting Director,
Eastern Region.

[FR Doc. 78-35553 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-105]

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

Alteration of Transition Area and Control Zone: Baltimore, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Baltimore, Md. (Glenn L. Martin State Airport) Control Zone and Baltimore, Md., Transition Area by deleting the extensions referenced to a 132° bearing from the Martin, Md. RBN. This change is the result of the cancellation of the military NDB instrument approach procedure.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F & G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 26, 1978, as follows:

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Baltimore, Md. (Glenn L. Martin State Airport) control zone by deleting, "within 3 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN"

2. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Baltimore, Md. 700-foot floor transition area by deleting, "within 3.5-miles each side of a 132° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN"

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c));

sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.

Issued in Jamaica, New York, on December 6, 1978,

TIMOTHY L. HARTNETT,
Acting Director,
Eastern Region.

[FR Doc. 78-35554 File 12-22-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-AL-2]

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

Alteration of Fairbanks, Alaska, Control Zone (Fairbanks International/Fort Wainwright AAF)

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final Rule.

SUMMARY: This amendment alters the Fairbanks, Alaska, (Fairbanks International/Fort Wainwright AAF) control zone by redesignating the Fort Wainwright AAF portion of the control zone as a separate part-time control zone during those times that Fort Wainwright AAF official weather is available. This amendment is intended to increase the efficiency of airspace use. The existing 700-foot and 1,200-foot transition areas will not be changed.

EFFECTIVE DATE: 0901 G.m.t., February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

John J. Scullion, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501, telephone 907-265-4282.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to redesignate the existing Fairbanks, Alaska, (Fairbanks International/Fort Wainwright AAF) control zone into a full-time control zone, (Fairbanks International) and a part-time control zone, (Fort Wainwright AAF). The FAA believes that this alteration will provide more efficient use of the Fort Wainwright AAF terminal airspace, now that official weather reports are available part-time from Fort Wainwright AAF. At the present time the Fairbanks International weather report affects the Fort Wainwright AAF terminal aircraft operations. The FAA believes that this weather observation, taken at a distance of seven to eight miles from Fort Wainwright is not always representative of the actual weather conditions at Fort Wainwright AAF. This action is intended to correct this situation. The NPRM was published in the FEDERAL REGISTER on July 17, 1978 (43 FR 19590). No objections were received to the NPRM.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 355) to redesignate the present Fairbanks, Alaska, (Fairbanks International/Fort Wainwright AAF) control zone as follows:

FAIRBANKS, ALASKA (FAIRBANKS INTERNATIONAL)

Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N, longitude 147°51'14" W); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to the outer marker; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 5 miles SW of the localizer antenna (latitude 64°48'11" N, longitude 147°53'01" W).

FAIRBANKS, ALASKA (FORT WAINWRIGHT AAF)

Within a 5-mile radius of the Fort Wainwright AAF (latitude 64°50'13" N, longitude 147°36'52" W); and within 2 miles each side of the Chena, Alaska, RBN 089° bearing, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RBN; excluding the portion within the Fairbanks, Alaska (Fairbanks International) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Anchorage, Alaska, on December 15, 1978.

ROBERT G. JUDD,
Acting Director,
Alaskan Region.

[FR Doc. 78-35826 Filed 12-22-78; 8:45 am]

[6320-01-M]

CHAPTER II—CIVIL AERONAUTICS BOARD

[ER-1050; Economic Regulations Docket 29139; Amendment No. 9 to Part 250]

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS, AND REPORTS OF UNACCOMMODATED PASSENGERS

Comprehensive Amendment; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Erratum to final rule.

SUMMARY: This erratum corrects the omission of a footnote in the Board's overbooking rule. The footnote states where Form 250 and 251 may be obtained.

DATED: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert W. Kneisley, Attorney-Advisor, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5035.

SUPPLEMENTARY INFORMATION: 1. A footnote reference "1" should be inserted in § 250.10 (a) and (b) at the end of the first sentence to reflect where Form 250 and Form 251 (as published at 43 FR 24277, June 5, 1978) may be obtained.

2. The footnote should read as follows:

"'Forms 250 and 251 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428."

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-35880 Filed 12-22-78; 8:45 am]

[3510-07-M]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Exports of Used Vehicles

AGENCY: Bureau of the Census, Commerce.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 50674, October 31, 1978, the Bureau of the Census adopted a final rule relating to exports of used vehicles. This document adds the authority citation under which that amendment was issued.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, 301-763-5342.

SUPPLEMENTARY INFORMATION: The proper authority citation for FR Doc. 78-30727 published at FR 50674 is as follows: (title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765.)

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

DECEMBER 20, 1978.

[FR Doc. 78-35874 Filed 12-22-78; 8:45 am]

[6351-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

PART 18—REPORTS OF FORMS

Revision of Forms

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commission is adopting amendments to the reporting requirements for futures commission merchants, foreign brokers and large traders by revising CFTC Forms 102 and 40 and amending regulations 17.01 and 18.04 to expand the information required to be provided.

The major change is intended to obtain information which will allow the Commission more precisely to identify foreign government agencies and instrumentalities and foreign-based businesses using U.S. futures markets. The amendments will also permit the Commission to obtain additional information on the Form 40 at the time of initial contact with large traders. This may, in the near future, enable the Commission to eliminate daily position reports filed by large traders (series '03 reports).

Additional miscellaneous changes have also been made which are intended to clarify the type of information sought, expedite the receipt of the information and reduce Commission processing time.

Except as discussed below, the Commission has revised Forms 40 and 102 and amended Regulations 17.01 and 18.04 in the manner proposed in the December 9, 1977, FEDERAL REGISTER. In this connection, the Commission notes that Form 40's will now be required to be updated on at least an annual basis and more frequently in the event there has been a change in information previously filed. However, reportable traders who have filed a Form 40 with the Commission at any time during the period February 1, 1977, to January 31, 1979, will not be required to file their initial updated Form 40 until the anniversary date of the filing of the most recent Form 40 filed during that period, unless the Commission, upon special call, directs otherwise. For example, a trader who holds a reportable position and who last filed a Form 40 on December 1, 1978, will not be required to file a new Form 40 until December 1, 1979.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone (202) 254-7446.

SUPPLEMENTARY INFORMATION: On December 9, 1977, the Commission published for comment in the FEDERAL REGISTER (see 42 FR 62147) proposals which, among other things, would expand and revise the information required on CFTC Forms 102 and 40 as well as amend Commission regulations 17 CFR 17.01 and 18.04 (1977).[1]

A primary purpose for proposing to expand the Form 40 was to obtain information which might allow the Commission to eliminate series '03 reports filed by large traders.[2] Implementation of the major changes to the Form 40 will now allow the Commission to proceed with its evaluation of the necessity for requiring the series '03 reports.

PROPOSED CHANGES TO THE FORMS 40 AND 102

In the December 9, 1977, FEDERAL REGISTER notice the Commission proposed the following major changes to the Form 40:

1. Revise the format of the form by separating it into four parts: Part A to be completed by all traders who hold or control a reportable position; Part B to be completed by those reporting traders who have an individual account or participate in a joint account or partnership account; Part C to be completed by those reporting traders who participate in an account other than an individual, joint, or partnership account; and Part D to be completed by reporting traders who are foreign governments, agents of foreign governments, or entities specially acknowledged by a statute or regulation of a foreign jurisdiction to trade for such government.

2. Require information to be reported relating to the hedging activities of reporting traders including the cash commodity hedged, the type of activities hedged, and the futures markets utilized by such traders.

3. Require information to be completed concerning whether the reporting trader owns or controls accounts which are carried through more than one FCM.

4. Require information to be reported that would identify foreign governments, their agents, and foreign entities specially acknowledged by foreign state statute or regulation, and foreign-based companies. It was also proposed that information be required that would briefly describe the relationship between foreign governments and the reporting trader.

5. Require the name and principal business of the reporting trader's employer to be provided where the trader is not self-employed and the employer uses the futures market.

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[1] Form 102 is required to be filed with the Commission by FCM's and contains account identification information (17 CFR 17.01). Form 40 is required to be filed with the Commission by reporting traders and contains background information on such traders (17 CFR 18.04).

With the exception of the proposal that omnibus accounts be reported on a gross basis, all other proposals published in the December 9, 1977, FEDERAL REGISTER release are still being considered in light of the comments that were received. The proposal that would require omnibus accounts to be recorded and reported on gross basis by the carrying FCM was clarified and published again in the FEDERAL REGISTER for comment (see 43 FR 22220, May 24, 1978).

[2] The series '03 reports are required to be filed with the Commission by large traders. A large trader is one who owns or controls a position in any one future of any commodity which equals or exceeds certain levels as set forth in § 15.03(a) of the Commission's regulations (17 CFR 15.03(a) (1977)). Once traders have obtained a reportable position, they must report trades, positions, exchanges of futures for cash, and deliveries on series '03 reports and they must classify such positions as hedging or speculative (17 CFR 18.00 (1977)). The Commission previously has stated that it was considering eliminating the reporting requirement that large traders file series '03 reports (see 41 FR 30351, July 23, 1976). At that time, the Commission also stated that it was considering expanding Form 40 to obtain some of the information that would otherwise be lost by dropping the series '03 reports.

6. Require the report to include the reporting trader's registration status with the Commission.

7. Require the place and date of birth of the reporting trader to be provided.

Corresponding changes were also proposed in Commission regulation §§ 18.04 (a) through (d). In addition, the Commission proposed to amend regulation § 18.04(f) to require the Form 40's to be updated at least once each year.

Major changes to the Form 102 that were proposed in the December 9, 1977, FEDERAL REGISTER were as follows:

1. Require the report to include the identification of the futures commodities, if any, for which positions in the account may be associated with a commercial activity of the account owner in related cash commodities (i.e., positions which are considered hedging).

2. Require information to be reported which would identify accounts with respect to ownership or control by a foreign government, agent of a foreign government, entity specially acknowledged by a statute or regulation of a foreign jurisdiction to trade for such government, or entity financed by a foreign government.

3. Require the report to include the business or occupation of the account controller.

4. Require the report to state the telephone number of the account owner and controller.

Corresponding changes were also proposed in Commission regulation § 17.01(b).

Five persons commented specifically on the proposed changes to the Forms 40 and 102. The majority of these comments were concerned with the proposals to solicit more information about foreign ownership of positions (i.e., those questions aimed at determining if an account owner was acting on behalf of a foreign government or if a company was incorporated under U.S. law). Several of the commentators raised questions or made suggestions that persuaded the Commission that some changes to the proposed rules were warranted.

Subsequent to the comment period, the Form 40's were revised and field tested on traders with diverse occupational backgrounds. Several of the comments received from these traders concerning the manner in which questions were phrased and the information required have been incorporated into the final regulations and forms.

DISCUSSION OF MAJOR COMMENTS

EFFECT ON FOREIGN TRADERS' USE OF U.S. FUTURES MARKETS

Many commentators felt that there would be a negative effect on foreign traders' use of U.S. futures markets because of the requirements for disclosure of certain information about foreign ownership of U.S. futures positions. Moreover, they felt that requiring a foreign government to disclose information about their ownership or control of U.S. futures positions could be an intrusion on their rights and privileges. The commentators felt that foreign traders, rather than divulge the information, might simply use competing foreign futures markets. Commentators noted that the Commission should consider the effect this might have on FCM's through whom foreign traders carry their accounts.

Although the Commission is aware that many foreign entities prefer to do business in complete anonymity, it cannot agree with the views of the commentators on this issue. Since foreign governments have both the potential to affect domestic futures prices by their actions, and the ability to become very large position holders on domestic contract markets, the Commission believes it is necessary to require foreign governmental elements or companies financially associated with foreign governments to identify themselves as such to the Commission. This is necessary in a variety of situations for the Commission to determine appropriate courses of action in order to carry out the provisions of the Commodity Exchange Act. In addition, it is clear from congressional and other inquiries that the general extent and nature of participation by foreign entities in U.S. futures markets is at times a matter of public concern.

In the past, the Commission has on a case-by-case basis sought and obtained the same information that it is now requesting on a routine basis. There is no evidence that these requests for information dissuaded traders from continuing to use the U.S. futures markets. Moreover, it should be noted that, except under certain circumstances mandated by law, the Commission regards the data that it collects on traders as highly confidential.

SHOULD FCM'S AND FOREIGN BROKERS BE REQUIRED TO PROVIDE INFORMATION ON THE FORM 102 ABOUT FOREIGN GOVERNMENTS AND THE HEDGING ACTIVITY OF TRADERS

Many commentators objected that FCM's may not be able to obtain the required information from foreign entities or that the information which they do obtain may be inaccurate. They concluded that requirements against filing false or misleading information may be unenforceable and that the information which is filed may not be useful. One commentator recommended that all questions on the Form 102 be rephrased so that an FCM or foreign broker be required to answer them only to the best of their knowledge.

The Commission does not believe that questions on the Form 102 should be rephrased as suggested. Such rewording may result in less than an honest effort by an FCM or foreign broker to obtain the required information. Moreover, the Commission does not feel that FCM's or foreign brokers should have trouble in obtaining or transmitting information about the hedging activity of large traders for whom they carry accounts. In many instances, this information must be obtained to determine the proper margin rate to apply to an account.

The Commission, however, agrees with the suggestions that FCM's and foreign brokers *not* be required to provide detailed identification information on foreign government agencies or instrumentalities or their agents on the Form 102. While such governments or their agents may be willing to provide this identification to an agency of the U.S. Government, they may not wish to disclose it to their FCM. The Commission is, therefore, deleting this question from the Form 102, but will require that the information be supplied by the trader on the Form 40.

IDENTIFICATION OF TYPE OF ACCOUNT ON THE FORM 102 AND FORM 40

One commentator noted that although instructions for identifying type of account on the Form 102 required a person to indicate one type only, an account could, in fact, be identified by more than one of the types that are shown. The Commission agrees with this comment and has altered the information required to remove this ambiguity.

Traders participating in the field test noted the same ambiguity on the Form 40. As a result, the Commission has altered the information required on the Form 40 to show the type of trader (rather than account) who is making the filing.

INFORMATION REQUIRED ON THE FORM 40 CONCERNING TRADERS IDENTIFYING AN EMPLOYER'S USE OF THE FUTURES MARKETS

One commentator noted that the Commission should consider the number of cases in which a trader would know if his employer used the futures market and if in such cases the information would have any meaning from a regulatory standpoint.

In view of the fact that the Commission will receive information identifying firms using the U.S. futures markets for whom the reporting trader participates in management, the Commission has determined to delete the requirement that all reporting traders

identify their employer if the employer uses the futures market.

REQUIRING PARTNERSHIPS TO LIST THE NAMES OF EACH PARTNER ON THE FORM 40

One commentator felt that the Commission should exempt limited partners from the requirement that a partnership account list all partners. The Commission agrees with this comment for limited partners of commodity pools. The primary reason for collecting this information is to identify persons who own or control substantial futures positions and persons who may be trading in concert. Since the Commission does not consider individual limited partners in commodity pools to be controllers of the futures positions held by the pool and since in general, pool participants are not likely to individually own or control large futures positions, the Commission has determined not to require that limited partners in commodity pools be identified. Since, in other cases, it is not clear that limited partners would not individually hold substantial futures positions, the Commission will require partnerships which are not commodity pools to identify all limited partners.

PLACE AND DATE OF BIRTH OF THE REPORTING TRADER ON THE FORM 40

One commentator objected to the requirement that a reporting trader provide his date and place of birth on the grounds that this was a gross invasion of privacy. The commentator noted that the results the Commission intends to achieve with this requirement could be done in other ways. The Commission has considered the alternatives that were presented and has concluded that this requirement should be retained. Alternative methods for uniquely identifying reporting traders and registrants are time consuming and costly to implement and maintain.

LENGTH OF THE FORM 40

A number of persons commented on the length and complexity of the proposed four-part Form 40 noting that traders may have difficulty completing it. In order to simplify the form, Part D has been eliminated. The information required in Part D is now required in Part A, item 9.

JURISDICTIONS UNDER WHICH A FIRM IS ORGANIZED

Two traders participating in the field test suggested changes to the Form 40 which would require firms to indicate the state under which they are organized if, in fact, they are organized in the United States. One trader recommended that firms organized outside of the United States should also be required to disclose the name of the country in which they were organized.

The intended purpose of requiring this information is to aid the Commission in determining which firms doing business on U.S. futures markets are foreign based. Accordingly, it would serve no purpose to require United States firms to disclose the state in which they were organized. The Commission believes however that there is considerable merit to the suggestion that foreign based firms disclose their country of origin. This information will be helpful to the Commission in assessing the use made by foreign traders of U.S. futures markets. The Commission has therefore amended § 18.04(c)(1) accordingly.

HEDGING INFORMATION REQUIRED ON THE FORM 40

Several traders participating in the field test commented that the information required in Schedule I of the Form 40 (describing a trader's hedging activity) may be too detailed. It was suggested that the marketing activities described on this schedule be incorporated with the occupational information required in Part A of the form. It was also recommended that narrative descriptions of the basis of hedging requirements supplant other information required on the schedule.

The Commission recognizes the wide variety of hedging activities that are possible on futures markets and that the use of a schedule such as the one proposed may be inappropriate in some instances for traders to describe their hedging activities. Since use will be made of this data by means of ADP equipment, it is necessary however to obtain, as nearly as possible, uniform responses from individuals on aspects of their hedging activities of importance to the Commission. Moreover since the marketing activities of traders may vary with the specific commodity hedged, the Commission does not feel that it is appropriate to combine the information required on the schedule with the more general occupational information required in Part A of the Form 40

The Commission has, however, generalized the language on Schedule I requiring information on the cash commodity hedged to include "risk exposures covered." Instructions on completing the Form 40 will also specify that narrative comments about the hedging activities of the reporting trader would be welcome if the trader does not feel that the information he must provide on Schedule I appropriately describes such activity.

MISCELLANEOUS CHANGES TO THE FORMS 40 AND 102

The Commission believes that certain other changes to the Forms 40 and 102 should be made to clarify the type of information that is sought or that would eliminate other information which is currently required but no longer needed.

REPORTING NAMES OF PERSONS WHO HAVE A FINANCIAL INTEREST IN AN ACCOUNT AND GUARANTORS OF AN ACCOUNT ON THE FORM 102

The Commission believes that it is not essential to require FCM's and foreign brokers to identify persons guaranteeing an account on the Form 102. Since the timeliness of this information is not a factor, and since this same information is received from the reporting trader on the Form 40, the Commission is deleting this requirement. The Commission is also amending the Form 102 to require that FCM's and foreign brokers identify only those persons having at least a 10% financial interest in an account. Currently, all persons having a financial interest are required to be reported.

PRINCIPAL OCCUPATION OF THE REPORTING TRADER

A wide range of answers to this question on both the Forms 40 and 102 in the past have indicated a degree of confusion as to what information the Commission is seeking. In order to clarify this question, the Commission is requiring that both occupation and an industry be specified.

NAMES AND ADDRESSES OF PERSONS RESPONSIBLE FOR THE FUTURES TRADING OF A FIRM

The Commission has received different responses on the Form 40 when requiring the identity of persons responsible for the futures trading of a firm. Some reporting traders in response to this question give the names of persons who place orders for the firm, rather than the individual controlling the trading. Since the Commission desires the latter information, the wording of this question has been revised. A second part of the revised question has been added to the Form 40 that allows firms to identify to the Commission those persons whom the Commission should contact if it has questions concerning the firm's futures trading.

Of course, appropriate amendments to regulations 17.01 and 18.04 have also been made to implement the changes discussed above. Copies of the revised Forms 40 and 102 are attached as Appendix A and B.

In consideration of the foregoing, the Commission, pursuant to its authority contained in section 4g, 4i, and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6(g), 6i, and 12a(5) (1976), as amended by Pub. L. 95-405, 92 Stat. 865 *et seq.* (September 30, 1978),

hereby amends Parts 17 and 18 of Chapter I of title 17 of the Code of Federal Regulations as follows:

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

1. Section 17.01(b) is amended to read as follows:

§ 17.01 Special account designation and identification.

(a) * * *

(b) *Identification of Special Account.* When a Special Account is reported for the first time, the futures commission merchant or foreign broker shall identify the account to the Commission on Form 102, showing the information requested thereon, including:

(1) The name and address of the account owner.

(2) The number assigned to that account for purposes of reporting the account on series '01 reports.

(3) Telephone number of account owner.

(4) Industry or commodity and business or occupation of the account owner.

(5) Kind of account.

(6) The name and address of other person(s) if any whose futures trading is controlled by the account.

(7) The name, address, telephone number and industry or commodity and business or occupation of other person(s), if any, who controls the trading of this account.

(8) The name(s) and location(s) (city and state) of other person(s), if any, who has a financial interest of 10% or more in the account.

(9) Commodities in which positions in the account are associated with a commercial activity of the account owner in a related cash commodity (i.e., those considered as hedging).

(10) Name and address of the futures commission merchant or the foreign broker carrying the account, the signature and title of the authorized representative of the firm filing the report, and the date of signing the Form 102.

PART 18—REPORTS BY TRADERS

2. Section 18.04 is amended to read as follows:

§ 18.04 Statement of reporting trader.

Every trader who holds or controls a reportable position shall file with the Commission a "Statement of Reporting Trader" on Form 40. Each trader shall file his initial Form 40 at such time as the Commission directs, but not later than the tenth business day following the date the trader assumes the reportable position. Subsequent filings shall be made at the time specified in paragraph (e) of this section. All traders shall complete Part A of the Form 40 and, in addition, shall complete:

Part B—If the trader is an individual, a partnership or a joint tenant.

Part C—If the trader is a corporation or type of trader other than an individual, partnership, or joint tenant.

(a) Information to be furnished by all traders in Part A of the Form 40 shall include:

(1) Name of reporting trader.

(2) Principal business or industry and occupation of the reporting trader.

(3) Type of trader.

(4) Registration status with the Commission, if any.

(5) The name and address of each person whose commodity futures account is controlled by the reporting trader.

(6) The name and address of each person who controls the trading of the reporting trader.

(7) The names and locations of all futures commission merchants and foreign brokers through whom accounts owned or controlled by the reporting trader at the time of filing a Form 40 are carried if such accounts are carried through more than one futures commission merchant or foreign broker.

(8) The names and locations (city and state) of persons who guarantee or who have a financial interest of 10% or more in the account of the reporting trader.

(9) Information concerning ownership or control by a foreign government, agent of a foreign government, entity specially acknowledged by a statute or regulation of a foreign jurisdiction, or entity financed by a foreign government either through ownership of capital assets or provision of operating expenses.

(b) Information to be furnished in Part B of the Form 40 shall include:

(1) Mailing address of the reporting trader.

(2) Telephone number of the reporting trader.

(3) Date and place of birth of the reporting trader.

(4) If the trader is self-employed and engaged in the marketing of a cash commodity or in a business activity which is hedged by use of the futures market, the cash commodity marketed or risk exposure covered, types of associated marketing activities and the futures contract used for hedging.

(5) The name, address, and type of any organization in which the reporting trader participates in the management if such organization holds another futures trading account.

(6) If the reporting trader is a partnership or joint tenant, the name and address of each partner (excluding limited partners in commodity pools) or joint tenant and the name of the partner or joint tenant who ordinarily places orders.

(c) Information to be furnished in Part C of the Form 40 shall include:

(1) Whether or not the reporting trader is organized under the laws of any state (including the District of Columbia), or territory or possession of the United States or under the laws of any foreign jurisdiction. Reporting traders organized outside the jurisdiction of the United States must indicate the country of origin.

(2) The names of parent firms and whether or not they are organized under the laws of any state (including the District of Columbia) or territory of possession of the United States and the location of each headquarter's office.

(3) Names and locations of all subsidiary firms that trade in commodity futures and whether or not the subsidiary firms are organized under the law of any state (including the District of Columbia) or territory or possession of the United States.

(4) Name, address, and business telephone number of person(s) actually controlling futures trading.

(5) Name, office address and business telephone number of person or persons to contact regarding futures trading.

(6) If the firm is engaged in the marketing of a cash commodity or in a business activity which is hedged by using the futures markets, the cash commodity marketed or risk exposure covered, types of associated marketing activities and futures contracts used for hedging.

(d) Signature of the trader and date of signing the report. If the account is in the name of an organization, signature must be that of a partner, officer, or trustee authorized to sign on behalf of that organization.

(e) Updating reports—If at the time a trader holds or controls a reportable position and (i) the trader has not filed a Form 40 during the previous twelve months or (ii) a Form 40 previously filed by the trader is then no longer accurate because since the previous filing there has been a change in the information required under paragraph (a)(2), (a)(3), (a)(5), (a)(6), (a)(8), (a)(9), (b) or (c) of this section, the trader shall file an updated Form 40 with the Commission not later than 10 calendar days after the expiration of such twelve month period or after such change occurs respectively: *Provided however,* that unless directed by the Commission, a trader who has filed a Form 40 with the Commission at any time during the period Febru-

ary 1, 1977, to January 31, 1979, shall not be required to file the trader's first updated Form 40 under this section until the anniversary date of the filing of the most recent Form 40 filed during that period.

Issued in Washington, D.C., on December 15, 1978, by the Commission.

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

[FR Doc. 78-35744 Filed 12-22-78; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R-78-525]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Late Charges

AGENCY: Department of Housing and Urban Development.

ACTION: Final Rule.

SUMMARY: These amendments prescribe late charges to be paid by an insured lending institution when insurance charges are not paid to the Commissioner within the time period prescribed for such payment. The prescribed period for the payment of insurance charges is within 25 days of acknowledgment of the loan report. The rules impose a penalty of four percent (4%) on payments not made within the time period prescribed.

EFFECTIVE DATE: January 25, 1979.

FOR FURTHER INFORMATION CONTACT:

T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Telephone 202-755-6310.

SUPPLEMENTARY INFORMATION: HUD regulations require the payment of insurance charges within twenty-five (25) days after the insured lending institution has been billed.

Failure on the part of insured lending institutions to timely remit payments has caused increased costs to the Department and reduced the insurance fund from which claims are paid.

On April 19, 1978 (43 FR 16513) HUD proposed amendments that would require late charges to be paid by an insured lending institution when insurance charges are not paid to the Commissioner within the time period prescribed for such payment. Interested persons were given until May 19, 1978, to comment on the proposed amendments. Four responses were received regarding the proposed amendments. There is no significant difference between this final notice and the proposal.

DISCUSSION OF MAJOR COMMENTS

One comment was received on the amount of the late charge. It was recommended that in lieu of 4% of the amount of the payment, the late charge should be directly related to the administrative costs involved but in no case should the late charge be greater than 4% of the gross amount of the payment. HUD estimated that a 4% late charge would be a reasonable amount to cover the average administrative costs involved in handling late payments. The effort that would be required to administrer a plan whereby different rates would be charged for varying numbers of days delinquent would be prohibitive. Under the provisions of existing regulations, lenders are permitted to assess a late charge not to exceed 5 cents per $1 of each installment more than 10 days in arrears. We have observed that lenders are consistent in assessing the full amount of the late charge permitted.

Three responses were received concerning the accuracy and timely receipt of billings as well as the non-receipt of billings. It is not the purpose and intent of the regulations to require the payment of a late charge by the lender with respect to any case for which HUD fails to render a proper billing to the lender for insurance charges. The late charge will be assessed only in those instances when the lender fails to pay the insurance charges within the time limits prescribed after receipt of a statement of the amount due from HUD. To clarify this, we have amended the applicable sections of this final rule to read as follows:

"Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the lender for the insurance charges."

HUD recognizes the deficiencies in its existing billing system and is presently in the process of developing a new automated system for mortgage insurance accounting, which includes the property improvement and mobile home loans and other programs under Title I of the Act. Under this new and highly sophisticated system, HUD will be in a position to exercise greater fiscal control over its insurance-in-force and billing records and provide better service to lenders.

A Finding of Inapplicability respecting the Nationl Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II of Title 24 is amended to read as follows:

1. Amend the table of contents by adding to Subpart D a new 201.1514(a) to read as follows:

Subpart D—Combination and Mobile Home Lot Loans.

Sec.

* * * * *

201.1514(a) Insured Lender's late charge.

* * * * *

Subpart A—Property Improvement Loans

2. In 201.13 paragraph (b) is amended by adding subparagraph (1) to read as follows:

§ 201.13 Insurance charge.

* * * * *

(b) * * *

(1) Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the lender for the insurance charge.

* * * * *

Subpart B—Mobile Home Loans

3. In 201.630 a new paragraph (c) is added to read as follows:

§ 201.630 When insurance charge is payable.

* * * * *

(c) Insured lender's late charge. Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the lender for the insurance charges.

Subpart C—Fire Safety Equipment in Health Care Facilities

4. In 201.1220 a new paragraph (d) is added to read as follows:

§ 201.1220 Rate of insurance charge.

* * * * *

(d) Insured lender's late charge. Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the lender for the insurance charges.

Subpart D—Combination and Mobile Home Lot Loans

5. A new 201.1514(a) is added to read as follows:

§ 201.1514(a) Insured Lender's late charge.

Insurance charges not paid within twenty-five days after billing or the date the Commissioner acknowledges to the insured lending institution the receipt of the report of the loan shall include a late charge of four percent (4%) of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the lender for the insurance charges.

Subpart E—Historic Preservation Loans

6. In 201.1665 a new paragraph (c) is added to read as follows:

§ 201.1665 Payment of insurance charges.

* * * * *

(c) Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the lender for the insurance charges.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); 48 Stat. 1246, (12 U.S.C. 1703, as amended).)

NOTE.—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 at Washington, D.C. on November 21, 1978.

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

[FR Doc. 78-35862 Filed 12-22-78; 8:45 am]

[4210-01-M]

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-78-542]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Increase in Maturity Period

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment increases the maturity period for a "single-wide" mobile home loan from 12 years and 32 days to 15 years and 32 days. The amendment is necessary to make the maturity period for single-wide homes consistent with that presently in effect for double-wide homes.

EFFECTIVE DATE: January 25, 1979.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Thornton, Acting Director, Title I Insured Loan Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTARY INFORMATION: Twelve comments were received and were favorable to the proposed increase of the maturity period for "single-wide" mobile home loans to 15 years and 32 days. The commenters pointed out, however, that the amended regulation would provide the same maturity period (15 years and 32 days) for "single-wide" and "double-wide" mobile homes, whereas the National Housing Act provides that mobile homes composed of two or more modules, "double-wide" homes may have a maturity period of 23 years and 32 days. An amendment to the regulations that would increase the maturity period for "double-wide" mobile home loans to 20 years and 32 days is presently being considered by the Department.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, § 201.560 is amended to read as follows:

§ 201.560 Maturity provisions.

The obligation shall have a term of not less than 1 year or more than 15 years and 32 days from the date it is made.

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703)

NOTE.—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 at Washington, D.C., October 25, 1978.

MORTON BARUCH,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 78-35715 Filed 12-22-78; 8:45 am]

[4210-01-M]

[Docket No. R-78-526]

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Mortgagee's Late Charge

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: These rules prescribe late charges to be paid by a mortgagee in the event application fees, commitment extension fees, and mortgage insurance premiums are not paid within 15 days after the billing or due dates. The Assistant Secretary for Housing has found that delinquency on the part of some mortgagees in the payment of such fees and premiums has become a significant problem for the Department. The rules published here are intended to help reduce such delinquencies by imposing a penalty of 4 percent on payments not made within the time period specified.

EFFECTIVE DATE: January 25, 1979.

FOR FURTHER INFORMATION CONTACT:

T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Telephone 202-755-6310.

SUPPLEMENTARY INFORMATION: HUD Regulations require the payment by a mortgagee of application fees, commitment extension fees, and mortgage insurance premiums in connection with mortgages insured by the

Federal Housing Administration. The Office of Finance and Accounting has reported numerous cases in which mortgagees have been delinquent in the payment of these obligations. As a result of these delinquencies, the Federal Housing Administration loses substantial funds to which it is legally entitled. Failure to pay mortgage insurance premiums poses a particular problem in that such premiums are intended to sustain the mortgage insurance fund from which insurance claims are paid. For these reasons, the Assistant Secretary for Housing is amending existing regulations to provide for imposition of a penalty of 4 percent on payments made more than 15 days after the billing date. In the case of mortgage insurance premiums, payment must be made no more than 15 days after the billing date or the due date, whichever is later. It is not the purpose and intent of the regulations to require the payment of a late charge by the mortgagee with respect to any case for which HUD fails to render a proper billing to the mortgagee for fees and premiums. The late charge will be assessed only in those instances where the mortgagee fails to pay the fees and premiums within the time limits prescribed after receipt of a notice of the amount due from HUD.

On April 19, 1978 (43 FR 16513) HUD proposed amendments that would require late charges to be paid by a mortgagee in the event application fees, commitment extension fees, and mortgage insurance premiums are not paid within 15 days after the billing or due date. Interested persons were given until May 19, 1978 to comment on the proposed amendments. Eleven responses were received regarding the proposed amendments. There is no significant difference between this final notice and the proposal.

DISCUSSION OF MAJOR COMMENTS

The majority of the comments received concerned the accuracy and timely receipt of billings as well as the non-receipt of billings. As pointed out under the Supplementary Information part of the proposed rule, it is not the purpose and intent of the regulations to require the payment of a late charge by the mortgagee with respect to any case for which HUD fails to render a proper billing to the mortgagee for fees and premiums. The late charge will be assessed only in those instances where the mortgagee fails to pay the fees and premiums within the time limits prescribed after receipt of a notice of the amount due from HUD. The applicable sections of the regulations, in this final rule, have been amended in order to clarify the matter.

HUD recognizes the deficiencies in its existing billing system and is presently in the process of developing a new automated system for mortgage insurance accounting. Under this new and highly sophisticated system, HUD will be in a position to exercise greater fiscal control over its insurance-in-force and billing records and provide better service to mortgagees.

One commenter suggested that the proposed rules be changed to reflect that when a mortgagee is late in the payment of mortgage insurance premiums or fees to HUD, it be barred from collecting any late charges from home owners or tenants. Section 203.27 of the regulations itemizes the charges, fees and discounts which the mortgagee may collect from the mortgagor. The late charge included in this final rule is not covered in Section 203.27. Therefore, it is the mortgagee's expense and shall not be collected from the mortgagor.

One commenter suggested that the 15-day period following the due date or billing date for fees should be changed to 30 days, since fee billing statements are not sent out 30 days in advance as premium notices are. HUD feels that the 15-day period is ample time for reconciling and payment of fees, since there are fewer problems associated with the reconcilment of fee billing statements.

A comment was received that a 30-day grace period would be more appropriate than 15 days. As stated above HUD feels that the 15-day grace period is ample time for fees. For premiums, the amount of time would appear to be more than adequate since premium notices are mailed 30 days in advance of their due date thereby giving the mortgagee a total of 45 days before the late charge is assessed.

HUD does not agree with one suggestion to set the late charge at 1% after 15 days and an additional 1% for each full month thereafter. We believe there is more incentive for a mortgagee to pay amounts due HUD before any late charge is assessed under the proposed, and now final, rule.

One suggestion was made that the postmark date be used as the date payment is made. HUD agrees and the postmark date will be accepted as the date payment is made.

Two comments were received suggesting that a proper billing has not occurred until the billing has reached the current mortgagee or servicer. HUD agrees that until the billing has reached the current mortgage or servicer, the billing is not a proper billing.

One comment was received suggesting that when the payment is late because the mortgagor was late in making payments to the escrow account, the mortgagee should be allowed to pass the late charge on to the mortgagor. HUD's contract of insurance is with the mortgagee and it is the mortgagees responsibility to pay mortgage insurance premiums when due regardless of whether the funds are in the mortgagor's escrow account. Therefore, the late charge shall not be passed on to the mortgagor.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Chapter II of Title 24 is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. By amending the table of contents of Part 203 to add a new §§ 203.262 and 203.445 as follows:

Sec.
203.262 Mortgagee's late charge.
203.445 Mortgagee's late charge.

2. By amending § 203.12 to include a new paragraph (c) as follows:

§ 203.12 Application and commitment extension fees.

* * * * *

(c) *Mortgagee's late charge.* Application fees and commitment extension fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

3. By amending § 203.60 to include a new paragraph (c) as follows:

§ 203.60 Application and commitment extension fees.

* * * * *

(c) *Mortgagee's late charge.* Application fees and commitment extension fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

4. By adding a new § 203.262 as follows:

§ 203.262 Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall in-

clude a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

5. By adding a new § 203.445 as follows:

§ 203.445 Mortgagee's late charge.

Insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

PART 204—COINSURANCE

6. By amending the table of contents of Part 204 to add a new § 204.260a as follows:

Sec.
204.260a Mortgagee's late charge.

7. By amending § 204.4 to include a new paragraph (c) as follows:

§ 204.4 Application fees.

* * * * *

(c) Application fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

8. By adding a new § 204.260a as follows:

§ 204.260a Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

9. By amending § 234.13 to include a new paragraph (c) as follows:

§ 234.13 Application and commitment extension fees.

* * * * *

(c) *Mortgagee's late charge.* Application fees and commitment extension fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

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 at Washington, D.C., November 21, 1978.

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

[FR Doc. 78-35863 Filed 12-22-78; 8:45 am]

[4210-01-M]

[Docket No. R-78-527]

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: These rules prescribe late charges to be paid by the mortgagee for a multifamily housing project, nursing home, hospital, group practice facility, or Title X land development project in the event mortgage insurance premiums are not paid within 15 days after the billing or due dates. The Assistant Secretary for Housing has found that delinquency on the part of some mortgagees in the payment of such premimums has become a significant problem for the Department. The rules published here are intended to help reduce such delinquencies by imposing a penalty of 4 percent on payments not made within the time period specified.

EFFECTIVE DATE: January 25, 1979.

FOR FURTHER INFORMATION CONTACT:

T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Telephone 202-755-6310.

SUPPLEMENTARY INFORMATION: HUD regulations require the payment by a mortgagee of mortgage insurance premiums (MIP) in connection with mortgages insured by HUD. The Office of Finance and Accounting has reported numerous cases in which mortgagees have been delinquent in the payment of such obligations. As a result of such delinquenices, HUD loses substantial funds to which it is legally entitled which jeopardizes the insurance funds. For these reasons, the Assistant Secretary for Housing is amending existing regulations to provide for imposition of a penalty of 4 percent on payments made more than 15 days after the billing date or the due date, whichever is later. It is not the purpose and intent of the regulations to require the payment of a late charge by the mortgagee with respect to any case for which HUD fails to render a proper billing to the mortgagee for mortgage insurance premiums. The late charge will be assessed only in those instances where the mortgagee fails to pay the premiums within the time limits prescribed after receipt of a notice of the amount due from HUD.

Specific amendments have been made to Parts 207 Multifamily Mortgage Insurance; 220 Urban Renewal Mortgage Insurance; 232 Subpart D—Nursing Homes and Intermediate Care Facilities—Fire Safety Equipment Supplementary Loan Mortgage Insurance; and 250 Coinsurance for State Housing Finance Agencies. These amendments also apply to other parts through incorporation by reference. Included in this category are Parts 205, Title X—Land Development; 210 Multifamily Projects—War Housing Mortgage Insurance; 213 Cooperative Housing Mortgage Insurance; 221 Low Cost and Moderate Income Mortgage Insurance; 224 Armed Services Housing—Military Personnel; 225 Military Housing Insurance; 227 Armed Services Housing—Impacted Areas (Sec. 810); 229 National Defense Rental Housing Mortgage Insurance; 231 Elderly Housing Mortgage Insurance; 232 Subpart B—Nursing Homes and Intermediate Care Facilities Mortgage Insurance; 234 Condominium Project Mortgage Insurance; 235 Project Rehabilitation Mortgage Insurance; 236 Mortgage Insurance and Interest Reduction Payments for Rental Projects; 241 Supplementary Financing for Insured Project Mortgages; 242 Mortgage Insurance for Hospitals; and 244 Mortgage Insurance for Group Practice Facilities.

On April 19, 1978 (43 FR 16514) HUD proposed amendments that would require late charges to be paid by a mortgagee in the event mortgage insurance premiums are not paid within 15 days after the billing or due date. Interested persons were given until May 19, 1978, to comment on the proposed amendments. Eleven responses were received regarding the proposed amendments. There is no significant difference between this final notice and the proposal.

DISCUSSION OF MAJOR COMMENTS

The majority of the comments received concerned the accuracy and timely receipt of billings as well as the non-receipt of billings. As pointed out under the Supplementary Information part of the proposed rule; it is not the purpose and intent of the regulations to require the payment of a late charge by the mortgagee with repect to any case for which HUD fails to render a proper billing to the mortgagee for premiums. The late charge will be assessed only in those instances where the mortgagee fails to pay the premiums within the time limits prescribed after receipt of a notice of the amount due from HUD. The applicable sections of the regulations, in this final rule, have been amended in order to clarify the matter.

HUD recognizes the deficiencies in its existing billing system and is presently in the process of developing a new automated system for mortgage insurance accounting. Under this new and highly sophisticated system, HUD will be in a position to exercise greater fiscal control over its insurance-in-force and billing records and provide better service to mortgagees.

One commenter suggested that the proposed rules be changed to reflect that when a mortgagee is late in the payment of mortgage insurance premiums to HUD, it be barred from collecting any late charges from home owners or tenants. Section 207.2 of the regulations itemizes the fees and charges which the mortgagee may collect from the mortgagor. The late charge included in this final rule is not covered in § 207.2. Therefore, it is the mortgagee's expense and shall not be collected from the mortgagor.

A comment was received that a 30-day grace period would be more appropriate than 15 days. The amount of time would appear to be more than adequate for premiums since premium notices are mailed 30 days in advance of their due date thereby giving the mortgagee a total of 45 days before the late charge is assessed.

HUD does not agree with one suggestion to set the late charge at 1 percent after 15 days and an additional 1 percent for each full month thereafter. We believe there is more incentive for a mortgagee to pay amounts due HUD before any late charge is assessed under the proposed, and now final, rule.

One suggestion was made that the postmark date be used as the date payment is made. HUD agrees and the postmark date will be accepted as the date payment is made.

Two comments were received suggesting that a proper billing has not occurred until the billing has reached the current mortgagee or servicer. HUD agrees that until the billing has reached the current mortgagee or servicer, the billing is not a proper billing.

One comment was received suggesting that when the payment is late because the mortgagor was late in making payments to the escrow account, the mortgagee should be allowed to pass the late charge on to the mortgagor. HUD's contract of insurance is with the mortgagee and it is the mortgagee's responsibility to pay mortgage insurance premiums when due regardless of whether the funds are in the mortgagor's escrow account. Therefore, the late charge shall not be passed on to the mortgagor.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Chapter II of Title 24 is amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

1. The table of contents to Part 207 is amended to add a reference to a new § 207.252c and designated "Mortgagee's late charge."

2. A new § 207.252c is added to read as follows:

§ 207.252c Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

1. The table of contents to Part 220 is amended to add a reference to a new § 220.804a and designated "Mortgagee's late charge."

2. A new § 220.804a is added to read as follows:

§ 220.804a Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart D—Contract Rights and Obligations

1. The table of contents to Part 232 is amended to add a reference to a new § 232.805a and designated "Mortgagee's late charge."

2. A new § 232.805a is added to read as follows:

§ 232.805a Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

PART 250—COINSURANCE FOR STATE HOUSING FINANCE AGENCIES

Subpart F—Contract Rights and Obligations

1. The table of contents to Part 250 is amended to add a reference to § 250.713 and designated "Late charge—payment of MIP."

2. A new § 250.713 is added to read as follows:

§ 250.713 Late charge—payment of MIP.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

(Sec. 7(d), Department of Housing and Urban development Act (42 U.S.C. 3535(d)).)

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 re-

quirements in order to permit it to take effect on the date indicated.

Issued at Washington, D.C., November 21, 1978.

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

[FR Doc. 78-35864 Filed 12-22-78; 8:45 am]

[4210-01-M]

[Docket No. R-78-358]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Miscellaneous Amendments

AGENCY: Department of Housing and Urban Development.

ACTION: Final Rule.

SUMMARY: The Housing and Urban Development Department amends its regulations relating to mortgage insurance and assistance payments for home ownership and project rehabilitation. The amendments revise several definitions, establish responsibility in instances where there have been assistance overpayments, and remove restrictions which made assumptors of mortgages, if the mortgage was insured later than January 5, 1976, ineligible for assistance.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Julius Williams, Director, Single-Family Housing Division, Office of Loan Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. (202-755-5752).

SUPPLEMENTARY INFORMATION: On December 20, 1976, at FR 55484, the Department of Housing and Urban Development published a proposed rule entitled "Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation" which was designed to amend Chapter II of Title 24 of the Code of Federal Regulations by amending §§ 235.5, 235.10, 235.350, and 235.375, previously published at 41 FR 1168, January 6, 1976, and by adding a new § 235.361. The intent of these amendments is to correct and clarify several definitions; establish responsibility in cases where there have been assistance overpayments; and to remove the restriction which made assumptors of mortgages insured on or after January 5, 1976, ineligible for assistance. Ten public comments were received and considered and with the changes noted, the proposed rule is now being made final.

Public comments referable to a specific section of the final rule are discussed in this preamble under the number of that section. The more generalized comments are discussed first.

1. Three of the commentors felt that in cases where assistance overpayments had been made, the mortgagee, at its option, should have the right to assign the mortgage to the Department and that the Department could then pursue collection of the overpayment directly. The view was expressed that to do otherwise would be to force a default and foreclosure. We reject that view especially where culpability on the part of a mortgagor cannot be clearly imputed. For the most part we have found that overpayments have been the result of misunderstandings regarding policy and we believe that the fairest way is for the resultant deficit to be recaptured, as are other deficits, where no "fault" can be determined.

2. One person expressed the view that mortgagees should only have to reimburse the Department to the extent and at such time as they recover overpayments from the mortgagor. We cannot accept this premise since the assistance payments contract is between the Department and the mortgagee, albeit with the mortgagor as a beneficiary. The Department cannot defer its rightful claim because a third party is involved. Furthermore, we do not feel that this imposes a substantial hardship upon mortgagees since they have the actual assets in hand and, in addition, are indemnified against any actual loss.

3. There were some misunderstandings with respect to the fact that one commentor viewed the certificate of insurance and the assistance payment contract as inseparable (they are not) and felt that no mortgagee liability should accrue to the mortgagee on overpayments so long as the mortgage was properly insured. The facts are that a mortgage may be insured under Section 235 and the mortgagor never be entitled to obtain assistance, e.g. when the mortgagor's income changed between application for assistance and loan closing—eligibility was established but entitlement was zero.

4. One of the commentors felt that mortgagees should only be required to refund assistance overpayments in cases where the error was of a "material" nature and that there is a lack of specificity regarding what an error is. We believe that the specificity does exist. They are failures to act in accord with the requirements of the assistance payments contract as well as to comply with those procedures peculiar to Section 235 i.e., certifications, recertifications of income and family composition, verification of income, suspension, reinstatement and termination of assistance payments, etc.

5. Several questions and recommendations related to the requirement that mortgagors report increases in family income which amount to $50 or more per month. While it was felt to be a low figure it will be retained since it reduces the amount of assistance by a minimum of $9.50 per case per month.

6. The issue of the income versus earnings of minors was raised by several commentors, and one wished the age of majority lowered to 18 because if people are old enough to drink or vote their income and earnings should be included. Because of the lack of uniformity throughout the nation, specifically in the ability to contract, the age of majority will remain at 21. Furthermore, we must differentiate between the income and the earnings of minors. Earnings of minors, by law, are not to be included in the assistance computation, while income (monies garnered by other than employment) can be included. We thank the commentors for drawing our attention to this subject for in processing these regulations for comment we did not clarify the distinction.

7. A question arose as to whether these regulations may violate the Equal Credit Opportunity Act. HUD General Counsel has determined that they they do not. The advancing of credit involves those actions related to loan origination. The information gathered regarding initial eligibility or continued eligibility for assistance relate not to credit but rather to the extent of the applicant's entitlement. That entitlement is a separate issue and the amount of that entitlement represents one of those income sources upon which underwriting is based.

8. One commentor requested that the conditions for reinstatement of the assistance payments contract be detailed in the proposed regulations. We reject that concept since it limits the Secretary's discretionary authority. Furthermore, those conditions are currently detailed in HUD Handbook 4191.1 REV, Administration of Insured Home Mortgages, dated February 25, 1977.

9. Another commentor felt that the requirement that the assistance contract once suspended for a consecutive 36-month period be terminated imposed an undue hardship upon mortgagors. We reject that concept. It is not that the requirement is a long-standing one but there were two basic reasons for its establishment: (a) The recaptured contractual authority could help other eligible mortgagors, and (b) the intent of the Congress has been viewed not as one designed to perpetuate dependency but rather as

one to give citizens assistance in the initial attainment of home ownership. While the former reason no longer applies the latter one remains most compelling.

10. We also reject the proposal of one person who felt that the assistance payments contract should be terminated upon conviction of the mortgagor for intentionally receiving assistance payments over and above those to which she or he may be entitled. We feel that it is the province of the judicial branch of the government to determine the extent and appropriateness of the penalty upon such conviction and that such administrative punitive actions extend beyond our authority. If a mortgagor continues to be otherwise eligible for assistance under law and regulation, then it would be inappropriate for HUD to deprive the family of that entitlement.

11. We accept the suggestion of one commentor who felt that the requirement that assistance contracts on mortgages insured on or after January 5, 1976, be terminated when the mortgage is assumed by an otherwise eligible mortgagor be withdrawn. That requirement imposed greater difficulty upon some mortgagors who might wish to sell their property and increased the chance of a property acquisition by HUD.

The following specific changes are being made to Part 235:

Section 235.2(e) is being deleted in order to allow for the continuation of assistance payments to eligible assumptors of mortgages insured on or after January 5, 1976.

A technical change is being made in § 235.5(c)(2) since, as previously constructed, it stated that suitable housing improved a handicapped person's physical impairment instead of his ability to live independently.

In § 235.10(c)(2)(ii) the word "income" as it relates to minors is being replaced with the word "earnings" in order to conform to legislation.

In § 235.350(a)(2)(ii) the exclusion of the income of minors is being replaced by earnings of minors to bring the section into conformity with legislation.

Section 235.350(d) is being eliminated to conform to recent changes in the Regulations of the Internal Revenue Service.

The newly proposed § 235.361 is being amended to relate to the sale of a property not "to an assumptor" but rather "subject to the loan." It is also being amended to eliminate a previous oversight in that where a mortgagee has contributed by fraud or misrepresentation to assistance overpayments, even where the mortgagor on whose behalf the payments were made is no longer directly obligated under the mortgage, HUD will demand recovery of the overpayments and any handling charges from the mortgagee, with interest.

Section 235.375 is being changed to permit the payment of assistance to qualified purchasers of homes subject to mortgages insured under this Part, regardless of the date of insurance.

ENVIRONMENTAL

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in connection with the proposed rule and is applicable to this final rule. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

The Secretary has determined that these changes are necessary to clarify responsibility in cases where there have been assistance overpayments since clarification is needed in fixing responsibility for repayment to the government and that good cause exists for making these changes effective upon publication.

Accordingly, Part 235 of Chapter II of 24 CFR is amended as follows:

1. Section 235.5 is amended by revising paragraphs (a)(3) and (c)(2) as follows:

§ 235.5 Definitions used in this subpart.

* * * * *

(a) * * *

(3) The earnings of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

* * * * *

(c) * * *

(2) A handicapped person who has a physical impairment which is expected to be of a continued duration and which impedes his ability to live independently unless suitable housing is available; or

2. Section 235.10 is amended by revising paragraph (c)(2)(ii) as follows:

§ 235.10 Eligible mortgagors.

* * * * *

(c) * * *

(2) * * *

(ii) The family income (except earnings of minors) increases at least $50 per month.

* * * * *

3. Section 235.350 is amended by revising paragraphs (a)(2) and (a)(2)(ii) and by deleting paragraph (d) to read as follows:

§ 235.350 Mortgagors required recertification.

(a) * * *

(2) No more than 30 days after the mortgagee is notified by the mortgagor or learns from any identifiable source:

* * * * *

(ii) That the family income (excluding earnings of minors) has increased at least $50 per month (except in the case of a mortgagor under a mortgage insured before January 5, 1976).

* * * * *

(d) [Deleted]

4. Section 235.361 is added to read as follows:

§ 235.361 Recovery of assistance payments.

(a) The mortgagee shall refund to the Secretary all overpaid assistance payments except where the mortgagee has filed a claim for mortgage insurance benefits or the mortgage has been paid in full or the mortgagor has sold the property to an assumptor, and the overpayment did not result from the fraud, misrepresentation or failure to meet contractual obligations, on the part of the mortgagee.

(b) The mortgagee shall refund to the Secretary all overpaid assistance payments, together with the handling charges paid for each month of overpayment and interest on the amount refunded at the rate of 7% per annum, in any case where the overpayment resulted from fraud, misrepresentation or failure to meet contractual obligations, on the part of the mortgagee.

(c) The mortgagee may increase the mortgagor's required monthly payments in an amount which will reimburse the mortgagee (except handling charges and interest) within a reasonable time without causing undue hardship to the mortgagor, except where the overpayment resulted from fraud or misrepresentation on the part of the mortgagee.

(d) For purposes of this section "overpaid assistance payments" means assistance payments which the Secretary paid to the mortgagee on behalf of a mortgagor in excess of the amount of benefits to which the mortgagor was entitled and "failure to meet contractual obligations" means failure to request a required recertification or failure to act on a recertification as required in this part.

5. Section 235.375 is amended by revising paragraphs (a) and (b) to read as follows:

§ 235.375 Termination, suspension, or reinstatement of the assistance payments contract.

(a) *Termination.* The assistance payments contract shall be terminated when any of the following events occur:

(1) The contract of mortgage insurance is terminated, except when the mortgage has been assigned to the Secretary.

(2) The property is purchased by a homeowner not qualified to receive assistance payments.

(3) The cooperative member transfers his membership and occupancy rights to a new cooperative member not qualified to receive assistance payments.

(4) When the assistance payments contract has been suspended for a period of three years without reinstatement.

(b) *Suspension.* The assistance payments contract shall be suspended when any one of the following events occur:

(1) The homeowner or cooperative member ceases to occupy the property, except in the following instances:

(i) The property is purchased by a homeowner who immediately assumes the mortgage obligation with respect to which assistance payments have been made on behalf of the previous owner, and who meets the income and asset requirements prescribed by the Secretary.

(ii) The cooperative member transfers his membership and occupancy rights to a new member who assumes the mortgage obligation and who meets the income and asset requirements prescribed by the Secretary.

(2) The mortgagee determines that the mortgagor or cooperative member ceases to qualify for the benefits of assistance payments by reason of his income increasing to an amount enabling him to pay the full monthly mortgage payment by using 20 percent of the family income.

(3) Foreclosure is instituted.

(4) The mortgagee is unable to obtain from the homeowner (or from the cooperative association on behalf of the cooperative member) a required recertification of occupancy, employment, income, and family composition as prescribed in § 235.350.

(5) At such other times as the Secretary may require.

* * * * *

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 at Washington, D.C., November 2, 1978.

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

[FR Doc. 78-35753 Filed 12-22-78; 8:45 am]

[4210-01-M]

[Docket No. R-78-598]

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages Maintenance, Operation, and Inspections

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Interim Rule.

SUMMARY: The Department of Housing and Urban Development is considering amending the regulations which specifically mandate that HUD will inspect or cause to be inspected 100 percent of the units under the Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages at least annually and at such other times as HUD may determine to be necessary to assure that the owner is meeting his obligation to maintain the units in decent, safe and sanitary condition and to provide the agreed upon utilities and other services. The interim rule sets forth instructions specifying that HUD conduct inspections of a reasonable sample of units rather than 100 percent.

DATES: Written comments and suggestions will be received until January 25, 1979. HUD will make such modifications as it deems appropriate in the final regulations. This interim rule is effective on December 26, 1979.

ADDRESS: Comments should be submitted to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

James J. Tahash, Director, Insured Project Mortgage Division, Office of Loan Management, Office of Insured and Direct Loan Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-5757.

SUPPLEMENTARY INFORMATION: While it is desirable to require regular HUD monitoring under the Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages, the current requirement for 100 percent inspections is unrealistic, particularly in light of the increased number of units in the program and the limited number of HUD field staff. Further, HUD is presently in the process of revising the portion of its handbook that deals with the management of subsidized insured and Secretary-held projects. Much greater emphasis is being placed on management needs and concerns, and in this light, management reviews are now required on an annual basis for subsidized projects with an updating of the Management Plan at this time which will address issues mentioned in the review. More frequent reviews will be made of those projects where the field office feels it is necessary and HUD staffs will inspect more than a reasonable sample of units in those instances. A reasonable sample of units to be inspected might be as follows:

1 unit to 99 units—25 Percent
100 units to 200 units—15 Percent
over 200 units—10 Percent

If field staffs are immediatley permitted to begin inspecting a reasonable sample of project units in the Additional Assistance Program With HUD-Insured and HUD-Held Mortgages, rather than 100 percent, they will still be capable of ascertaining the physical condition of the project, and will then have time to devote to other needed servicing functions required to protect the interests of the public and the Secretary. Based upon the foregoing, this Regulation is being issued as an interim rule.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The finding of inapplicability in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1) is available for inspection at the Office of the Rules Docket Clerk, at the above address.

Accordingly, it is proposed that Part 886, Subpart A, of Chapter VIII of 24 CFR be amended as follows:

Section 886.123 is amended by revising paragraph (c) as follows:

§ 886.123 Maintenance, operation and inspections.

* * * * *

(c) *Periodic inspections.* HUD will inspect or cause to be inspected a reasonable sample of contract units at least annually and at such other times

as may be necessary to assure that the owner is meeting his contractual obligations. HUD will take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the owner of its determination.

* * * * *

(Section 7(d) of the HUD Act, 42 U.S.C. 3535(d).)

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 at Washington, D.C., October 25, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commission.

[FR Doc 78-35861 Filed 12-22-78; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7580]

COMBINED ANNUAL WAGE REPORTING

Final Implementation Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations necessary to implement Combined Annual Wage Reporting (CAWR). These regulations provide the public with guidance in making annual information returns under CAWR.

EFFECTIVE DATE: The regulations are effective after December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 10, 1978, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1), Employment Tax Regulations (26 CFR Part 31), and Temporary Employment Tax Regulations Under The Tax Reform Act of 1969 (26 CFR Part 32). The amendments were proposed to implement the CAWR system which was authorized by section 8 of Pub. L. 94-202 (89 Stat. 1137). No public hearing was requested or held. The only comment received expressed concern with the fact that the regulations were proposed to be effective retroactively to the beginning of 1978. However, a news release was issued on January 18, 1978 announcing the implementation of CAWR (effective January 1, 1978), and the forms and instructional material used to report employment tax data for 1978 were conformed to the changes made by the CAWR system. Furthermore, the principal effect of CAWR is the elimination of the quarterly reporting requirement for Schedule A of Forms 941 and 943 and the substitution of an annual system based on Form W-2, which is generally filed at the end of the year. Therefore, the early implementation of CAWR has the effect of reducing employers' compliance burdens overall. In light of these facts the proposed effective date has not been changed.

The proposed amendments are adopted by this Treasury decision with the addition of one minor change as explained below and two conforming amendments. These conforming amendments revise the regulations relating to the reporting of remuneration paid in the form of group-term life insurance to reflect the fact that, under CAWR, life insurance companies no longer have the option to report wages paid on Form 1099 rather than Form W-2.

EXPLANATION

Under CAWR, employers are no longer required to specify the employment tax data with respect to each employee on Schedule A to Forms 941 and 943. This eliminates the quarterly reporting of such data previously required of most employers. Instead, they set forth necessary data on Form W-2, which is to be filed with the Social Security Administration (SSA). Pertinent information will be transferred by SSA to the Service after processing.

Changes to the regulations authorize SSA's collection of Form W-2 (and Form W-2P), require additional information to be reported on the forms, remove references to Schedule A of Forms 941 and 943 and remove the limited option of life insurance companies to file Form 1099 rather than Form W-2 for certain salesmen. The insurance company option was the sole exception to furnishing FICA information on Form W-2 and under the electronic processing procedures of SSA its continuation would reduce the efficiency of CAWR and unnecessarily add to the cost of the system. Newly revised Form W-2 has an appropriate entry indicating that the reported FICA information relates to a FICA statutory employee and not a common law employee subject to income tax withholding. This will avoid confusion as to the status of the salesmen concerned and other similarly situated persons. In addition, certain administrative functions relating to Form W-2 have been shifted to SSA, such as approving the use of magnetic tape in place of paper forms. Under the notice of proposed rulemaking, SSA also would have granted extensions of time for filing the form. However, after publication of the notice it was decided that the Internal Revenue Service will retain this function.

Under CAWR, with the transfer of processing responsibilities from IRS to SSA, it will be necessary to closely monitor the receipts and processing of Forms W-2, W-2P, and W-3. IRS will receive periodic operational reports from SSA on the volume of receipts and the volume of forms processed. IRS will also generate periodic reports of the volume of forms transmitted to IRS by SSA during the processing year. Close interagency coordination will take place in the form of on-going communications between the respective agency's responsible technicians. Annual reviews of the interagency processing agreements will be conducted to evaluate the agreements and modify or amend them as necessary.

DRAFTING INFORMATION

The principal author of this regulation is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the proposed amendments to § 31.6081(a)-1, as set forth in paragraph 9 of the notice of proposed rulemaking published in the FEDERAL REGISTER on May 10, 1978, are not adopted. The remaining proposed amendments to 26 CFR Parts 1, 31, and 32, published in that notice of proposed rulemaking, are hereby adopted effective with respect to remuneration paid after December 31, 1977, with the following additions:

PARAGRAPH 1. Paragraph (a)(1) of § 1.6052-1 is amended by deleting subdivision (ii) and by making certain re-

designations. Amended paragraph (a)(1) reads as follows:

§ 1.6052-1 Information returns regarding payment of wages in the form of group-term life insurance.

* * * * *

(a) *Requirement of reporting*—(1) *In general.* Every employer, who during any calender year provides any one of his employees remuneration for services in the form of group-term life insurance on the life of such employee any part of the cost of which is to be included in such employee's gross income as set forth in paragraph (a)(2) of § 1.79-1, shall make a separate return on Form W-2 with respect to each such employee for such year which includes the following information:

(i) Name, address, and identifying number of the employer;

(ii) Name, address, and social security number of the employee; and

(iii) Total amount includible in the employee's gross income by reason of the provisions of section 79(a), computed as if each employee reported his income on the basis of a calendar year (determined as if the employer making such return is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a)).

Returns of Form W-2 required to be filed pursuant to the provisions of this section shall be transmitted by Form W-3. In a case where, with respect to the same employee, an employer must make a return on Form W-2 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), or under § 1.6041-2 (relating to return of information as to payments to employees), such employer may make such returns on the same Form W-2 or on separate Form W-2. In a case where an employer must file a Form W-3 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the Form W-3 filed under such § 31.6011(a)-4 or § 31.6011(a)-5 shall also be used as the transmittal form for a return on Forms W-2 made pursuant to the provisions of this section.

* * * * *

PAR. 2. Paragraph (d) of § 1.6052-2 is amended to read as follows:

§ 1.6052-2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

* * * * *

(d) *Special rule where Form W-2 is used.* The provisions of this paragraph shall apply notwithstanding anything to the contrary in paragraph (b) or (c) of this section. The requirement of this section for the furnishing of a statement to an employee may be satisfied by furnishing to such employee the employee's copy of Form W-2 filed pursuant to § 1.6052-1 in respect of such employee. In a case where the statement furnished by an employer to an employee for purposes of complying with this section is the employee's copy of a Form W-2, then the rules in § 31.6051-1 of this chapter (Employment Tax Regulations) shall apply with respect to the means and time (including extensions thereof) for furnishing such statements to the employee and making corrections on such form.

* * * * *

This Treasury decision is issued under the authority contained in sections 6051 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 747, 26 U.S.C. 6051; 68A Stat. 917, 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: December 18, 1978.

DONALD C. LUBICK,
Assistant Secretary of the Treasury.

SUBCHAPTER A—INCOME TAX

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

§ 1.6041-1 [Amended]

PARAGRAPH 1. Section 1.6041-1(a)(2) is amended by deleting the second sentence.

§ 1.6041-2 [Amended]

PAR. 2. Section 1.6041-2(a) is amended as follows:

1. Subparagraph (2) is deleted and subparagraphs (3), (4), and (5) are redesignated as subparagraphs (2), (3), and (4), respectively.

2. Subparagraph (1) is amended by deleting the third sentence and inserting in lieu thereof the following: "All other payments of compensation, including the cash value of payments made in any medium other than cash, to an employee by his employer in the course of the trade or business of the employer must also be reported on Form W-2 if the total of such payments and the amount of the employee's wages (as defined in section 3401), if any, required to be reported on Form W-2 aggregates $600 or more in a calendar year."

§ 1.9101-1 [Amended]

PAR. 3. Section 1.9101-1 is amended by deleting the words "Form 1087, 1099, or W-2" and inserting in lieu thereof "Form 1087 or 1099"; and by deleting the last sentence and inserting in lieu thereof the following: "In any case where the use of Form W-2 is required for the purpose of making a return or reporting information, such requirement may be satisfied by submitting the information required by such form on magnetic tape or other approved media, provided that the prior consent of the Commissioner of Social Security (or other authorized officer or employee thereof) has been obtained."

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

§ 31.6011(a)-4 [Amended]

PAR. 4. Section 31.6011(a)-4 is amended by deleting paragraph (b) and redesignating paragraph (c) as paragraph (b).

PAR. 5. Section 31.6011(a)-5(b)(2) is amended to read as follows:

§ 31.6011(a)-5 Monthly returns.

* * * * *

(b) *Information returns.* * * *

(2) *Information returns on Form W-3 and Social Security Administration copies of Form W-2.* See § 31.6051-2 for requirements with respect to information returns on Form W-3 and Social Security Administration copies of Form W-2.

* * * * *

PAR. 6. Section 31.6011(a)-7(b)(2) is amended to read as follows:

§ 31.6011(a)-7 Execution of returns.

* * * * *

(b) *Use of prescribed forms.* * * *

(2) *Permission for use of magnetic tape.* In any case where the use of Form W-2 is required for the purpose of making a return or reporting information, such requirement may be satisfied by submitting the information required by such form on magnetic tape or other approved media, provided that the prior consent of the Commissioner of Social Security (or other authorized officer or employee thereof) has been obtained.

* * * * *

PAR. 7. Section 31.6051-1 is amended as follows:

1. Paragraph (a)(1)(i) is amended by deleting the word "and" in inferior subdivision (*e*); deleting the period at the end of inferior subdivision (*f*) and inserting in lieu thereof ", and"; and adding, immediately after inferior subdivision (*f*), new inferior subdivision (*g*) to read as set forth below.

2. Paragraph (b)(1) is amended by deleting the word "and" in subdivision (iii); deleting the period at the end of subdivision (iv) and inserting in lieu thereof ", and"; and adding, immediately after subdivision (iv), new subdivision (v) to read as set forth below.

§ 31.6051-1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) * * *

(g) Such information relating to coverage the employee has earned under the Federal Insurance Contributions Act, as may be required by Form W-2 or its instructions.

* * * * *

(b) *Requirement if wages are not subject to withholding of income tax*—(1) *General rule.* * * *

(v) Such information relating to coverage the employee has earned under the Federal Insurance Contributions Act, as may be required by Form W-2 or its instructions.

* * * * *

PAR. 8. Section 31.6051-2 (a) and (b) are amended to read as follows:

§ 31.6051-2 Information returns on Form W-3 and Social Security Administration copies of Forms W-2.

(a) *In general.* Every employer who is required to make a return of tax under § 31.6011(a)-1 (relating to returns under the Federal Insurance Contributions Act), § 31.6011(a)-4 (relating to returns of income tax withheld from wages), or § 31.6011(a)-5 (relating to monthly returns) for a calendar year or any period therein shall file the Social Security Administration copy of each Form W-2 required under § 31.6051-1 to be furnished by the employer with respect to wages paid during the calendar year. Each Form W-2 and the transmittal Form W-3 shall together constitute an information return to be filed with the Social Security Administration office indicated on the instructions to such forms. However, in the case of an employer who elects to file a composite return pursuant to § 31.6011(a)-8, the information return required by this section shall consist of magnetic tape (or other approved media) containing all information required to be on the employee statement, together with transmittal Form 4804.

(b) *Corrected returns.* The Social Security Administration copies of corrected Forms W-2 (or magnetic tape or other approved media) for employees for the calendar year shall be submitted with Form W-3 (or Form 4804), on or before the date on which information returns for the period in which the correction is made would be due under paragraph (a)(3)(ii) of § 31.6071(a)-1, to the Social Security Administration office with which Forms W-2 are required to be filed.

* * * * *

PAR. 10. Section 31.6091-1(d) is amended to read as follows:

§ 31.6091-1. Place for filing returns.

* * * * *

(d) *Returns filed with internal revenue service centers or Social Security Administration offices.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with an internal revenue service center or an office of the Social Security Administration, such returns shall be filed in accordance with such instructions.

* * * * *

PART 32—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

§ 32.1 [Amended]

PAR. 11. Section 32.1(f)(1) is amended by deleting the first sentence and inserting in lieu thereof the following: "Form W-2P is to be used in lieu of Form W-2, which is required to be furnished by an employer to an employee under § 31.6051-1 of this chapter and to the Social Security Administration under paragraph (a) of § 31.6051-2 of this chapter, with respect to an annuity subject to withholding under this section."

PAR. 12. Paragraph (a)(1) of § 1.6052-1 is amended by deleting subdivision (ii) and by making certain redesignations. Amended paragraph (a)(1) reads as follows:

§ 1.6052-1 Information returns regarding payment of wages in the form of group-term life insurance.

* * * * *

(a) *Requirement of reporting*—(1) *In general.* Every employer, who during any calendar year provides any one of his employees remuneration for services in the form of group-term life insurance on the life of such employee any part of the cost of which is to be included in such employee's gross income as set forth in paragraph (a)(2) of § 1.79-1, shall make a separate return on Form W-2 with respect to each such employee for such year which includes the following information:

(i) Name, address, and identifying number of the employer;

(ii) Name, address, and social security number of the employee; and

(iii) Total amount includible in the employee's gross income by reason of the provisions of section 79(a), computed as if each employee reported his income on the basis of a calendar year (determined as if the employer making such return is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a)).

Returns on Form W-2 required to be filed pursuant to the provisions of this section shall be transmitted by Form W-3. In a case where, with respect to the same employee, an employer must make a return on Form W-2 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), or under § 1.6041-2 (relating to return of information as to payments to employees), such employer may make such returns on the same Form W-2 or on separate Forms W-2. In a case where an employer must file a Form W-3 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the Form W-3 filed under such § 31.6011(a)-4 or § 31.6011(a)-5 shall also be used as the transmittal form for a return on Form W-2 made pursuant to the provisions of this section.

* * * * *

PAR. 13. Paragraph (d) of § 1.6052-2 is amended to read as follows:

§ 1.6052-2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

* * * * *

(d) *Special rule where Form W-2 is used.* The provisions of this paragraph shall apply notwithstanding anything to the contrary in paragraph (b) or (c) of this section. The requirement of this section for the furnishing of a statement to an employee may be satisfied by furnishing to such employee the employee's copy of Form W-2 filed pursuant to § 1.6052-1 in respect of such employee. In a case where the statement furnished by an employer to an employee for purposes of complying with this section is the employee's copy of a Form W-2, then the rules in § 31.6051-1 of this chapter (Employment Tax Regulations) shall apply with respect to the means and time (including extensions thereof) for furnishing such statements to the employee and making corrections on such form.

* * * * *

[FR Doc. 78-35736 Filed 12-20-78; 10:53 am]

[6560-01-M]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 998-8]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Iowa State Board of Regents, University of Iowa, Oakdale Power Plant

AGENCY: Environmental Potection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to the State Board of Regents. The Order requires the Board to bring air emissions from its boilers Nos. 1, 2, 3 and 4 at the University of Iowa, Oakdale power plant into compliance with certain regulations contained in the federally approved Iowa State Implementation Plan (SIP). The State Board of Regents' compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violations(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency (EPA), Region VII, 1735 Baltimore, Kansas City, Missouri 64108, telephone 816-374-2576.

ADDRESSES: The Delayed Compliance Order and supporting material are available for public inspection and copying during normal business hours at: Environmental Protection Agency, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Missouri 64108.

SUPPLEMENTARY INFORMATION: On September 20, 1978, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGISTER 43 FR 42283, a notice setting out the provisions of a proposed delayed compliance order for the Oakdale power plant. 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 the Iowa State Board of Regents 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 the State Board of Regents on a schedule to bring its boilers Nos. 1, 2, 3 and 4 at the University of Iowa, Oakdale power plant into compliance as expeditiously as practicable with subrule 400—4.3(2)b, Combustion for indirect heating and 4.3(2)d Visible emissions, Iowa Administrative Code, a part of the federally approved Iowa State Implementation Plan.

The Order also imposes reporting requirements. No interim requirements, as described in Section 113(d)(7) of the Act, are reasonable and practicable. If the conditions of the Order are met, it will permit the State Board of Regents to delay compliance with the SIP regulations covered by the Order until January 15, 1979. The Board is unable to immediately comply with these regulations.

EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place the State Board of Regents on a schedule for compliance with the applicable requirement(s) of the Iowa State Implementation Plan.

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

Dated: December 12, 1978.

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 adding an entry to the table in § 65.200 to read as follows:

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

* * * * *

Source	Location	Docket No.	Date of FR proposal	SIP regulation involved	Final compliance date
Iowa State Board of Regents.	University of Iowa, Oakdale Power Plant.	VII-78-DCO-10	9-20-78	Subrule 400—4.3(2)b and d.	1-15-79

[FR Doc. 78-35705 Filed 12-22-78; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-267; RM-3116]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Brookville, Pa.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns Channel 240A to Brookville, Pennsylvania, as that community's first FM assignment. Petitioner, Eric J. Shindledecker, states the proposed channel could provide for a first local aural broadcast service to Brookville.

EFFECTIVE DATE: January 25, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: December 12, 1978.

Released: December 15, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Brookville, Pennsylvania), BC Docket No. 78-267, RM-3116.

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted August 18, 1978, 43 FR 38735, in response to a petition filed by Eric J. Shindledecker ("petitioner"). The *Notice* proposed the assignment of FM Channel 240A to Brookville, Pennsylvania, as that community's first FM assignment. Petitioner has reaffirmed his intent to file for the channel, if assigned.[1]

[1] Although petitioner filed his supporting comments late, we will accept them since

Footnotes continued on next page

2. Brookville (pop. 4,134), in Jefferson County (pop. 43,695),[2] is located approximately 97 kilometers (60 miles) north of Johnstown, Pennsylvania. There is no local aural broadcast service in Brookville.

3. Petitioner states that Brookville is the hub of a trading area in a growing region. He notes that manufacturing and mining are the main industries of the area.

4. We believe the public interest would be served by the assignment of FM Channel 240A to Brookville, Pennsylvania. An interest has been shown for its use, and such as assignmment would provide the community with a first local aural broadcast service.

5. The Canadian Government has given its concurrence to the assignment of Channel 240A to Brookville, Pennsylvania.

6. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. *Accordingly, it is ordered,* That effective January 25, 1979, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City and Channel No.

Brookville, Pennsylvania, 240A.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief,
Broadcast Bureau.

[FR Doc. 78-35830 Filed 12-22-78; 8:45 am]

Footnotes continued from last page

there were no oppositions to the proposal and no other parties would be affected thereby.

[2] Population figures are taken from the 1970 U.S. Census.

[4910-59-M]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-03; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE STANDARDS

New Pneumatic Tires—Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Correction.

SUMMARY: In the FEDERAL REGISTER of October 2, 1978 (43 FR 45366), this agency published a notice amending Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars,* by adding 10 new tire size designations to Table I of Appendix A of the Standard. Several typographical errors appear in those tables, and this notice corrects those errors.

FOR FURTHER INFORMATION CONTACT:

John Diehl, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1714).

SUPPLEMENTARY INFORMATION: In a notice published at 43 FR 45366, October 2, 1978 10 new tire size designations were added to Table I of Appendix A of Federal Motor Vehicle Safety Standard No. 109. Typographical errors appeared in Table I-HH, I-JJ, I-LL, I-X, and I-MM. Those tables should read as set forth below.

Issued on December 18, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

TABLE I - HH

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/ 75' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P175/75R15	395	425	455	480	510	535	555	580	600	5	807	177
P195/75R15	470	510	545	580	610	640	670	695	720	5 1/2	854	196

TABLE I - JJ

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/70' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P175/70R13	315	340	365	385	410	430	445	465	485	5	740	177

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - X

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR MILLIMETRIC '50' SERIES RADIAL PLY TIRES

Tire size 1/ designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width 2/ (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
175/50R15	500	535	565	595	625	655	680	710	735	760	785	810	835	5 1/2	26.67	7.13

1/ The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."

2/ Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I - LL

Tire size 1/	Maximum tire load (pounds at 60 psi cold inflation pressure	Test rim width (inches)	Minimum size factor (in)	Section 2/ width (in)
T125/90D16	1965	4	29.61	5.16

1/ The letter "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

TABLE I - MM

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "65 SERIES" RADIAL PLY TIRES

Tire size 1/ designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width 2/ (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
175/65R14	695	740	785	830	870	910	945	985	1020	1055	1090	1125	1155	5	29.47	6.97

1/ The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."

2/ Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

[FR Doc. 78-35549 Filed 12-22-78; 8:45 am]

[4910-59-M]

[Docket No. 74-7; Notice 4]

PART 573—DEFECT AND NONCOMPLIANCE REPORTS

Final Rule

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final Rule.

SUMMARY: This notice amends Part 573, *Defect and Noncompliance Reports*, by adding reporting requirements for equipment manufacturers and altering somewhat the requirements for vehicle manufacturers as authorized by the 1974 Motor Vehicle and Schoolbus Safety Amendments. The amended regulation requires the submission of reports to the agency concerning defects and noncompliance with safety standards and specifies the information to be included in those reports. The regulation will help enforcement of defect and noncompliance cases by ensuring that adequate information is submitted to the NHTSA.

EFFECTIVE DATE: January 25, 1979.

ADDRESS: Petitions for reconsideration should refer to the docket number and be submitted to: Room 5108, Nassif Building, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. James Murray, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-2840.

SUPPLEMENTARY INFORMATION: This notice amends Part 573, *Defect and Noncompliance Reports*. A notice of proposed rulemaking was published on September 19, 1975 (40 FR 43227), proposing new requirements for vehicle and equipment manufacturers regarding submittal to the NHTSA of defect and noncompliance reports as authorized by the Motor Vehicle and Schoolbus Safety Amendments of 1974 (the Amendments) (Pub. L. 93-492).

Sections 151 to 160, or Part B of the Amendments alter the defect notification requirements of the National Traffic and Motor Vehicle Safety Act of 1966 ("the Act") (15 U.S.C. 1381 *et seq.*). These Amendments require manufacturers of motor vehicle replacement equipment to notify purchasers and to remedy any defects or noncompliances following the manufacturer's or the Administrator's determination that the equipment contains either a defect which relates to motor vehicle safety or a noncompliance with an applicable Federal motor vehicle safety standard. Prior to the enactment of these provisions, manufacturers of motor vehicle equipment were responsible under the Act for notification of defects or noncompliances only following a determination by the National Highway Traffic Safety Administrator that the item of equipment contained a safety-related defect or failed to comply (Sec. 113(e), Pub. L. 89-563, 15 U.S.C. 1402).

Comments on the proposal were received from manufacturers, safety organizations, and manufacturer representatives. The Vehicle Equipment Safety Commission did not submit comments. All comments were considered and the most significant ones are discussed below.

I. Scope

Several manufacturers objected to the scope of the regulation indicating that it exceeded the agency's authority to regulate vehicle and equipment manufacturers. For example, manufacturers alleged that the agency only has authority over safety-related defects and accordingly should restrict the defects mentioned in this section to safety-related defects. Further, many equipment manufacturers apparently thought that the statement of the scope of the regulation indicated that they would be required to retain purchaser and owner lists of all vehicles containing items of their equipment.

The intent of this regulation is not to impose upon equipment manufacturers recordkeeping requirements for all equipment that they manufacture. This regulation merely imposes limited recordkeeping requirements for that equipment which is determined to be defective or in noncompliance. In other words, an equipment manufacturer, after discovery of a defect or noncompliance, would ascertain from a vehicle manufacturer the identity of the vehicles and vehicle owners possessing the affected equipment. Notification would then be sent to those owners. The NHTSA would require that the equipment manufacturer retain the records of those sent notice of the defect.

Several manufacturers requested that the agency limit the applicability of this regulation to safety-related defects. They argued that the NHTSA has no authority to require information pertaining to non-safety related defects. Section 158 of the Act specifically authorizes the agency to require information on any defect, whether or not safety-related, in order to enable it to undertake defect investigations which permit a determination regarding the safety-related nature of the defect. Much of this regulation pertains only to safety-related defects and each section indicates whether it applies to all defects or only those that are safety related.

II. Application

Many manufacturers complained about the use of the term "direct control" in § 573.3(a). Some manufacturers contended that the use of the term was unnecessary. Importers contended that they should not be required to submit reports where a defect is identified before the vehicles leave their direct control since the Act considers them to be manufacturers and they would be in direct control of vehicles being imported. The Center for Auto Safety would have the agency drop the term and replace it with "beyond their place of final manufacture."

In the notice of proposed rulemaking, the NHTSA indicated the reasoning for excluding vehicles and equipment within the "direct control" of the manufacturer from the reporting requirements. Vehicles and equipment within the direct control of manufacturers are virtually assured of remedy of any defect or noncompliance, because they are still within the physical possession of the manufacturer. In the NPRM it was noted that direct control does not include in the possession of a dealer or distributor. For vehicles and equipment possessed by those entities, reports concerning defects or noncompliance would be required to be submitted to the agency. The agency declines to adopt the suggestion of the Center for Auto Safety for reasons explained in the NPRM. The phrase "beyond the place of final manufacture" is not broad enough to handle all instances where vehicles are still within the direct control of the manufacturer. For example, vehicles might be stored on a manufacturer's lot far removed from the place of manufacture. Nonetheless, these vehicles are still within the direct control of the manufacturer. Therefore, the agency concludes that the term "direct control" best accomplishes the objective of providing a limited exclusion from the reporting requirements. The agency agrees with importers that since they are considered manufacturers under the Act, vehicles that manifest defects while they are within their direct control are excluded from the reporting requirements.

Some manufacturers apparently misunderstood the requirements of § 573.3(d). Manufacturers indicated that reports should be required to be filed either by the brand name owner or the manufacturer, not by both. The section as written permits this. Compliance with the reporting requirements by the brand name owner shall

be considered compliance by the manufacturer. Either one is permitted to submit the required reports. The Act treats tire brand name owners as manufacturers. Therefore, the wording of this section has been changed to reflect the responsibility of tire brand name owners.

Several commenters requested that the name of fabricating manufacturers not be submitted since this might cause competitive disadvantage to the brand name or trademark owner. The NHTSA finds it a legitimate need to know the actual manufacturer of a product. That manufacturer could for example be manufacturing the same or similar components for other brand name or trademark owners. The agency would need this information to insure that all potentially defective or noncomplying equipment is remedied.

Many manufacturers complained of the requirements in § 573.3(f) that reports be filed both by the equipment manufacturer and the vehicle manufacturer where an equipment manufacturer's equipment has been used by more than 1 vehicle manufacturer. Manufacturers stated that this requirement is duplicative and costly providing identical information from both sources. The NHTSA stated in the NPRM that this issue had been thoroughly considered prior to the issuance of the NPRM. It has again been explored by the agency in response to these comments and the agency concludes that the dual reporting requirement for the § 573.5 report is necessary. Reports submitted by equipment and vehicle manufacturers will have different information in them. In both cases, the information is of importance to the agency in pursuing its defects and noncompliance obligations. Therefore, this requirement has been retained. It should be reaffirmed for clarity that where an equipment manufacturer's equipment is used in vehicles of only one vehicle manufacturer, reports need only be submitted by that vehicle manufacturer.

On a related matter, the NHTSA agrees that reports required under § 573.6 need not be filed by both vehicle and equipment manufacturers. These reports need only be filed by the manufacturer undertaking the recall. Section 573.3(f) has been amended to reflect this change.

Other commenters on this section indicated their disapproval of the shared responsibility for remedying defects and noncompliances between vehicle and equipment manufacturers. Section 573.3 places certain reporting responsibilities upon both equipment and vehicle manufacturers, depending upon the nature of the defect. For the most part, vehicle manufacturers are responsible for reports relating to defects or noncompliances in their vehicles while equipment manufacturers are responsible for reports on their defective or noncomplying equipment. In those instances where a defect or noncompliance is discovered in equipment installed in the vehicles of more than one vehicle manufacturer, both the equipment and vehicle manufacturers must report. Equipment manufacturers suggested that vehicle manufacturers should be responsible for defects and noncompliance reports while vehicle manufacturers want to place the burdens upon equipment manufacturers. The NHTSA adopted the present scheme of shared responsibility between vehicle and equipment manufacturers for compliance with agency regulations in response to the 1974 Amendments. Congress indicated in those amendments that equipment and vehicle manufacturers should share the burden of remedying defects in their equipment and vehicles. The NHTSA concludes that the reporting requirements outlined in this regulation implement the basic intent of those Amendments.

III. Definitions

Many commenters objected to the definitions of original and replacement equipment. Further, some of these commenters indicated that the NHTSA had little, if any, authority to place responsibility on an original equipment manufacturer, since Section 159 of the Act makes the vehicle manufacturers responsible for original equipment. The NHTSA has deleted the definitions of original and replacement equipment from Part 573 since both terms are defined in Part 579. The NHTSA notes that with respect to the authority to place responsibility for defects or noncompliances upon original equipment manufacturers rather than the vehicle manufacturer, Section 159 states that the Act's defect and noncompliance scheme of responsibility shall be controlling unless otherwise provided by regulation. Therefore, the NHTSA does have the authority to shift the responsibility from the vehicle manufacturer to the equipment manufacturer if it determines that such alteration will advance the efficiency of enforcement actions. Part 579, *Defect and Noncompliance Responsibility,* outlines the responsibilities of the various manufacturers and defines "replacement" and "original" equipment.

Commenters also requested that the agency define the term "safety-related defect" so as to clarify the agency's intent in this area. The NHTSA has in the past rejected requests to establish a specific definition of a safety-related defect. Whether or not a defect is safety-related depends upon a variety of factors and must be ascertained based upon the circumstances of each separate case. Thus, a specific definition cannot feasibly be created.

Ford Motor Company argued that the agency's preambular discussion tended to indicate that the definition of "first purchaser for purposes other than resale" would include the dealer or distributor. This was not the intent of the regulation. "First purchaser" is based on a similar statutory term and has been used by the agency for years with a specific meaning. The first purchase occurs where the purchaser does not buy the vehicle with the purpose of reselling it. Obviously, sale of a vehicle to a dealer presupposes that the dealer intends to resell the vehicle to the ultimate consumer or purchaser. Therefore, sale to a dealer would not constitute the sale to the first purchaser for purposes other than resale. The use of the term first-purchaser list in the preamble of the proposal in reference to the lists required to be retained by equipment manufacturers was a colloquial use of the term rather than its more precise meaning under the Act.

IV. Defect and Noncompliance Information Reports

Prestolite Company interpreted the requirements of § 573.5(a) to mean that they would be required to file a report with the NHTSA every time a defective piece of equipment was brought to their attention, since there is no specific definition of safety-related defect. This they suggested would be a burdensome requirement. Such a requirement is not the intent of this regulation. A manufacturer submits a report to the NHTSA when either it or the agency makes a determination under Section 151 or 152 of the Act that a defect related to motor vehicle safety in fact exists. A failure of a single piece of equipment may not occasion the finding of a safety-related defect. Further, some equipment failures might have no adverse safety effects. Therefore, every failure of equipment will not necessarily require a report to the NHTSA. It is incumbent upon the agency and each manufacturer to make a good faith determination concerning the safety relatedness of any defect before a report under this paragraph is filed.

International Harvester (IH) suggested that a manufacturer should not have to file a report if it intends to file a petition for inconsequentiality. The NHTSA does not agree with this position. The agency needs to know of potential safety-related defects or noncompliances at the earliest possible time. If a manufacturer intends to file a petition for inconsequentiality, it should indicate such in the report as part of the information supplied in accordance with paragraph (c)(8).

Many manufacturers objected to the 5-day requirement in § 573.5(b) under which information must be submitted within 5 working days after a safety-related defect or noncompliance has been discovered. Manufacturers suggested increasing the number of working days and changing the word "submitted" to "mailed." Ford requested that the 5-day period not begin until written notification is received from the NHTSA for agency-initiated determinations.

The agency does not find persuasive arguments for altering the existing 5-working day requirement. The NHTSA needs this information as rapidly as possible to aid expeditious notification and recall. Not all information need be supplied within the 5 working days if some of it is unavailable. The regulation clearly states that any unavailable information would be submitted later as it becomes available. The NHTSA also considers it unnecessary to change the word "submitted" to "mailed." The term "submitted" is broader than "mailed." Information may be submitted by mailing it or delivering it to the agency in person. If mailed, it must be mailed within 5 working days.

With respect to the alleged insufficient time to prepare information in 5 working days, the NHTSA notes that this requirement has existed in Part 573 for several years. Since the requirement has operated smoothly for that period of time, the agency declines to adopt recommendations that would change it.

The NHTSA declines to adopt Ford's recommendation concerning agency-initiated determinations. Agency initiated defect or noncompliance determinations are made after thorough investigations conducted by the NHTSA. A manufacturer is aware of these ongoing investigations, and therefore, it should not be unnecessarily burdened or surprised when the NHTSA makes a determination. Since the need for expeditious action exists after an agency determination and the manufacturer is aware of a pending agency decision, the NHTSA considers it adequate that a manufacturer submit the report in 5 working days after receipt of either written or oral agency notification.

Several equipment manufacturers contended that the requirements of paragraph (c)(2) would impose additional burdens upon them to mark the equipment that they manufacture. Paragraph (c)(2) requires defect and noncompliance reports to contain certain information that identifies the defective or noncomplying equipment. For example, they argued that the requirements for the date of manufacture of the affected equipment would be burdensome since much of their equipment is not dated according to time of manufacture. Therefore, they suggested that the NHTSA only require date of manufacture information when it is known.

It is important to remember that Part 573 is for the most part a reporting regulation. It is not a recordkeeping or labeling regulation. A manufacturer, under the regulation, only supplies to the NHTSA that information which is available to it. In the case of date of manufacture of equipment, the equipment manufacturer in most instances need not label its equipment in such a manner as to identify its date of manufacture. The regulation merely directs a manufacturer to supply such information to the NHTSA in its reports. Obviously, if a manufacturer does not know the dates of manufacture, it would be unable to supply them to the agency. However, a manufacturer must supply the approximate dates of manufacture if that information is available.

Manufacturers should note that the manufacturing date requirement is included in the regulation for the benefit of the equipment manufacturer. If that manufacturer knows the approximate dates when a defective piece of equipment was produced, then its recall can be limited to equipment manufactured during those dates. On the other hand, a manufacturer without such information might be required to undertake a more extensive recall of its equipment to ensure that all defective products are recalled.

The Center for Auto Safety requested that the NHSTA require motor vehicle manufacturers to submit the vehicle identification numbers (VIN) of vehicles involved in any recall activity. The NHTSA does not require this information in the § 573.5 reports because the agency normally has no need at the time of the reports issuance for such information. The agency does require the VIN's to be submitted in the § 573.6 reports for those vehicles that are uncorrected in a manufacturer's recall. In these instances, the agency uses the information to supplement a manufacturer's recall efforts. Until such time as a manufacturer determines that some vehicles are uncorrected however, the agency usually has little use for VIN information on all recalled vehicles. In those limited instances when VIN information is necessary at the time of submission of the § 573.5 report, the agency has the ability to request it from a manufacturer.

In regard to paragraph (c)(3), several manufacturers objected to the requirement that the precise number of vehicles or equipment in each category be reported. These manufacturers stated that often this information is not known. The NHTSA agrees and therefore modifies the section to require the submittal of this information when it is known. Chrysler suggested that the agency require the numbers of affected vehicles to be submitted by GVWR breakdown rather than by model. The agency disagrees with this recommendation since it usually undertakes recalls based upon model classification, not upon GVWR categories. Therefore, the submission of information based upon a GVWR classification would not be as useful as a classification based upon vehicle model.

Atlas Supply Company suggested that the agency not require the information specified in paragraph (c)(4) since, for tire manufacturers, tires are destroyed making the required calculations difficult. Paragraph (c)(4) requires the provision of information that estimates the percentage of defective or noncomplying equipment on vehicles. The NHTSA considers estimates of the amount of affected vehicles or equipment to be necessary to obtain an idea of the scope of the defect or noncompliance problem. Since the section merely requires an estimate, the agency does not consider this to place a difficult burden upon manufacturers.

Many manufacturers complained about the requirements of paragraph (c)(6) which requires the submission of information upon which the determination was made that a safety-related defect exists. These manufacturers indicated that it would impose unreasonable burdens upon manufacturers by requiring them to retrieve a large amount of information in a short period of time and to retain vast amounts of data. The intent of this section is to provide a summary to the NHTSA of the information upon which a manufacturer based his defect determination. This information, since it has been used by a manufacturer for its determination of a defect, should be readily available to it. The NHTSA notes that the submission of summary information is intended to reduce a manufacturer's burdens. However, the specificity and clarity of information must be maintained, and the agency might require further information if the summary information is inadequate. The NHTSA has reworded the paragraph somewhat to indicate that it is only necessary to submit a summary of the information upon which the determination was based.

Several manufacturers suggested that the requirement for submission of noncompliance test data in paragraph (c)(7) would require them to conduct tests and submit details of test procedures to the agency. This paragraph requires only that manufacturers supply the results and data of tests, if any are conducted, upon

which a noncompliance determination was based. Test procedures need not be submitted. If a noncompliance determination is made on information other that tests, then that information would be submitted.

Manufacturers claimed that they would be unable to submit a plan for remedy as required by paragraph (c)(8) in the required 5 working days. The NHTSA needs to have an indication of a manufacturer's plan for remedy as soon as possible. Like all of the information required by this section, the plan need not be extensively detailed in the initial 5-working day period and is subject to modification if subsequent circumstances warrant a change. In other words, a manufacturer is not binding itself to only those items established in the plan submitted during the first 5 days after a defect or noncompliance has been determined to exist. The NHTSA has amended the wording of this paragraph somewhat to indicate that a copy of a manufacturer's plan for remedying a defect or noncompliance will be made public in the NHTSA docket.

The Center for Auto Safety argued that paragraph (c)(9) should require actual copies of the defect or noncompliance notice bulletins or communications, not representative copies. The reason the NHTSA used the terminology contained in the notice is that in some instances a manufacturer has a multiple mailing of one communication. To require actual copies of multiple mailings would require copies of each of these identical communications. Therefore, the agency allows a representative copy (e.g., one actual copy) of such information. The NHTSA concludes that this requirement fulfills the agency's need for accurate copies.

V. QUARTERLY DEFECT REPORTS

Many manufacturers disagreed with the agency's scheme for quarterly defect reports outlined in § 576.6. Equipment manufacturers suggested that vehicle manufacturers should be responsible for these reports while vehicle manufacturers asserted that the equipment manufacturers are better able to accomplish the reporting requirements. The NHTSA requires any manufacturer, either vehicle or equipment, undertaking a recall to comply with the quarterly reporting requirement. This report tells the agency the status of recalls, and therefore, is best accomplished by the party conducting the recall. The NHTSA declines to adopt suggestions that would change this scheme.

Paragraph (b)(6) requires the submission of information on the number of vehicles or equipment that is determined to be unreachable. Several manufacturers argued for deletion of this information suggesting that it was impossible to ascertain why certain vehicles or equipment are unreachable. The manufacturer need only give the reasons why vehicles are unreachable when such information is available to him. This information aids the agency in understanding the effectiveness of a recall. The agency can determine from this data the number of vehicles still in use that were not corrected by a manufacturer and why.

VI. PURCHASER AND OWNER LISTS

The intent of this section was misunderstood by a number of commenters. Many manufacturers, both equipment and vehicle, indicated that this requirement burdened them with new recordkeeping requirements far beyond those currently in existence. This is not the case. For example, § 573.7(a) requires vehicle manufacturers to maintain lists of owners of vehicles involved in a notification campaign, not all vehicles produced. General recordkeeping requirements for vehicle and equipment manufacturers are found in the Act and in the agency's regulations in Part 576. These general recordkeeping requirements are not affected by this regulation.

Equipment manufacturers strenuously objected to paragraph (c) as placing huge recordkeeping burdens upon them while achieving little in the way of benefits. The agency does not find these arguments persuasive. The recordkeeping requirement in this paragraph is limited. the agency has reworded this section to clarify and equipment manufacturer's recordkeeping requirements. This requirement does not mandate an equipment manufacturer to make and retain a list of all purchasers of its equipment as the equipment is sold. Equipment manufacturers will be required to retain a list of individuals, dealers, distributors, and manufacturers determined by the manufacturer or the agency to be in possession of potentially defective or noncomplying equipment. This limited requirement is within the authority granted by Section 112(b) of the Act. The list would be compiled during the course of a defect or noncompliance campaign. If an equipment manufacturer is unable to find those in possession of its equipment, no list is required to be retained. The burden imposed by this requirement is minimal since it merely requires that manufacturers retain some information that will, by necessity, be generated should they be required to conduct either a defect or noncompliance campaign.

With respect to paragraph (b), tire manufacturers indicated that each tire does not have a different identification number and therefore the paragraph should be amended somewhat to reflect this. The agency agrees and has modified the language accordingly.

VII. NOTICES, BULLETINS, AND OTHER COMMUNICATIONS

Many manufacturers objected to the requirements in § 573.8 as being too broad and beyond the scope of the NHTSA's authority. This section requires the submission of information concerning defects in equipment or vehicles. Further, the manufacturers recommended that the parentheticals be deleted from the section and that the term "defect" be changed to "safety-related defect." The agency does not agree with these comments.

First, the agency needs information concerning any defect in a manufacturer's product, not just those defects that a manufacturer deems to be safety related. The Act contemplates a two pronged approach to defects determinations. Either a manufacturer or the agency can make such a determination. For the agency to carry out its half of that responsibility, it needs information pertaining to all defects so that it can then judge for itself whether a defect is in fact safety related. To require only information pertaining to manufacturer-determined safety-related defects, would in effect mean that manufacturers would not be required to submit defect information to the agency until such time as that manufacturer had made a safety-related defect determination. This would stymie the agency's ability to make independent judgments concerning defects that is necessary for proper enforcement of the Act. In the past year, the NHTSA has made several safety-related defect determinations on the basis of information routinely submitted by manufacturters concerning defects that they had not considered safety-related. For example, some Airstream Trailers and White Trucks were recalled when the agency discovered safety-related problems that were mentioned in those companies' technical bulletins. Therefore, the agency needs all types of defect information not just information that manufacturers determine to be safety-related.

Second, the parentheticals were added to this section to help clarify the type of information intended to be covered by its requirements. These lists are not all-inclusive. the NHTSA concludes, however, that they do clarify the type of information the agency seeks to obtain from a manufacturer, and therefore, they will be retained in the regulation.

The agency has deleted from § 573.8 all references to noncompliances. All noncompliances must be reported to the agency under § 573.5(c)(9). Therefore, it is unnecessary to include refer-

ences to noncompliances in this paragraph.

In response to the allegations that the agency has no authority to require submittal of defect information, whether or not safety related, Section 158 of the Act specifically grants the agency that authority.

VIII. ADDRESS FOR SUBMITTING REQUIRED REPORTS AND OTHER INFORMATION

The address listed in § 573.9 has been altered to reflect the new agency organization and authority for enforcement actions.

In accordance with agency policy, the NHTSA has considered the costs and benefits of this requirement. The agency concludes that the regulation will help enforcement of defect and noncompliance cases by insuring that adequate information is submitted to the NHTSA. The costs to both industry and government of the regulation will be less than $5 million annually.

The principal authors of this notice are James Murray of the Office of Defects Investigation and Roger Tilton of the Office of Chief Counsel.

In consideration of the foregoing, Part 573, *Defect and Noncompliance Reports,* of Volume 49 of the Code of Federal Regulations is amended to read as set forth below.

(Secs. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718; secs. 102, 103, 104, Pub. L. 93-492; 88 Stat. 1470; (15 U.S.C. 1397, 1401, 1408, 1411-1420); delegation of authority at 49 CFR 1.50.)

Issued on December 18, 1978.

JOAN CLAYBROOK,
Administrator.

PART 573—DEFECT AND NONCOMPLIANCE REPORTS

Sec.
573.1 Scope.
573.2 Purpose.
573.3 Application.
573.4 Definitions.
573.5 Defect and noncompliance information report.
573.6 Quarterly report.
573.7 Owner lists.
573.8 Notices, bulletins, and other communications.
573.9 Address for submitting required reports and other information.

AUTHORITY: Sec. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718; secs. 102, 103, 104, Pub. L. 93-492; 88 Stat. 1470; 15 U.S.C. 1397, 1401, 1408, 1411-1420; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8

§ 573.1 Scope.

This part specifies requirements for manufacturers to maintain lists of purchasers and owners of defective and noncomplying motor vehicles and motor vehicle original and replacement equipment, and for reporting to the National Highway Traffic Safety Administration defects in motor vehicles and motor vehicle equipment, for reporting noncomformities to motor vehicle safety standards, for providing quarterly reports on defect and noncompliance notification campaigns, and for providing copies to NHTSA of communications with distributors, dealers, and purchasers regarding defects and noncompliances.

§ 573.2 Purpose.

The purpose of this part is to inform NHTSA of defective and noncomplying motor vehicles and items of motor vehicle equipment, and to obtain information for NHTSA on the adequacy of manufacturers' defect and noncompliance notification campaigns, on corrective action, on owner response, and to compare the defect incidence rate among different groups of vehicles.

§ 573.3 Application.

(a) This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and motor vehicle orginal and replacment equipment, with respect to all vehicles and equipment that have been transported beyond the direct control of the manufacturer.

(b) In the case of a defect or noncompliance determined to exist in a motor vehicle or equipment item imported into the United States, compliance with §§ 573.5 and 573.6 by either the fabricating manufacturer or the importer of the vehicle or equipment item shall be considered compliance by both.

(c) In the case of a defect or noncompliance determined to exist in a vehicle manufactured in two or more stages, compliance with §§ 573.5 and 573.6 by either the manufacturer of the incomplete vehicle or any subsequent manufacturer of the vehicle shall be considered compliance by all manufactuers.

(d) In the case of a defect or noncompliance determined to exist in an item of replacement equipment (except tires) compliance with §§ 573.5 and 573.6 by the brand name or trademark owner shall be considered compliance by the manufacturer. Tire brand name owners are considered manufacturers (15 U.S.C. 1419(1)) and have the same reporting requirements as manufacturers.

(e) In the case of a defect or noncompliance determined to exist in an item of original equipment used in the vehicles of only one vehicle manufacturer, compliance with §§ 573.5 and 573.6 by either the vehicle or equipment manufacturer shall be considered compliance by both.

(f) In the case of a defect or noncompliance determined to exist in orginal equipment installed in the vehicles of more than one vehicle manufacturer, compliance with § 573.5 is required of the equipment manufacturer as to the equipment item, and of each vehicle manufacturer as to the vehicles in which the equipment has been installed. Compliance with § 573.6 is required of the manufacturer who is conducting a recall campaign.

§ 573.4 Definitions.

For purposes of this part:

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1391 et seq.)

"Administrator" means the Administrator of the National Highway Traffic Safety Administration or his delegate.

"First purchaser" means first purchaser for purposes other than resale.

§ 573.5 Defect and noncompliance information report.

(a) Each manufacturer shall furnish a report to the NHTSA for each defect in his vehicles or in his items of original or replacement equipment that he or the Administrator determines to be related to motor vehicle safety, and for each noncompliance with a motor vehicle safety standard in such vehicles or items of equipment which either he or the Administrator determines to exist.

(b) Each report shall be submitted not more than 5 working days after a defect in a vehicle or item of equipment has been determined to be safety related, or a noncompliance with a motor vehicle safety standard has been determined to exist. Information required by paragraph (c) of this section that is not available within that period shall be submitted as it becomes available. Each manufacturer submitting new information relative to a previously submitted report shall refer to the notification campaign number when a number has been assigned by the NHTSA.

(c) Each manufacturer shall include in each report the information specified below.

(1) The manufacturer's name: The full corporate or individual name of the fabricating manufacturer and any brand name or trademark owner of the vehicle or item of equipment shall be spelled out, except that such abbreviations as "Co." or "Inc.", and their foreign equivalents, and the first and middle initials of individuals, may be used. In the case of a defect or noncompliance determined to exist in an imported vehicle or item of equipment, the agent designated by the fabricating manufacturer pursuant to section 110(e) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1399(e)) shall be also stated. If the fabricating manufacturer is a corporation that is controlled by another

corporation that assumes responsibility for compliance with all requirements of this part the name of the controlling corporation may be used.

(2) Identification of the vehicles or items of motor vehicle equipment potentially containing the defect or noncompliance.

(i) In the case of passenger cars, the identification shall be by the make, line, model year, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the vehicles.

(ii) In the case of vehicles other than passenger cars, the identification shall be by body style or type, inclusive dates (month and year) of manufacture and any other information necessary to describe the vehicles, such as GVWR or class for trucks, displacement (cc) for motorcycles, and number of passengers for buses.

(iii) In the case of items of motor vehicle equipment, the identification shall be by generic name of the component (tires, child seating systems, axles, etc.), part number, size and function if applicable, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the items.

(3) The total number of vehicles or items of equipment potentially containing the defect or noncompliance, and where available the number of vehicles or items of equipment in each group identified pursuant to paragraph (c)(2) of this section.

(4) The percentage of vehicles or items of equipment specified pursuant to paragraph (c)(2) of this section estimated to actually contain the defect or noncompliance.

(5) A description of the defect or noncompliance, including both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location (if applicable) of the defect or noncompliance.

(6) In the case of a defect, a chronology of all principal events that were the basis for the determination that the defect related to motor vehicle safety, including a summary of all warranty claims, field or service reports, and other information, with their dates of receipt.

(7) In the case of a noncompliance, the test results or other data on the basis of which the manufacturer determined the existence of the noncompliance.

(8) A description of the manufacturer's program for remedying the defect or noncompliance. The manufacturer's program will be available for inspection in the public docket, Room 5108, Nassif Building, 400 Seventh St., SW., Washington, D.C. 20950.

(9) A representative copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and are sent to more than one manufacturer, distributor, dealer, or purchaser. These copies shall be submitted to the NHTSA not later than 5 days after they are initially sent to manufacturers, distributors, dealers, or purchasers. In the case of any notification sent by the manufacturer pursuant to Part 577 of this chapter, the copy of the notification shall be submitted by certified mail.

§ 573.6 Quarterly reports.

(a) Each manufacturer who is conducting a defect or noncompliance notification campaign to manufacturers, distributors, dealers, or purchasers, shall submit to NHTSA a report in accordance with paragraphs (b) and (c) of this section, not more than 25 working days after the close of each calendar quarter. Unless otherwise directed by the NHTSA, the information specified in paragraphs (b)(1) through (b)(6) of this section shall be included in the quarterly report, with respect to each notification campaign, for each of six consecutive quarters beginning with the quarter in which the campaign was initiated (i.e., the date of initial mailing of the defect or noncompliance notification to owners) or corrective action has been completed on all defective or noncomplying vehicles or items of replacement equipment involved in the campaign, whichever occurs first. The information specified in paragraph (b)(7) shall be included only in the third quarterly report furnished pursuant to this section.

(b) Each report shall include the following information identified by and in the order of the subparagraph headings of this paragraph.

(1) The notification campaign number assigned by NHTSA.

(2) The date notification began and the date completed.

(3) The number of vehicles or items of equipment involved in the notification campaign.

(4) The number of vehicles or items of equipment estimated to contain the defect.

(5) The number of vehicles and equipment items receiving corrective action, which shall be the sum of

(i) The number repaired; and

(ii) The number inspected and determined not to need repair.

(6) The number of vehicles or items of equipment determined to be unreachable for inspection due to export, theft, scrapping, failure to receive notification, or other reasons (specify). The number of vehicles or items of equipment in each category shall be specified.

(7) In the case of motor vehicles, the vehicle identification number for each vehicle for which corrective measures have not been completed.

(c) If the manufacturer determines that the original information submitted under paragraphs (b)(3), (b)(4), or (b)(6) of this section is incorrect, revised figures and an explanatory note shall be submitted. If the nature of the defect or noncompliance prevents determination of the information required by paragraph (b)(5) of this section, the manufacturer shall include a brief explanation. Information supplied in response to paragraphs (b)(5) and (b)(6) of this section shall be cumulative totals.

§ 573.7 Purchaser and owner lists.

(a) Each manufacturer of motor vehicles shall maintain, in a form suitable for inspection such as computer information storage devices or card files, a list of the names and addresses of the registered owners, as determined through State motor vehicle registration records or other sources, or the most recent purchasers where the registered owners are unknown, for all vehicles involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the vehicle identification number for each vehicle and the status of remedy with respect to each vehicle, updated as of the end of each quarterly reporting period specified in § 573.6. Each list shall be retained, beginning with the date on which the defect or noncompliance information report required by § 573.5 is initially submitted to the NHTSA, for 5 years.

(b) Each manufacturer (including brand name owners) of tires shall maintain, in a form suitable for inspection such as computer information storage devices or card files, a list of the names and addresses of the first purchasers of his tires for all tires involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the tire identification number of all tires and shall show the status of remedy with respect to each owner involved in each notification campaign, updated as of the end of each quarterly reporting period specified in § 573.6. Each list shall be retained, beginning with the date on which the defect information report is initially submitted to the NHTSA, for 3 years.

(c) For each item of equipment involved in a defect or noncompliance notification campaign initiated after the effective date of this part, each manufacturer of motor vehicle equipment other than tires shall maintain, in a form suitable for inspection, such as computer information storage devices or card files, a list of the names and addresses of each distributor and dealer of such manufacturer, each motor vehicle or motor vehicle equip-

ment manufacturer and most recent purchaser known to the manufacturer to whom a potentially defective or noncomplying item of equipment has been sold, the number of such items sold to each, and the date of shipment. The list shall show as far as is practicable the number of items remedied or returned to the manufacturer and the dates of such remedy or return. Each list shall be retained, beginning with the date on which the defect report required by § 573.5 is initially submitted to the NHTSA for 5 years.

§ 573.8 Notices, bulletins, and other communications.

Each manufacturer shall furnish to the NHTSA a copy of all notices, bulletins, and other communications (including warranty and policy extension communiques and product improvement bulletins), other than those required to be submitted pursuant to § 573.5(c)(9), sent to more than one manufacturer, distributor, dealer, or purchaser, regarding any defect in his vehicles or items of equipment [(including any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications)], whether or not such defect is safety-related. Copies shall be submitted monthly, not more than 5 working days after the end of each month.

§ 573.9 Address for submitting required reports and other information.

All required reports and other information, except as otherwise required by this part, shall be submitted to the Associate Administrator for Enforcement, National Highway Traffic Safety Administration, Washington, D.C. 20590.

[FR Doc. 78-35748 Filed 12-22-78; 8:45 am]

[4910-59-M]

[Docket No. 70-12; Notice 22]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Revision of Authority Citations

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final Rule.

SUMMARY: This notice corrects the authority citations applicable to Part 574, *Tire Identification and Recordkeeping*, and makes other small corrections of citations in the text of the regulation to reflect statutory amendments. This correction is being made to conform the statutory authority citations to the existing statute.

EFFECTIVE DATES: Since these technical corrections do not affect the responsibilities under the regulation, they are made effective December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Roger Tilton, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2992).

SUPPLEMENTARY INFORMATION: Since issuance of the Tire Identification and Recordkeeping regulation, several changes have been made to the agency's authorizing statute that require the NHTSA to correct the authority citations of the regulation. While authority citations found in the NHTSA's regulations and standards are not parts of the rules, they are useful to those who wish to review the legislative background of the rulemaking action. Therefore, the NHTSA corrects the authority citations for clarity and to provide information to those who are interested.

The agency also corrects §§ 574.2 and 574.8 by altering the existing reference to section 113. Section 113 was the safety defect and noncompliance notification section of the National Traffic and Motor Vehicle Safety Act of 1966 (Pub. L. 89-563). Section 102 of the 1974 Motor Vehicle and Schoolbus Safety Amendments (Pub. L. 93-492) transferred the notification provisions from section 113 to section 151 and 152 of the Safety Act, as amended (15 U.S.C. 1411 and 1412). Since the regulation currently refers to the old Act rather than the Act as amended, the agency is correcting the affected provisions of the regulation to bring them up to date.

Since this notice simply corrects references in the regulation and its authority citations without altering any of its substantive provisions, the Administrator finds that notice is unnecessary and that an immediate effective date is in the public interest.

In consideration of the foregoing, Volume 49 of the Code of Federal Regulations, Part 574, *Tire Identification and Recordkeeping*, is amended as follows:

1. The authority citation is amended to read:

(Secs. 103, 108, 112, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1407, 1421); secs. 102, 103, 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1411-1420); delegation of authority at 49 CFR 1.50).

§ 574.2 [Amended]

2. Section 574.2 is revised by changing the phrase "section 113 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1402)" to read "sections 151 and 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1411 and 1412)".

§ 574.8 [Amended]

3. Section 574.8 is revised by changing the reference in paragraph (d) from "section 113 of the Act (15 U.S.C. 1402)" to the correct authority "sections 151 and 152 of the Act (15 U.S.C. 1411 and 1412)."

Issued on December 18, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-35833 Filed 12-22-78; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING REGULATIONS

Extension of Payment Period for Poundage Fees and Surcharge

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment to regulation.

SUMMARY: This amendment is necessary because of the passage of Pub. L. 95-376, which requires the imposition of a surcharge on all fees paid for foreign fishing in the U.S. Fishery Conservation Zone (FCZ). Implementation of the new law caused an unavoidable administrative delay and late billing to foreign governments for vessel and poundage fees, including the new surcharge. This amendment extends briefly the period for payment of the poundage fees and the surcharge, providing partial relief for foreign fishing vessels for 1979 only, so that foreign vessels may engage in fishing for their respective national allocations while administrative processes are being completed.

EFFECTIVE DATE: This amendment becomes effective on January 1, 1979, and terminates at 1630 hours e.s.t. January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Denton R. Moore, Acting Chief, Regulations and Permits Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone 202-634-7454.

SUPPLEMENTARY INFORMATION: Public Law 95-376, effective September 18, 1978, amended Section 10 of the Fishermen's Protective Act of

1967, as amended, 22 U.S.C. 1980 ("the act"). This amendment provided for the creation of the Fishing Vessel and Gear Damage Compensation Fund ("the Fund") in the Treasury of the United States. The fund was to be financed primarily by the imposition of a surcharge on all fees paid for foreign fishing in the FCZ appertaining to the United States.

Because the Act had certain discretionary provisions, it was necessary, before final decisions could be made, to prepare and publish proposed rule making. The issues presented were difficult and controversial and were not finally resolved until December 15, 1978, when the final rule was submitted for publication in the FEDERAL REGISTER.

Through no fault of their own, therefore, the respective foreign governments and vessel owners or operators have been given only fifteen days to pay the fees required before foreign fishing may commence in 1979. While vessel permit fees can be paid in this short period, it is administratively difficult, if not impossible to arrange for payment of the very sizable poundage fees and surcharge on such short notice. Consequently, it has been determined by the Assistant Administrator for Fisheries that:

(1) The regulatory requirement to pay all foreign fishing fees and the surcharge by January 1, 1979, is an unnecessary burden on foreign fishing which is authorized under the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

(2) That immediate, short term administrative relief is appropriate since it is unnecessary and contrary to the public interest to forbid foreign fishing in the FCZ for delays beyond the control of the governments and foreign fishing interests involved.

It is, therefore, determined that the notice and public procedure requirements of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable and that good cause exists for this amendment to take effect in less than 30 days.

(3) No significant environmental impact will occur as a consequence of this temporary regulatory amendment.

(4) Executive Order 12044 is inapplicable because this is not a significant regulation.

JACK W. GEHRINGER,
Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

Authority: 16 U.S.C. 1801 *et seq.*

§ 611.22 [Amended]

Add new paragraph (d) to § 611.22:

* * * * *

(d) Notwithstanding anything to the contrary in this chapter, the payment of poundage fees required under § 611.22(a) and the surcharge required under § 611.22(c), for 1979 only, must be paid prior to 1630 hours e.s.t. January 15, 1979.

[FR Doc. 78-35881 Filed 12-22-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6705-01-M]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 612, 614]

FARM CREDIT SYSTEM

Personnel Administration and Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed Rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments to its general rules dealing with the personnel administration and the loan policies and operations of the institutions of the Farm Credit System. The amendment to the regulations on personnel administration concerns the employment of relatives by the institutions and it intended to clarify which employment relationships are prohibited. The amendments to the regulations on loan policies and operations (1) will require the banks for cooperatives to submit for FCA approval any modifications or supplements to existing loan participation agreements which affect such things as capitalization of loans, interest rates, or risk sharing, and (2) will allow the banks for cooperatives greater flexibility in determining the applicable loan servicing policies for participation loans.

DATES: Written comments must be received on or before February 28, 1979.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications recieved will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Lee R. Brobst, Acting Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578 202-755-2181.

SUPPLEMENTARY INFORMATION: FCA's current regulations governing the personnel administration of the Farm Credit institutions do not make the prohibitions on employment of relatives sufficiently clear and have led to difficulties in their application to individual cases. Among other things, the amendment will more specifically define the term "relative", will enumerate those relationships which are prohibited, and will include persons performing professional services under contract within the coverage of the regulations.

The amendments to the regulations on the loan policies and operations of the Farm Credit institutions (1) will assure that the terms of a loan participation agreement, which under current regulation are subject to FCA approval, will not be materially changed through subsequent modifications or agreements without FCA approval, and (2) will allow the banks for cooperatives to provide in a participation agreement for loan servicing policies, other than the policies currently provided for in the regulations, to be applicable to participation loans.

The Farm Credit Administration considers these proposed amendments to be significant. However, they should not result in any major impact upon the national economy. Therefore, a regulatory analysis of the type provided for in Executive Order 12044 will not be made for any of the proposals.

Chapter VI of Title 12 of the Code of Federal Regulations is proposed to be amended by revising §§ 612.2030, 614.4334, and 614.4510 (c) as follows:

PART 612—PERSONNEL ADMINISTRATION

§ 612.2030 Nepotism.

(a) To emphasize and assist the merit system of appointments and promotions of salaried officers and employees of the institutions of the Farm Credit System, the following restrictions shall be observed:

(1) A relative of a director of a Farm Credit institution shall not serve as a salaried officer or employee of that institution.

(2) A relative of a director of a Farm Credit bank shall not serve as chief executive officer of an association supervised by that bank.

(3) A person shall not serve as a salaried officer of employee of a Farm Credit institution in any position which is directly of indirectly supervised by a relative except that this restriction shall not apply when the salaried officer or employee of an association is other than a chief executive officer and the relationship is with a director, an officer, or an employee of the supervising bank.

(4) Notwithstanding the other provisions of this paragraph (a), a person may serve as a salaried officer or employee in a position directly or indirectly supervised by a relative for periods in any calendar year not exceeding a total of 75 workdays: *Provided*, That positive documented efforts have been made to recruit a qualified nonrelative for the position.

(b) The term "relative" as used in this section means parent, son, daughter, sibling, stepparent, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, uncle, aunt first cousin, nephew, niece, spouse, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandson, granddaughter, and any person having a similar relationship by marriage.

(c) Any person engaged by a Farm Credit institution to provide professional services for a fee or other compensation is considered to be within the term "salaried officer or employee" for the purposes of this section.

(d) The provisions of this section shall not preclude any person involved in a nepotistic relationship allowable under previous regulations from continuing to serve in a position occupied by him or her on the effective date of this regulation.

(e) To prevent the creation of relationships prohibited under this regulation, the following actions shall be taken:

(1) Each bank shall establish the mechanism by which a nominee for a director position is informed of the provisions of this section. Specifically, a nominee whose election would create a prohibited relationship must be fully aware of the consequences of his or her election.

(2) Prior to the employment or promotion of a person, the institution shall determine whether a prohibited relationship would be created by the action.

Stockholders shall be notified prior to any election of those nominees whose election would create a prohibited relationship.

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4334 Banks for Cooperatives.

A district bank for cooperatives shall first offer to the Central bank for Cooperatives a participation in loans to a borrower when such loans exceed the lending limit of the bank. With the concurrence of the Central Bank, participations in loans in excess of a bank's lending limit may also be offered initially to other banks for cooperatives, then to commercial banks or other financial institutions. A bank for cooperatives may offer a participation to other banks for cooperatives in loans which are less than its lending limit; however, when total loans to such borrowers exceed the lending limit of the bank, further loans must first be offered to the Central Bank. Loans in excess of the lending limit established by the Farm Credit Administration for the banks for cooperatives on a consolidated basis may be made only when such excess amounts are sold as participations to a commercial bank or other financial institution. The form and terms of each participation agreement shall be subject to Farm Credit Administration approval. In addition, supplemental agreements and modifications to existing agreements which directly affect capitalization, interest, and other items identified by the Farm Credit Administration shall be subject to Farm Credit Administration approval. Pro rata loss sharing arrangements which extend loan risk beyond established lending limits shall also require Farm Credit Administration approval. The names of participants, amounts, and dates shall not require approval.

§ 614.4510 General.

* * * * *

(c) The loan servicing policies of a bank for cooperatives shall be applicable to loans made by it individually and except as otherwise provided for in a formal participation agreement, or any agreement arising pursuant thereto, to loans in which other lenders, including other banks for cooperatives, participate.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

KENNETH J. AUBERBER,
Acting Governor.

[FR Doc. 78-35853 Filed 12-22-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket Nos. 78-EA-82; 78-EA-85; 78-EA-86]

AIRWORTHINESS DIRECTIVES

Canadair

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive applicable to Canadair CL-44D4 and CL-44J type airplanes that involves the following problems: 1) fireproofing the fire extinguishing system fittings in the engine nacelles to enhance the airworthiness of the system; 2) adding a metal bracket to support the float in outer auxiliary fuel tanks so as to preclude over-pressurizing the tank and, 3) providing drain holes in the engine cowling area and altering scupper and fuel line draining to reduce the risk of fire from oil accumulating in the engine cowl areas. All of the foregoing items are presently covered by AD's promulgated by Transport Canada.

DATES: Comments must be received on or before February 12, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Engineering and Manufacturing Branch, AEA-210, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

F. Covelli, Propulsion Section, AEA-214, Flight Standards Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before February 12, 1979, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of the proposed AD will be filed in the docket.

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Engineering and Manufacturing Branch, AEA-210, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling 212-995-2842.

Item 1) (Docket No. 78-EA-82) primarily enhances the airworthiness of the fire extinguishing system by decreasing its vulnerability to fire damage. Item 2) (Docket No. 78-EA-85) will eliminate wear caused by interference between the float arm and casing by installing a metal bracket to the cover of the valve. This provides a support for the float with a controlled clearance between the float arm and valve casing, minimizing the chance of over-pressure during refueling. Item 3) (Docket No. 78-EA-86) will improve the drainage of oil in the engine cowl areas, away from the front side cowlings by providing extra drain holes. Engine oil scupper lines and fuel lines draining to funnels at the bottom of the cowl assembly will be reworked to reduce damage to the lines. Communications must identify the docket number of this NPRM. Since there are only two such U.S. registered aircraft, the amendment will apply to all other aircraft prior to application for U.S. registry and airworthiness certification.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 39.13 of Part 13 of the Federal Aviation Regulations (14 CFR Part 39) as follows:

Canadair: Applies to Models CL-44D4, and CL-44J aircraft.

Compliance required within the next 1700 hours in service and, if applicable, upon application for U.S. registration and airworthiness certification, after the effective date of this AD unless already accomplished.

1) (Docket No. 78-EA-82)

In order to fireproof the engine fire extinguishing system fittings in inboard and outboard nacelles, accomplish the following:

a. Wrap the fittings with asbestos tape and then coat them with a suitable end dip as described in Paragraphs "2" and "3" of Canadair Service Bulletin No. CL-44D4-480, dated December 11, 1972, or an equivalent alteration.

2) (Docket No. 78-EA-85)

To minimize the chance of over-pressurizing the outer auxiliary fuel tanks during pressure refueling, and to eliminate wear caused by possible interference between float arm and valve casing, accomplish the following:

a. Alter the modulator and shut-off pilot valves by riveting a fabricated angle to the float, re-identify them; re-identify the fuel level control valve assembly; and functionally check the altered valves all in accordance with the "Modification Procedure" of Canadair Service Bulletin No. CL-44-485, dated April 5, 1978.

3) (Docket No. 78-EA-86)

In order to reduce the probability of flammable fluid fires within the engine cowling areas and reduce the risk of damaging engine oil and fuel drain lines located on the engine bottom cowls, accomplish the following:

a. Alter the engine cowling and drain lines in accordance with the "Modification" paragraph of Canadair Service Bulletin No. CL-33D4-486 dated May 12, 1978, on an equivalent alteration.

Any equivalent method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time may be changed by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

The aircraft may be flown in accordance with FAR 21.197 to a location where the AD can be accomplished.

Compliance with this AD must be noted in the logbook of the aircraft by referencing the AD number and the specific item complied with: ex. AD 78-?-? (2) if item (2) is being accomplished.

Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.85)

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1976).

Issued in Jamaica, New York, on December 11, 1978.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc. 78-35548 Filed 12-22-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-30]

TRANSITION AREA—SPIRIT LAKE, IOWA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Spirit Lake, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to Runway 34 at the Spirit Lake, Iowa Municipal Airport, which is based on the Spirit Lake Non-Directional Radio Beacon (NDB), a navigational aid.

DATES: Comments must be received on or before January 30, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before January 30, 1979 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri, 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Section 71.181) by altering the 700-foot transition area at Spirit Lake, Iowa, to enhance airport usage by providing additional instrument approach capability to Runway 34 at the Spirit Lake, Iowa Municipal Airport, utilizing the Spirit Lake NDB, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Spirit Lake, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFA) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978, (43 FR 440) by altering the following transition area:

SPIRIT LAKE, IOWA

That airspace extending upward from 700 feet above the surface within a 5.5 statute mile radius of Spirit Lake Municipal Airport (latitude 43°23'05"N, longitude 95°08'10"W); within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport extending from the 5.5 mile radius to 8 miles north of the airport; within 3 miles each side of the 158° bearing from the Spirit Lake Airport, extending from the 5.5 mile radius to 8 miles southeast of the Spirit Lake Airport, excluding that portion of the Milford, Iowa transition area.

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

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

Issued in Kansas City, Missouri, on December 13, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-35555 Filed 12-22-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 306]

CERTIFICATION AND POSTING OF OCTANE RATINGS UNDER TITLE II OF THE PETROLEUM MARKETING PRACTICES ACT

Publication of Staff Report

AGENCY: Federal Trade Commission.

ACTION: Publication of staff report.

SUMMARY: The Federal Trade Commission's Bureau of Consumer Protection has released to the public a staff report that summarizes and analyzes the evidence in its rulemaking proceeding on rules governing the certification and posting of octane ratings. The staff has also recommended the final action which the Commission should take. The staff report and recommended rule have been placed on public record Docket No. 202-1.

DATE: Members of the public are invited to comment on the staff report and the recommended rule. Comments will be accepted for the record through January 22, 1979.

ADDRESS: Requests for copies of the staff report should be sent to: Public Reference Branch, Room 130, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Comments should be sent to: Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

James Mills, 202-724-1967; Claire Engers, 202-724-1527.

SUPPLEMENTARY INFORMATION: The staff has made its report containing its summary and analysis of the record and its recommendations as to the form of the final rule, to the Commission. The report is now available for public comment. Copies of the report may be obtained from the Public Reference Branch, Room 130, Federal Trade Commission, Sixth Street, and Pennsylvania Avenue N.W., Washington, D.C. 20580

Comments will be accepted on the staff report through January 22, 1979. Comments should be identified as "Comments on Staff Report—Octane Rule," and addressed to the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. When feasible five copies should be submitted.

The Commission cautions all concerned that the staff report has not been reviewed or adopted by the Commission, and that its publication should not be interpreted as reflecting the present views of the Commission or any individual member thereof.

ALBERT H. KRAMER,
Director, Bureau of
Consumer Protection.

[FR Doc. 78-35870 Filed 12-22-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182 and 184]

[Docket No. 78N-0213]

TOCOPHEROLS AND DERIVATIVES

Proposed Affirmation of Gras Status For Certain Tocopherols and Removal of Certain Others from Gras Status as Direct Human Food Ingredients

Correction

In FR Doc. 78-30225, appearing at page 50193 in the issue of October 27, 1978, make the following changes:

1. On page 50195, first column, the second line of the last full paragraph should read, "forms of *a*-tocopheryl acetate are poorly ab-[sorbed]."

2. On page 50196, the fifth line of the first complete paragraph in column one should read, "1.0 g per kg *dl-a*-tocopherol or *dl-a*-tocopheryl acetate".

3. On page 50198, first column, the second line of § 184.1891(a) should read "Reg. No. 364-50-1) is a form of vitamin" and the last line of § 184.1891(e) should read, "§ 170.3(n)(31) of this chapter."

4. On page 50198, second column, the first section heading should read,

"§ 184.1897 *dl-a*-Tocopheryl acetate.

[1505-01-M]

[21 CFR Part 808]

[Docket No. 77-N-0333]

EXEMPTION FROM PREEMPTION OF STATE AND LOCAL HEARING AID REQUIREMENTS

Applications for Exemption; Extension of Comment Period

Correction

In FR Doc. 78-29572, appearing on page 49015 in the issue of Friday, October 20, 1978, the third line of the last full paragraph in column two should read, "Hearing Clerk (HFA-305), Food and Drug."

[1505-01-M]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 1]

ADVISOR OPINIONS ON VALIDITY OF PATENTS

Proposed Rulemaking

Correction

In FR Doc. 78-35321 appearing on page 59401 in the issue of Wednesday, December 20, 1978, in the 3rd column under "SUPPLEMENTARY INFORMATION", the 4th sentence should read, "One study has found that between 76 and 88 percent of patents held invalid are so held at least in part on grounds which were either outside the knowledge of the Office, or did not involve the evaluation of all of the same prior art considered by the Office." [1].

Also, on page 59402, in the middle column, the 2nd full paragraph, "duplicative" in the 11th and 15th lines should read, "duplicate".

[1] G. Koenig, *Patent Invalidity: A Statistical and Substantive Analysis* (1974), at p. 1-6.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board at 9:00 a.m., P.s.t., January 16, 1979, at the Sacramento Inn, Sacramento, California.

The purpose of the meeting is to discuss reserve pool matters, marketing research and development projects, and marketing policy and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as ameded; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Hop Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oregon 97204; telephone 503-224-1823.

Dated: December 19, 1978.

WILLIAM T. MANLEY,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 78-35743 Filed 12-22-78; 8:45 am]

[3410-30-M]

Food and Nutrition Service

DONATED FOODS TO NUTRITION PROGRAMS FOR THE ELDERLY

Level of Assistance

Notice is hereby given that pursuant to section 311(a)(4) of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), the level of assistance in food commodities or, where applicable, cash in lieu thereof, to be provided by the Secretary of Agriculture to recipients of grants or contracts for the operation of nutrition services under Title III of the Act will be increased for the period October 1, 1978 through September 30, 1979, to 38.5 cents per meal. The legislation requires the Secretary, in donating foods or cash in lieu thereof to nutrition programs for the elderly funded under Title III, to maintain a minimum level of assistance during that period and during the two succeeding fiscal years of not less than 30 cents per meal. That amount shall be adjusted on an annual basis for each fiscal year after June 30, 1975 to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics (BLS) of the Department of Labor. The minimum level of assistance at 38.5 cents per meal includes such an adjustment and reflects an increase in that series of 28.41 percent as reported by BLS for the period May 1975 through August 1978.

Effective date: This notice is effective as of October 1, 1978.

Dated: December 19, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 78-35742 Filed 12-22-78; 8:45 am]

[6820-32-M]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on January 11, 1979 from 9 a.m. to 6 p.m. at Los Alamos Scientific Laboratory, Los Alamos, New Mexico, and on January 12, from 9 a.m. to 12 noon at Sandia Laboratory, Albuquerque, New Mexico.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 11652 dated March 10, 1972, and Executive Order 12065, dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of December 12, 1978, made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: December 20, 1978.

SIDNEY D. ANDERSON,
Advisory Committee, Management Officer.

[FR Doc. 78-35894 Filed 12-22-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

FLEMING INTERNATIONAL AIRWAYS, INC.

Application for an All-Cargo Air Service Certificate

DECEMBER 19, 1978.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 9, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 34031, from Fleming International Airways, Inc. of Miami, Florida for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the FEDERAL REGISTER. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the

applicant and state the date of such service.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-35873 Filed 12-22-78; 8:45 am]

[6320-01-M]

[Order 78-12-38; Docket 30055]

PHOENIX-LAS VEGAS-RENO NONSTOP SERVICE INVESTIGATION

Tentative Decision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of December 1978.

This proceeding concerns the authorization of first competitive nonstop service between Las Vegas and Reno and between Las Vegas and Phoenix. Hughes Airwest held and operated the only nonstop authority in both markets. American, Continental, Delta, TWA and Western originally filed applications for authority in one or both markets, and on October 6, 1978, Braniff submitted an application for Las Vegas-Reno certificate authority, together with supporting documentary exhibits.[1]

By Order 78-7-43 (July 12, 1978) we declined to review the administrative law judge's conclusion that competition is required and that Continental and Delta should be selected to provide service in the Phoenix-Las Vegas and Reno-Las Vegas markets, respectively. We took review to make the awards permissive, to respond to certain arguments raised in the petitions for discretionary review, and to invite briefs addressing whether additional awards should be made and, if so, what should the number and type of awards and which applicant or applicants should receive them. Briefs were filed by American, Western, TWA, the Reno Parties and the Las Vegas Parties, all of which argue in favor of additional awards, and by Airwest, Delta, Continental and the City of Phoenix, all of which oppose additional awards.

The proponents of additional awards argue that both markets are large enough to support multiple authorizations; that the Board has certificated more than one new competitor in markets of comparable size[2]; that both markets have grown at unprecedented rates and still have unrealized growth potential[3]; and that the certification of at least one additional carrier will assure that the markets will have the benefit of competitive service even if one carrier decides to delay service, as Delta did, and even if one carrier decides not to respond competitively to the introduction of new carriers.

The proponents differ, however, on the number of awards the Board should make. American and Las Vegas Parties urge us to grant permissive authority to all the applicants so that the markets will be provided with a wider array of price and service options. TWA and the Reno Parties argue that only one additional award should be made in each market—to TWA because it will provide additional service in the primary market as well as nonstop beyond market service to the Midwest direct from Las Vegas and Reno. TWA's beyond market service will compete with United's multistop and connecting service from Reno and Las Vegas to the Midwest; and it will supplement Delta's service to the Southeast via Las Vegas, and Continental's service to the South and Midwest via Phoenix. Western argues that it alone should be selected for an additional award in both markets because it can provide the best service for the primary markets with its proposed turnaround flights. It contends that Airwest, TWA, Delta, American, and Continental depend on market traffic to support their proposed or currently operated levels of service and that their services will be reduced when new route awards are made which erode their traffic sources.[4]

On the other hand, Airwest, Delta, Continental, and the City of Phoenix urge the Board not to make additional awards. Airwest, Delta and the City of Phoenix argue with regard to the Las Vegas-Reno and Phoenix-Las Vegas markets, respectively, that the issue of multiple competitive awards was not considered in the proceedings below; that the record contains no evidence on multiple awards; that the Board has not officially adopted a multiple permissive award policy that should be applicable to this case; and that the lack of notice to the parties violates Section 5 of the Administrative Procedure Act. In addition, the City of Phoenix contends that the public would be better served by certificating one carrier with mandatory authority than by certificating several carriers on a permissive basis. Continental contends that additional carriers are not warranted in the Phoenix-Las Vegas market because the applicants do not propose distinctly different beyond services or price/quality options in the primary market, and it will offer a full array of price and service options.[5] Finally, Airwest asserts that multiple awards will cause massive diversion from its flight in both markets and that its revenues subject to profit-sharing, estimated at $2,467,463 for YE March 31, 1978, will be reduced by at least $437;363, the portion of profit-sharing revenues attributable to the Las Vegas-Reno route.

The Airline Deregulation Act of 1978, Pub. L. 95-504 (October 24, 1978), has significantly changed the standards for assessing the public convenience and necessity. Section 3 of that Act amends section 102 of the Federal Aviation Act by expanding and altering the statutory definition of public convenience and necessity." Of the new policy statement, the conference committee said: "[It] gives the CAB broad discretion to establish other programs to encourage competition, such as the multiple permissive authority program recently established by the Board." Sections 8 and 13 of the new law, which amend section 401(d), direct the Board to find that the air transportation proposed by an application is "consistent with," not "required by," the PC&N and place the burden of proof upon the opponent to show that granting an application would not be consistent with the PC&N. In our "Notice of Applicability of Airline Deregulaton Act of 1978 to Cases Pending at Time of Its

[1] Docket 33631. Braniff holds temporary exemption authority to serve the market. Orders 78-8-118 (August 22, 1978) and 78-11-91 (November 17, 1978). TWA, Western, Airwest and Delta oppose Braniff's motion to consolidate its belated application into Docket 30055.

[2] The Las Vegas-Reno market generated 175,980 O&D connecting passengers in CY 1977 and the Phoenix-Las Vegas market generated 166,230 O&D plus connecting passengers in CY 1977. The Board certificated four carriers in the Concinnati-Washington market which generated 114,810 passengers in CY 1977, three carriers in Denver-Wichita which generated 131,580 passengers, in CY 1977, three carriers in Atlanta-Cincinnati which generated 138,640 passengers in CY 1977 and three cariers in Las Vegas-Dallas/Ft. Worth which generated 186,840 passengers in CY 1977.

[3] The Las Vegas-Reno market grew 28% in the YE September 1977 and the Phoenix-Las Vegas market grew 15% in YE September 1977.

[4] Awards in the following cases, among others, could affect the availability of support traffic for the two markets in this case: *Las Vegas-Texas Case,* Docket 32152; *Reno Service Investigation,* Docket 32710; *Las Vegas-Dallas/Ft. Worth Nonstop Service Investigation,* Docket 29445; and *St. Louis-Denver-Las Vegas/Reno Route Investigation,* Docket 32920.

[5] Although it argued vigorously on brief that we should not make additional awards, Continental also requested Las Vegas-Reno authority if we decide to grant it to all applicants. We could, technically, award that route to Continental because it appeared in the carrier's original application even though it was never prosecuted. In our view, the absence of any evidentiary submission by Continental and the lack of notice to the other parties that Continental was interested in the market raises problems of fairness and due process despite our tentative decision to award permissive authority to all applicants. We will allow Continental to cure that defect by submitting documentary evidence now. The evidence should include an illustrative schedule of daily service in the market which shows the points that will be served, the type and capacity of the equipment to be used and the elapsed trip time of the flights in block hours.

Enactment" (dated November 16, 1978), we discussed these implications of the new law in more detail, and we decided that it would be applied to all pending cases subject to such additional procedures as may be necessary to protect the rights of the parties. Here, we have decided to issue a tentative decision in which we tentatively find that it is consistent with the public convenience and necessity to grant permissive nonstop authority to all the applicants in the markets for which they have actively prosecuted applications.

There is no controversial fitness issue in this case. All the applicants are profitable trunklines easily capable of operating the services proposed in their applications. We tentatively conclude that the highest quality and quantity of service at the lowest prices will be achieved by awarding permissive authority to all of them.[6]

Traffic in both markets consists of a combination of business and government-related traffic and tourist and recreational traffic. The first type normally responds to peak/off-peak pricing options, and the second is particularly sensitive to price/quality tradeoffs. A competitive environment must be permitted to function in both markets to encourage the carriers to experiment with price and service options and to select the optimum combination of services. Already Delta and Continental have introduced some peak/off-peak options; these first efforts might be expanded in response to the threat of entry or actual entry by competitors.

In both markets the needs of the local travellers and the beyond-market travellers are somewhat different. Western's proposal for turnaround service is aimed principally at the needs of the local markets. Even if Western deviates from its proposal, its service will be essentially local because Western's current system does not tap the most lucrative beyond market traffic sources east of Nevada.

By contrast the other carriers will tailor their services to the needs of beyond market traffic from different geographical areas. Among them they will provide Phoenix, Reno and Las Vegas with direct access to disparate areas. TWA will provide access to the Midwest through Reno and Las Vegas;[7] Continental will provide Phoenix with access to the South and Midwest; Delta will provide access to the Southeast through Las Vegas; and American will serve the Mideast and East through Las Vegas. The fact that some of the sources of beyond-market traffic may be eroded by other route awards strengthens our conviction that more than two competitors should be authorized in the market. If the level of demand changes, and a carrier responds by reducing or eliminating service, other carriers will remain to institute or increase service quickly.[8]

Airwest has again raised the contention that the benefits of additional competition are outweighed by the erosion of its excess profits which are now earned on these routes and shared with the federal treasury. We dealt with this argument in some detail in Order 78-7-43; we must add now that it has little or no continuing validity in light of section 24 of the new law, which amends section 406(b) of the Act. This new provision legislatively eliminates the sharing of excess profits from the subsidy-ineligible routes of the local service carriers for the next four years (until January 1, 1983). During that period, the locals will be allowed to retain all excess profits from ineligible routes as well as all non-airline income.[9] The purpose of the change, as explained in the House Report, is to permit the locals to secure their financial positions as tightly as possible in the face of added competition from larger trunk carriers. Since the new law does not permit the Board to offset excess profits from ineligible routes against a carrier's total subsidy requirement, the benefits of competition are not diluted by an offsetting increase in subsidy cost.

Environmental and Energy Considerations

When this case was first instituted, Western Airlines was the only applicant. Western proposed to operate four daily round-trips, and our original environmental analysis therefore assumed that no more than four daily round-trips would be added to the market if the authority it applied for is granted. Our original analysis showed that any action the Board might take in this case would not have a significant impact on the environment.[10]

After other carriers applied for authority, we conducted an additional environmental analysis, using the higher level of service proposed by TWA to estimate the environmental impact of the actions the Board might take. Our analysis assumed that any action taken by the Board would not result in more flights being added to the market than the highest number proposed by any single applicant. It did not assume that the additional service would be provided by only one of the applicants. This analysis, based on the addition of six daily round-trips to the markets, also led to the conclusion that there would not be a significant impact on the environment.[11]

In deciding whether to make awards to more than one of the applicants, we have considered the environmental implications of multiple awards. We believe that while multiple awards are likely to encourage price competition and generate traffic, they are not likely to significantly increase the number of flights operated. Rather, the lower fares resulting from increased competition will force carriers to operate with higher load factors. Thus, most, if not all, of the newly generated passengers are likely to fill seats which would otherwise have been empty.

Having found that multiple awards are not likely to significantly increase the number of flights operated, we conclude that they will not have a significant impact on the environment. The Bureau's analysis showed that the level of increased service we foresee does not come close to exceeding the thresholds of our noise and pollution screening tests. Even if there is a somewhat larger increase in service, the environmental impact will not be significant.

In addition, multiple awards have favorable implications with respect to energy efficiency and consumption. The higher load factors which multiple awards are likely to induce will allow many more people to fly without significantly increasing fuel consumption or any of the other environmental consequences associated with an increase in operations. We therefore conclude that the awards we are proposing in this case are consistent with the National Environmental Policy Act of 1969 and the Energy Policy and Conservation Act.

Finally, we have decided to grant Braniff's motion to consolidate its application in Docket 33631 with this proceeding. We tentatively find that it is consistent with the public convenience and necessity to grant Braniff's request for a certificate amendment. On August 9 in Docket 33105, Braniff submitted an extensive set of exhibits in support of its exemption application

[6] For an expanded explication of our rationale and our rebuttal to the parties opposed to additional awards in cases like this one, see companion order in the *Improved Authority to Wichita, et. al.*, Order 78-12-106. See also Order 78-7-116 (July 21, 1978) in the *Las Vegas-Dallas/Ft. Worth Nonstop Service Investigation.*

[7] United has authority to many of the cities which TWA proposes to serve but does not provide very much single-plane service.

[8] The variety of service benefits is shown in Appendix A.

[9] The amendment to the Act deletes the requirement that the Board take into account "all other revenue" in calculating a carrier's system subsidy need. Hence, subsidy must be determined solely on the basis of the results from subsidy-eligible operations.

[10] On November 12, 1976 the Bureau issued a Notice of Environmental Rejection announcing this conclusion.

[11] On July 12, 1977 the Bureau issued a Supplemental Notice of Environmental Rejection, announcing this conclusion.

that contain all the material normally required for considering a certificate application. According to the service list, all parties to this proceeding received a copy of those exhibits. We, therefore, rely on those exhibits and incorporate them by reference.[12] Braniff proposed four daily round trips between Las Vegas and Reno, all of which would extend to Dallas/Ft. Worth. Some flights would go beyond DFW to San Antonio, Corpus Christi, Memphis and Miami. No other applicant proposed single-plane service between Las Vegas/Reno and the latter three cities; hence, Braniff would be offering improved service in markets that would otherwise not receive it,[13] and its service will complement that of the other applicants.

We will give Continental 10 days to file exhibits in support of its request for Reno-Las Vegas authority, and we will give parties 20 more days (for a total of 30) to file rebuttal exhibits to Braniff's and Continental's exhibits and comments on this tentative decision. We expect parties to direct their arguments to the question of why awards to all applicants might not be consistent with the public convenience and necessity, and why our general conclusions about the benefits of multiple permissive entry should not be applied in this case.

ACCORDINGLY:

1. The Board tentatively finds (a) that awards of permissive authority in the Las Vegas-Phoenix market to American Airlines, Delta Air Lines, Trans World Airlines and Western Air Lines and in the Las Vegas-Reno market to American Airlines, Braniff Airways, Continental Air Lines, Trans World Airlines and Western Air Lines are consistent with the public convenience and necessity, and (b) that the proposed awards are consistent with the National Environmental Policy Act of 1969 and the Energy Policy and Conservation Act;

2. The Board directs Continental Air Lines to file exhibits in support of its request for Reno-Las Vegas authority within 10 days of the service date of this order;

3. The Board directs any interested party objecting the issuance of an order making final the tentative findings set out above, or otherwise wishing to comment on those findings, or wishing to file rebuttal exhibits to the exhibits of Braniff and Continental, to file comments and exhibits no later than January 18, 1979;

4. If timely and properly supported objections are filed, the Board will accord full consideration to the matters and issues raised before taking further action;

5. If no objections are filed, the Board will deem all further procedural steps to be waived and will issue the authority described in paragraph 1;

6. The Board grants the motion of Braniff Airways to consolidate its application in Docket 33631 with Docket 30055; and

7. The Board directs that this order be served on all parties to Docket 30055.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[14]
Secretary.

[FR Doc. 78-35879 Filed 12-22-78; 8:45 am]

[12] We are proceeding with Braniff's and Continental's (see note 5, *supra*) applications in this docket for administrative convenience even though it may delay final disposition of this case. This is a tentative—not a final—decision, so it is similar to an order to show cause. Any delay should be slight.

[13] Under its exemption authority, Braniff has been providing at least five daily round trips between Reno and Las Vegas with service beyond DFW to and from San Antonio, Austin, Houston, Miami and Memphis.

[14] All Members concurred.

[6320-01-M]

[Docket 33477]

TEXAS/GREAT LAKES-EASTERN CANADA SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held before the undersigned on 18 January 1979 at 10:00 a.m. in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C.

In order to facilitate the conduct of the conference, parties shall submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of International Aviation (BIA) will circulate its material on or before 29 December 1978, and the other parties on or before 10 January 1979. The submissions of the other parties shall be limited to points on which they differ with BIA and shall follow the numbering and lettering used by BIA to facilitate cross-referencing.

Dated at Washington, D.C., December 18, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-35871 Filed 12-22-78; 8:45 am]

[6320-01-M]

[Order 78-12-128; Docket 33068]

TRANSPACIFIC LOW-FARE ROUTE INVESTIGATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December 1978.

By Order 78-3-8, March 1, 1978, the Board granted the requests of Pan American, World Airways and Trans World Airlines for suspension of several of their transatlantic and transpacific routes. Suspension of TWA's Route 164[1] left several Pacific markets without competitive U.S.-flag authority. We also noted in that order that high fares are the most serious service deficiency faced by travelers in the Pacific. These concerns led us to institute this proceeding,[2] "to consider the feasibility of multiple designations and low-fare services . . ." in the Pacific. We defined the issues in the case to include the need for additional service between:

> (1) Any point or points in the United States (including Puerto Rico and Guam), on the one hand, and Hong Kong, South Korea, Taiwan, Okinawa, Japan, the Philippines, Singapore, Thailand, Sri Lanka, and that portion of India which lies south of the 20th parallel, on the other; and (2) any point or points in the United States (including Puerto Rico), on the one hand, and Guam, on the other. . . .

We have received petitions for reconsideration of the instituting order from United Air Lines, Continental Air Lines, Evergreen International Airlines, The Flying Tiger Line, Northwest Airlines, Seaboard World Airlines, Trans International Airlines (TIA), TWA and several of the former large irregular air carriers.[3] The petitions represent requests both for geographical expansion of the case and for redefinition of certain subsidiary issues.

United, TIA and TWA have requested inclusion of mainland China in the case; they claim that such inclusion is essential to an investigation into low-fare service to the western Pacific and that improving diplomatic relations with the People's Republic of China make feasible service to that country in the near future. Continental, Evergreen, Northwest and TIA argue that

[1] TWA's certificate for Route 164 authorizes service over a segment including the points Los Angeles-Ontario-Long Beach, California; Hilo, Hawaii; Honolulu, Hawaii; Guam; Okinawa; Taiwan; Hong Kong; Thailand; Sri Lanka; and southern India.

[2] Order 78-7-114, July 21, 1978.

[3] Richard D. Neumann, California Air Charter, Inc., d/b/a Air United States; R. W. E. Cox, Jr., d/b/a/ United States Overseas Airlines; Joseph H. North, Holiday Airways, Inc.; and S. B. Craft and N. Y. Craft, d/b/a Standard Airways.

Indonesia and Malaysia should be added to the case. Both countries are undergoing rapid economic growth and at present have no direct U.S.-flag service. It is therefore argued that they fit the Board's criteria for inclusion in this case, as outlined in the instituting order, *i.e.*, underdeveloped Pacific markets with a probable receptivity to low-fare service. Flying Tiger, Seaboard and TIA ask that all of India be included in this proceeding, and not just that portion lying south of the 20th parallel. Most of India's large cities and the bulk of its population are north of that line. The carriers argue that this division of India is merely an arbitrary tracking of TWA's Route 164—which includes only southernmost India—and has no basis in any sound political or economic reasoning.

In addition to geographical expansion, there are three other requests for modification of the scope. (1) TWA has asked that we remove deletion of its Route 164 authority as an issue in this case. (2) Northwest wants the Board to require applicants for U.S.-Philippines authority to submit alternative service proposals—one including that market, and one excluding it. The instituting order placed a similar requirement on applicants for U.S.-Japan authority. Northwest argues that the absence of a bilateral agreement with the Philippines creases difficulties for U.S.-flag carriers similar to those created by Japan's inadequate airport capacity and coolness to multiple U.S.-flag designations, and should, therefore, lead to the same requirement. It also petitions for exclusion of fifth freedom traffic rights between Hong Kong and Japan from the scope of the case. U.S. carriers are already operating the maximum number of such flights allowed in these markets by the Bermuda II agreement; thus, it claims that consideration of this issue would be pointless and would only delay the case. (3) The former large irregulars seek reconsideration of the denial of motions to consolidate their applications into this case. They claim that they are "uniquely qualified" to provide the low-fare service the Board is investigating here and that their applications should be consolidated.

Answers to the petitions for reconsideration were filed by DHL Airways, the Bureau of International Aviation (BIA), Pan Am, Seaboard and Northwest. DHL favors expansion of the scope of the case to include China, Malaysia, Indonesia and all of India. BIA also supports the inclusion of Indonesia, Malaysia and India, but opposes inclusion of China. It argues that any service proposals to China at this time would be totally speculative and might well conflict with any bilateral eventually agreed to. The same argument against the inclusion of China in this case is made by Northwest in its answer. Pan Am opposes any geographical expansion of the proceeding. It agrees with BIA's position on China. Additionally, it maintains that the other countries requested do not fit the Board's criteria for this case: Indonesia and Malaysia are not receptive to U.S.-flag service; current service to India is adequate; and northern India is geographically too far removed from Korea, Japan and the Philippines to serve as an alternate Pacific gateway.

Pan Am also supports Northwest's requests that the Board (1) require two service proposals—including and excluding the Philippines—and (2) exclude the issue of fifth freedom rights between Hong Kong and Japan.[4] BIA opposes both motions and Seaboard opposes the second. The Bureau argues that the requirement of submitting alternative service proposals as regards Japan is not relevant to the Philippines because the Board's purpose was to lessen Japan's dominance and attempt to develop new Pacific gateways. The exclusion of fifth freedom rights is opposed by both parties on the grounds that, although service is currently at the ceiling authorized by Bermuda II, the agreement and/or the service pattern could be altered, allowing room for new authority. Finally, BIA opposes TWA's request to remove the issue of deletion of its Route 164 from this case. It points out that such deletion was originally raised as part of the Pan Am-TWA Route Exchange;[5] that TWA has therefore had adequate notice of the Board's intention; and that the issue should be presented to the judge for decision.

We have decided to expand the proceeding to include Indonesia, Malaysia and all of India. Indonesia and Malaysia are certainly within the geographical scope of this case; their position gives them the potential to develop into new Pacific gateways, one of the criteria we enunciated in our instituting order. While we recognize that these countries have at times been less than receptive to U.S.-flag carriers, we believe that their burgeoning economic importance and the eagerness of the applicants in this case to increase service in those markets call for their inclusion in the investigation. Likewise, we agree with the petitioners who maintain that division of India along the 20th parallel is more a historical anomaly than a sound policy judgment. India's political and population centers lie north of that line. Although this proceeding was instituted largely in response to the suspension of TWA's authority over Route 164, we see no reason to adhere to the partition of India which existed on that segment when such partition no longer appears to serve any useful purpose.

On the other hand, we believe that the consideration of service to the People's Republic of China would still be premature. While the President has announced the commencement of formal diplomatic relations with the People's Republic of China, we still have no idea what form our aviation relations with that country will take. At such time as some agreement on aviation policy is reached, we will hear all applications in a highly expedited proceeding. We recognize that there are certain problems associated with our aviation relations with other countries included in this case.[6] These problems, however, go to the frequency of service and the number of carriers designated, not to the existence of the service itself. Service proposals can be based on some experience, not pure speculation. Additionally, should the situation change, there are carriers holding certificate authority which could resume operations immediately. Our action here is identical to that taken in the *U.S.-Bahamas Service Investigation*, Docket 32294, where we refused to include service to Cuba for the same reasons.[7]

We will deny TWA's request to remove the issue of the deletion of its Route 164 authority from the scope of this case. In our orders both approving and extending the Pan Am-TWA's Route Exchange,[8] we indicated our intention of investigating the possibility of deletion. TWA argues that such an action would be inconsistent with our "unfolding policy favoring multiple, permissive route awards." We have continually stated, however, that this policy might be inappropriate in individual cases; and international route proceedings involving the aviation policies of other countries are subject to different considerations from purely domestic cases. The issues were framed to include the question of deletion, suspension or amendment[9] of TWA's Route 164. Thus, we are not prejudging the outcome. However, given the procedural history of this proceeding, we do not believe that this is an appropriate stage at which to limit our options.

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[4] Pan Am requests the exclusion of fifth freedom rights in the Hong Kong-Singapore and Hong Kong-Thailand markets for the same reason: the maximum number of flights allowable by Bermuda II are already being operated.

[5] Order 77-1-7, January 5, 1977.

[6] The absence of a bilateral agreement with the Philippines and the issue of landing rights in Japan, for example.

[7] Order 78-3-112, March 23, 1978, p. 3.

[8] Orders 77-1-7, January 5, 1977, and 78-3-8, March 1, 1978.

[9] Amendment encompasses the possibility of making TWA's authority permissive rather than mandatory, an option favored by the carrier.

We will also deny the remainder of Northwest's petition. Although the carrier is correct in pointing out that there are related problems in our aviation relations with Japan and with the Philippines, it was not because of the controversy over landing rights in Japan that we imposed the requirement of submitting alternative service proposals. It was because of that country's predominance as a Pacific gateway and our apprehension that what was intended as a comprehensive investigation of the western Pacific might "turn into a U.S.-Japan low-fare case. . . ." [10] The same danger does not exist with the Philippines; we will therefore not impose the same requirement. We are also not going to exclude the issue of fifth freedom rights in the Hong Kong-Japan markets. Although U.S.-flag carriers are currently providing service at the ceiling imposed by the Bermuda II agreement, these service patterns could change, or the agreement itself might be renegotiated. We feel the best course is to allow the judge to hear evidence on this issue.[11]

Finally, we deny the petition of the former large irregulars to reverse the dismissal of their applications from this case. None of the applications conforms to the scope or purpose of this proceeding. The applications for scheduled authority [12] request only domestic routes. They request foreign and overseas authority only in their applications for supplemental certificates.[13] This proceeding was instituted to consider scheduled authority only. All the applications filed by the former large irregulars are clearly well beyond the scope of this case.

Accordingly:

1. The Board expands the issues in this case to include the following:

Do the public convenience and necessity require the authorization of a carrier or carriers to engage in foreign air transportation between any point or points in the United States (including Puerto Rico and Guam), on the one hand, and Indonesia, Malaysia and India, on the other? [14]

2. The Board grants the petitions for reconsideration of Continental Air Lines, Evergreen International Airlines, The Flying Tiger Line and Seaboard World Airlines; and those portions of the petitions for reconsideration of Northwest Airlines and Trans International Airlines which conform to the discussion above;

3. The Board directs that applications within the expanded scope of this proceeding and motions to consolidate be filed within 20 days of the service date of this order, and answers 10 days later; [15] and

4. Except to the extent granted, all petitions, motions, applications and requests are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[16]
Secretary.

[FR Doc. 78-35872 Filed 12-22-78; 8:45 am]

[10] Order 78-7-114 at p. 8.

[11] We are, for the same reasons, excluding Pan Am's corollary request to exclude fifth freedom rights in the Hong Kong-Singapore and Hong Kong-Thailand markets.

[12] Dockets 30510, 30511 and 30512.

[13] Dockets 32410, 32411, 32413 and 32415.

[14] Insofar as overseas air transportation is involved in this case, we recognize that the applicable decisional standard is that of *consistency with* the public convenience and necessity. Airline Deregulation Act of 1978, P.L. 95-504, Sec. 8.

[15] We delegate to the presiding administrative law judge the authority to consolidate by order any applications within the expanded scope of this case.

[16] All Members concurred.

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on February 22, 1979 at 1:30 p.m. in room 6802, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

Dated: December 19, 1978.

ARTHUR GAREL,
Director,
Office of Textiles.

[FR Doc. 78-35737 Filed 12-22-78; 8:45 am]

[3510-13-M]

National Bureau of Standards

SIMPLIFIED PRACTICE RECOMMENDATION

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the intent to withdraw Simplified Practice Recommendation R114-63, "Gummed Kraft Paper Sealing Tape."

It has been tentatively determined that this standard is technically inadequate and because of the existence of up-to-date Federal Specification PPP-T-45D, "Tape, Gummed, Paper, Reinforced and Plain, for Sealing and Securing" and industry literature for sealing tape, revision of this Simplified Practice Recommendation would serve no useful purpose.

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to the Standards Development Services, National Bureau of Standards, Washington, D.C. 20234, on or before January 25, 1979. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal. For further information, contact Karl G. Newell, Area Code (301) 921-2356.

Dated: December 19, 1978.

ERNEST AMBLER
Director.

[FR Doc. 78-35708 Filed 12-22-78; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

FORT WAYNE CHILDREN'S ZOOLOGICAL GARDENS

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Section 216.33(d) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the public display permit issued to Fort Wayne Children's Zoological Gardens, Fort Wayne, Indiana 46803, on April 26, 1974, is modified in the following manner:

The period of validity, during which the authorized marine mammals may be taken, is extended from December 31, 1978, to December 31, 1979.

This modification is effective on December 26, 1978.

The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 4, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-35747 Filed 12-22-78; 8:45 am]

[3510-22-M]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL SURF CLAM ADVISORY SUBPANEL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Meeting.

SUMMARY: The Surf Clam Advisory Subpanel of the Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan.

DATES: The meeting will convene on Friday, January 19, 1979, at 10:00 a.m. and adjourn at approximately 3:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Sheraton, Route 13, Dover, Delaware (302) 678-8500.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: December 20, 1978.

JACK W. GEHRINGER,
Deputy Assistant Administrator for Fisheries.

[FR Doc. 78-35877 Filed 12-22-78; 8:45 am]

[3510-22-M]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL, SURF CLAM ADVISORY SUBPANEL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Surf Clam Advisory Subpanel of the Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan.

DATES: The meeting will convene on Friday, February 23, 1979, at 10:00 a.m. and adjourn at approximately 3:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Sheraton, Route 13, Dover, Delaware 302-678-8500.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: 302-674-2331.

Dated: December 20, 1978.

JACK W. GEHRINGER,
Deputy Assistant Administrator for Fisheries.

[FR Doc. 78-35878 Filed 12-22-78; 8:45 am]

[3510-22-M]

PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC & STATISTICAL COMMITTEE AND BILLFISH ADVISORY SUBPANEL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Amended Meeting Notice.

SUMMARY: The Scientific and Statistical Committee of the Pacific Fishery Management Council established by Section 302(g) of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has changed its meeting time (FR Vol. 43, No. 235, dated December 6, 1978). The Billfish Advisory Subpanel meeting scheduled for January 10, 1979, has been cancelled.

DATES: The Scientific and Statistical Committee will meet on Wednesday, January 10, 1979, at 1:00 p.m. and on Thursday, January 11, 1979, at 10:00 a.m. adjourning both days at 5:00 p.m.

ADDRESS: The Scientific and Statistical Committee will meet at the Shelter Island Inn, 2051 Shelter Island Drive, San Diego, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: December 19, 1978.

JACK W. GEHRINGER,
Deputy Assistant Administrator for Fisheries.

[FR Doc. 78-35837 Filed 12-22-78; 8:45 am]

[3510-60-M]

National Telecommunications and Information Administration

ELECTRONIC COMMUNICATIONS POLICY IN POSTAL AREA

Opportunity To Submit Comments

The Administration is now developing its position on electronic communications policy in the postal area. This process involves a coordinating committee of ten agencies, chaired by Stuart E. Eizenstat, Assistant to the President for Domestic Affairs and Policy. The lead staff agency is the National Telecommunications and Information Administration of the Department of Commerce (NTIA). While this process insures the receipt of in-

formation and data from the participating agencies, public participation is also sought.

Therefore, written comments from interested individuals or organizations, in either the private or public sector, may be submitted up to and including January 10, 1979. The short time period is called for in order to allow the Committee to take the comments into account in meeting a final decisional date in early Spring, when, it is believed, Congress will be considering the issue.

The brief time frame of this study also underscores its limited range of inquiry. Comments should be addressed to these specific policy considerations:

1. The possible future benefits to the nation of United States Postal Service (USPS) involvement in electronic message services and the potential costs to the nation of establishing Postal Service competition to an industry that has previously been restricted to private competition.

2. The impact of electronic communications on postal operations and revenues (both with and without USPS electronic services) and the overall economic impact, including potential recuction in postal costs, of a USPS investment in an electronic system.

3. The options for interconnection between the postal service physical delivery network and the electronic message industry.

There is no specific format for written comments; any pertinent data, information, or policy considerations will be welcome. Twenty (20) copies should be filed, so that the comments can be distributed among the committee members. Comments should be sent to Samuel Williams, Office of Planning and Policy Coordination, NTIA, 1800 G Street NW., Washington, D.C. 20504 ([202] 395-4990) by the January 10 date. They will be placed on file for public inspection during NTIA's regular office hours.

ELLEN S. DEUTSCH,
Assistant Chief Counsel.

[FR Doc. 78-35925 Filed 12-22-78; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 19, 1978.

CERTAIN MAN-MADE FIBER APPAREL PRODUCTS FROM MALAYSIA

Increasing the Import Restraint Level

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the subceiling for women's, girls' and infants' knit shirts and blouses of man-made fibers (Category 639) within the combined category 638/639, produced or manufactured in Malaysia and exported to the United States during the agreement year which began on January 1, 1978.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 342), March 3, 1978 (43 FR 8828), and June 22, 1978 (43 FR 26773).)

SUMMARY: Paragraphs 7 and 8 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, between the Governments of the United States and Malaysia provide, respectively, for designated percentage increases for certain cateogries during the agreement year which began on January 1, 1978 and for the carryover of shortfalls in certain categories from the previous agreement year. At the request of the Government of Malaysia, the sublimit for Category 639 within the combined Category 638/639 is being increased for flexibility and carryover from 53,333 dozen to 62,933 dozen during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978.

EFFECTIVE DATE: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On August 16, 1978, a letter dated August 7, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (43 F.R. 36297), which established the levels of restraint applicable to certain specific categories of cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of man-made fiber textile products in Category 639 in excess of the amended level of restraint.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D C. 20229.

DEAR MR. COMMISSIONER: On August 7, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia and exported to the United States during the agreement year which began on January 1, 1978, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on December 19, 1978, the level of restraint for Category 638/639 to the following level:

Category and Amended Twelve-Month Level of Restraint[2]

638/639 142,222 dozen of which not more than 62,933 dozen shall be in Category 639.

The action taken with respect to the Government of Malaysia and with respect to imports of cotton, wool and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This

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[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and group limits, specific levels of restraint, including their sublimits, may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1977.

letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-35735 Filed 12-22-78; 8:45 am]

[3710-92-M]

DEPARTMENT OF DEFENSE

Department of the Army

WINTER NAVIGATION BOARD ON GREAT LAKES—ST. LAWRENCE SEAWAY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Winter Navigation Board to be held on 11 January 1979 at the Ramada Inn 8270 Wickham Road in Romulus, Michigan, located just north of the I-94 expressway across from the Detroit Metropolitan International Airport. The meeting will be in session from 10:00 a.m., until 4:00 p.m. E.S.T.

The Winter Navigation Board is a multi-agency organization, which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway Navigation Season Extension Demonstration investigations being conducted pursuant to Pub. L. 91-611, as amended by Pub. L. 93-251 and 94-587.

The primary purpose of the meeting is to discuss requisites to demonstrate extended season navigation on the St. Lawrence River and to decide whether to proceed with preparations for this demonstration. Individual topics to be discussed in regard to this demonstration include the engineering/environmental monitoring/operation plan, the required environmental statement, water levels and flows impacts, and permit requirements. Other items to be discussed include FY-79 Environmental Evaluation Work Group activities, the status, schedule and direction of the Survey Report, and the Environmental Plan of Action. The Survey Report addresses year-round navigation on the entire Great Lakes-St. Lawrence Seaway System.

The meeting wil be open to the public, subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. William R. McClarnon, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit Michigan 48231, telephone (313) 226-6769.

Dated: December 18, 1978.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 78-35854 Filed 12-22-78; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for October 1978

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: October 1978 Entitlement notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for October 1978.

DATES: Payments for entitlements required to be purchased under this notice must be made by December 31, 1978. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, (202) 254-8660.

Fred Wolgel (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, (202) 633-8820.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for October 1978 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d) (4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); November 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for October 1978 is calculated to be .177641.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of October 1978, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .166553 of a barrel of deemed old oil.

The issuance of entitlements for the month October 1978 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of October 1978 is hereby fixed at $8.11, which is the exact differential as reported for the month of October between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of October 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of October 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of October 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through Sep-

tember 1978 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the October 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its October 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, *see Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 3,370,324 barrels.

For the month of October 1978, imports of residual fuel oil eligible for entitlements issuances totaled 27,450,005 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California Lower Tier Crude Oil	9,790,014	18*
California Upper Tier Crude Oil	7,569,745	20*

The total number of entitlements required to be purchased and sold under this notice is 20,557,604.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for October 1978, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower Tier	91,394,756	$6.08	18.0
Upper Tier	92,720,887	12.84	18.3
Exempt Domestic:			
Alaskan	39,217,348	12.98	7.7
Stripper	38,087,929	14.55	7.5
Naval Petroleum Reserve	3,063,495	13.56	.6
Total Domestic	264,484,415	10.82	52.1
Total Imported	242,918,256	14.62	47.9
Total Reported Crude Oil Receipts	507,402,671	$12.57	100.0
Total Reported Crude Oil Runs to Stills	497,123,826		

* Numbers may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for October 1978 must be made by December 31, 1978.

On or prior to January 10, 1979, each firm which is required to purchase or sell entitlements for the month of October 1978 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of October. The monthly transaction report forms for the month of October have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by December 31, 1978 are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to December 31, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before January 25, 1979.

Issued in Washington, D.C. on December 19, 1978.

DAVID J. BARDIN,
Administrator,
Economic Regulatory Administration.

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

[October 1978]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position: Total issued	Exceptions and appeals	Entitlements: Product	Entitlements: California	Required to buy	Required to sell
Consol D-Sales	—23,960	0	0	0	0	0	*23,960
A-Johnson	0	193,096	0	0	0	0	193,096
Allied	122,393	90,393	0	0	0	32,000	0
Amer-Petrufina	556,245	791,680	0	0	0	0	235,435
Amerada-Hess	1,354,060	**3,113,793	0	103,122	0	0	1,759,733
Amoco	9,478,328	6,282,263	0	0	0	3,196,065	0
Anchor	34,934	62,534	0	0	13,802	0	27,600
Arco	4,112,003	4,539,305	0	0	26,037	0	427,302
Arizona	77,380	53,420	6,183	0	1,427	23,960	0

ENTITLEMENTS FOR DOMESTIC CRUDE OIL—Continued

[October 1978]

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and appeals	Entitlement position: Entitlements: Product	Entitlement position: Entitlements: California	Required to buy	Required to sell
Asamera	110,558	156,375	0	0	0	0	45,817
Ashland	1,133,385	1,790,074	0	9,318	0	0	656,689
Asiatic	0	161,908	0	161,908	0	0	161,908
Basin	230,577	203,356	0	0	74,839	27,221	0
Bayou	52,223	55,618	0	0	0	0	3,395
Beacon	217,441	169,498	0	0	37,742	47,943	0
Belcher	0	201,470	0	201,470	0	0	201,470
BI-Petro	5,631	151,457	0	0	0	0	145,826
BP-Trading	0	**284,536	0	0	0	0	284,536
Bruin	25,470	124,532	0	0	0	0	99,062
C&H	37	39	0	0	0	0	2
Calcasieu	15,428	60,170	0	0	0	0	44,742
Calumet	24,109	18,584	0	0	0	5,525	0
Canal	85,689	81,950	0	0	0	3,739	0
Caribou	73,388	92,488	0	0	0	0	19,100
Castle	0	17,064	0	17,064	0	0	17,064
Champlin	1,552,045	1,310,583	0	0	236,538	241,462	0
Charter	699,950	812,997	473,838	0	0	0	113,047
Chevron	6,048,822	6,631,023	0	23,886	169,883	0	582,201
CII	0	−16,296	0	0	0	16,296	0
Cirillo	0	14,533	0	14,533	0	0	14,533
Citgo	1,577,443	1,509,065	0	0	0	68,378	0
Claiborne	71,860	45,422	0	0	0	26,438	0
Clark	168,138	656,504	0	0	0	0	488,366
Colonial	0	16,190	0	16,190	0	0	16,190
Conoco	2,302,505	1,818,221	0	121,199	145,200	484,284	0
Consumers-Power	0	61,719	0	61,719	0	0	61,719
Coral	-746	103,509	0	0	0	0	104,255
Corco	33,334	1,056,821	***218,124	219,938	17,274	0	1,023,487
Cra-Farmland	267,880	480,449	0	0	0	0	212,569
Cross	47,150	95,169	0	0	0	0	48,019
Crown	255,603	597,086	0	0	0	0	341,483
Crystal-Oil	84,403	311,051	****183,887	0	0	0	226,648
Crystal-Ref	998	28,072	0	0	0	0	27,074
Delta	181,972	292,422	0	0	0	0	110,450
Demenno	8,129	69,886	0	0	8,125	0	61,757
Diamond	451,665	344,045	0	0	0	107,620	0
Dillman	0	467	0	0	0	0	467
Dorchester	2,659	235,986	0	0	0	0	233,327
Dow	50,530	87,776	0	0	0	0	37,246
E-Seaboard	0	40,773	0	40,773	0	0	40,773
Eco	104,965	109,435	0	0	37,497	0	4,470
Eddy	36,918	43,317	0	0	0	0	6,399
Energy-Coop	10,981	496,274	0	0	0	0	485,293
Erickson	176	130,188	0	0	0	0	130,012
Evangeline	27,925	42,867	0	0	0	0	14,942
Exxon	10,004,666	**8,287,399	0	350,955	0	1,717,267	0
Ez-Serve	135,686	93,311	0	0	21,795	42,375	0
Farmers-Un	173,383	301,037	0	0	0	0	127,654
Fletcher	4,219	127,494	0	0	536	0	123,275
Flint	9,041	9,191	0	0	0	0	150
Friendswood	0	32,921	0	0	0	0	32,921
Funding	57,129	147,996	****92,463	0	0	0	90,867
Gary	124,804	121,648	0	0	0	3,156	0
Getty	1,004,334	1,048,455	0	0	0	0	44,121
Giant	31,172	37,560	0	0	0	0	6,388
Glacier-Park	75,945	49,815	0	0	0	26,130	0
Gladieux	67,641	130,898	0	0	0	0	63,257
Glenrock	146	1,498	0	0	0	0	1,352
Golden-Eagle	0	183,922	34,569	0	0	0	183,922
Golden-Eagle-NY	0	41,340	0	41,340	0	0	41,340
Goldking	84,012	126,770	0	0	0	0	42,750
Good-Hope	23,613	259,468	0	0	0	0	235,855
Guam	0	216,681	0	0	0	0	216,681
Gulf	7,704,140	5,169,443	0	11,799	60,902	2,534,697	0
Gulf-Sts	24,784	143,363	0	0	0	0	118,579
Hiri	0	411,774	0	0	0	0	411,774
Howell	179,799	267,822	0	0	0	0	88,023
Hudson-Oil	9,841	177,240	0	0	0	0	167,399
Hunt	186,722	278,038	0	0	0	0	91,316
Husky	524,843	524,843	196,775	0	9,633	0	0
Independent-Ref	44,926	111,826	0	0	0	0	66,900
Indiana-Farm	29,687	198,303	0	0	0	0	168,616
Indust-Fuel	0	74,716	0	0	0	0	74,716
Irving	0	33,732	0	33,732	0	0	33,732
J&W	56,351	43,870	0	0	0	12,481	0
Kenco	13,631	28,289	0	0	0	0	14,658
Kentucky	15,797	14,200	0	0	0	1,597	0
Kern	156,658	337,973	112,647	0	51,016	0	181,315
Kerr-McGee	720,989	732,214	0	0	0	0	11,225
Koch	200,621	766,274	0	17,789	0	0	565,653
Lagloria	457,341	249,314	0	0	0	208,027	0

ENTITLEMENTS FOR DOMESTIC CRUDE OIL—Continued

[October 1978]

Reporting firm short-name	Deemed old oil adjusted receipts	Entitlement position: Total issued	Exceptions and appeals	Entitlements: Product	Entitlements: California	Required to buy	Required to sell
Lakeside	9,717	36,262	0	0	0	0	26,545
Laketon	139,797	147,495	37,626	0	0	0	7,698
Little-Amer	1,162,905	960,054	520,278	0	0	202,851	0
Louisiana-Land	171,160	281,838	0	0	0	0	110,678
MacMillan	35,535	135,573	0	0	4,589	0	100,038
Marathon	3,809,237	2,924,859	0	0	0	884,378	0
Marion	61,574	204,617	0	0	0	0	143,043
Metropolitan	0	226,027	0	226,027	0	0	226,027
Mid-Amer	42,855	42,855	5,544	0	0	0	0
Mid-Tex	0	29,845	0	0	0	0	29,845
Mobil	5,370,128	4,361,310	0	15,012	363,805	1,008,818	0
Mobile-Bay	0	127,382	0	0	0	0	127,382
Mohawk	440,242	391,355	104,075	0	63,868	48,887	0
Monoco	0	7,603	−3,778	11,381	0	0	7,603
Monsanto	267,411	283,811	0	0	0	0	16,400
Morrison	16,894	12,695	0	0	0	4,199	0
Mountaineer	6,694	6,284	0	0	0	410	0
Mt-Airy	13,575	126,216	0	0	0	0	112,641
Murphy	730,816	493,079	0	0	0	237,737	0
N-Amer-Petro	47,103	144,266	0	0	10,844	0	97,163
Natl-Coop	242,758	369,188	0	0	0	0	126,430
Navajo	384,758	381,786	122,711	0	0	2,972	0
Nevada	15,566	38,588	0	0	0	0	23,022
New-Edgington	771,611	531,563	39,644	0	259,323	240,048	0
New-Engl-Petro	0	378,008	0	378,008	0	0	378,008
Newhall	194,937	239,081	0	0	68,279	0	44,144
Northeast-Petro	0	15,529	0	15,529	0	0	15,529
Northland	38,720	38,720	16,102	0	0	0	0
Okc	144,606	199,883	0	0	0	0	55,277
Okla-Ref	59,288	138,920	0	0	0	0	79,632
Oxnard	13,992	28,814	0	0	6,971	0	14,822
Pemex	0	**190,638	0	0	0	0	190,038
Pennzoil	430,088	268,815	0	0	0	161,273	0
Pester	134,984	205,323	0	0	0	0	70,339
Petro-Heat-Pa	0	10,936	0	10,936	0	0	10,936
Phillips	2,427,307	1,726,693	0	0	−135	700,614	0
Phillips-Pr	0	182,102	0	182,102	0	0	182,102
Pioneer	37,087	55,541	0	0	0	0	18,454
Placid	218,824	272,025	0	0	0	0	53,201
Plateau	109,331	148,660	0	0	0	0	39,329
Powerine	334,078	398,661	0	0	104,308	0	64,583
Pr-Olefins	0	49,566	0	49,566	0	0	49,566
Pride	111,861	129,941	0	0	0	0	18,080
Princeton	11,664	82,618	0	0	0	0	78,954
Quaker-St	30,078	215,113	0	0	0	0	185,035
Rancho-Ref	3,202	13,823	0	0	0	0	10,621
Raymal	−847	23,775	0	0	0	0	24,622
Richards	319	68,966	0	0	0	0	68,647
Rico	0	23,998	0	23,998	0	0	23,998
Road-Oil	0	1,437	0	0	0	0	1,437
Rock-Island	213,612	321,115	0	0	0	0	107,503
Saber-Tex	17,137	167,403	0	0	0	0	150,266
Sabre-Cal	49,614	125,332	0	0	20,222	0	75,718
Sage-Creek	1,944	3,799	0	0	0	0	1,855
San-Joaquin	331,517	750,405	426,251	0	127,514	0	418,888
Schulze	94,136	44,115	0	0	0	50,021	0
Semihole	11,043	96,738	0	0	0	0	85,695
Sentry	0	97,840	0	0	0	0	97,840
Shell	8,605,008	6,298,388	0	0	604,570	2,306,620	0
Shepherd	1,197	106,975	0	0	0	0	105,778
Sigmor	34,837	153,510	0	0	0	0	118,673
Slapco	69,362	39,247	0	0	0	30,115	0
So-Hampton	41,584	138,448	0	0	0	0	96,864
Sohio	1,380,977	2,239,072	0	0	0	0	858,095
Somerset	17,392	48,141	0	0	0	0	30,749
Sound	13,950	100,433	0	0	8,906	0	86,483
Southern-Union	218,434	259,340	0	0	0	0	40,906
Southland	446,195	428,740	223,348	0	0	17,455	0
Southwestern	7,084	7,084	3,550	0	0	0	0
Sprague	0	83,778	0	83,778	0	0	83,778
Steuart	0	55,482	0	55,482	0	0	55,482
Sunland	50,878	147,851	0	0	16,936	0	96,973
Sunoco	4,003,756	2,864,457	11,435	0	0	1,139,299	0
Swann	0	26,666	0	26,666	0	0	26,666
T&S	9,515	43,152	0	0	0	0	33,637
Tenneco	841,283	534,226	0	0	2,254	307,057	0
Tesoro	152,062	434,214	0	0	0	0	282,152
Texaco	8,793,081	6,360,179	0	322,716	317,684	2,432,902	0
Texas-American	30,802	104,348	0	0	0	0	73,546
Texas-Asph	9,184	22,858	0	0	0	0	13,674
Texas-City	651,416	745,697	0	0	0	0	94,281
Thagard	190,691	212,778	32,086	0	59,837	0	22,087

ENTITLEMENTS FOR DOMESTIC CRUDE OIL—Continued

[October 1978]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position: Total issued	Exceptions and appeals	Entitlements: Product	Entitlements: California	Required to buy	Required to sell
Thriftway	35,992	40,192	0	0	0	0	4,200
Thunderbird	64,453	125,255	0	0	0	0	60,802
Tipperary	109,978	76,376	0	0	0	33,602	0
Tonkawa	35,980	64,931	0	0	0	0	28,951
Tosco	1,706,253	1,169,600	0	0	403,812	536,653	0
Total-Petroleum	187,307	448,565	0	0	0	0	261,253
UCC-Caribe	0	95,486	0	95,486	0	0	95,486
Uni-Ref	0	127,100	0	0	0	0	127,100
Union-Oil	3,772,707	2,394,879	0	0	243,034	1,377,828	0
Union-Petro	0	63,925	0	63,925	0	0	63,925
Untd-Ref	89,049	324,644	0	0	0	0	235,595
US-Oil	30,748	199,028	0	0	12,834	0	168,280
USA-Petrochem	57,418	184,340	0	0	18,451	0	126,922
Val-Verde	128	1,497	0	0	0	0	1,369
Vickers	233,525	406,142	0	0	0	0	172,617
Warrior	45,813	71,790	33,305	0	0	0	25,977
West-Coast	120,611	153,866	0	0	59,438	0	33,255
Western	79,869	99,686	0	0	0	0	19,817
Winston	100,141	161,207	0	0	0	0	61,066
Wireback	0	744	0	0	0	0	744
Witco	51,135	179,979	0	0	17,007	0	123,844
Wyatt	0	2,635	0	2,635	0	0	2,635
Wyoming	30,338	168,641	0	0	0	0	138,303
Yetter	0	529	0	0	0	0	529
Young	61,322	54,118	21,621	0	0	7,204	0
Total	105,167,405	105,167,405	2,912,284	2,996,604	3,711,657	20,557,604	20,557,604

*See discussion in Notice.

**Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

***Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and order issued to Commonwealth Oil and Refining Company on March 20, 1978.

****This adjustment reflects a settlement reached between the Department of Energy and Funding Systems Refining Corporation and Crystal Oil Company in *Crystal Oil Co.* v. *Department of Energy, et al.* Civ. Action No. B—78—168 (S.D. Tex.) and in *Funding Systems Refining Corp., et al.* v. *Department of Energy.* Civ. Action No. B-78-149 (S.D. Tex).

*****This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co.* v. *DOE, et al.*, Civ. Action No. C77-190-B (D. Wyo., filed March 14, 1978), *remanded* F.2d (No. 10-18 TECA, August 10, 1978).

******This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA* Civ. Action No. 4-75-263 (N.D. Tex., filed October 31, 1975).

[FR Doc. 78-35711 Filed 12-20-78; 10:26 am]

[6450-01-M]

Economic Regulatory Administration

[ERA Docket No. 78-011-NG]

GREAT LAKES GAS TRANSMISSION CO.

Application for Amendment to Import Authorizations: Short Term Imports

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application and invitation to submit comments and petitions to intervene in the proceeding.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Great Lakes Gas Transmission Company (Great Lakes), filed pursuant to Section 3 of the Natural Gas Act to amend authorizations under Federal Power Commission (FPC) Docket Nos. CP66-112, CP70-20, and CP71-223, to the extent necessary to allow Great Lakes to import up to 18,000 MMcf of natural gas from TransCanada PipeLines Limited (TransCanada) which has been previously authorized for import but which cannot now be imported because of daily and annual restrictions in TransCanada's export licenses and Great Lakes' import licenses. In addition, Great Lakes requests sufficient volumes of gas for company use to effectuate the import, delivery and sale of the additional volumes to Midwestern Gas Transmission Company. The price of these additional volumes is stated to be established Canada border price of $2.16 per MMBtu.

Details of the proposal are more fully explained in the application.

DATE: Petitions to intervene, comments and requests for hearing: January 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street NW., Room 6318, Washington, D.C. 20461, telephone 202-254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, telephone 202-683-9380.

SUPPLEMENTARY INFORMATION: The ERA hereby invites petitions for intervention, comments on the application in ERA Docket No. 78-011-NG, and requests for hearing to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8) and the regulations under the Natural Gas Act 18 CFR 157.10). Such petitions for intervention, comments, or requests for hearing should be marked "ERA Docket No. 78-011-NG" on the first page and the envelope, and will be accepted for consideration if filed no later than 4:30 p.m., January 29, 1979.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened therein must file a petition to intervene in accordance with the above-mentioned rules.

A formal hearing will not be held on this application if no petition to intervene is filed within the required time, or if the ERA on its own review of the matter finds that a grant of the approval is in the public interest. However, if during the appropriate comment period a request for such hearing is timely filed by an intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required, further notice of such hearing will be duly given.

The complete application as filed in ERA Docket No. 78-011-NG is available for public viewing and copying in Room B-110, 2000 M Street NW., Washington, 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., on December 18, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-35866 Filed 12-22-78; 8:45 am]

[6450-01-M]

[ERA Docket No. 78-009-NG]

MIDWESTERN GAS TRANSMISSION CO.

Application for Authorization to Import Natural Gas

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application and invitation to submit comments and petitions to intervene in the proceeding.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application filed by Midwestern Gas Transmission Company (Midwestern), pursuant to Section 3 of the Natural Gas Act, to import an additional daily quantity of up to 8,000 Mcf of natural gas at a point on the United States-Canadian boundary near Emerson, Manitoba. The additional daily volumes would be purchased from TransCanada PipeLines Limited and are intended to offset an expected drop in British thermal unit (Btu) levels of gas presently being imported due to changes in the processing of the gas in Canada prior to export. Details are fully described in the proposal.

DATE: Petitions to intervene, comments and requests for hearing: January 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street NW., Room 6318, Washington, D.C. 20461, telephone 202-254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, telephone 202-683-9380.

SUPPLEMENTARY INFORMATION: The ERA hereby invites petitions for intervention, comments on the application in ERA Docket No. 78-009-NG, and requests for hearing to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8) and the regulations under the Natural Gas Act (18 CFR 157.10). Such petitions for intervention, comments, or requests for hearing should be marked "ERA Docket No. 78-009-NG" on the first page and the envelope, and will be accepted for consideration if filed no later than 4:30 p.m., January 29, 1979.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened therein must file a petition to intervene in accordance with the above-mentioned rules.

A formal hearing will not be held on this application if no petition to intervene is filed within the required time, or if the ERA on its own review of the matter finds that a grant of the approval is in the public interest. However, if during the appropriate comment period a request for such hearing is timely filed by an intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required, further notice of such hearing will be duly given.

The complete application as filed in ERA Docket No. 78-009-NG is available for public viewing and copying in Room B-110, 2000 M Street NW., Washington, 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., on December, 18, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-35865 Filed 12-22-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

[Docket No. RP-73-77]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Adjustment

DECEMBER 18, 1978.

Take notice that on November 30, 1978, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet:

Substitute Twenty-Ninth Revised Sheet No. 3-A
Superseding Twenty-Eighth Revised Sheet No. 3-A

This revised tariff sheet is proposed to become effective as of January 1, 1979.

Alabama-Tennessee states that the purpose of such substitute revised tariff sheet is to reflect the filing by its sole supplier, Tennessee Gas Pipeline Company, on November 30, 1978, of tariff changes to become effective January 1, 1979. These filings supersede the filing made by Alabama-Tennessee on November 21, 1978 and by Tennessee Gas Pipeline Company on November 16, 1978.

The revised sheet to Alabama-Tennessee's tariff provides for the following rates:

Rate Schedule	Substitute Twenty-Ninth Revised Sheet No. 3-A
G-1	
Demand	$2.69
Commodity	142.98¢
SG-1	
Commodity	162.63¢
I-1	
Commodity	151.82¢

Alabama-Tennessee states that the purpose of such revised tariff sheet is to reflect the rate increase of Tennessee Gas Pipeline Company issued November 30, 1978, to be effective January 1, 1979, and the amortization of Alabama-Tennessee's unrecovered purchased gas account. It also brings up to date the adjustment under Section 22 of the General Terms and Conditions of its FPC Gas Tariff.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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, Dec. 26, 1978. 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. 78-35800 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-15]

ANADARKO PRODUCTION CO.

Notice of Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on November 8, 1978, Anadarko Production Company (Petitioner), P.O. Box 1330, Houston, Texas 77001, filed a petition for special relief pursuant to Section 2.56a(g)(1) of the Commission's General Policy and Interpretations. Petitioner seeks to increase its rate from the applicable national ceiling rate to $3.213 per Mcf at 14.73 psia escalated four percent (4%) per year for the sale of gas produced from a platform in Blocks A-327 and A-332 in the High Island Area, Offshore Texas to Trunkline Gas Company. Petitioner states that although the platform in High Island Blocks A-327 and A-332 is located at a water depth of slightly less than 250 feet, the cost of funding, developing, and producing gas at that producing platform is compatible, if not substantially identical, to the cost of producing gas at 250 feet of water.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 8, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 applicable in this proceeding (49 CFR Pt. 1000). 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35762 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-14]

BRANCH INVESTMENT CORP.

Notice of Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on November 13, 1978, Branch Investment Corporation, South Main Street, Springhill, Louisiana 71075, (Petitioner) filed a petition for special relief in Docket No. RI79-14, pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner requests authorization to charge $1.40 per Mcf at 14.73 psia for the sale of gas from its Bradley West Unit #6 (formerly Caldwell—Lowe #3) located in the center of the NE¼ of NW¼ of SE¼, Sec. 3, TWP. 20 S, RGE. 26 W, to Arkansas Louisiana Gas Company. Petitioner states that the rework of the well did not yield sufficient gas flow and that additional work will be required which, at the current price for sale of the gas, is uneconomical. Petitioner also states its hope that the reserve life will be five years.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 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. 78-35763 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI78-87]

CHARLES B. WILSON, JR., LTD.

Notice of Amended Petition for Special Relief

DECEMBER 14, 1978.

Take notice that on November 13, 1978, Charles B. Wilson, Jr., Ltd. (Wilson), 1616 West Loop South, Suite 310, Houston, Texas 77027, filed an amended petition for special relief in Docket No. RI78-87. On August 17, 1978, Wilson filed its original petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

In its original petition, which was noticed September 15, 1978 (43 FR 43541), Wilson sought an increase in rate from 65¢ to $1.35 per Mcf at 14.73 psia for the sale of natural gas from its Rosa B. Neff Gas Unit No. 1 Well, Keyes Field, Cimarron County, Oklahoma to Colorado Interstate Gas Company. The amended petition requests authorization to charge a reduced rate of $1.09 per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35801 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI78-87]

CHARLES B. WILSON, JR., LTD.

Notice of Amended Petition for Special Relief

DECEMBER 14, 1978.

Take notice that on November 13, 1978, Charles B. Wilson, Jr., Ltd. (Wilson), 1616 West Loop South, Suite 310, Houston, Texas 77027, filed an amended petition for special relief in Docket No. RI78-87. On August 17, 1978, Wilson filed its original petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

In its original petition, which was noticed September 15, 1978 (43 Fed. Reg. 43541), Wilson sought an increase in rate from 65¢ to $1.35 per Mcf at 14.73 psia for the sale of natural gas from its Rosa B. Neff Gas Unit No. 1 Well, Keyes Field, Cimarron County, Oklahoma to Colorado Interstate Gas Company. The amended petition requests authorization to charge a reduced rate of $1.09 per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1978 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35764 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

CHATTANOOGA GAS CO. A DIVISION OF JUPITER INDUSTRIES, INC.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978

Take notice that on November 28, 1978, Chattanooga Gas Company A Division of Jupiter Industries, Inc. (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FERC Gas Tariff to be effective on January 1, 1979 consisting of the following revised tariff sheet:

Second Revised Tariff Sheet No. 15.

Chattanooga states that the sole purpose of this Second Revised Tariff Sheet No. 15 is to conform Chattanooga's existing PGA Clause to the semi-annual PGA filing limitation as contained in the Commission's Order. The semi-annual PGA filing dates specified for Chattanooga in the Commission's Order are January 1 and July 1.

Chattanooga elects to reflect changes in its purchased gas costs through the PGA Clause contained in Section 5 of its Gas Tariff.

Chattanooga requests that the Second Revised Tariff Sheet No. 15 become effective on January 1, 1979.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *December 26, 1978.* 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. 78-35777 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

CITIES SERVICE GAS CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Cities Service Gas Company (Cities Service) on December 1, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. Cities Service states that such filing is in compliance with Order No. 13 in Docket No. R-406 issued on October 18, 1978.

The instant filing consists of First Revised Sheet Nos. 59, 60 and 62 to Cities Service's FERC Gas Tariff, Original Volume No. 1. Such sheets conform the Purchased Gas Cost Adjustment of Cities Service's tariff to include the effective date of January 23, 1979, and thereafter the semi-annual effective dates of April 23 and October 23 and amend the provision on carrying charges to include the adoption of the principles of interperiod income tax allocation as specified in Order No. 13.

Cities Service states that copies of its filing were served on all jurisdictional customers and affected State commissions.

Any person desiring to be heard or to protest said filing 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 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 December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35778 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-99]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 19, 1978.

Take notice that on December 4, 1978, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP79-99 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, taps, measuring, regulating and appurtenant facilities to enable Applicant to render natural gas service to authorized local natural gas distribution companies for resale to fifteen rural domestic customers and one irrigation customer pursuant to right-of-way easements and agreements heretofore entered into between Applicant and said customers, or to serve same directly if no local authorized natural gas distribution company is willing or able to make such service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that these right-of-way grantors and leasors have requested service for which Applicant proposes to construct and operate the following facilities:

Item 1: Tap on Applicant's Welda-Ottawa 20-inch loop transmission pipeline in Franklin County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Ray Anderson.

Item 2: Tap on Applicant's Southern Trunk 20-inch transmission pipeline in Jasper County, Missouri, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Fred Cautrell.

Item 3: Tap on Applicant's Ottawa-Sedalia 20-inch loop transmission pipeline in Franklin County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to B. U. Daugharthy.

Item 4: Tap on Applicant's Grabham-Welda 30-inch transmission pipeline in Anderson County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Stephen A. Frank.

Item 5: Tap on Applicant's Burr Oak 3-inch transmission pipeline in Jewell County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Harry Hanson.

Item 6: Tap on Applicant's Reserve 2-inch transmission pipeline in Brown County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Eugene R. Hillyer.

Item 7: Tap on Applicant's Canadian-Blackwell 26/inch transmission pipeline in Grant County, Oklahoma, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to John T. Krittenbrink.

Item 8: Tap on Applicant's Gordon 8-inch transmission pipeline in Butler County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Thick Gon Mar.

Item 9: Tap on Applicant's Maysville 20-inch transmission pipeline in McClain County, Oklahoma, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Judy Martens.

Item 10: Tap on Applicant's Blackwell-Grabham 26-inch transmission pipeline in Chautauqua County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Henry H. Munger.

Item 11: Tap on Applicant's Caney-Wichita 12-inch transmission pipeline in Chautauqua County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Arnols Nielson.

Item 12: Tap on Applicant's North Sublette 20-inch gathering pipeline in Haskell County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Eugene Ochs.

Item 14: Tap on Applicant's Sterling Southeast 8-inch Lateral gathering pipeline in Comanche County, Oklahoma, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Hillra Thomas.

Item 15: Tap on Applicant's McLouth Storage 20-inch pipeline in Leavenworth County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to B. F. Warren.

Item 16: Tap on Applicant's Blackwell-Grabham 26-inch transmission pipeline in Kay County, Oklahoma, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to E. W. Williams.

At the present time, Applicant anticipates that the sale to the irrigation customer in Item 12 will be made by Applicant on a direct sale basis, the sale to the customers in Items 10, 11, and 13 will be made to Union Gas System, Inc., for resale, and the sale to the other 12 customers will be made to The Gas Service Company for resale to these customers.

Applicant estimates that the total cost of the facilities proposed to serve the right-of-way grantors and leasors would be approximately $11,006, which costs Applicant would finance from treasury funds on hand. Applicant estimates that the gas required annually by each domestic customer would be approximately 250 Mcf and by the irrigation customer would be approximately 3,000-5,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35802 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 28, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Fourth Revised Sheet No. 64

These proposed changes, to be effective January 1, 1979 are being filed pursuant to Order No. 13, issued by the Federal Energy Regulatory Commission on October 18, 1978. This revised tariff sheet limits Columbia to two PGA filings annually by eliminating the pipeline tracking provision at periods of time other than the semiannual dates (March 1 and September 1) and provides for interest calculated on the prior months ending balance of the Unrecovered Purchased Gas Cost Account, exclusive of accumulated interest, and after reflecting interperiod income tax allocations.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R., 1.8 and 1.10). All such petitions or protests should be filed on or before December 26, 1978. 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. 78-35779 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

COMMERCIAL PIPELINE CO., INC.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on November 17, 1978, Commercial Pipeline Company, Inc. (Commerical) filed revised tariff sheets to its FERC Gas Tariff as follows:

Third Revised Sheet No. 7A
Original Sheet No. 7B

Commercial states that these tariff sheets were filed to reflect compliance with FERC Order No. 13 dated October 18, 1978. The revised sheets, which Commercial proposes be made effective on November 13, 1978, reflect the semi-annual filing dates of April 23 and October 23, and the inclusion of carrying charges on the net balances of Accounts 190, 191 and 283.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., 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 December 26, 1978. 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. 78-35780 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on December 1, 1978, tendered for filing, proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, pursuant to Section 4 of the Natural Gas Act, Sections 154.38 and 154.63 of the Commission's Regulations, Opinion No. 30 in Docket No. RP78-76 and Order No. 13 in Docket No. R-406. The revised tariff sheets are proposed to be effective January 1, 1979.

The revised tariff sheets, First Revised Sheet Nos. 66, 67, 68, 71-A, 72, 73, Second Revised Sheet Nos. 69, 70, 71, and Ninth Revised Sheet No. 16, were filed to comply with the directives of the Commission in: Opinion No. 30, relating to the collection of the 1979 GRI funding unit including the elimination of the costs, from the Base Tariff Rates, of projects previously sponsored by AGA; and Order No. 13, requiring the implementation of semi-annual PGA filings together with a provision for carrying charges on balances in the unrecovered purchased gas cost account. Consolidated has also included other changes to Section 12, Purchased Gas Cost Adjustment, of the General Terms and Conditions of its tariff.

Additionally, Consolidated requested permission to transfer an amount of $371,183 to Account 191, Unrecovered Purchased Gas Costs, in order to permit it to recover certain costs incurred for the AGA projects eliminated but which have not been collected in its rates.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be deemed necessary in order to permit the revised tariff sheets to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons 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 December 26, 1978. 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 inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35803 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

EL PASO NATURAL GAS CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on November 29, 1978, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, First Substitute Third Revised Sheet No. 67-D and Fourth Revised Sheet No. 1-I to its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2A, respectively.

El Paso states that the tendered tariff sheets are designed to conform El Paso's Purchased Gas Cost Adjustment ("PGAC") and PGAC—Clean, High Pressure Gas ("PGAC-CHPG")

provisions contained in its FERC Gas Tariff Original Volume No. 1 and Original Volume No. 2A, respectively, in accordance with the directives and amended Regulations set forth in the Commission's Order No. 13 issued October 18, 1978, at Docket No. R-406. El Paso states that its operational procedures and currently effective PGAC and PGAC-CHPG provisions are consistent with the subject amended Regulations with the exception of the requirement that in order for a pipeline to be eligible for carrying charges on deferred balances in Account 191, the pipeline is required to adopt the principles of interperiod income tax allocation in connection with the balances recorded in the unrecovered purchased gas account. The Commission further required pipelines to file tariff sheets to conform their existing PGA clauses pursuant to Order No. 13 on or before December 1, 1978, to become effective as of January 1, 1979.

El Paso states that in compliance with the amended Regulations, El Paso's PGAC and PGAC-CHPG provisions are being modified to comply with the Commission's directives in Order No. 13. El Paso states that to implement such modification, it tendered First Substitute Third Revised Sheet No. 67-D to its PGAC provision and Fourth Revised Sheet No. 1-I to its PGAC-CHPG provision. El Paso states that it requested that the tendered sheets be made effective January 1, 1979, the effective date set forth in the subject order.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket No. RP72-155 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before December 26, 1978, 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 any 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35781 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket Nos. CP75-209; CI75-594]

EL PASO NATURAL GAS COMPANY AND TEXACO INC.

Reversionary Interests; Order Requiring Filing

DECEMBER 13, 1978.

On July 11, 1975, the Federal Power Commission issued Opinion No. 737 in the above dockets.[1] (54 FPC 145). In that Opinion the Commission found that expiration of a fixed-term lease and reversion of the mineral rights to the mineral owners did not serve to withdraw the gas produced from the leasehold from Commission jurisdiction. Subsequently, on September 3, 1975, and December 18, 1975, Opinion Nos. 737-A, *Opinion And Order Denying Rehearing But Adopting Protective Relief,* and 737-B, *Opinion And Order Granting Rehearing On Limited Issue Relating To Filing Requirements,* respectively were issued. (54 FPC 917, 54 FPC 2821). Under the protective relief provisions of Opinion No. 737-A the deliveries of gas by the holders of the reversionary interests continued pending the outcome of judicial review. The Commission's position therein was affirmed by the United States Supreme Court in *California, et al.* v. *Southland Royalty Co., et al.* (Slip Opinion No. 76-1114, decided May 31, 1978. The mandate issued from the Fifth Circuit on August 17, 1978, and rehearing was denied by the Supreme Court on October 2, 1978. Therefore since the *Southland* appellate proceedings have been completed, we are herewith instructing all reversionary owners of the Waddell and Goldsmith Lease acreage directly affected by the Commission's *Southland* decision to file appropriate documents with this Commission as follows:[2]

(1) Reversionary interest holders who are large producers will submit appropriate certificate and rate schedule filings to continue the sale of gas from their reversionary interests beginning July 15, 1975, for sales from the Waddell Lease acreage and beginning August 8, 1975, for sales from the Goldsmith Lease acreage.

(2) Reversionary interest holders who are presently holders of small producer certificates issued pursuant to Section 157.40 of the Commission's Regulations may file a statement to the effect that their reversionary interests in the Waddell or Goldsmith Lease acreage are to be included under their small producer certificate. Alternatively, these reversionary interest owners are required to make the filings specified in (1) above.

(3) Owners of reversionary interests who have not filed for small producer certificates will file either (a) an application for a small producer certificate pursuant to Section 157.40 of the Commission's Regulations, or (b) large producer filings as set forth in (1) above.

The Natural Gas Policy Act of 1978, signed into law on November 9, 1978 (P.L. 95-621) limits the further extension of *Southland, supra,* but does not reverse it on the facts. Application of the definition of gas committed or dedicated to interstate commerce (Section 2(18)(A)) is correct in these facts. These holders of reversionary interests do not qualify for an exclusion from Commission jurisdiction under the Natural Gas Act by use of Section 2(18)(B) since the gas was still being sold in interstate commerce on May 31, 1978.

The Commission finds:

1. It is required by the Natural Gas Act that the holders of reversionary interests in the Waddell and Goldsmith Lease acreage file for authorization to continue sales therefrom in interstate commerce in the manner described in this order.

2. The holders of the reversionary interests addressed herein do not qualify for an exclusion from making the described filings under the Natural Gas Act by reason of Section 2(18)(B) of the Natural Gas Policy Act of 1978.

The Commission orders:

Within 30 days of the date of this order all holders of the reversionary interests in the Waddell and Goldsmith Lease acreage addressed herein shall file the appropriate documents as discussed in the body of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35804 Filed 12-22-78; 8:45 am]

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[1] By joint regulation of October 1, 1977 (10 C.F.R., 1000.1), this proceeding was transferred to the FERC.

[2] Where the reversionary interest has extended the expired lease or entered into a new lease agreement with a lessee, and the lessee has previously obtained whatever certificate authorization, if any, is necessary, then it will not be necessary for such lessee to make any filings under this order.

[6740-02-M]

[Docket No. CP78-537]

FLORIDA GAS TRANSMISSION CO. AND UNITED GAS PIPE LINE CO.

Amendment to Application

DECEMBER 18, 1978.

Take notice that on November 30, 1978, Florida Gas Transmission Com-

pany (FGT), P.O. Box 44, Winter Park, Florida 32790, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, (Applicants) filed in Docket No. CP78-537 an amendment to the application filed by FGT on September 25, 1978, pursuant to Section 7(c) of the Natural Gas Act in the instant docket to (1) reflect United's intent to acquire an undivided 5 percent ownership interest in the facilities proposed in the instant docket, and (2) authorize the transportation of the natural gas attributable to Southern Natural Gas Company's (SNG's) interest in Blocks 149 and 150, South Marsh Island Area, offshore Louisiana (Block 149 field), through the facilities proposed herein, and thence from St. Helena Parish to Washington Parish, Louisiana, through FGT's existing facilities.

It is stated that FGT and United executed a letter of intent on October 18, 1978, which evidences United's desire to own an undivided 5 percent interest in the facilities propsed in the instant docket, in lieu of entering into a transportation agreement with FGT.

It is stated that FGT and SNG have entered into two transportation agreements both dated September 12, 1978, to provide for the transmission of SNG's gas through FGT's proposed facilities to FGT's offshore interconnection with the system of Transcontinental Gas Pipe Line Corporation (Transco), and thence from Transco's onshore point of interconnection with FGT in St. Helena Parish, Louisiana, to the interconnection of FGT and SNG in Washington Parish, Louisiana.

The first transportation contract, it is stated, provides for FGT to transport, through the facilities proposed in the instant docket, that amount of natural gas which SNG would prochase from the supplies of gas to be produced from the Block 149 Field. The rates charged under this first contract would be (1) a monthly charge of $13,300 for up to 80,000 Mcf per month of natural gas; (2) 16.6 cents per Mcf of gas in excess of 80,000 Mcf per month; and (3) a *pro rata* share of the operating and maintenance costs of the proposed facilities.

Pursuant to the second transportation contract, it is stated, FGT would transmit SNG's aforementioned gas from the existing interconnection between FGT's and Transco's systems in St. Helena Parish to an existing point of interconnection between FGT's and SNG's systems in Washington Parish, Louisiana. The charges under the second contract would be 9.22 cents per million Btu of natural gas delivered.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 8, 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 who have heretofore filed in this docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35765 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-12]

FRED W. SHIELD

Notice of Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on November 6, 1978, Fred W. Shield, 1442 Milam Bldg., San Antonio, Texas 78205, (Petitioner) filed a petition for special relief in Docket No. RI79-12 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76).

Petitioner requests authorization to charge 49.3136¢ per Mcf at 14.65 psia for the sale of gas to Trunkline Gas Company from Wells No. 3, 5 and 10 in the Heard Ranch Field, Bee County, Texas. Petitioner states the present need for major compressor repair, future expectations of repairs on old equipment, increase in payments for access to the field, an increasing inflation rate, and decreasing production as the basis for special relief.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35766 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Change in Rate

DECEMBER 18, 1978.

Take notice that on December 1, 1978, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff:

Tariff Volume	Tariff Sheet
Original Volume No. 1	Substitute Twenty-third Revised Sheet No. 3-B
Third Revised Volume No. 2	Substitute Thirteenth Revised Sheet No. 1-D
Third Revised Volume No. 2	Substitute Sixth Revised Sheet No. 1-D.2
Original Volume No. 2A	Substitute Fifteenth Revised Sheet No. 1-C
Original Volume No. 2A	Substitute Eleventh Revised Sheet No. 1-D

El Paso states that on June 30, 1978, the Gas Research Institute ("GRI")[1] filed, at Docket No. RP78-76, its second annual application setting forth its calendar year 1979 R&D program and a related five year plan for the period 1979-1983. By Opinion No. 30 and accompanying order issued September 21, 1978, at Docket No. RP78-76, as modified by Order Granting Rehearing issued November 22, 1978, the Commission approved said GRI application and a related calendar year 1979 funding unit of 0.35¢ per

[1] GRI is a non-profit corporation incorporated July 8, 1976, under the laws of the State of Illinois, organized for scientific and educational purposes of research, development and demonstration programs to assist all segments of the gas industry in meeting critical demands for energy and raw materials.

Mcf to be collected from GRI members for each Mcf sold under specified GRI funding services. Accordingly, El Paso states that the purpose of the subject filing is to give notice of a change in the GRI Funding Adjustment unit rate from the currently effective 0.12¢ per Mcf to said approved rate of 0.35¢ per Mcf, commencing on January 1, 1979, which will be applied as an adjustment to the jurisdictional rates applicable under the rate schedule services provided by El Paso which are subject to said GRI Funding Unit.

El Paso states that the Commission's Opinion No. 30 also approved the placement of the GRI programs on a calendar basis. As a result, the Commission, in its ordering paragraph (B), permitted the affected jurisdictional members to collect the general funding unit of 0.35¢ per Mcf commencing January 1, 1979. Accordingly, El Paso has requested that the tariff sheets tendered herewith be made effective January 1, 1979.

El Paso also states that copies of the filing have been served upon all El Paso interstate system customers and all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before December 29, 1978, 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 any 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. Copies of this filing are on file with the Commission and are abvailable for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35805 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Michigan Wisconsin Pipe Line Company, on December 1, 1978, tendered for filing under Section 17 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute Twenty-second Revised Sheet No. 27F, to replace Twenty-second Revised Sheet No. 27F, to replace Twenty-second Revised Sheet No. 27F filed on November 16, 1978. An effective date of January 1, 1979 is requested.

Michigan Wisconsin states that this revised filing does not change Michigan Wisconsin's Adjusted Rates as filed in Twenty-second Revised Sheet No. 27F, but, as provided for by the Commission in Opinion No. 30, it reflects an increase in the GRI Adjustment of .4 mills to 3.5 mills per Mcf and an equivalent .4 mill reduction in Michigan Wisconsin's Base Tariff Rates, applicable to the transferred AGA programs, referred to in the filing of November 16, 1978.

Michigan Wisconsin further states that copies of this filing have been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 December 27, 1978. 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. 78-35806 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 28, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Forty-eighth Revised Sheet No. 16

These proposed changes, to be effective January 1, 1979 are being filed pursuant to Opinion No. 30, issued by the Federal Energy Regulatory Commission on September 30, 1978. This opinion permits Columbia to file a Research, Development and Demonstration cost adjustment provision to allow the collection of .35¢ per Mcf of Program Funding Services for payment to Gas Research Institute during the year 1979. In addition, Columbia has reduced its base rates by .08¢ per Mcf; occasioned by the elimination of an amount representing Columbia's payment to American Gas Association for the Coal Gasification Program, effective January 1, 1979.

Copies of the filing were served upon the Company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8 and 1.10). All such petitions or protests should be filed on or before December 26, 1978. 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. 78-35807 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Filing of Revised Tariff Sheets

DECEMBER 18, 1978.

Take notice that on November 28, 1978, United Gas Pipe Line Company (United) filed with the Federal Energy Regulatory Commission (Commission) the following revised tariff sheets as a part of its FERC Gas Tariff, Original Volume No. 2:

Ninth Revised Sheet No. 187
Third Revised Sheet No. 397
Third Revised Sheet No. 401
Third Revised Sheet No. 407
Third Revised Sheet No. 909
Fourth Revised Sheet No. 957
Second Revised Sheet No. 1156

These tariff sheets reflect in United's transportation rates to distributors and pipelines for resale the Gas Research Institute (GRI) Adjustment charge approved by the Commission in Opinion No. 30 at Docket No. RP78-76. United requests that the tariff sheets listed above be accepted for filing and permitted to become effective January 1, 1979.

Copies of the revised tariff sheets and letter of transmittal are being

mailed to the transportation customers affected by these tariff revisions.

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 and 1.10). All such petitions or protests should be filed on or before December 26, 1978. 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. 78-35808 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Texas Eastern Transmission Corporation on December 4, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Revised Substitute Forty-fifth Revised Sheet No. 14

This sheet is being issued pursuant to Texas Eastern's Gas Research Institute (GRI) Surcharge Provision set forth in Section 25 of the General Terms and Conditions of its FERC Gas Tariff, Fourth Revised Volume No. 1. This increase in the funding unit is in full compliance with the Commission's Opinion No. 30 issued September 21, 1978 in Docket No. RP78-76.

The proposed effective date of the above tariff sheet is January 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, 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 December 29, 1978. 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. 78-35809 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Rate Change Pursuant to Gas Research Institute Charge Adjustment Provision

DECEMBER 18, 1978.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 30, 1978, tendered for filing 46th Revised Sheet No. 10 and 6th Revised Sheet No. 10-A to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that the purpose of this filing is to include in Algonquin Gas' rates the approved 1979 research and development program of the Gas Research Institute ("GRI") in the amount of a $0.0035 surcharge to be collected through the jurisdictional rates of GRI members. In addition, Algonquin Gas indicates that it has reduced the pipeline base rates by $0.0006 per MMBtu in order to eliminate the duplication of funding for certain programs transferred from AGA to GRI effective January 1, 1979.

Algonquin Gas proposes that the effective date of the revised tariff sheets be January 1, 1979.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state 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, N.E., Washington, DC 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 December 26, 1978. 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. 78-35810 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Transwestern Pipeline Company on December 4, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1, the following sheet:

Revised Tenth Revised Sheet No. 5

This sheet is being issued pursuant to Transwestern's Gas Research Institute (GRI) Surcharge Provision set forth in Section 21 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. This increase in the funding unit is in full compliance with the Commission's Opinion No. 30 issued September 21, 1978 in Docket No. RP78-76.

The proposed effective date of the above tariff sheet is January 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 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 *December 29, 1978.* 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. 78-35811 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP79-15]

GRAND BAY CO.

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Grand Bay Company, on December 7, 1978, tendered for filing proposed changes in its FERC Gas Tariff for compression service rendered. The proposed changes would increase revenues from jurisdictional service by $311,864 based on the 12-month period ending December 31, 1979.

Grand Bay states that this filing reflects rate increases in accordance with Article III of the contract between Grand Bay Company and its jurisdictional customers tendered for filing as the Grand Bay Company rate schedule on November 15, 1977.

Grand Bay requests that the Commission waive the regulation requiring 30-day notice, and requests an effective date for the rate change of January 1, 1979.

Grand Bay further requests a waiver of any of the Commission's rules and regulations as may be required.

Copies of the filing were served on the company's jurisdictional customers.

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 should be filed on or before January 2, 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. 78-35812 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. ES79-18]

IOWA POWER AND LIGHT CO.

Notice of Application

DECEMBER 18, 1978.

Take notice that on December 11, 1978, Iowa Power and Light Company (Applicant) filed an application with the Commission pursuant to Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations, for authorization to negotiate for the placement of 375,000 shares of Common Stock and up to $30 million of First Mortgage Bonds, via competitive placement. Applicant is an operating electric and gas utility, primarily engaged in the generation, transmission, distribution and sale at retail of electric energy and in the purchase, distribution and sale at retail of natural gas in central and southwestern Iowa.

The net proceeds from the sale of the Common Stock and First Mortgage Bonds will be used to repay short-term debt incurred by the Company to finance its construction program.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D. C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35767 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. CI79-133]

KOKOMO GAS AND FUEL CO.

Notice of Petition for Declaratory Order

DECEMBER 18, 1978.

Take notice that on November 9, 1978, Kokomo Gas and Fuel Company (Kokomo) filed in Docket No. CI79-133, a petition pursuant to sections 4 and 7 of the Natural Gas Act (15 U.S.C. 717(c) and (e)), Sections 311, 312 and 601 of the Natural Gas Policy Act of 1978 and Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.7(c)) requesting that the Commission issue a declaratory order stating Kokomo's continued exempt status and its rights to purchase and receive gas pursuant to certain Agreements.

Kokomo states that it purchases, stores and distributes natural gas solely within the State of Indiana, receiving all of such natural gas within the State of Indiana for ultimate consumption in Indiana, its rates and services are fully regulated by the Public Service Commission of Indiana, and Kokomo is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act. Except for certain emergency purchases made under the Emergency Natural Gas Act of 977 (Pub. L. 95-2, 91 Stat. 4 (1977)), Kokomo's sole source of natural gas supply has been Panhandle Eastern Pipe Line Company (Panhandle). Kokomo states that due to the shortage of natural gas, Panhandle is unable to meet its contract supply commitment to Kokomo. To alleviate this situation Kokomo has entered into a series of agreements: (1) With Cabot Corporation (Cabot) for exploration and development of natural gas sources for purchase by Kokomo, which Agreement was found by the Public Service Commission of Indiana to be "reasonable" and "in the best interests" of Kokomo and its customers to approve same; (2) a gas purchase contract with Cabot; and (3) a gas transportation agreement with Panhandle. The provisions of these agreements are more fully set out in the petition and attachments thereto on file with this 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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 8, 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. 78-35768 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

LAWRENCEBURG GAS TRANSMISSION CORP.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on December 1, 1978, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing seven (7) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, proposed to become effective January 1, 1979 and identified as follows:

Second Revised Sheet No. 17
Fifteenth Revised Sheet No. 18
First Revised Sheet No. 19
Second Revised Sheet No. 20
First Revised Sheet No. 20A
First Revised Sheet No. 20B
Original Revised Sheet No. 20C

Lawrenceburg states that these revised gas tariff sheets are being filed in compliance with Order No. 13, issued October 18, 1978 at Docket No. R-406 in order to modify its existing PGA (1) to limit its purchased gas adjustment filings to two (2) per year, (2) to provide for the utilization of a deferred purchased gas cost account and for the amortization of the deferred account balance through a surcharge in its PGA; (3) to provide for the recovery of carrying charges on its deferred purchased gas cost account balance; and (4) to otherwise change its existing PGA to conform to Section 154.38 of the Commission's Regulations.

In compliance with Commission's order issued on or about November 29, 1978 at Docket No. RM79-1, Lawrenceburg also included with its filing its election to utilize its Purchased Gas Adjustment Provision to recover changes in its cost of gas purchased, in lieu of general Section 4 rate cases filed pursuant to Section 154.63 of the Commission's Regulations.

Lawrenceburg has requested an effective date of January 1, 1979 for its proposed tariff sheets to correspond to the effective date specified in Order No. 13, and states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 December 26, 1978. 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. 78-35782 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP73-23 PGA79-1]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Revised Gas Tariff Sheets

DECEMBER 18, 1978.

Take notice that on December 11, 1978 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on December 4, 1978, proposed to become effective January 1, 1979, and identified as follows:

Sixteenth Revised Sheet No. 4, and
Substitute Fifteenth Revised Sheet No. 18.

Lawrenceburg states that these revised tariff sheets are being filed pursuant to its purchased gas adjustment provision in order to track a change in its cost of gas purchased from Texas Gas Transmission Corporation resulting from (1) its imposition of the GRI surcharge authorized in Opinion No. 30, (2) the settlement of its rate proceeding at Docket No. RP77-139.

The proposed changes contained in this filing would decrease revenues from jurisdictional sales by $136,607 annually, based on sales for the twelve months ended October 31, 1978.

Lawrenceburg requests an effective date of January 1, 1979 on its proposed tariff sheets, which corresponds to the effective date of the Texas Gas Transmission Corporation rate change which prompted its filing and states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 December 27, 1978. 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. 78-35813 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

MID LOUISIANA GAS CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on November 31, 1978 tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff the following tariff sheets:

Second Revised Sheet No. 26a
Fourth Revised Sheet No. 26b
Second Revised Sheet No. 26c
Second Revised Sheet No. 26d

Mid Louisiana states that the filing is to comply with the Commission Order No. 13 issued October 18, 1978 in Docket No. R-406. Specifically the changes pertain to the frequency of PGA filing dates, allow carrying charges on deferred gas purchase cost and changes in the method for determining the cost of gas component of the E-1 Rate Schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35783 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP71-16 and RP74-29]

MIDWESTERN GAS TRANSMISSION CO.

Revision to Rate Filing Pursuant to Tariff Rate Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on November 30, 1978, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Twenty-Fourth Revised Sheet No. 5 to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective January 1, 1979.

Midwestern states that the purpose of the revised tariff sheets is to revise its November 16, 1978 filing in these dockets to reflect the change in the rates filed by the supplier of its Southern System, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., on November 30, 1978. Midwestern states that in all other respects the instant filing reflects the same rate adjustments as were reflected in its November 16, 1978 filing.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 December 26, 1978. 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required

to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35756 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on November 29, 1978 tendered for filing proposed changes to the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which bear a proposed effective date of January 1, 1979:

Third Revised Sheet No. 27A
Fifth Revised Sheet No. 27B
Third Revised Sheet No. 27C
Third Revised Sheet No. 27D
Fifth Revised Sheet No. 27E
Third Revised Sheet No. 27F
Third Revised Sheet No. 27G
Fourth Revised Sheet No. 27H
Fourth Revised Sheet No. 27I
Fourth Revised Sheet No. 27J
Second Revised Sheet No. 27K

Mississippi states that Order No. 13 in the subject docket requires pipelines to file revised tariff sheets to conform their existing Purchased Gas Cost Adjustment clauses to meet the requirements of such order. Mississippi has amended its tariff sheets to reflect:

1) Semi-annual PGA effective dates of March 1 and September 1 pursuant to Section 154.38(d)(4)(vi)(a) of the Commission's Regulations, and;

2) Carrying charges computed pursuant to Section 154.38(d)(4)(iv)(c) of the Commission's Regulations.

Mississippi states that copies of its tariff filing were served on all jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1978. 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. 78-35784 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

MONTANA-DAKOTA UTILITIES CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Montana-Dakota Utilities Co. ("MDU"), on December 1, 1978, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 4

Third Revised Sheet No. 16A
Second Revised Sheet No. 16B
Second Revised Sheet No. 16C
Third Revised Sheet No. 16D
Third Revised Sheet No. 16E
First Revised Sheet No. 16F
Original Sheet No. 16G

MDU states that these tariff sheets, *inter alia*, comply with the requirements of the Commission's Order Nos. 13 and 13-A by changing the dates on which MDU will file its future PGA adjustments and by providing for carrying charges on the balances in the deferred account.

In addition, MDU states that it has made certain other changes to its PGA clause to reflect, *inter alia*, recent developments in its gas supply patterns, to change references to the former Federal Power Commission to the Federal Energy Regulatory Commission, and to provide for cost of purchased gas changes twice per year rather than according to its former schedule of once per year.

The proposed effective date is January 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any 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. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35785 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

NORTH PENN GAS CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that North Penn Gas Company (North Penn) on December 1, 1978, tendered for filing revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, in compliance with Commission Order No. 13 to be effective January 1, 1979.

The revised tariff sheets provide for the semi-annual filing of purchased gas cost adjustments each March 1 and September 1; for interest on the debit or credit balances in the Unrecovered Purchased Gas Cost Account; and for the application of the principles of interperiod income tax allocation in connection with the balance recorded in that account.

North Penn requests a waiver of any of the Commission's Rules and Regulations as may be required to permit the revised tariff sheets to become effective as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal energy Regulatory Commission, 825 North Capitol Street, 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 December 26, 1978. 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. 78-35787 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

NORTHERN NATURAL GAS CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Northern Natural Gas (Northern) on November 31, 1978, in compliance with Commission Order of October 18, 1978 issued in the above docket submitted for filing tariff sheets incorporating in its PGA Clause a provision for including carrying charges on deferred purchased gas cost.

The filed tariff sheets are:

Third Revised Volume No. 1

Second Revised Sheet No. 69
Original Volume No. 2

First Revised Sheet No. 1g
First Revised Sheet No. 1h

Northern states that copies of its filing were served on all jurisdictional customers and affected State Commissions.

Any person desiring to be heard or to protest said filing 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 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 December 26, 1978. 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. 78-35788 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-119]

NORTHWEST PIPELINE CORP.

Amendment to Application

DECEMBER 18, 1978.

Take notice that on December 1, 1978, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-119 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, by which amendment Applicant proposes to transport natural gas for Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) pursuant to an amended contract which provides for only the transportation of natural gas from the Creston Nose area of Wyoming, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application Applicant proposed to transport under a contract providing for up to 175,000 Mcf of gas per day for Michigan Wisconsin, including 15,000 Mcf of gas per day from the Creston Nose area. Applicant now proposes to transport 15,000 Mcf of gas per day under an agreement which provides only for transportation from the Creston Nose area. Applicant states that the transportation agreement has been amended and the instant amendment has been filed to make clear that the proposal in the instant docket is not related to any other project for which a request for authorization is pending before the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 8, 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 who have heretofore filed in this docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35757 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-122]

NORTHWEST PIPELINE CORP.

Amendment to Application

DECEMBER 18, 1978.

Take notice that on December 1, 1978, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-122 an amendment to its application for a certificate of public convenience and necessity, filed pursuant to Section 7(c) of the Natural Gas Act, by which amendment Northwest deletes areas from which authorization is sought to transport natural gas, all as more fully set forth in the amendment on file with the Commission and open for public inspection.

Northwest proposes in its certificate application to transport for Michigan Wisconsin Pipe Line Company pursuant to a transportation agreement of September 23, 1977, up to 175,000 Mcf per day of natural gas, including 15,000 and 25,000 Mcf per day from the Creston Nose and Lincoln Road areas of Wyoming, respectively. Northwest states in the instant amendment that since these two areas are not related to the project involving Wyoming Interstate Natural Gas System, Northwest and Michigan Wisconsin entered into an amendment on November 17, 1978, of the agreement of September 23, 1977, to delete the Lincoln Road and Creston Nose areas from their transportation agreement. Northwest and Michigan Wisconsin have separately agreed, on November 14, 1978, to transport the natural gas volumes from these two areas. Northwest states that these rearrangements have been made so that the Wyoming Interstate Natural Gas System Project and the transportation proposals for the Creston Nose and Lincoln Road area gas can be separately considered by the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 8, 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 who have heretofore filed in this docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35758 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-165]

NORTHWEST PIPELINE CORP.

Amendment to Application

DECEMBER 18, 1978.

Take notice that on December 1, 1978, Northwest Pipeline Corporation

(Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-165 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, by which amendment Applicant proposes to transport natural gas for Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) pursuant to an amended contract which provides for only the transportation of natural gas from the Lincoln Road area of Wyoming, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application Applicant proposed to transport under a contract providing for up to 175,000 Mcf of gas per day for Michigan Wisconsin, including 10,000 Mcf of gas per day from the Lincoln Road area. Applicant now proposes to transport 10,000 Mcf of gas per day under an agreement which provides only for transportation from the Lincoln Road area. Applicant states that the transportation agreement has been amended and the instant amendment has been filed to make clear that the proposal in the instant docket is not related to any other project for which a request for authorization is pending before the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 8, 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 who have heretofore filed in this docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35759 Filed 12-22-78; 8:45 am]

[6740-02-M]

Docket No. R-406]

OKLAHOMA NATURAL GAS GATHERING CORP.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on November 13, 1978, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing the following tariff sheets:

Second Revised Sheet No. 58
Fourth Revised Sheet No. 59
Second Revised Sheet No. 60
Second Revised Sheet No. 61
Second Revised Sheet No. 62
Second Revised Sheet No. 63

Gathering Corporation states that said tariff sheets will become effective on January 1, 1979, and revise its Purchased Gas Cost Adjustment clause to include a provision for carrying charges on balances accumulated in its Unrecovered Purchased Gas Cost Account. Gathering Corporation's determination dates for its Purchased Gas Adjustment Clause are changed from January 1 and July 1 to April 1 and October 1, respectively. Gathering Corporation also states that this filing is made pursuant to and in compliance with Commission Order No. 13, issued October 18, 1978. Gathering Corporation further states that in order to avoid two PGA filings in a three-month period, it proposes to postpone its PGA filing, which would have been effective on January 1, 1979, and make a later filing to become effective on the new determination date of April 1, 1979.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 December 26, 1978. 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. 78-35789 Filed 12-22-78; 8:45 am]

[6740-02-M]]

[Docket No. G-17350, *et al.*]

PACIFIC GAS TRANSMISSION

Rate Schedule Cancellation

DECEMBER 15, 1978.

Take note that on November 13, 1978 Pacific Gas Transmission Company filed with the Commission First Revised Sheet No. 107, Original Volume No. 1 of its F.E.R.C. Gas Tariff which superceeds Original Sheets Nos. 107, 108, 109, and 110. The revised sheet provides for the cancellation of the company Rate schedule X-11. The company states that rate schedule X-11 expired by its own terms on October 31, 1978 and in accordance with the Commission's February 6, 1978 order in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power 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 918 CFR 1.8, 1.10) All such petitions or protests should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants 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. 78-35814 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-16]

PAN EASTERN EXPLORATION CO.

Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on November 8, 1978, Pan Eastern Exploration Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed a petition for special relief pursuant to Section 2.5a(g)(1) of the Commission's General Policy and Interpretations. Petitioner seeks to increase its rate from the applicable national ceiling rate to $3.23 per Mcf at 14.73 psia escalated four percent (4%) per year for the sale of gas produced from a platform in High Island Blocks A-327 and A-332, High Island, Offshore Texas to Panhandle Eastern Pipe Line Company. Petitioner states that although its platform in High Island Blocks A-327 and A-332 is located at a water depth of slightly less than 250 feet, the cost of funding, developing and producing gas at that

producing platform is comparable to the cost of 250 feet.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 8, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., 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 applicable in this proceeding (49 CFR Pt. 1000). 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35760 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-84]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

DECEMBER 19, 1978.

Take notice that on November 22, 1978, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-84 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to implement (1) two gas storage agreements between it and ANR Storage Company (ANR); (2) separate transportation agreements with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Michigan Consolidated Gas Company, Interstate Storage Division (ISD); and (3) certain transportation and gas storage agreements for certain existing customers, all as more fully described in the application which is on file with the Commission and open to public inspection.

It is stated that Panhandle's existing customers have been offered the opportunity to participate in long-term gas storage and transportation arrangements pursuant to which Panhandle would transport to storage during the period April 1 through October 31 (Summer Period) of each year volumes of gas designated by each customer from its volumetric entitlement, and redeliver such gas or a portion thereof during the period November 1 through March 31 (Winter Period). It is indicated that all such storage and transportation arrangements are for a period of 15 years from April 1, 1980, and that certain of Panhandle's existing customers have elected to enter into such long-term arrangements, on either a firm or off-peak basis.

It is stated that the designated volumes of gas would be transported and delivered by Panhandle to Michigan Wisconsin, thence to ISD, thence again to Michigan Wisconsin, thence to Great Lakes Gas Transmission Company (Great Lakes) pursuant to a transportation and exchange arrangement between Michigan Wisconsin and Great Lakes, and thence to ANR for injection into ANR's underground storage fields.

Description and location of each of such points of delivery is stated to be as follows:

Delivery Point from Panhandle to Michigan Wisconsin:

The point of interconnection between the pipeline systems of Panhandle and Michigan Wisconsin located in Defiance County, Ohio (the Defiance Delivery Point).

Delivery Point from Michigan Wisconsin to ISD:

The point of interconnection between the pipeline systems of Michigan Wisconsin and ISD at Michigan Wisconsin's Willow Run Meter Station located in Washtenaw County, Michigan (the Willow Run Delivery Point).

Delivery Point from ISD to Michigan Wisconsin:

The point of interconnection between the systems of Michigan Wisconsin and ISD located at Michigan Wisconsin's W. G. Woolfolk Compressor Station in Mecosta County, Michigan (the W. G. Woolfolk Delivery Point).

Delivery Point from Michigan Wisconsin to Great Lakes:

The point of interconnection between the pipeline systems of Michigan Wisconsin and Great Lakes at Farwell, Michigan (the Farwell Delivery Point).

Delivery Point from Great Lakes to ANR:

The point of interconnection between the proposed pipeline facilities of ANR and the existing pipeline facilities of Great Lakes located in Crawford County, Michigan (the Kalkaska Delivery Point).

It is stated that one of the gas storage agreements between Panhandle and ANR is for firm service (the firm contract) and provides for the annual summer period injection into storage of up to 1,140,000 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 5,774 Mcf, and that the other gas storage agreement is for off-peak service (the off-peak agreement) and provides for the annual summer period injection into storage of up to 100,000 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 507 Mcf.

It is stated that ANR would redeliver the stored volumes to Panhandle during the months of November through March of each year of the term of the contracts. Panhandle states that under the firm contract the redelivery rate would not be in excess of a Maximum Daily Quantity equal to (a) 22,800 Mcf per day until 80 percent of the stored volumes has been withdrawn from storage; (b) thereafter, 18,240 Mcf per day until 90 percent of the stored volumes has been withdrawn from storage; and (c) thereafter, 13,680 Mcf per day, and that under the off-peak contract, ANR would redeliver at daily rates and times within ANR's ability to redeliver, but, in any event, would redeliver to Panhandle 20 percent of the stored volume each month during the period of November through March. Panhandle further states that it would pay $56,354 a month to ANR for the firm contract storage service, and $3,441 per month for the off-peak contract storage.

It is stated that Panhandle and Michigan and Wisconsin have entered into two transportation agreements; one of such transportation agreements is for firm service (the firm transportation contract) and provides for the annual summer period transportation from the Defiance Delivery Point to the Willow Run Delivery Point of up to 1,160,187 Mcf, exclusive of compressor fuel, at a daily rate of up to 5,801 Mcf. Panhandle states that the firm transportation contract also provides for Michigan Wisconsin to receive at the W. G. Woolfolk Delivery Point and to transport to the Farwell Delivery Point up to 1,175,270 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 5,876 Mcf.

Panhandle states that the other transportation agreement is for off-peak service (the off-peak transportation agreement) and provides for the annual summer period transportation from the Defiance Delivery point to the Willow Run Delivery Point of up to 101,771 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 509 Mcf. Further, the application states that the off-peak transportation agreement provides for Michigan Wisconsin to transport up to 103,094 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 516 Mcf from the W. G. Woolfolk Delivery Point to the Farwell Delivery Point.

It is proposed that Michigan Wisconsin would transport and redeliver the stored volumes to Panhandle during the months of November through March of each year of the term of the contracts. It is indicated that under the firm transportation contract the transportation quantity would not be in excess of the 22,798 Mcf per day of gas to be redelivered by ISD to Michigan Wisconsin for transportation to Panhandle, and that under the off-peak transportation contract, Michigan Wisconsin would transport and redeliver at daily rates and times within

its ability to transport and redeliver, but not in excess of 1,111 Mcf of natural gas per day.

Panhandle asserts that under the firm transportation contract, it would pay Michigan Wisconsin a monthly fee of $21,170 (22.28 cents per Mcf), and under the off-peak transportation contract a monthly fee of $1,388 (16.66 cents per Mcf).

It is stated that Panhandle and ISD have entered into two transportation agreements; that one of the transportation agreements is for firm service (the firm transportation agreement) and provides for the annual summer period transportation of up to 1.14 Bcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 5,700 Mcf, from the Willow Run Delivery Point to the W. G. Woolfolk Delivery Point; and that the other transportation agreement is for off-peak service (the off-peak transportation agreement) and provides for the annual summer period transportation of up to 100,000 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 500 Mcf, between such Delivery Points.

The application shows that ISD would transport and redeliver the stored volumes to Panhandle during the months of November through March of each year of the term of the contracts; that under the firm transportation contract the transportation volumes would be the volume of gas redelivered by Michigan Wisconsin to ISD; and that under the off-peak transportation contract, ISD would transport and redeliver, within its ability, such volumes as Michigan Wisconsin redelivers to ISD.

Panhandle asserts that under the firm transportation contract, it would pay to ISD a monthly fee of $12,213 (12.85 cents per Mcf), and under the off-peak transportation contract on monthly fee of $1,071 (12.85 cents per Mcf).

The application shows that the following contracts were made by Panhandle with its existing customers, for the amount of stored volume shown:

Customer	Million cu. ft.
Illinois Power	1,000,000
Ohio Gas Company	100,000
City of Morton, Illinois	20,000
The Gas Service Company	20,000
Total	1,140,000

It is proposed that the monthly charge for the storage service rendered by Panhandle under the off-peak contract would be equal to 1/12th of the stored volume multiplied by 94.45 cents.

The application further shows that the following off-peak contracts were made by Panhandle with its existing customers, for the amount of stored volumes shown:

Customer	Million cu. ft.
Great River Gas Company	50,000
Missouri Utilities Company	50,000
Total	100,000

It is proposed that the monthly charge for the storage service rendered by Panhandle under the off-peak contract would be equal to 1/12th of the stored volume multiplied by 70.80 cents per Mcf.

It is further proposed that there would be an administrative charge of 2.50 cents per Mcf of gas transported for the customer for injection into storage, and 2.50 cents per Mcf of gas withdrawn from storage, transported and delivered to the customer.

Panhandle asserts that in each contract, the customer could carry over in storage specified volumes that the customer elected not to have redelivered during the winter period; in that event the customer could request redelivery to it in subsequent years of all or a portion of such carryover volumes in addition to that otherwise deliverable, and Panhandle would use its best efforts to redeliver such volumes.

It is stated that deliveries by Panhandle of gas for injection into storage would be performed by utilizing existing facilities and existing points of interconnection. However, it is contemplated that ANR, Michigan Wisconsin and ISD each would find it necessary to construct certain additional facilities in order to perform their obligations under the above-referenced contracts. Such new facilities of ANR, Michigan Wisconsin and ISD are as more fully set out in their respective pending applications in Dockets No. CP78-432, CP78-545 and CP78-433, respectively.

Panhandle asserts that approval and implementation of the storage and transportation service proposed herein would assist participating customers in meeting their winter season heating requirements at a minimum of cost to such customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35815 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

PEOPLES NATURAL GAS DIVISION OF NORTHERN NATURAL GAS CO.

Proposed Amendments To Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company (Peoples) on December 4, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 4, as follows:

Second Revised Sheet No. 21
First Revised Sheet No. 21a
First Revised Sheet No. 21b
Original Sheet No. 21c
Original Sheet No. 21d

The mentioned tariff sheets contain a restatement of the PGA clause in our tariff in compliance with amendments specified by FERC in Order No. 13 issued October 18, 1978 in Docket No. R-406. Peoples' PGA provision is set forth at Section 19 of the General Terms and Conditions and is entitled "Rate Adjustment to Reflect Changes in Cost of Purchased Gas".

Under the currently effective tariff, Peoples is entitled to make an adjustment at any time our supplier, Colorado Interstate Gas Company changes their rates to Peoples Division. Under the revised provision being submitted at this time for filing, Peoples will generally make a PGA adjustment once

each billing year. Peoples will record changes in purchase gas costs in Account 191, including carrying charges and make interperiod income tax allocations all as provided in Order No. 13.

The proposed effective date of the enclosed tariff sheets is January 1, 1979 as provided by Order No. 13.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1978. 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. 78-35786 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-10]

PETROLEUM, INC.

Notice of Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on October 23, 1978, Petroleum, Inc., Suite 800, R.H. Garvey Bldg., 300 West Douglas, Wichita, Kansas 67202, (Petitioner) filed an application for special relief in Docket No. RI79-10 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76).

Petitioner seeks authorization to charge 40¢ per Mcf at 14.73 psia for gas sold to Northern Natural Gas Company from Parks No. 2 Gas Unit located in Section 25-5N-19ECM, Texas County, Oklahoma. Petitioner states that the expenditure of $65,000 to purchase and install a compressor on the unit would increase the reserves from 300,000 Mcf and 750 barrels to 500,000 Mcf and 1,500 barrels.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR DOC. 78-35761 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. ER77-402]

PHILADELPHIA ELECTRIC CO.

Extension of Time

DECEMBER 13, 1978.

On December 7, 1978, the Borough of Landsdale filed a motion for extension of the briefing schedule for the Initial Decision issued on November 13, 1978, in this proceeding. The motion states that addition time is necessary for the parties to obtain further data on the issues and to allow for additional discussion.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 27, 1978 for filing briefs on exceptions to the Initial Decision. Briefs opposing exceptions are due on or before January 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35816 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket Nos. ER78-337 and ER78-338]

PUBLIC SERVICE CO. OF NEW MEXICO

Order on Rehearing Denying Requested Relief

DECEMBER 15, 1978.

By order issued August 28, 1978, the Commission [1] granted a rehearing of that portion of the June 30, 1978, order in these dockets pertaining to the burden of proof which must be met by Public Service Company of New Mexico (PNM) to effect a change in rates to the City of Gallup, New Mexico (Gallup). In the June 30 Order establishing Section 206(a) proceedings for the proposed rate increase to Gallup in Docket No. ER78-338, the Commission stated:

> In a prior docket involving the PNM-Gallup contract it has already been determined that PNM is not required to meet the heavy burden of proof associated with the Sierra-Mobile decisions in order to effect a change in rates to Gallup.[22]

For reasons that will be set forth herein, we find that Gallup has presented no facts or principles of law that warrant a modification of our June 30, 1978 order. The FPC's holding in Docket No. E-9454 is reaffirmed.[2] Gallup's request for relief shall be denied.

On rehearing, Gallup alleges that "new" material is now before this Commission which was not before the FPC at the time that its decision was rendered in Docket No. E-9454. The "new" material to which Gallup alludes is paragraph 12 of the 1948 Sierra-Pacific contract which was the subject of *F.P.C.* v. *Sierra-Pacific Power Company,* 350 U.S. 348 (1956). Paragraph 12 in its entirety reads as follows:

> This agreement shall become effective as of January 1, 1948, upon procurement of an order by the Public Utilities Commission of the State of California authorizing the parties hereto to carry out the terms and conditions hereof. This agreement shall at all times be subject to such changes and/or modifications as said Commission may from time to time direct in the exercise of its jurisdiction.

Gallup juxtaposes this language against Article XII of the PNM-Gallup contract language which provides:

> This contract, including the tariff made a part hereof, shall at all times be subject to such changes or modifications as shall be ordered from time to time by any legally constituted regulatory body having jurisdiction to require such change or modifications.

Gallup states that these are "parallel" contractual provisions which provide for "regulatory change at Commission initiative" and that on the basis of such language the Supreme Court in *Sierra, supra,* articulated a heavier burden of proof which must be met to effect a change.

In response,[3] PNM submits that the two contracts differ significantly. First, PNM states that paragraph 12 of the *Sierra* contract provided that the terms of the contract in general shall be subject to regulatory modifi-

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[1] The "Commission" when used in the context of an action taken prior to October 1, 1977 refers to the FPC; when used otherwise, the reference is to the FERC.

[22] Orders of July 31 and September 26, 1975, *Public Service Company of New Mexico,* Docket No. E-9454. (mimeo at 7.)

[2] The PNM-Gallup contract in Docket No. E-9454 is the same contract under consideration in this docket. The FPC's interpretation of this contract as requiring a Section 206(a) proceeding to effect a change was affirmed in *Public Service Company of New Mexico* v. *F.P.C.,* 557 F.2d 227 (10th Cir. 1977). The Court dismissed Gallup's claim that the heavier *Sierra-Mobile* burden of proof should apply because the FPC's order was interlocutory in nature and thus nonreviewable until the completion of the proceedings.

[3] Filed pursuant to Section 1.34(d) on September 13, 1978, as provided in the August 28, 1978 order.

cation, whereas the PNM-Gallup contract provides not only that the contract but the tariff itself would be subject to modification by order of a regulatory body.[4] Second, PNM points out that the Commission referred to in the *Sierra* contract was the California Commission. The agreement was subject only to such modification as directed by that Commission and there was no provision for modification of the agreement by order of the Federal Power Commission. PNM contends that this stands in contrast to the PNM-Gallup contract which provides for modification of the rates by order of "any legally constituted regulatory body having jurisdiction to require such changes or modifications." PNM submits that jurisdiction over the PNM-Gallup contract lies with the FERC and a change in rates by order of this Commission after a Section 206 proceeding is consistent with the language of the contract.

PNM also refers to two other provisions in the PNM-Gallup contract which have no equivalent in the *Sierra* contract. These provisions deal with Gallup's option to terminate the contract.[5] PNM submits that Gallup's additional right to terminate the contract demonstrates that the parties contemplated an increase in rates by methods other than those already available. In other words, if the only method of change available to PNM was through a Section 206 proceeding involving the heavy *Sierra-Mobile* burden, then Gallup's additional right to terminate the contract would be superfluous.

We find Gallup's argument that the similarity in contract language between the *Sierra* contract and the PNM-Gallup contract requires the imposition of the heavier *Sierra-Mobile* burden of proof to be only superficially appealing. The Supreme Court's decision in *Sierra* must be read together with *Mobile*,[6] *Memphis*,[7] and subsequent federal court decisions which have led to refinement of Commission analysis of *Sierra-Mobile* contracts.

As a starting point, the clear import of the *Mobile* case is that the relations between a utility and its customers may be established by contract and that Section 4(d) of the Natural Gas Act, (which is equivalent to Section 205(d) of the Federal Power Act) does not provide a mechanism for abrogating the terms of the contract. Instead, as the Court stated:

> Section 4(d) on its face indicates no more than that otherwise valid changes cannot be put in effect without the required notice to the Commission. To find in the Section a further purpose to empower natural gas companies to change their contracts unilaterally requires reading into it language that is neither there nor reasonably to be implied. (350 U.S. at 340, 341)

This principle was reaffirmed in *Sierra*, where the Court went on to clarify the standard under which the Commission could relieve a utility of an improvident bargain struck in a fixed-rate contract.[8]

Subsequently in *Memphis* the Court affirmed the Commission's interpretation of a contract as one which permitted unilateral rate increase filings. In distinguising *Mobile*—the Court stated:

> The important and indeed decisive difference between this case and *Mobile* is that in *Mobile* one party to the contract was asserting that the Natural Gas Act somehow gave it the right unilaterally to abrogate its contractual undertaking, whereas here the petitioner seeks simply to assert, in accordance with the procedures specified by the Act, *rights expressly reserved to it by contract* (358 U.S. at 112, emphasis added).

These cases make it clear that the initial point of Commission inquiry is to establish whether the parties agreed contractually to a specific rate or whether they agreed to a rate changeable in a specific manner.[9] The importance of contractual interpretation has been reemphasized by a recent case which held that the parties may not only extend the protection of their contract to the mechanics of a rate change but also to the effective date of the change.[10]

With this review of controlling precedents we analyze Gallup's argument. Because the contract does not appear in the text of the opinion in *Sierra*, we have no basis for inferring that the Court's conclusion on the fixed rate nature of the contract derives from the fact that the rates could only be changed by Commission direction. An equally plausible conclusion would be the one proffered by PNM, that because the *Sierra* contract specified that rate changes could only be effected by direction of the California Commission, the parties specifically did not provide for rate changes by the FPC.

Upon review of the PNM-Gallup contract, we find the FPC properly interpreted the contract as one which provided for change in a specified manner. The FPC focused on the clause in the PNM-Gallup contract which provides that the rate shall be subject to change by order issued by the regulatory body having jurisdiction. As the FPC noted, this clause clearly indicated that the parties did not intend to allow a change in rates by unilateral filings under Section 205, but only by "order" of the Commission, i.e. a change in rates prospectively after a Section 206(a) proceeding.[11] Since the parties have prescribed a method for changing the rates there would be no need for the Commission to act under the overriding public interest standard enunciated in *Sierra* which only applies where the parties do not provide for any change in rates. Therefore, the *Sierra-Mobile* burden of proof does not apply to these proceedings. Gallup's petition for rehearing shall be denied.

The Commission orders:

(A) Gallup's petition for rehearing is hereby denied.

(B) The Secretary shall cause prompt publication to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-35817 Filed 12-22-78; 8:45 am]

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[4] We note that the Sierra-Pacific contract also contained the agreed upon rates. Therefore, PNM's distinction on this basis is unpersuasive.

[5] The provisions to which PNM refers are contained in Article II of the PNM-Gallup contract. The first cancellation provision appears under the Section entitled "Terms" and provides an option for Gallup (but not PNM) to terminate the Contract upon 48 months notice. The additional cancellation provision appears in the Section entitled "Change in Rates" and provides Gallup an option to cancel within 90 days of any rate increase (other than increases for fuel costs or tax adjustments).

[6] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

[7] *United Gas Pipeline Co.* v. *Memphis Light Gas & Water Division*, 358 U.S. 103 (1958).

[8] Establishing what has come to be referred to as the *Sierra-Mobile* burden the Court stated: In such circumstances the sole concern of the Commission would seem to be whether the rate is so low as to adversely affect the public interest as where it might impair the financial ability of the public utility to continue its service, cast upon other consumers an excessive burden, or be unduly discriminatory. (350 U.S. at 355.)

[9] *Richmond Power and Light*, v. *FPC*, 481 F2d 490, at 497 (D.C. Cir. 1973).

[10] *City of Kaukauna* v. *FERC*, Docket No. ER76-1561, (D.C. Cir.) July 24, 1978.

[11] Docket No. E-9454, Order issued July 31, 1975, (mimeo at 4); Docket No. E-9454, Order issued September 26, 1975, (mimeo at 8).

[6740-02-M]

[Docket No. R-406]

RATON NATURAL GAS CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that Raton Natural Gas Company (Raton) on December 8, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Second Revised Sheet No. 20a
Third Revised Sheet No. 20b
First Revised Sheet No. 20c

Raton states that the purpose of its filing is to conform Raton's existing

Purchased Gas Adjustment Clause to the requirements of the regulations as amended by Order No. 13 and Order No. 13-A, issued on October 18, 1978 and November 27, 1978, respectively.

Raton has requested waiver of the Commission's requirement that this filing be made on or before December 1, 1978, and has requested an effective date of January 1, 1979.

Raton states that copies of the filing have been mailed to the company's sole jurisdictional customer and the Public Service Commission of New Mexico.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35790 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

SEA ROBIN PIPELINE CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on November 29, 1978, Sea Robin Pipeline Company (Sea Robin) filed with the Federal Energy Regulatory Commission (Commission) the following revised tariff sheets as a part of its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 5
Second Revised Sheet No. 6
Third Revised Sheet No. 7

The tariff sheets listed above are being filed to revise the Purchased Gas Cost Adjustment provisions set out in Section 1 of Sea Robin's tariff to conform with the amendments to Section 154.38 of the Regulations under the Natural Gas Act as set forth in Commission Order No. 13, issued October 18, 1978, at Docket No. R-406. Also, by this filing, Sea Robin notified the Commission of its election to recover changes in purchased gas costs through semi-annual PGA filings pursuant to the rulemaking at Docket No. RM79-1. Sea Robin requests that these tariff sheets be accepted for filing to become effective January 1, 1979.

Copies of this filing are being mailed to Sea Robin's jurisdictional customers and interested state 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 December 26, 1978. 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. 78-35791 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that South Texas Natural Gas Gathering Company (South Texas) on December 1, 1978, tendered for filing with the Federal Energy Regulatory Commission its Rate Supplement No. 24 to Rate Schedule No. 1. This filing is in compliance with the Federal Energy Regulatory Commission's Order No. 13, issued October 18, 1978.

Copies of the filing were served by South Texas upon its only affected customer, Natural Gas Pipeline Company of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., 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 December 26, 1978. 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. 78-35792 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that South Texas Natural Gas Gathering Company (South Texas) on December 1, 1978, tendered for filing with the Federal Energy Regulatory Commission its Rate Supplement No. 90 to Rate Schedule No. 2. This filing is in compliance with the Federal Energy Regulatory Commission's Order No. 13, issued October 18, 1978.

Copies of the filing were served by South Texas upon its only affected customer, Transcontinental Gas Pipe Line Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., 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 December 26, 1978. 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. 78-35793 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket Nos. ER76-177, ER76-207, ER76-208, and ER76-210]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Compliance Filing

DECEMBER 15, 1978.

Take notice that on November 30, 1978, Southwestern Electric Power Company (SWEPCO) tendered a revised cost of service and amendments to its rate schedule in purported compliance with Commission Opinion No. 28 in the above-captioned dockets.

Any person desiring to be heard or to protest said filing should file comments or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before Janaury 5, 1979. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35769 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-17]

SUN OIL CO.

Notice of Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on November 9, 1978, Sun Oil Company (Petitioner), Two North Park East, Box 20, Dallas, Tex. 75221, filed a petition for special relief in Docket No. RI79-17 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner requests authorization to charge 43,5313 cents per Mcf at 14.65 psia, subject to BTU adjustment, for the sale of gas from its Lucas Unit, Well No. 1, Woodward County, Oklahoma. In order to prevent premature abandonment, Petitioner proposes to install a compressor. Petitioner is currently entitled to collect a base rate of 29.3398 cents per Mcf, plus 7.02685 cents per Mcf tax reimbursement at 14.65 pisa subject to BTU adjustment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Janaury 8, 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. 78-35770 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI79-18]

SUN OIL CO.

Notice of Petition for Special Relief

DECEMBER 18, 1978.

Take notice that on November 20, 1978, Sun Oil Company (Petitioner), Two North Park East, Box 20, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI79-18 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner requests authorization to charge a total rate of 46.0567 cents per Mcf at 14.73 psia, subject to BTU adjustment, for the sale of gas from its H. A. Gardner, Well No. 1, Woods County, Oklahoma. Petitioner proposes to workover the H. A. Gardner Well No. 1 at an estimated cost of $50,000. Petitioner is currently entitled to collect a base rate of 29.500 cents per Mcf at 14.73 psia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such petitions or protests should be filed on or before January 8, 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. 78-35771 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP75-13, *et al.*]

TENNESSEE GAS PIPELINE CO.

Filing of Refund Report

DECEMBER 8, 1978.

Take notice that on November 27, 1978, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) filed a refund report concerning refunds made to it by Tennessee Gas Pipeline Company (Tennessee). These refunds relate to the reduction of Tennessee's rates in Docket No. RP77-62 in accordance with terms of a Stipulation and Agreement approved by Commission letter order of May 1, 1978 in Docket No. RP75-13, *et al.*

Tennessee Natural states that it received a refund from Tennessee on September 18, 1978 and distributed a refund of $232,962.73 to its sole-jurisdictional customer, Nashville Gas Company (Nashville) on November 2, 1978. The refund to Nashville covers the period July 1, 1977 through June 30, 1978.

Tennessee Natural states that the refund it received reflects a reduction in the demand rate since it received more demand charge credit in prior periods than under the rates approved in the above captioned dockets. Tennessee Natural states that adjustments will be made at the conclusion of Docket Nos. RP77-11, RP76-11, (PGA76-1).

Tennessee Natural states that service of the report will be made on Nashville and the Tennessee 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, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.19). All such petitions or protests should be filed on or before December 27, 1978.

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. 78-35772 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket Nos. CP78-490, CP78-499, CP78-523, CP78-508]

TENNESSEE GAS PIPELINE CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity and Granting Petitions To Intervene

DECEMBER 15, 1978.

On August 21, August 30, and September 15, 1978, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee),[1] filed in Docket Nos. CP78-490, CP78-499, and CP78-523, respectively, and on September 5, 1978, Transcontinental Gas Pipe Line Corporation (Transco)[2] filed in Docket

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[1] Tennessee, a Delaware corporation having its principal place of business in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by order of July 12, 1947, in Docket No. G-910 (6 FPC 777).

[2] Transco, a Delaware corporation its principal place of business in Houston, Texas, is

Footnotes continued on next page

No. CP78-508 applications pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing Tennessee to transport natural gas for The Brooklyn Union Gas Company (Brooklyn Union), Berkshire Gas Company (Berkshire), and Bay State Gas Company (Bay State), Tennessee's existing customers, and authorizing Transco to transport natural gas for Brooklyn Union, also a customer of Transco, all as more fully set forth in the applications.

The subject transportation services are to enable Brooklyn Union, Berkshire, and Bay State to receive volumes of natural gas equivalent to liquefied natural gas (LGN) which they will purchase from Distrigas of Massachusetts Corporation (DOMAC). In order to effect receipt by the three customers of equivalent volumes of natural gas, Boston Gas Company (Boston Gas), an existing customer of Tennessee, will receive daily volumes of LNG from DOMAC and will release equivalent volumes of natural gas to Tennessee for the three customers' accounts at Tennessee's existing Arlington sales meter station delivery point to Boston Gas in Middlesex County, Massachusetts. The volumes which Boston Gas will make available to Tennessee at the receipt point will be volumes designated by Boston Gas from its contracted demand purchases from Tennessee under Tennessee's Rate Schedule CD-6.

In Docket No. CP78-490 Tennessee proposes to transport and deliver up to 20,000 Mcf of gas per day to Brooklyn Union at Tennessee's existing White Plains sales meter station, Westchester County, New York, and/or, as requested by Brooklyn Union and agreed to by Tennessee, to Transco at Tennessee's existing Rivervale sales meter station to Transco, Bergen County, New Jersey, for redelivery by Transco to Brooklyn Union. In Docket No. CP78-499 Tennessee proposes to transport and deliver up to 1,190 Mcf of gas per day, or at Tennessee's option additional volumes if such are tendered by Boston Gas, to Berkshire at Tennessee's existing North Adams sales meter station, Berkshire County, Massachusetts. In Docket No. CP78-523 Tennessee proposes to transport and deliver up to 5,000 Mcf of gas per day, or at Tennessee's option additional volumes if such are tendered by Boston Gas, to Bay State at Tennessee's existing Agawam sales meter station delivery point, Hampden County, Massachusetts. In Docket No. CP78-508 Transco proposes to receive gas from Tennessee, for Brooklyn Union's account, and to transport and deliver equivalent quantities to Brooklyn Union at existing points of delivery to that customer.

Tennessee proposes to charge the three customers demand and commodity charges for transportation through its mainline and its New England laterals. The commodity and demand charges are based on actual mainline and lateral cost data submitted in Tennessee's rate case in Docket No. RP77-62.[3] The rates to be charged each customer differ since the distances of transportation differ; however, since the transportation in each case is accomplished through a backhaul arrangement, no gas is being physically transported from Boston Gas. As a result any costs associated with using the facilities involved are presently being recovered through rates collected from all of Tennessee's present customers. Accordingly, Tennessee should credit all revenues collected from the three distributors in excess of the incremental cost to Account No. 191 of the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies. Additionally, since the costs used to develop the rates were based on the initial costs as submitted in Tennessee's rate case in Docket No. RP77-62, the rate levels associated with the transportation service should be conditioned to the determination in the proceeding pending in Docket No. RP77-62. Tennessee also proposes to charge the three customers an added volume charge if under the subject proposals any of them purchase less than its full entitlement from Tennessee under its gas purchase rate schedule during periods of curtailment. Tennessee has sought authority to collect an added volume charge in the proceeding presently pending before the Commission in Docket No. CP76-492, *et al.* Accordingly, Tennessee shall be permitted to collect the subject added volume charge subject to refund pending the determination on the same issue in Docket No. CP76-492, *et al.*

Transco proposes to charge 7.0 cents per dekatherm equivalent of natural gas transported for Brooklyn Union and to retain 0.6 percent of the volumes received for transportation for compressor fuel and line loss.

The proposed transportation and delivery of natural gas will be in interstate commerce, subject to the jurisdiction of the Commission, and are, therefore, subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

After due notice by publication in the FEDERAL REGISTER on September 11, 1978 (43 FR 40281), in Docket No. CP78-490, September 25, 1978 (43 FR 43363), in Docket No. CP78-499, September 25, 1978 (43 FR 43364), in Docket No. CP78-508, and October 5, 1978 (43 FR 46072), in Docket No. CP78-523, petitions to intervene were filed by the following:

CP78-490: Boston Gas, Brooklyn Union, Distrigas Corporation and DOMAC and Algonquin Gas Transmission Company.
CP78-499: Boston Gas and Berkshire.
CP78-508: Brooklyn Union and Boston Gas.
CP78-523: Bay State and Boston Gas.

None of said petitioners to intervene requests a formal hearing in these dockets. No further petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on December 7, 1978, the Commission on its own motion received and made a part of the record in these dockets all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds: (1) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(2) The proposed transportation and delivery of natural gas by Applicants are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(3) Participation by the respective petitioners to intervene in these dockets may be in the public interest.

The Commission orders: (A) Certificates of public convenience and necessity are issued authorizing Applicant, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., to transport and deliver natural gas as hereinabove described, all as more fully discribed in the applications in Docket Nos. CP78-490, CP78-499, and CP78-523, upon the terms and conditions of this order.

(B) A certificate of public convenience and necessity is issued authorizing Applicant, Transcontinental Gas Pipe Line Corporation, to transport and deliver natural gas as hereinabove described, all as more fully described in the application in Docket No. CP78-508, upon the terms and conditions of this order.

(C) The certificates issued by paragraphs (A) and (B) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(3), (e), and (f) of Section 157.20 of such Regulations.

Footnotes continued from last page

a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order of November 18, 1948, in Docket No. G-1143 (7 FPC 145).

[3] The proceeding in Docket No. RP77-62 is pending before the Commission and rates are being collected subject to refund.

(D) Tennessee shall credit all revenues collected for the transportation services herein authorized in excess of its incremental costs associated with the performance of said services to Account No. 191, Unrecovered Purchased Gas Costs, of the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies.

(E) The rate levels associated with the transportation charges for the service herein authorized to be performed by Tennessee shall be subject to the final determination of the pending rate proceeding in Docket No. RP77-62.

(F) Tennessee shall collect the added volume charges for the services herein authorized subject to refund pending the final determination in the pending proceeding in Docket No. CP76-492, *et al.*

(G) Petitioners to intervene are permitted to intervene in the respective dockets subject to the rules and regulations of the Commission; *Provided, however,* that participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and, *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these dockets.

By the Commission. Commissioner Holden voted present.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-35818 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

TENNESSEE NATURAL GAS LINES, INC.

Proposed Amendments To Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that, on December 1, 1978, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing the following listed tariff sheets to become effective January 1, 1979.

Fourth Revised Sheet No. 4-B.
First Revised Sheet No. 4-B(1).
Original Sheet No. 4-B(2).
First Revised Sheet No. 4-C.

TNGL states that the sole purpose of its instant tariff filing is to conform the existing Purchased Gas Cost Adjustment ("PGA") provisions of its tariff to the requirements of the Commission's Order Nos. 13 and 13-A, issued October 18 and November 27, 1978, respectively.

TNGL states that copies of the filing were served upon its jurisdictional customer and the interested state regulatory 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, 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 December 26, 1978. 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. 78-35794 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP71-11; (PGA79-1)]

TENNESSEE NATURAL GAS LINES, INC.

PGA Rate Change

DECEMBER 18, 1978.

Take notice that, on December 1, 1978, Tennessee Natural Gas Lines, Inc., ("TNGL") tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions to its F.E.R.C. Gas Tariff, consisting of the following tariff sheet:

Twenty-Ninth Revised Sheet No. PGA-1.

TNGL states that the sole purpose of said PGA filing is to reflect in its rates the changed rates of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., ("TGP"), which will become effective on January 1, 1979. TNGL requests the same effective date, January 1, 1979, for the tariff sheet filed by it.

TNGL states that copies of the filing were served upon its jurisdictional customer and the interested state regulatory 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, 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 December 27, 1978. 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. 78-35819 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that Texas Eastern Transmission Corporation on November 17, 1978 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Forty-sixth Revised Sheet No. 14.
Forty-sixth Revised Sheet No. 14A.
Forty-sixth Revised Sheet No. 14B.
Forty-sixth Revised Sheet No. 14C.
Forty-sixth Revised Sheet No. 14D.

Texas Eastern is reducing its rates pursuant to ordering paragraph F of the Commission's Order issued September 17, 1975 in Docket No. RP74-41. Such order requires Texas Eastern to refund to its jurisdictional customers the carrying charges attributable to any amount of advances which are not actually spent by the recipient-producers on exploration, development and production with respect to completed projects or projects not completed within the 5-year limitation of the Commission's advance payment orders and thus for which rate base treatment must terminate.

The proposed effective date is February 1, 1979.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 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 *December 26, 1978.* 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. 78-35820 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

TEXAS GAS PIPE LINE CORP.

DECEMBER 18, 1978.

Take notice that Texas Gas Pipe Line Corporation (Texas Gas) on November 7, 1978, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following sheets:

First Revised Sheet No. 19a.
First Revised Sheet No. 19c.

Texas Gas states that the above tariff sheets are being filed pursuant to Order No. 13 issued October 18, 1978, in Docket No. R-406, and Sections 154.63 and 154.26 of the Commission's Regulations.

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 December 26, 1978. 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. 78-35795 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP76-30; (PGA79-1)]

TEXAS GAS PIPE LINE CORP.

Tariff Sheet Filing

DECEMBER 13, 1978.

Take notice that on November 30, 1978, Texas Gas Pipe Line Corp. pursuant to Section 154.62 of the Commission Regulations under the Natural Gas Act, filed Seventh Revised Sheet No. 4a to its FERC Gas Tariff, First Revised Volume No. 1. Texas Gas states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 of the General Terms and Conditions of the tariff. More specifically, the tariff sheet reflects a net increase over that currently being collected of 28.95 cents per Mcf (at 14.65 Psia) to be effective January 1, 1979.

Any person desiring to be heard and to make any protest with reference to said filing should on or before December 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Texas Gas' tariff filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35773 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP79-11]

TEXAS GAS PIPE LINE CORP.

Proposed Changes In FERC Gas Tariff

DECEMBER 15, 1978.

Take notice that Texas Gas Pipe Line Corporation (TGPLC), on December 1, 1978, tendered for filing proposed changes in its FERC Gas Tariff First Revised Volumes No. 1 and Original Volume No. 2. The proposed changes would increase revenues, exclusive of purchased gas cost adjustments, from jurisdictional sales and service by $135,282 based on the 12-month period ending August 31, 1978, as adjusted. TGPLC states that the principal reasons for the proposed rate increases are increased operating expenses partially offset by a lower return allowable because of a reduced rate base and to offset a net operating revenue deficiency.

Copies of the filing were served upon the company's jurisdictional customers.

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 rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1978. Protests will be considered by the Commission in determining the appropriation 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 now on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35774 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP77-139 & RM77-14]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

DECEMBER 18, 1978.

Take notice that on November 29, 1978, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Revised Second Substitute Twenty-fourth Revised Sheet No. 7 to its FERC Gas Tariff, Third Revised Volume No. 1. This filing reflects the Base Tariff Rates approved in the settlement of Docket No. RP77-139 in Second Substitute Twenty-fourth Revised Sheet No. 7 filed on November 14, 1978 which reflected the Gas Research Institute Charge Adjustment provision of 0.35¢ per Mcf, as provided in Opinion No. 30, issued September 21, 1978 in Docket No. RM78-76. This filing is proposed to become effective January 1, 1979.

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 December 26, 1978. 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. 78-35775 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-97]

TUCSON GAS & ELECTRIC CO.

Filing

DECEMBER 15, 1978.

Take notice that Tucson Gas & Electric Company (Tucson) on December

5, 1978, tendered for filing a power sale and interconnection agreement dated November 29, 1978 entitled Tucson—San Diego Ten Year Power Sale and Interconnection Agreement between Tucson and San Diego Gas & Electric Company (San Diego). Tucson states that this agreement provides for the sale of Power by Tucson to San Diego from both Tucson's system resources and from various generating units owned or to be owned by Tucson. Tucson requests an effective date of March 1, 1979.

Copies of this filing were served upon San Diego, according to Tucson.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35776 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RA79-1]

UNION OIL COMPANY OF CALIFORNIA

Filing of Petition for Review and Extension of Time

DECEMBER 15, 1978.

Take notice that Union Oil Company of California (Union) on October 30, 1978, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy, issued on September 8, 1978, which denied Union's application for an exception from the Mandatory Petroleum Allocation Regulations. (Case No. FEE-4411).

A copy of the petition for review has been served by Union on the Secretary of the Department of Energy through service upon the Director of the Department's Office of Hearings and Appeals.

Any person desiring to be heard with reference to such filing should on or before December 29, 1978, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

On December 1, 1978, the Secretary of the Department of Energy, by counsel, filed a motion for an extension of time for the filing of the administrative record developed in prior proceedings on the contested order and for the filing of the Secretary's reply to Union's petition for review. The motion states that, due to difficulties in the transmission of the petition for review served upon the Director of the Office of Hearings and Appeals, counsel for the Secretary did not receive the petition for review until November 28, 1978. Accordingly, the Office of Hearings and Appeals had not been instructed prior to that date to prepare the administrative record in this proceeding. As a result of these circumstances, the Secretary represents that a substantial amount of time will be required to prepare the administrative record and the Secretary's response to the petition for review. In addition, the motion states that Union's counsel has no objection to the granting of an extension until December 22, 1978.

Upon consideration, notice is hereby given that an extension of time is granted to the Secretary to and including December 22, 1978 for the filing of the administrative record and the Secretary's response to Union's petition for review.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35821 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

UNITED GAS PIPE LINE CO.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Take notice that on November 29, 1978, United Gas Pipe Line Company (United) filed with the Federal Energy Regulatory Commission (Commission) the following revised tariff sheets as a part of its FERC Gas Tariff, First Revised Volume No. 1:

Third Revised Sheet No. 74-B
Fourth Revised Sheet No. 74-C
Third Revised Sheet No. 74-D
Fourth Revised Sheet No. 74-E
Fourth Revised Sheet No. 74-F

The tariff sheets listed above are being filed to revise the Purchased Gas Cost Adjustment provisions set out in Section 19 of United's tariff to conform with the amendments to Section 154.38 of the Regulations under the Natural Gas Act as set forth in Commission Order No. 13, issued October 18, 1978, at Docket No. R-406. Also, by this filing, United notified the Commission of its election to recover changes in purchased gas costs through semi-annual PGA filings pursuant to the rulemaking at Docket No. RM79-1. United requests that these tariff sheets be accepted for filing to become effective January 1, 1979.

Copies of this filing are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 December 26, 1978. 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. 78-35796 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-68]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

DECEMBER 18, 1978.

Take notice that on December 4, 1978 United Gas Pipe Line Company (United) tendered for filing with the Federal Energy Regulatory Commission (Commission) Substitute Sixteenth Revised Sheet No. 99 to its FERC Gas Tariff, First Revised Volume No. 1. The purpose of this filing is to change the minimum billing demands in excess of the Maximum Daily Quantity inadvertently included on Sixteenth Revised Sheet No. 99. The proposed effective date of this sheet is December 1, 1978.

Copies of this filing are being mailed to all of United's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, 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 December 27, 1978. 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. 78-35822 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

VALLEY GAS TRANSMISSION, INC.

Proposed Amendments to Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Valley Gas Transmission, Inc. ("Valley"), on December 1, 1978, submitted for filing as part of its FERC Gas Tariff, Original Volume No. 1 the following tariff sheets:

First Revised Sheet No. 177
First Revised Sheet No. 178
First Revised Sheet No. 179
First Revised sheet No. 180
Original Sheet No. 180A
Original Sheet No. 180B

Valley states that these tariff sheets comply with the requirements of the Commission's Order Nos. 13 and 13-A by changing the dates on which Valley will file its future PGA adjustments and by providing for carrying charges on the balances in the Deferred Account.

The proposed effective date is January 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party therein must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35797 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

WESTERN GAS INTERSTATE CO.

Proposed Amendments To Purchased Gas Cost Adjustment Provisions

DECEMBER 18, 1978.

Western Gas Interstate Company ("Western"), on December 1, 1978, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

ORIGINAL VOLUME NO. 1

Eleventh Revised Sheet No. 3A
Second Revised Sheet No. 33
Second Revised Sheet No. 33A
Second Revised Sheet No. 33B
Third Revised Sheet No. 33C

Western states that these tariff sheets, *inter alia*, comply with the requirements of the Commission's Order Nos. 13 and 13-A by changing the dates on which Western will file its future PGA adjustments and by providing for carrying charges on the balances in the Deferred Account.

In addition, Western states that it has made other changes to its PGA clause to reflect certain editorial changes, revisions in the Commission's Regulations promulgated by Order No. 15, and the addition of Rate Schedule G-R applicable to a newly certificated service.

The proposed effective date is January 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any 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. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3579 Filed 12-22-78; 8:45 am]

[6740-02-M]

[Docket No. R-406]

WESTERN TRANSMISSION CORP.

Proposed Amendments to Purchased Gas Cost Adjustments Provisions

DECEMBER 18, 1978.

Take notice that Western Transmission Corporation (Western) on November 29, 1978, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following sheets:

First Revised Sheet No. 18-A, superseding Original Sheet No. 18-A
First Revised Sheet No. 18-B, superseding Original Sheet No. 18-B
First Revised Sheet No. 18-C, superseding Original Sheet Nos. 18-C and 18-D.

The proposed changes conform Western's Purchased Gas Cost Adjustment Clause to the requirements of Order No. 13, isued October 18, 1978, in Docket No. R-406 and the Errata Notice of October 20, 1978.

In accordance with the referenced Order, the tariff changes will become effective January 1, 1979.

Copies of this filing have been served upon Colorado Interstate Gas Company.

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, DC 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 *December 26, 1978.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petiton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-35799 Filed 12-22-78; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

APPLICATION FOR EXCEPTION FILED BY TEXACO, INC.

Public Hearing

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of public hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notice of a public hearing to be held in Washington,

D.C. to receive comments with respect to an Application for Exception filed by Texaco, Inc. on December 4, 1978. In its submission, Texaco requests relief from the provisions of 10 CFR 211.10, which requires that allocations of motor gasoline be determined by reference to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide suppliers and any other interested persons an opportunity to make oral presentations regarding the basis for Texaco's request that exception relief be granted to Texaco which permits the firm to determine allocation levels on the basis of each purchaser's purchases during the corresponding calendar month of the preceding year.

DATES: Hearing, January 12, 1979. Request to speak, January 5, 1979.

ADDRESSES: Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WP, 2000 M Street, N.W., Room 2313, Washington, D.C. 20461, (202) 254-5201.

Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Comments and Further Information to: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION: Currently pending before the Office of Hearings and Appeals is an Application for Exception which was filed by Texaco, Inc. on December 4, 1978. In its Application for Exception, Texaco states that because its refineries do not produce enough motor gasoline to fully satisfy its supply obligations, it is and will continue to be heavily dependent on the gasoline which it can purchase on the open market. Although Texaco has been able to augment its gasoline supplies through purchases, the firm indicates that if it were suddenly unable for any reason to purchase gasoline on the open market it would no longer be able to meet the supply requirements of its customers. In the event of such a shortage, Texaco claims that it would immediately have to allocate its limited supplies of gasoline.

Texaco states that if it is required to allocate its supplies in accordance with current allocation regulations Texaco's independent retailers would suffer a serious hardship and gross inequity. Texaco contends that in order to equitably distribute its available supplies of gasoline from December 1, 1978 until March 31, 1979, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in § 211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Texaco and may have a precedential effect on other purchasers and suppliers, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the underlying Texaco exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by January 9, 1979. The Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please submit 100 copies of the Proposed Statement by noon the day before the hearing.

At the hearing, representatives from Texaco will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements, subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. Issued in Washington, D.C., December 18, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

[FR Doc. 78-35713 Filed 12-22-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1000-8]

URBAN AIR QUALITY PLANNING GRANTS UNDER SECTION 175 OF THE CLEAN AIR ACT

Availability of Grants

AGENCIES: Environmental Protection Agency and Department of Transportation.

ACTION: Notice of availability of grants and request for public comments.

SUMMARY: Section 175 of the Clean Air Act, as amended August 1977 (Public Law 95-95), authorizes the Administrator of the Environmental Protection Agency (EPA) to make planning grants to organizations of local elected officials with transportation or air quality maintenance planning responsibilities. A request for an initial appropriation to fund this program was submitted to the Congress as part of the President's Urban Policy Message on March 27, 1978.

The purpose of this notice is to announce the immediate availability of grant funds under section 175 and to solicit the public's views on the grant program. This notice sets forth the interim priorities and procedures under which section 175 funds will be allocated and disbursed to organizations of local elected officials. Public comments will be considered in the preparation of a final notice. Disbursement will be made through the existing grant process administered by the Urban Mass Transportation Administration (UMTA) of the Department of Transportation (DOT) in accordance with the DOT-EPA Interagency Agreement of November 3, 1978 (Appendix B to this notice).

DATE: Written comments must be received by January 25, 1979.

ADDRESS: Written comments may be submitted to: U.S. Environmental Protection Agency, Office of Transportation and Land Use Policy (ANR-445), 401 M Street, S.W., Washington, D.C. 20460, Attn: Section 175 Grants.

FOR INFORMATION CONTACT:

Gary C. Hawthorn, U.S. Environmental Protection Agency, Office of Transportation and Land Use Policy (ANR-445), 401 M Street, S.W.,

Washington, D.C. 20460, (202) 755-0603.

FOR SPECIFIC INFORMATION ON UMTA'S ROLE, CONTACT:

James Getzewich, Urban Mass Transportation Administration, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4991.

APPLICATION PROCEDURES FOR URBAN AIR QUALITY PLANNING GRANTS UNDER SECTION 175 OF THE CLEAN AIR ACT

A. BACKGROUND; PROGRAM RATIONALE

The Clean Air Act Amendments of 1977 recognize the importance of involving local governments in developing air quality implementation plans. The Act addresses problems of the original air quality planning process by providing an opportunity for organizations of local elected officials to work closely with the States to develop implementation plans. Implementation plans must evidence: extensive agency interaction among all government levels; significant involvement of local elected officials; effective public information and participation; full development and evaluation of comprehensive packages of measures; and integration with on-going planning processes, particularly emphasizing the continuing, cooperative and comprehensive (3C) process administered by DOT (23 CFR 450).

Section 175 of the amended Clean Air Act provides for funding to meet the reasonable costs of plan development in areas violating national ambient air quality standards (NAAQS) for carbon monoxide (CO) or ozone. These funds must go to organizations of local elected officials with transportation or air quality maintenance planning responsibilities certified by the Governor under Section 174(a) of the Act. As stipulated in section 175(b) of the Act, grants awarded under this program "shall not be used for construction."

The President's Urban Policy Message, announced on March 27, 1978, requested the Congress to appropriate funds for FY 1979 for planning in nonattainment areas. The policy also announced the President's intent to simplify, consolidate, and coordinate federally administered planning programs. Accordingly, section 175 funds will be distributed through the grants process already established by UMTA (see Section H of this notice).

B. PROGRAM DEFINITION AND OBJECTIVES

With this notice EPA and DOT initiate the Urban Air Quality Planning Grant Program under section 175 to fund organizations of local elected officials for the preparation of revisions to State Implementation Plans (SIPs) to attain NAAQS. Grants will be awarded to eligible organizations upon receipt of acceptable applications for planning effective air pollution control strategies, primarily related to ozone and carbon monoxide.

The main objectives of the program are to:

(1) Aid organizations of local elected officials in the preparation of local components of SIPs through an integrated transportation-air quality planning process

(2) Ensure the development and implementation of reasonable, balanced plans that provide for the reduction of transportation system and stationary source emissions and demonstrate attainment by the statutory deadlines

(3) Assist urban areas in accordance with the President's Urban Policy by integrating related Federal programs and providing means to achieve clean air goals and economic growth.

C. RELATIONSHIP TO OTHER FEDERAL PROGRAMS

The funds provided under section 175 are intended to finance activities that are an integral part of the process designed to attain and maintain the National Ambient Air Quality Standards. These activities must be fully coordinated with the work performed by State and local air pollution control agencies which are funded through section 105 of the Clean Air Act.

Section 174(a) of the Clean Air Act requires States and organizations of local elected officials to jointly determine a division of responsibilities for preparing the various elements of an air quality implementation plan. In addition, section 174(b) of the Clean Air Act requires that the preparation of the air quality implementation plan shall be coordinated with the continuing, cooperative, and comprehensive transportation planning process required under section 134 of Title 23, United States Code.

EPA has worked with DOT and the Department of Housing and Urban Development (HUD) to integrate Clean Air Act requirements with existing planning and programming procedures. In June 1978, EPA and DOT jointly issued "Transportation-Air Quality Planning Guidelines" describing an acceptable process for accomplishing the continuing tasks of transportation-air quality planning and programming required by the Clean Air Act. Further, the June 1978 DOT-EPA Memorandum of Understanding provides for joint EPA and DOT review of and concurrence on the Unified Planning Work Program (UPWP) to integrate air quality planning tasks with planning funded by DOT and other Federal agencies. Also, a HUD-EPA agreement (included as an Appendix to the DOT-EPA "Transportation-Air Quality Planning Guidelines") on coordinating air quality planning and HUD's Comprehensive Planning Assistance Program (the section 701 program) applies to section 175 planning activities.

Specifically, the DOT and EPA planning programs will be integrated because air quality-related planning activities (both transportation and nontransportation) funded under the section 175 program will be fully described in the UPWP required for each metropolitan area by DOT. These planning activities should be integrated into the UPWP in accordance with the procedures of the appropriate DOT Intermodal Planning Group. UPWP activities should conform with the DOT-EPA "Transportation-Air Quality Planning Guidelines." Adopted air quality-related transportation measures should be included in the Transportation Improvement Program and the Annual Element required by DOT.

As provided in section 175(b), funds are for "100 percent of any *additional* costs of developing a plan revision" and "shall *supplement* any funds available under Federal law * * * for transportation or air quality maintenance planning." [Emphasis added] The DOT-EPA Memorandum of Understanding insures that section 175 funds supplement existing Federal planning funds by requiring that EPA and DOT jointly review the UPWP.

D. ELIGIBLE GRANT RECIPIENTS

Recipients of section 175 funds must be those organizations of local elected officials certified by the governor pursuant to section 174 of the Act. EPA and DOT jointly issued guidelines for designation and certification of such a lead planning agency in December 1977. Although such organizations need not be composed exclusively of local elected officials, such officials must have predominant authority concerning the use of section 175 funds and development of a revised plan.

Contractual arrangements are permitted between the grantee and other organizations, agencies, groups or consultants for the performance of activities included in the UPWP. Agreements between the grantee and other organizations, agencies, and groups should be adequately described (preferably in the UPWP prospectus) and should reflect the division of responsibilities worked out by the State and local agencies in accordance with section 174. Applications for section 175 funds should either identify work that will be contracted or reference the identification of such work in the UPWP. Third Party Contracts shall conform to UMTA contract require-

ments and will be reviewed and approved by UMTA. EPA must also concur in third party contracts.

Urbanized areas of over 200,000 population (1970 Census) designated nonattainment for carbon monoxide and/or ozone under section 107 are eligible for section 175 funds. Areas with a population less than 200,000 designated nonattainment for carbon monoxide may be eligible for section 175 funds if they can demonstrate a need for funds beyond those already available from DOT sources for transportation systems management (TSM) planning. These areas must also describe how the control measures listed in section 108(f) could be effective towards attaining the CO NAAQS.

Areas with a population less than 200,000 designated nonattainment for ozone may be eligible for section 175 funds if they can demonstrate that local sources of hydrocarbon emissions, rather than emissions transported from other urban areas, are the major contributors to their measured ozone standard violations.

E. FUNDING LEVEL DETERMINATION

Section 325 of the Clean Air Act, as amended, authorizes $75 million over two years to carry out section 175. According to section 175(b), "the amount granted to any organization under subsection (a) shall be 100 percent of any additional costs of developing a plan revision * * *"

EPA will determine a target funding range for each urban area above 200,000 population using a formula based on: (1) the 1975 population levels (based on Census data) for each Standard Metropolitan Statistical Area (SMSA) which is nonattainment for carbon monoxide or photochemical oxidants, and (2) the second highest ozone reading for the SMSA. The formula uses population as an indicator of both the extent of human exposure to high levels of air pollution and the magnitude of the carbon monoxide problem in an area. EPA emphasizes funding large urban areas, especially those above one million population because: (1) residents of such areas experience the greatest exposure to levels of air pollution harmful to human health, (2) these areas have the most complex air pollution and transportation problems and (3) controlling hydrocarbon emissions in major urban areas will reduce the transport of ozone to other areas. The formula is explained in Appendix A to this notice.

The establishment of a target funding range for nonattainment areas is for Federal programming purposes only. It does not represent an EPA commitment to fund any area program at any particular level. The specific funding for an area program will be determined on the basis of the eligible work items included in the grant application.

A sum based on: (1) the target range for areas above 200,000 population within an EPA region and (2) a total of $200,000 for potential allocation to areas under 200,000 population will be allocated to each EPA Region. Each EPA Regional Administrator will have discretion to determine the final amounts to be awarded to qualified applicants. Although a nonattainment area below 200,000 population may demonstrate its eligibility for funding, the EPA Regional Administrator will determine whether any grant will be awarded.

F. ELIGIBLE FUNDING ITEMS

In reviewing grant applications, EPA and UMTA will give priority to funding those tasks related to the control of carbon monoxide and hydrocarbons and to the integration of mobile and stationary source control strategies.

Section 174 of the Act requires that the State and elected officials of local governments jointly determine their respective responsibilities for planning and implementing a revised implementation plan. EPA will review this description of the division of responsibilities to ensure that the grants are for work that supplements, and does not duplicate or conflict with, the work performed by State and local air pollution control agencies receiving funds under sections 105 of the Act and the air quality work currently funded by DOT.

Highest priorities for section 175 funds are for those SIP revision activities that: (1) can most effectively be performed by organizations of local elected officials and (2) have the highest likelihood of leading towards adoption and implementation of effective carbon monoxide and ozone control strategies. Such activities are those leading to the development and implementation of an approvable SIP covering the elements and commitments called for in the EPA Administrator's February 24, 1978 memorandum "Criteria for Approval of 1979 SIP Revisions," (published in the May 19, 1978 FEDERAL REGISTER) and the EPA-DOT "Transportation-Air Quality Planning Guidelines."

EPA funds can supplement other Federal (e.g., DOT, HUD, or EDA) funds for the same SIP development task in the UPWP provided that the grantee identifies (1) the respective amounts requested from each Federal agency and (2) the amount of local matching funds. Transportation activities which should be considered for section 175 funding are contained in Table 1 and Chapter III of the "Transportation-Air Quality Planning Guidelines."

The following list identifies eligible activities that EPA and DOT believe should be given priority in the programming of section 175 funds. Other activities may be eligible if the applicant adequately demonstrates that the activities listed below have been or are being effectively executed and if approved by EPA and UMTA pursuant to the DOT-EPA Interagency Agreement of November 3, 1978.

1. *Activities related to establishing a process.* As noted in the Administrator's memorandum and the "Transportation-Air Quality Planning Guidelines," EPA and DOT place primary emphasis on establishing a continuing, integrated process to accomplish the planning, proramming, implementation, operation and program monitoring requirements of the Clean Air Act. Such activities include:

a. Refining and finalizing the responsibilities and working relationships among all agencies and groups involved in the plan development and implementation process (in accordance with section 174)

b. Carrying out interagency coordination activities in accordance with sections 121, 172 and 174

c. Developing and implementing continuing programs for:

(1) Involvement of local elected officials

(2) Public informaton and participation

(3) Consultation with interest groups

d. Actions leading to plan adoption by local and State officials and to commitments to implement the plan

e. Improving the legal and institutional capacity of local governments to carry out a continuing, integrated process

2. *Activities related to defining the problem.* Section 175 funds should be used for activities related to problem definition where: (a) the definition of the existing air quality problem is considered inadequate, (b) the gathering of improved data during the funding period will significantly improve the existing definition and (c) improved data is considered an essential step leading to the development and implementation of attainment strategies. Section 175 funds should supplement but not replace section 105 funds and other Federal grant funds available for these purposes. Such activities include:

a. Collecting improved data on mobile source-related pollution (e.g., emission inventory, carbon monoxide "hot spot" traffic data)

b. Applying existing air quality models

c. Refining emission reduction estimates needed to demonstrate attainment of carbon monoxide and ozone standards by 1982 or 1987

d. Refining the demonstration of: (1) attainment by 1982 through Federal new car standards and proposed transportation and stationary source controls and (2) the need for a deadline extension to some year beyond 1982 up to 1987

e. Applying improved emission forecasting methods

3. *Strategy development and assessment activities.* a. Developing alternative transportation and stationary source measures and packages of measures to achieve carbon monoxide and hydrocarbon emission targets

b. Estimating emission reductions from these alternative packages over time, including annual incremental reductions and particularly the reductions in 1982 and 1987

c. Analyzing air quality, noise, travel, energy, economic, and social effects, as well as institutional and political feasibility of alternative emission reduction strategies, with an emphasis on assessment of economic impacts, consistent with the President's Urban Policy

d. Developing methods to assess implementation progress

e. Developing contingency measures that can be substituted for adopted measures that subsequently prove infeasible as further analysis and implementation occur

f. Conducting motor vehicle inspection and maintenance planning in those areas where the State and organizations of local elected officials have shared I/M responsibilties determined in accordance with section 174 and where section 175 funds supplement section 105 funds

g. Evaluating long-range transportation and growth management policies for areas where analysis of control strategies demonstrates the need for additional measures for maintenance of standards beyond 1987

h. Developing procedural mechanisms and institutional capabilities to accommodate future economic growth and attain standards (e.g., development of procedures and institutional capacity to facilitate offset transactions)

4. *Plan implementation activities.* a. Developing implementation and operation responsibilities of State and local officials and agencies for each plan element

b. Developing the budget and implementation schedule for each plan element

c. Monitoring and reporting implementation and air quality progress

d. Developing and maintaining public, local government and State support for adopted measures

In carrying out tasks funded under section 175, the grantee must encourage, assist and implement an effective public information and participation program. Further guidance specifying public participation and public hearing requirements applicable to section 175 grantees is anticipated. In the interim, grant recipients should conform with guidance included in the Public Information and Consultation section of the EPA-DOT "Transportation-Air Quality Planning Guidelines" and should use and build upon existing public participation processes to the extent possible.

G. SPECIAL NORTHEAST CORRIDOR PLANNING STUDY

The ozone problem is particularly serious in the Northeast Corridor where ozone and ozone precursors are readily transported among major urban areas. EPA proposes to coordinate a special study that will better define the regionwide dimensions of the ozone problem in the Northeast and will allow a comprehensive assessment of the impact of various control scenarios on a regional basis. A regional approach will allow the initial ozone control strategies submitted in the 1979 SIP to be refined, better ensuring that the ozone standard is attained and maintained in the Northeast.

The application of a regional model would supplement the application of urban scale models in selected cities. Grant funds allocated for the regional modeling effort would include acquisition of rural emissions and air quality data to test the performance of the regional model. EPA coordination of model application will ensure that the models are applied in a consistent manner so that results can be evaluated uniformly.

To coordinate the modeling project EPA will form a working group consisting of apropriate EPA, State and local representatives. This working group will develop technical guidelines on gathering required data for application of the models and on the conduct of the modeling exercise. EPA proposes to allocate approximately $1.5 million of section 175 funds to selected grantees in the Northeast for this special study.

H. APPLICATION PROCEDURES

Applications for section 175 funds should reflect the priorities identified above and conform with the procedures outlined in this section. The existing UMTA Technical Studies grant program will be used to disburse section 175 funds. The DOT-EPA Interagency Agreement describes the respective responsibilities of the two agencies for the administration and management of the Urban Air Quality Planning Grant Program.

Grant applications should be submitted to the appropriate UMTA Regional Office. A copy should be sent to the EPA Regional Office at the same time. Applications must conform to UMTA grant regulations and procedures contained in UMTA Circular C 8100, "Application Procedures for Technical Studies Grants" or, where appropriate, to the joint funding guidelines specified in DOT Order 4600.8B or OMB Circular No. A-111. Periodic progress reports based on UMTA's Guideline for Project Administration and the EPA-DOT "Transportation Air Quality Planning Guidelines" will be required. Grants may be awarded until September 30, 1980. Work may be completed and payments made after September 30, 1980.

The grant application must be based on: (1) a description of the division of planning and programming responsibilities among agencies in accordance with section 174 (this division of responsibilities may be described in the UPWP prospectus) and (2) an adopted and approved UPWP, agreed to by DOT and EPA, that contains a proposed budget for the air quality work elements. Tasks eligible for funding under section 175 must be described in the UPWP format prescribed by the Intermodal Planning Group (IPG) or in a modified version agreed upon by EPA and the IPG, and should conform to other requirements of the June 1978 "Transportation-Air Quality Planning Guidelines." The adopted and approved UPWP can be submitted with the grant application in lieu of a separate detailed scope of work provided that the UPWP is sufficiently detailed and properly organized. The following information must be submitted either in the UPWP or separately with the detailed scope of work:

(a) Description and scheduling of each task, identifying the relationships of tasks and interim and final products

(b) Itemized costs and funding sources for each task

(c) Certification that section 175 funds supplement any funds available under Federal law for developing a plan revision

(d) Identification of agencies or private firms performing tasks (third party contracts require UMTA and EPA approval)

(e) Approximation of fund amounts and identification of fund sources for follow-up planning

(f) Relationship of section 175 work tasks to other tasks in the UPWP

(g) Relationship of section 175 tasks to State air quality planning activities and to attainment of emission reduction targets and air quality standards

As stated in the UMTA Circular (C 8100.1) the application must be reviewed through the A-95 process. The State air pollution control agency must have the opportunity to review and comment on the application as required by 40 CFR Part 30.305-5. The grantee must transmit any State com-

ments to UMTA and EPA with the grant application.

Formulation, adoption and approval within the UPWP of air quality planning tasks needed to develop an approvable SIP could take considerable time and effort. In order to avoid both delaying initiation of the planning process and placing a financial burden on the lead agency, EPA and UMTA will consider funding in two steps. First the UPWP can be modified to contain a general description and rough cost estimate of the entire program and a detailed description of only those activities that will be performed between the time the grant is approved and the end of the current UMTA grant cycle.

EPA and UMTA will, upon approval of the application, award funds to complete the initial activities. One of these initial activities should be the development of a complete, more detailed work program for subsequent years. A second application or modification to the initial grant can then be made to obtain additional funds to complete the program.

Dated: December 14, 1978.

DOUGLAS M. COSTLE,
Administrator, Environmental Protection Agency.

Dated: December 19, 1978.

BROCK ADAMS,
Secretary, Department of Transportation.

APPENDIX A

DETERMINATION OF TARGET FUNDING RANGE FOR SECTION 175 URBAN AIR QUALITY PLANNING GRANTS

A series of simple calculations has been used for setting target funding ranges for allocating section 175 grants to urban areas above 200,000 population. The target values are for Federal Planning purposes only and do not constitute any entitlement on the part of the urban areas. Actual grant awards will be based upon grant applications submitted jointly to EPA and UMTA.

The calculations below are based on the immediate availability of $25 million for section 175 funding. An additional $25 million will be available in early to mid 1979 after EPA: (1) receives public comment on the interim policies and procedures; (2) assesses progress in awarding grants; and (3) determines appropriate criteria for allocating these additional funds.

Step 1: A total of $1.5 million is set aside for future allocation to eligible grantees in the Northeast for a special study on the ozone problem in that area. Therefore: $25 million−$1.5 million=$23.5 million

Step 2: The $23.5 million available for immediate allocation includes $200,000 for each Regional Office for potential allocation to areas under 200,000 population. Therefore: $23.5 million−$2 million=$21.5 million

Step 3: With $21.5 million immediately available for grant awards to areas above 200,000 population, the following formula has been used for setting initial target values.

Target=Σ (population)(A)(1+(B)Ozone/.08ppM)

Where:

Population=1975 population of SMSA
Ozone=2nd highest ozone reading in parts per million
A=per capita dollar amount, as follows:
$.30 for the first 400,000 residents
$.15 for the next 600,000 residents
$.05 for the next 2,000,000 residents
$.025 for the next 4,000,000 residents
$.007 for additional population above 7,000,000.
B=0.1 if population is between 200,000 and one million; or 0.5 if population is greater than one million

Step 4: When the formula is applied to all 100 eligible urban areas, a total of $34.1 million would need to be awarded. Since only $21.5 million is available at this time, each initial target value determined by the formula must be reduced. This reduction is accomplished by multiplying the initial formula target amounts by 21.5/34.1.

Step 5: To assist EPA in estimating reasonable award amounts, a range of funds is determined by (a) reducing the target amounts by 10% and (b) increasing the target amount by 5%. A list of eligible urban areas with a range of estimated grant awards has been distributed to each EPA Regional Office.

Example: For an area with 1.1 million people and a 2nd high ozone value of 0.24 ppm, the initial target value equals:

($.30)(400,000)=	$120,000	
($.15)(600,000)=	90,000	
($.05)(100,000)=	5,000	
=	$215,000	(1+(.5)(.24/.08))
=	$215,000	(1+1.5)
Initial Target Value=	$537,500	

Next, the initial target value is multiplied by 21.5/34.1 (as per Step 4).

$537,500×21.5/34.1=$338,893

Then, as per Step 5, the resulting target amount is both reduced by 10% and increased by 5% to estimate a range of reasonable funding amounts.

Final range=$305,004 to $355,838

APPENDIX B

INTERAGENCY AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY REGARDING INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING FUNDS

PURPOSE

This interagency agreement integrates the funding of transportation planning activities performed under Section 9 of the Urban Mass Transportation Act, as amended, with air quality planning activities performed under Section 175 of the Clean Air Act, as amended. Section 175 funds will be disbursed by UMTA in conjunction with EPA according to existing application procedures established under Section 9. This agreement (1) simplifies application procedures for transportation-air quality planning funds by organizations of local elected officials, (2) simplifies Federal grant administration procedures for these funds, and (3) facilitates the integration and allocation of Federal planning funds for related air quality, transit and highway planning.

PROCEDURES FOR TRANSFER OF FUNDS FROM EPA TO UMTA

EPA will transfer to UMTA funds appropriated under Section 175 through execution of Standard Form 1151. An initial transfer of $25 million from EPA to UMTA will take place immediately after EPA receives an approved apportionment from OMB. Any additional funds made available will be transferred in a similar manner at times agreed to by EPA and UMTA.

GRANT CONDITIONS

The Section 175 grant application must be based on an adopted and approved Unified Planning Work Program (UPWP), agreed to by DOT and EPA, that contains air quality work elements and a proposed budget for these work elements. The June 1978 DOT-EPA Memorandum of Understanding provided for joint EPA and DOT review and concurrence on the UPWP to achieve integration of air quality planning tasks with planning funded by DOT and other Federal agencies. UPWP activities should conform with the DOT-EPA Transportation-Air Quality Planning Guidelines (June 1978).

In addition, Section 175 grants must be for "additional costs of developing a plan revision" and "shall supplement any funds available under Federal law * * * for transportation or air quality maintenance planning" as required by Section 175(b) of the Clean Air Act as amended.

GRANT APPLICATION REVIEW PROCEDURES

Qualified applicants will transmit applications directly to the UMTA Regional Office, with a copy to the EPA Regional Office in order to expedite grant review and processing. Applicants will follow application procedures specified in UMTA Circular C. 8100.1, "Application Procedures for Technical Studies Grants" and the EPA-DOT FEDERAL REGISTER notice on Urban Air Quality Planning Grants. If the applicant is already the receipient of an UMTA Section 9 grant, application may be in the form of an amendment to an existing grant. Where possible, a single application for UMTA Section 9 funds and EPA Section 175 funds will be used.

The UMTA Regional Office will review the application to insure that UMTA grant application procedures have been followed. EPA and UMTA will review the proposed scope of work and budget to insure conformity with the current UPWP, the EPA/DOT Transportation/Air Quality Planning Guidelines, and the EPA/DOT FEDERAL REGISTER on Urban Air Quality Planning. UMTA will also send a copy of the application to the Intermodal Planning Group (IPG), in those regions where such an arrangement is desired, in order to provide other IPG members an opportunity to comment on the conformity of the grant application with the UPWP.

EPA will be responsible for the following:

1. Establishing applicant eligibility for Section 175 funds. (A list of eligible applicants will be issued as soon as possible after October 1, 1978.)
2. Establishing the level of Section 175 funding for each recipient.

After the above reviews, the EPA Regional Administrator will notify the UMTA Regional Director in writing stating the following:

1. The applicant is legally eligible to receive Section 175 funds.
2. The proposed work qualifies for funding under the EPA-DOT FEDERAL REGISTER notice on Urban Air Quality Planning.
3. The work proposed in the application is approved.
4. The amount of section 175 funds authorized for obligation to the applicant.

Upon receipt of the letter, UMTA is authorized to proceed with normal grant approval and administrative grant management actions including audit. No further concurrences will be required by EPA.

UMTA's grant administration responsibilities will include, to the degree necessary and appropriate:

1. Reviewing for compliance with Title VI Civil Rights requirements;
2. Reviewing financial status reports and requisitions and providing for such audits as may be required in accordance with UMTA standards;
3. Executing release of grant functions, including Congressional clearance. Specific coordinating procedures will be worked out by the respective UMTA-EPA Offices of Public Affairs;
4. Performing subsequent legal review as may be necessary during the grant approval and administration process.

PROCEDURES FOR FUND DISBURSEMENT

UMTA will pay grantees for requisitions in accordance with existing UMTA payment procedures. Separate section 9 and section 175 accounts will be maintained. Requisitions transmitted by grantees will be paid unless UMTA receives prior notification from EPA to stop payments. UMTA may stop payment of section 175 funds only with approval of the EPA Regional Administrator.

PROCEDURES FOR MANAGEMENT OF GRANTS

Quarterly progress reports showing section 175 work expenditures will be simultaneously transmitted by the grantee to the UMTA and EPA Regional Offices. These reports will conform to reporting requirements specified in UMTA's Guidelines for Project Administration and in the EPA-DOT FEDERAL REGISTER notice on Urban Air Quality Planning.

UMTA will be responsible for close out of the grant upon concurrence of the EPA Regional Administrator.

REIMBURSEMENT OF ADMINISTRATIVE EXPENSES

EPA will reimburse UMTA for certain administrative expenses to be agreed upon separately.

LENGTH OF AGREEMENT

This agreement will remain in effect until cancelled in writing by either party. Either party may modify this agreement upon written notification and approval of the other party.

Signed this 3rd day of November 1978.

DAVID G. HAWKINS,
Assistant Administrator, Office of Air, Noise and Radiation, Environmental Protection Agency.

ROBERT H. MCMANUS,
Acting Administrator, Urban Mass Transportation Administration.

Concur:

TOM DOWNS,
Federal Highway Administration.

Concur:

CHESTER DAVENPORT,
Assistant Secretary for Policy and International Affairs, Department of Transportation.

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[6560-01-M]

[FRL 1028-6]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Policy for Increased Use of Minority Consultants and Construction Contractors

The Environmental Protection Agency encourages increased participation of minority business enterprise (MBE) in the supply of goods and services in work performed under the EPA grants program contained in Title II of the Clean Water Act of 1977 (Pub. L. 95-217). This publication consolidates the policies and procedures published for architect and engineer (A&E) consultants in 42 FR 10709 (February 23, 1977) and the proposed policies and procedures published for construction contractors in 43 FR 24908 (June 8, 1978). A goal-oriented system is provided to maximize MBE participation.

EPA received numerous written comments from the public and interested parties within EPA on the proposed policy for the use of MBE contractors. EPA carefully considered these comments and adopted a number of them.

The policy published for A&E consultants, on February 23, 1977, did not specify a goal-oriented policy like that proposed for minority construction contractors on June 8, 1978. As the two policies would be applicable to the same projects and grantees, EPA combined these policies into a goal-oriented approach.

EPA will be studying the effects of a goal-oriented approach to increase MBE participation. Public comment is invited, on a continuing basis, on all elements of the EPA program, including its administration. Comments should be addressed to the Director, Office of Civil Rights (A-105) Environmental Protection Agency, Washington, D.C. 20460.

Invitations for bids (IFB) or requests for proposals (RFP) issued by grantees and procurement of subagreements on or after February 1, 1979, are subject to this policy. Prior implementation of the MBE policies will continue, where appropriate, to insure program continuity.

I. INTRODUCTION

EPA has established a goal-oriented system to increase MBE participation

in work performed under EPA grants. Several primary reasons for this action include the following:

A. Low MBE participation in contracts, subagreements and purchase orders under EPA construction grants;

B. The low MBE representation is the result of a number of causes, including the effects of discrimination;

C. Methods used to remedy the underutilization of MBE have not been effective.

II. Background

Historically, minorities have not obtained their fair share of American business. The construction industry, a traditional conduit for economic upward mobility, reflects this lack of minority involvement. Allied professional consultant communities also show a similar ethnic imbalance.

The low level of MBE participation in these businesses may be attributed to a number of causes. These causes include, at least, the inability of MBE to obtain start-up and continuing capital financing, credit, and bonding. The longstanding lack of MBE participation has also inhibited the development of adequate managment and operational skills. Economic instability, as measured by factors such as recession, increased wage rates, supply costs and interest rates, impacts the operating MBE in a disproportionate manner.

These problems are evident in the low level of MBE participation in federal and federally assisted contracts, which provide a major source of work for construction, and in the related consultant areas. For example, MBE received only 1.2% of federal construction procurement contracts in 1977. Recognizing this problem, Congress and the Executive Branch have initiated several programs in recent years to aid the MBE in sharing the effects of federal expenditures.

In direct procurement, the Small Business Administration administers the Section 8(a) program whereby certain work may be subcontracted to firms owned by socially and economically disadvantaged individuals. This commitment was recently reemphasized by amendment to the 8(a) program. In the federal grants area, the Public Works Employment Act of 1977 generally provides that at least 10 percent of the dollar amount of each grant be set-aside for contracts with MBE. Title VI of the Civil Rights Act of 1964 provides a remedial authority to lessen the effects of disparate treatment of minorities.

The Office of Federal Procurement Policy, within the Office of Managment and Budget, establishes grantor policy for procurement under grants. Historically, OMB has required "positive efforts" by recipients of federal grant assistance to use MBE. Attachment O to OMB Circular A-102, Section 3(c)(3). 42 FR 45890 (September 12, 1977). EPA adopted this obligation verbatim in its grants regulations at (40 CFR 35.936-7):

> Positive efforts shall be made by grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements and contracts to be performed utilizing Federal grant funds.

Proposed OMB revision of Attachment O, published at 43 FR 57203 (December 6, 1978), further defines, in Section 8.b., a grantee's responsibilities in this area by requiring that a minimum of six "affirmative steps" be taken to assure that MBE are utilized when possible as sources of supplies and services. The affirmative steps include, as a minimum the following:

(1) Include qualified small and minority businesses on solicitation lists.
(2) Assure that small and minority businesses are solicited whenever they are potential sources.
(3) When economically feasible, divide total requirements into small tasks or quantities so as to permit maximum small and minority business participation.
(4) Establish delivery schedules which will encourage participation by small and minority business.
(5) Use the services and assistance of the Small Business Administration, the Office of Minority Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Service Administration.
(6) If any subcontracts are to be let, require the prime contractor to take the affirmative steps in 1 through 5 above.

The President recently issued several policy statements which commit to substantially expanding the amount of work performed by MBE under Federal contracting. In his March 27, 1978, message to Congress on the National Urban Policy, the President requested that all Federal agencies include goals for MBE in their contract and grant-in-aid programs. The President stated that increased MBE use is an important element in the economic well being of American cities.

On April 13, 1978, the Administrator and Deputy Administrator of the Environmental Protection Agency adopted the recommendations of the intra-agency task force on utilization of MBE and directed revision of the previously published proposed policy for utilization of minority construction contractors to reflect the recommendations of the task force and the directions of the President. The goal-oriented approach in the proposed policy for utilization of minority construction contractors to reflect the recommendations of the task force and the directions of the President. The goal-oriented approach in the proposed policy for utilization of minority construction contractors was the initial result of this action.

EPA has a vital stewardship of billions of dollars of public funds for publicly owned treatment works and related planning and pollution abatement efforts under the Clean Water Act. These funds will substantially impact the local economies of the grantees. MBE have not sufficiently shared in that expenditure.

III. Statement of Policy

The policy of EPA is to encourage increased MBE participation in contracts and subagreements awarded under EPA grants for construction of publicly-owned wastewater treatment works. This implements the OMB positive efforts standard, conforms to Presidential direction, and furthers the requirements of Title VI of the Civil Rights Act of 1964.

EPA will encourage opportunities for immediate participation of competent MBE in work performed under grants and promote the development of new minority firms through a variety of business arrangements. This will involve increased use of wholly-owned MBE, as well as the good faith combination of non-minority capital and expertise with minority ownership and actual control. While it is the purpose of this policy to provide opportunities for MBE to participate in contracts under grants, EPA, in its stewardship role, will not reimburse unsatisfactory work or underwrite costs to correct defective performance.

The goal of EPA is to implement a fair and effective remedy to the underutilization of MBE in the context of the unique EPA-grantee relationship. A goal-oriented system achieves the desired result of increased MBE participation within the EPA grant process and aids in the development of a viable minority consultant and contracting community.

The policy describes the minimum positive efforts responsibilities that are expected to be taken. Use of the MBE goal-oriented system is a condition of all EPA-assisted grants for construction of wastewater treatment works. Administration of this program will be flexible and should not be misconstrued as a mandatory set-aside policy.

IV. Definitions

A. Minority Business Enterprise

The term "Minority Business Enterprise" means a business, at least 51 percent of which is owned and controlled by minority group members. The minority ownership must exercise actual day-to-day management.

The EPA believes that good faith will mark the efforts of all concerned

to conform to their responsibilities. EPA normally will not review whether each MBE performs or is intended to perform a "commercially useful function" (i.e., assumes a role recognized in the construction industry practice or consultant community that involves substantial responsibility), or is dominated by nonminority control. The EPA regional Office of Civil Rights and Urban Affairs (OCRUA), when requested by a grantee or where determined to be in the Government's best interest, may make such a review. OCRUA will review each proposed use of MBE which is based upon a newly formed MBE source of supply.

In the event EPA finds that an MBE will not contribute, or has not contributed, to a project's complemention in a manner consistent with accepted industry practice, the MBE will not be considered as an MBE under that procurement. Where the contract is underway, the grantee must take steps to demand correction action, terminate the contract, or initiate other remedies available under State or local law. The grantee or, where appropriate, Regional Administrator, may also take steps to determine the business concern(s) nonresponsible and ineligible for future contract awards on EPA grant-assisted projects.

B. MINORITY GROUP MEMBERS

A minority is a member of one or more of the following groups: Black Americans, Hispanic Americans, Asian Americans, American Indians, American Eskimos, and American Aleuts.

The categories of minority group members are intended to focus the beneficial effects of this program on those ethnic groups of American citizens which historically have not adequately shared in opportunities to participate in work on Federal or federally assisted projects. Some agencies have chosen to define minority group members or MBE in terms of their social or economic disadvantage. The EPA categories significantly correspond to those who are, in fact, culturally, socially and economically disadvantaged.

V. IMPLEMENTATION OF POSITIVE EFFORTS TOWARD USE OF MBE

A. INTRODUCTION

The basic obligation of an EPA grantee concerning MBE use is set forth in Title 40, Code of Federal Regulations, as a minimum federal procurement standard and grant requirement:

§ 35.936-7—*Small and minority business.* Positive efforts shall be made by grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements and contracts to be performed utilizing Federal grant funds.

The standard is equally applicable in negotiation for any subagreement for A&E services. Sections 35.937-2(a) and 35.937-4(c). The standard concerns the responsibility of both a grantee and bidder or offeror. Sections 35.936-15(a) and 30.340-2(g). This MBE program is principally implemented through the efforts of each EPA grantee to advance the goals of increased MBE participation in each element of work to be performed under an EPA grant. The positive efforts obligation is a required clause in each consulting engineering agreement (Appendix C-1, para. 14 to 40 CFR Subpart E) and construction contract (Appendix C-2, para. 9 to 40 CFR Subpart E). The standard is a continuing obligation in award of all subtier subagreements. Sections 35.937-12(b)(2) and 35.938-9(b)(2). There is an identical obligation for non-construction contract subagreements. § 33.135. In order to implement these obligations, EPA has established the following goal-oriented system.

B. THE GOAL-ORIENTED SYSTEM

The goal-oriented system involves establishing and implementing a goal for MBE use appropriate to the type of work involved. The goal shall be established prior to taking procurement action under a grant (i.e., prior to the issuance of a request for proposals for A&E consultant selection on a Step I and II grant and the issuance of an invitation for bids for construction contracts under a Step III grant). The goal will be set in accordance with the procedure below:

(1) The OCRUA and Water Division, with the approval of the Regional Administrator, shall establish and annually review a goal for A&E and a goal for construction procurement in that region. Each goal should be expressed as a percent of the total dollar amount of all contracts approved. Each goal should contain an explanation of its basis including the region's estimate of MBE participation attainable in the region, given the available and potentially available MBE resources.

(2) The regional goal will be implemented by each grantee in cooperation with OCRUA in one of the following ways:

(a) The regional goal may be included as a provision of each procurement solicitation; or

(b) The grantee, prior to the issuance of any solicitation documents and in cooperation with the OCRUA, may establish a goal appropriate to the type of work to be performed for inclusion in the procurement solicitation. This goal may differ from the overall regional goal where circumstances merit, e.g., a project specific goal may be less than the regional goal where a minority source of service, supply or manufacture is not reasonably available; or a project specific goal may be in excess of a regional goal where competent minority resources are manifest; or

(c) A grantee may use its own system for MBE utilization where it is demonstrated to the satisfaction of the OCRUA that the grantee's system will result in an acceptable level of MBE participation.

(3) The solicitation documents must contain the following information to implement the goal-oriented system:

(a) Clear notice of the goal, which will be a number or range of numbers;

(b) The manner in which the bidder or offeror may conform to its obligations prior to contract award;

(c) The manner by which positive efforts of the bidder or offeror will be evaluated;

(d) A notice of sanctions for failure to comply with the positive efforts requirement in the solicitation documents; and

(e) A copy of this MBE policy.

(4) Solicitation documents should be reviewed and approved by OCRUA in conjunction with the program review of the Water Division for conformance with this goal-oriented system. The grantee or OCRUA may identify in the solicitation documents further positive efforts which may be taken to comply with this policy.

C. RESPONSIBILITIES

The grantee, in its role as a public trustee, assumes primary administrative responsibility toward maximizing MBE use. Sections 30.120, 30.600 *et seq.* and 35.936-5. Bidders and offerors at the pre-contract stage, and those under contract with EPA grantees are independently responsible, to the grantee and EPA, to exercise positive efforts to conform to this policy. MBE must take steps to actively participate in the grantee's procurement processes. EPA is ultimately responsible for determining compliance with the positive efforts requirements.

Within EPA, the following are the respective programmatic responsibilities:

(1) *Environmental Protection Agency (Headquarters).* (a) An MBE Program is established in the Office of Civil Rights.

(b) The Director of the Office of Civil Rights shall be the Agency Director for Minority Business Enterprise and will work in coordination with the Office of Water Program Operations to implement this policy.

(c) The Director of the Office of Civil Rights shall designate a Minority Business Enterprise Officer.

(d) The Minority Business Enterprise Officer, working in conjunction

with the Office of Water Program Operations and, where appropriate, the Office of General Counsel, shall provide assistance and direction to the regions, including issuing program guidance memoranda to implement this policy.

(2) *Environmental Protection Agency (Regions).* (a) Each Regional Director of OCRUA shall establish a Minority Business Enterprise Program, and work in coordination with the Water Division Director to develop and implement the regional program.

(b) The Regional Director of OCRUA shall be the regional Minority Business Enterprise Officer.

(c) Each EPA region shall monitor implementation of this policy through the OCRUA and the Water Division. The region shall:

(i) Notify States and grantees, in writing, of this MBE policy;

(ii) Review solicitation inserts of applicants/grantees to determine whether the appropriate goal is included in all solicitations for contracts under grants;

(iii) Review all proposed contract awards to evaluate the sufficiency of positive efforts;

(iv) Inform the grantee after the preaward evaluation if a prospective consultant or contractor fails to conform to the positive efforts requirements; advise the grantee of possible corrective actions that can be taken by the prospective consultant or contractor; and advise the grantee that approval of the proposed contract award may be withheld until the deficiencies are corrected;

(v) Review and determine the adequacy of the positive efforts after a contract is awarded;

(vi) Where the review discloses failure on the part of the consultant or contractor to take positive efforts, the regional MBE Officer shall inform the grantee that failure on the part of the consultant or contractor to take corrective action, or explain to the satisfaction of the MBE Officer and the grantee why the corrective action cannot be taken, would lead to the initiation of proceedings for imposition of sanctions which could include withholding of grant payments; and

(vii) Report to Headquarters quarterly on the status of the regional program, including contracts awarded to MBE.

(3) *Grantee Responsibilities.* The grantee in its role as a public trustee assumes primary responsibility to achieve an acceptable level of MBE use. This primary responsibility is a basic condition of its grant award. All applicants/grantees are required to take positive efforts to use MBE. These positive efforts include, at least, the following:

(a) Dividing total requirements into smaller tasks, where economically feasible, to permit maximum MBE participation;

(b) Including MBE on solicitation lists and making plans and specifications for prospective work available to MBE in sufficient time for review;

(c) Allowing sufficient time to facilitate the participation of MBE;

(d) Notifying the minority associations, within the general bidding area, of the work to be solicited and the time frame for submission bids or proposals;

(e) Providing a source list of MBE firms to all prospective consultants or contractors;

(f) Making a list of prospective consultants and prime contractors available to all MBE A&E and subcontracting firms expressing an interest in the EPA-assisted project;

(g) Informing prospective consultants and contractors of the EPA policy concerning MBE participation;

(h) Maintaining records showing MBE contacted, and awards to MBE;

(i) Reviewing participation of MBE in subagreements;

(j) Including in all procurement documents the elements of the goal-oriented system (Section V.B. of this policy);

(k) Making a list of planholders of record for EPA construction grant projects available upon request;

(l) Upon request of the planholders of record, provide a source list of MBE;

(m) Informing all prospective bidders, during any pre-bid conferences, of the EPA policy concerning MBE participation;

(n) Keeping OCRUA informed of all actual and proposed contracts to MBE;

(o) Insuring that the requirements of this policy are used in awarded subagreements.

(4) *Consulting Firm Responsibilities.* All consulting firms are expected to take positive efforts to use MBE. The positive efforts include at least the following:

(a) Extending opportunity to MBE for subcontracting or joint arrangements;

(b) Implementing the goal-oriented system;

(c) Providing the grantee with a list of the MBE proposed to be used (including the nature of the contract and the dollar value), or if no available MBE will be used, furnishing the grantee and the regional MBE officer reasons why;

(d) Maintaining records of MBE contacted, including negotiation efforts to reach competitive price levels, and awards to MBE;

(e) Requiring that each subcontractor under the contract comply with the MBE policy as appropriate;

(f) Keeping EPA regional offices informed of all MBE subagreements or changes in plans to award previously reported proposed subcontracts to MBE.

(5) *Prime Contractor Responsibilities.* All prime contractors are expected to take positive efforts to use MBE. These positive efforts include at least the following:

(a) Extending opportunities to MBE for subcontracting, joint arrangements, and purchasing;

(b) Implementing the goal-oriented system;

(c) Providing the grantee with a list of MBE proposed to be used (including the nature of the contract and the dollar value); or if no available MBE will be used, furnishing the grantee and the regional MBE officer reasons why;

(d) Maintaining records of MBE contacted, including negotiation efforts to reach competitive price levels, and awards to MBE;

(e) Requiring subcontractors under the contract to comply with MBE policy, as appropriate;

(f) Keeping EPA regional offices informed of all MBE subagreements or changes in plans to award previously reported proposed subcontracts to MBE.

(6) *MBE Responsibilities.* All MBE are expected to:

(a) Become involved in the State and local project planning process;

(b) Furnish capability statements to State and local governments;

(c) Maintain liaison with the regional OCRUA;

(d) Contact and maintain liaison with State and local Office of Minority Business Enterprise (OMBE) funded minority assistance organizations and associations;

(e) Seek assistance from OMBE funded assistance organizations in financing, estimating, bid packaging, bonding and technical assistance services.

D. SANCTIONS

(1) *Responsibility Determination.* In the event a bidder or offeror fails to objectively demonstrate positive efforts to meet the stated goal requirement, the grantee shall request, in writing, that the bidder of offeror provide within a reasonable time as stated by the grantee, the necessary evidence of positive efforts or be held nonresponsible. The grantee request may be upon the advice of the OCRUA after its review of the bids or offers received. The efforts to conform to this policy, whether or not sufficient, will not result in an increase in contract price or provide a basis for a later change order.

Where the bidder or offeror fails to objectively demonstrate the required

positive efforts, the grantee, in conjunction with its function of deciding responsibility in each case, shall determine the bidder or offeror to be nonresponsible. In that event, the grantee must promptly advise the bidder or offeror, in writing, of the basis for the nonresponsibility determination. The bidder or offeror may file a request for review under procedures set forth in § 35.939, including appropriate procedural requirements. A timely filed protest will defer the challenged procurement action.

A finding of nonresponsibility on a contract shall not prejudice the right of that bidder or offeror to submit bids or proposals on other EPA funded projects.

The OCRUA, upon review of any proposed contract award, may request a grantee to take appropriate enforcement action. Where an applicant/grantee fails to meet its obligations under this policy the EPA may declare the applicant nonresponsible under § 30.340 *et seq.* or initiate action under procedures set forth in 40 CFR Part 30, Subpart H.

(2) *Waiver.* In limited situations, approval may be justified of a contract where a bidder or offeror has not demonstrated positive efforts. For example, where delay incident to resolicitation will cause substantial harm to the grantee. EPA may concur in the recommended award where at least one of the following provisions is included in the contract: (1) Specific and defined positive efforts for MBE participation during contract performance; (2) a penalty, such as termination or agreed upon liquidated damages, for failure to undertake and complete these efforts; or (3) the withholding of progress payments until such time as the positive efforts requirements have been complied with to the satisfaction of EPA and the grantee.

(3) *Post Contract Award Compliance.* Consultants or contractors are required to execute and submit to the grantee copies of all MBE related subagreements within fifteen (15) days after contract award, and, from time to time, advise the grantee and OCRUA of the status of its compliance with appropriate requirements. In the event a consultant or contractor fails to conform to its MBE obligation, it will be expected to explain, in writing, to the grantee and OCRUA, the reasons for nonutilization. If there is nonutilization without good cause, the grantee will be expected to require corrective efforts by the consultant or contractor. Failure on the part of the grantee to require such efforts or failure to enforce the waiver provisions, where applicable, may result in appropriate EPA imposed sanctions.

(4) *State or Local Law.* Nothing in this policy prevents a grantee from imposing more stringent MBE requirements in work procured under EPA grants or procurement obligations which pertain to bid responsiveness, where provided for by State or local law or ordinances.

Dated: December 18, 1978.

BARBARA BLUM,
Deputy Administrator.

[FR Doc. 78-35704 Filed 12-22-78; 8:45 am]

[6560-01-M]

[OPP-180254; FRL 1029-1]

OKLAHOMA DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption to Use Diazinon to Control the White Grub on Winter Wheat

The Environmental Protection Agency (EPA) has granted a specific exemption to the Oklahoma Department of Agriculture (hereafter referred to as the "Applicant") to use Diazinon for the control of the white grub on approximately 215,000 acres of winter wheat located in thirteen counties in Oklahoma. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

There are about 200 species of white grubs, some completing their life cycle in one year and some in four, with a three-year cycle most common. White grubs overwinter in the soil, both as adults and as larvae. The latter feed in the spring, summer and fall on the roots and underground parts of the plants. As cold weather approaches, they work their way down into the soil usually below the frost line. Adults, the June beetle, emerge from the soil in the spring and feed on the foliage of crops, trees, and shrubs.

According to the Applicant, the white grub has infested land to be planted with wheat in Alfalfa, Blaine, Cotton, Dewey, Ellis, Garfield, Grant, Kay, Kingfisher, Major, Washita, Woods, and Woodward Counties. The Applicant stated that approximtely three white grubs per square foot will destroy most of the emerging wheat; and in many of the infested areas, populations of 30 to 60 grubs per square foot are common. The Applicant also claimed that it will be necessary to replant a considerable amount of acreage in the affected counties due to damage already inflicted. The acreage involved has the potential of producing over 5,375,000 bushels of hard red winter wheat that has a current value of $16,931,250. There is no other pesticide registered for the control of this pest.

The Applicant proposes to use two formulations of Diazinon (0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate). A total of 430,000 pounds active ingredient (a.i.) will be applied by ground equipment and incorporated into the soil. The Applicant states that chemical treatment with Diazinon of white grub-infested wheat land must be made prior to planting winter wheat.

No detectable residues (less than 0.03 part per million (ppm), method sensitivity) are anticipated from the proposed use. Since this pesticide is extremely toxic to wildlife and fish, its use is restricted to ground application only and it must be kept out of bodies of water.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of white grub has occurred; (b) there is no pesticide presently registered and available for use to control the white grub in Oklahoma; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the white grub is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 15, 1978. The specific exemption is also subject to the following conditions:

1. A total of 430,000 pounds a.i. of the products Diazinon 14G and Diazinon AG500 may be used;
2. Diazinon may be applied in the counties mentioned above;
3. The dosage rate shall not exceed 7 to 14 pounds per acre of Diazinon 14G, or 1½ quarts per acre of Diazinon AG500;
4. A single application may be made;
5. Applications must be restricted to ground equipment only;
6. Diazinon must be soil incorporated immediately after application;
7. Turn areas or row ends must be soil incorporated;
8. Recently Diazion-treated areas may not be retreated. Infested areas may be treated only once;
9. Granules which are spilled during loading or application must be covered or soil incorporated;

10. All applicable restrictions, precautions, and directions on the label must be adhered to;

11. The EPA shall be immediately informed of any adverse effects resulting from the use of Diazinon in connection with this exemption;

12. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September, 1979; and

13. Wheat grain with residues not exceeding 0.03 ppm may be offered in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: December 15, 1978.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs

[FR Doc. 78-35701 Filed 12-22-78; 8:45 am

[6560-01-M]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

President Carter's Reorganization Plan No. 1 (see President's Message of July 15, 1977) transferred certain functions from the Council on Environmental Quality (CEQ) to the Environmental Protection Agency (EPA). Some of these functions relate to operational duties associated with the administrative aspects of the environmental impact statement (EIS) process. In Memorandum of Agreement No. 1 entered into between CEQ and EPA, dated March 29, 1978, it was agreed that EPA would be the official recipient of EIS's and would publish the availability of each EIS received on a weekly bases. This is the duty formerly carried out by CEQ pursuant to § 1500.11(c) of the CEQ Guidelines.

Review periods for draft and final EIS will be computed as follows: the 45 day review period for draft EIS's will be computed from the Friday following the week which is being reported; the 30 day wait period for final EIS's will be computed from the date of receipt of the EIS by EPA and commenting parties.

The following is a list of environmental impact statements received by the Environmental Protection Agency from December 11, 1978 through December 15, 1978; the date of submission of comments on draft EIS's as computed from December 22, 1978 is February 5, 1979.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: December 20, 1978.

PETER L. COOK,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft supplement

Oregon Dunes NRA Management Plan, Siuslaw NF, Coos, Douglas, and Lane Counties, Oreg., Dec. 11: This statement supplements a final EIS filed in January 1977 concerning a management plan for the Oregon Dunes National Recreation Area located in Coos, Douglas, and Lane Counties, Oregon. The purpose of the supplement is to: 1) Delete references for the nonwilderness recommendation, 2) update information regarding land status, and 3) to indicate that the implementation of the management plan will recognize the reevaluation process, and that no developments or activities will be permitted on the unroaded areas which would adversely affect wilderness values that may be present. (USDA-FS-R6-FES(ADM)-75-01-SUPP.) (EIS Order No. 81322.)

RURAL ELECTRIFICATION ADMINSTRATION

Draft

230 kv Transmission Line and Associated Substation, Lee County, Fla., Dec. 15: Proposed is the issuance of REA insured loan funds to finance a proposed 11 miles of 230 kv transmission line and an associated 230/138 kv substation located in Lee County, Florida. The proposed facilities will interconnect an existing Florida Power and Light transmission system with the proposed Lee County Electric Cooperative No. 2 substation. Alternatives considered include: 1) No additional transmission capability, 2) construction methods and materials, 3) upgrading, 4) purchase power, 5) new area generation, and 6) transmission system corridors. (EIS order No. 81335.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, (202) 693-6795.

Draft

Caruthersville Harbor, Navigation Channel, Pemiscot County, Mo., Dec. 12: Proposed is the development of a 4,680-foot navigation channel north of the city of Caruthersville, Pemiscot County, Missouri. The dredged navigational channel would be 150-foot wide, with a 300-foot turning basin in the upstream portion of the chute and and a nine-foot depth. The dredged material would be used to create a raised fill area along the west bank of the chute. This fill of some 11 acres would be combined with 30 acres of fill provided by local interests for use as a harbor facility. The alternatives considered no action, alternative harbor sites, and various site harbors. (Memphis District). (EIS Order No. 81325.)

Final

Robinson's Branch of Rahway River (2), Union County, N.J., Dec. 14: Proposed is a flood control plan for Robinson's Branch of the Rahway River and Pumpkin Patch Brook in the townships of Clark and Scotch Plains and the city of Rahway, Union County, New Jersey. The plan recommends channel modifications, levees, floodwalls and flumes, with some desnagging along the upper reaches of Pumplin Patch Brook. Floodgates or stop-log structures will be installed on two streets, in Rahway, and two bridges, one in Clark-Scotch Plains and one in Rahway, will be replaced. The COE filed a draft EIS, No. 41399, dated 9/5/74 which was replaced by a revised draft EIS, No. 50491, dated 4/3/75. (New York District). Comments made by: DOI, HEW, USDA, EPA, USCG, State and local agencies. (EIS Order No. 81331.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377-4335.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Final

Butterfish Fishery, Northwest Atlantic, FMP, Dec. 15: Proposed is a management plan for the butterfish fishery of the northwestern Atlantic Ocean. It replaces the preliminary management plan currently in effect. The objectives of the plan are to: 1) Promote U.S. butterfish export industry; 2) minimize costs of harvesting butterfish; 3) increase employment opportunities for commercial fishermen; 4) prevent exploitation of the resource beyond that level producing the maximum sustainable yield; and, 5) minimize costs of enforcement and management of the resources. Comments made by: STAT, USCG, DOI, individuals and businesses. (EPA Order No. 81334.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Clinton Spotts, Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2600.

Draft

Willow Bend Chemical Complex, NPDES Permit, St. John the Baptist Parish, La., December 15: Proposed is the issuance of a new source NPDES permit for the discharge of treated effluent into the Mississippi River from Shell Oil Company's proposed Willow Bend Chemical manufacturing complex located in St. John the Baptist Parish, near Edgard, Louisiana. The complex will be used for the manufacture of chemical intermediates and low molecular weight polymers. The alternatives considered are: (1) No action; (2) site alternatives; (3) process alternatives; and (4) fuel, feedstock, and transportation alternatives. (EIS Order No. 81333.)

Contact: Mr. Edward Vest, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108 (816) 758-2921.

Draft

Lower Meramec River Basin WWT Facilities, St. Louis and Jefferson Counties, Mo., December 12: Proposed is an areawide wastewater treatment plan for the Lower Meramec River Basin in St. Louis and Jefferson Counties, Missouri. Two alternatives are being considered. The first involves a subregional wastewater system of: (1) Nine plants located at the mouths of creeks and in drainage areas, (2) tertiary treatment carried out with discharge to the Meramec, and (3) sludge disposal by onsite lagooning. The second alternative involves a regional system of: (1) A single plant near the mouth of the Meramec River with discharge to the Mississippi River, (2) sludge disposal by onsite lagooning, and (3) two alternate conveyance systems. (EPA-907/9-78-004.) (EIS Order No. 81327.)

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.

GEOLOGICAL SURVEY

Draft

Big Sky Mine Expansion and Reclamation Plan, Rosebud County, Mont., December 14: Proposed is an expansion and reclamation plan for the Big Sky Mine, Peabody Coal Company, Rosebud County, Montana. The company proposes to expand the existing plant and loading facilities, haul and access roads, and utilize the existing rail spur extending from Colstrip. An estimated 30 million tons of low-sulfur coal would be removed from an area of about 894 acres over a period of about 8 years. (DES-78-51.) (EIS Order No. 81329.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Richard E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, Mail Code 369-SS, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427-4152.

Draft

White Mesa Uranium Project, License, San Juan County, Utah, December 15: Proposed is the issuance of a source material license to Energy Fuels Nuclear, Incorporated for the construction and operation of the White Mesa uranium project located in San Juan County, Utah. The project will consist of the construction and operation of a mill with a nominal processing capacity of 1,800 metric tons per day with provisions for recovery of vanadium as well uranium. Waste materials from the mill will be produced at about 1,800 MT of solids per day and stored onsite. (NUREG-0494.) (EIS Order No. 81332.)

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 HIGHWAY ADMINISTRATION

Draft

South L Street and Garwood Road Study, Richmond, Wayne County, Ind., December 11: Proposed is a road improvement project for South L Street and Garwood Road along with the proposed Niewoehner Extension in the city of Richmond, Wayne County, Indiana. The project will begin at South L Street and Liberty Avenue and run to either the Niewoehner Extension or the existing Garwood Road and then extend north to US 40. The total construction length of the project will be approximately 3.84 if Garwood Road is used and 3.31 miles if the Niewoehner Extension is used. It has been proposed that the facility, once completed, be a partially controlled access road. Five alternatives are considered. (FHWA-IND-EIS-78-05-D.) (EIS Order No. 81323.)

Final

Hooper Rd. and Harding Blvd.—Hooper Rd. Connection, East Baton Rouge Parish, La., December 11: This statement discusses the impacts which may result from the construction of two projects in East Baton Rouge Parrish, Louisiana. State project No. 255-02-20 begins at the junction of Plank Road and Harding Boulevard and continues in a northeasterly direction for approximately 2,700 feet, where it merges into the existing alignment of Hooper Road. It is at this point that State project No. 255-02-14 begins. This project proceeds east along the existing alignment of Hooper Road, for a distance of approximately 3.9 miles, to its terminus approximately 1,000 feet east of Blackwater Bayou. (FHWA-LA-EIS-74-04-F.) Comments made by: DOI, EPA, COE, USDA, GSA, State and local agencies. (EIS Order No. 81324.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Brovn, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6308.

Draft

Schubert-Sterchi Subdivision, Knox County, Tenn., December 13: Proposed is the issuance of HUD Home Mortgage Insurance for the Schubert-Sterchi subdivision located in Knox County, Tennessee. The project is located on 328 acres, of a total 900 acre undeveloped area, known as the Sterchi Farm. The subdivision will encompass 200 lots developed with single family dwellings. (HUD-R04-EIS-78-07D.) (EIS Order No. 81328.)

Parkridge Subdivision, Harris County, Tex., December 12: Proposed is the issuance of HUD Home Mortgage Insurance for the Parkridge subdivision located in Harris County, Texas. The proposed development plan for the project provides for the construction of approximately 260 apartment units and 1,074 single family units. (HUD-R06-EIS-78-52D) (EIS Order No. 81326.)

Final

Strawberry Farms, No. 346, Columbus, Franklin County, Ohio, December 14: Proposed is the granting of mortgage insurance to concept communities for the development of Stawberry Farms in the city of Columbus, Franklin County, Ohio. Strawberry Farms involves the residential development of a 202+ acre tract of land over approximately a 6-year period in the northeast quadrant of Columbus. Development will include the construction of approximately 635 housing units of which 613 will be single family while 22 are to be duplexes. Land within the development is being reserved for open space and school usage, (HUD-R05-EIS-77-18-F.) Comments made by: USDA, COE, DOT, EPA, and State agencies. (EPA Order No. 81330.)

[FR Doc. 78-35860 Filed 12-22-78; 8:45 am]

[6560-01-M]

[FRL 1028-7]

SCIENCE ADVISORY BOARD HEALTH EFFECTS RESEARCH REVIEW GROUP

Meeting Cancellation

Notice is hereby given pursuant to Public Law 92-463, that the Health Effects Research Review Group of the Science Advisory Board will not meet as stated in 43 FR 58626, December 15, 1978. Thus, the meeting scheduled for January 8, 1979 has been cancelled. Further information on the Health Effects Research Review Group may be obtained from Dr. Frode Ulvedal. Telephone number 202-426-2355.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

DECEMBER 15, 1978.

[FR Doc. 78-35703 Filed 12-22-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (ALASKA PIPELINE)

Certificates Issued

Notice is hereby given that the following operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204, Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	*Operator and vessels*
99078.....	Montauk Oil Transportation Corporation: *Cibro Philadelphia, Cibro New York, Cibro Albany.*
99079.....	Marine Transport Lines, Inc.: *B/T Alaska, B/T San Diego.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-35836 Filed 12-22-78; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 2000R]

PACIFIC CUSTOMS BROKERS, STANLEY EDWARD WELLS D/B/A

Order of Revocation

The bond issued in favor of Pacific Customs Brokers, Stanley Edward

Wells d/b/a, 110 West Ocean Boulevard, Long Beach, California 90801, FMC No. 2000R, was cancelled effective November 30, 1978.

By letter dated November 6, 1978, Pacific Customs Brokers, Stanley Edward Wells d/b/a, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2000R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Pacific Customs Brokers, Stanley Edward Wells d/b/a has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(d) dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2000R be and is hereby revoked effective November 30, 1978.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2000R, issued to Pacific Customs Brokers, Stanley Edward Wells d/b/a be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Pacific Customs Brokers, Stanley Edward Wells d/b/a.

ROBERT G. DREW,
Director Bureau of Certification and Licensing.

[FR Doc. 78-35835 Filed 12-22-78; 8:15 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on December 20, 1978. 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 FMC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before January 15, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL MARITIME COMMISSION

The FMC requests an extension without change clearance of General Order 18 (46 CFR Part 537), "Conference Agreement Provisions Relating to Concerted Activities." This rule requires that parties to agreements approved under section 15 of the Shipping Act of 1916, file with the Commission reports of all meetings of the conference or parties to the agreement. In addition to filing copies of the minutes, the parties must retain a record of the vote on each question voted on for at least two years, and retain a copy of all reports or circulars distributed to the parties which relate to matters within the scope of the approved agreements for at least two years. The FMC estimates respondents to number approximately 103 ocean carriers and 33 terminal operators and reporting burden to average 1 hour and 55 minutes per response and recordkeeping to average 5 minutes for each report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-35831 Filed 12-22-78; 8:45 am]

[4110-89-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretry for Education

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative rganizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before January 25, 1979 and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: December 19, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY:

Basic Grant Quality Control Project (Verification from point of application through receipt of actual award)—Mail Questionnaire.

2. AGENCY/BUREAU/OFFICE:

Office of Educaton/Bureau of Student Financial Assistance/Division of Quality Assurance.

3. AGENCY FORM NUMBER:

QE 628-1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Each student desiring a basic grant for any year must file an application therefore containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilitis under this subpart." (P.L. 94-482) (20 U.S.C. 1070a (b)(2)) (Subpart A, Sec. 190.12, Nov. 6, 1974)

5. VOLUNTARY / OBLIGATORY NATURE OF RESPONSE:

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED:

The major objectives of this project are to:

1. Reliably document the program wide error rates of 1978-79 BEOG student program determinations, incuding eligibility benefits amount and payments.

2. Optimally determine the specific types and probable causes of significant programwide error rates in such determinations if any; and

3. Identify 1979-80 actions which can effectively reduce or eliminate errors, including design of on-going quality control systems.

Information obtained from the survey will: (1) provide a baseline of highly reliable nation-wide quality control data, to determine error rates; (2) provide detailed data and analysis on student and school analysis on student and school problems, to permit meaningful problem diagnosis; and (3) provide data-base program and management analyses, to support corrective action decisions and the design of future BEOG quality control programs.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail questionnaire.

b. TIME OF COLLECTION: January, 1979 to March, 1979.

c. FREQUENCY: One-time.

8. RESPONDENTS:

a. TYPE: Postsecondary Educational Institutions participating in the Basic Grant Program.

b. NUMBER: Sample of approximately 200.

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: 1 hour.

9. INFORMATION TO BE COLLECTED:

Postsecondary Educational Institutions participting in the Basic Grant Program. Data collected will relate to the basic regulations under which institutions make awards to students by reviewing the process used by the institutions in computing and making awards for compliance with the regultions.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY:

An evaluation of the Right to Read Inexpensive Book Distribution Program.

2. AGENCY/BUREAU/OFFICE:

Department of Health, Education and Welfare.

U.S. Office of Education.

Office of Evaluation and Dissemination.

3. AGENCY FORM NUMBER:

OE 629-1 thru -7.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

Planning and evaluation activities are authorized under the General Education Provisions Act which states in part: "* * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program * * *" (20 U.S.C. 1226C.)

Also, Part D of P.L. 93-380 as amended by P.L. 94-194 provides a one percent administrative set-aside for evaluation purposes as part of the National Reading Improvement Program funding. (20 U.S.C. 1226.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED:

This study is an assessment of program effectiveness. The data will be used by the Office of Evaluation and Dissemination to provide Congress and other decision-makers with an evaluation of the effectiveness of the inexpensive book distribution program as a vehicle to increase reading motivation, and an evaluation of the process whereby inexpensive books get into the hands of the target population.

7. DATA ACQUISITION PLAN:

a. *Method of Collection:* Data collection instruments are designed to ascertain information in one of the following ways:

- Face to face interview
- Self administered questionnaire
- Mail survey

b. *Time of Collection:* Questionnaires will be administered at two points during a single school year and will be at least two months apart. Ideally, Fall 1979 and Spring 1980 will serve as the two data collection points.

c. *Frequency:* Semi-annually.

8. RESPONDENTS:

a. *Type:* Inexpensive Book Distribution Subcontractors.

- Number: 160 self administered questionnaires; 40 face to face interviews
- Estimated average manhours per respondent: .25

b. *Type:* Teachers—(Experimental and Control groups)

- Number: 400
- Estimated average manhours per respondent: .25

c. *Type:* Librarians—(Experimental and Control groups)

- Number: 80
- Estimated average manhours per respondent: .25

d. *Type:* Children—(Experimental and Control groups)

- Number: 3600
- Estimated average manhours per respondent: .25

e. *Type:* Parents—(Experimental and Control groups)

- Number: 3600
- Estimated average manhours per respondent: .25

f. *Type:* Inexpensive Book Distribution Program Volunteers

- Number: 160
- Estimated average manhours per respondent .17

g. *Type:* Book Publishers/Suppliers

- Number: 175
- Estimated average manhours per respondent: .25

9. INFORMATION TO BE COLLECTED:

a. Inexpensive Book Distribution Subcontractors

- Organization specifics
- Characteristics of distribution program
- Acquisition process
- Program funding
- Volunteer and community participation
- Satisfaction

b. Teachers

- Qualifications
- Characteristics of distribution
- Nature and extent of participation
- Perception of participant attitudes and behaviors
- Effects of the program
- Satisfaction

c. Librarians

- Qualifications
- Nature and extent of participation
- Coordination of library with program
- Effects of the program

d. Children

- Reading behaviors
- Attitudes toward reading

e. Parents

- Knowledge of program
- Reading habits
- Attitudes toward reading
- Child's reading habits
- Child's attitude toward reading
- Increase in parent activity in child's school

f. Volunteers

- Background
- Nature and extent of participation
- Perception of program effect

g. Publishers/Suppliers

- Organizational data
- Types of materials published/handled
- Program Impact on business
- Satisfaction

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY:

Survey of Parent Involvement Activities in Federal Education Programs (Title I, ESAA, Bilingual and Follow Through).

2. AGENCY/BUREAU/OFFICE:

U.S. Office of Education, Office of Evaluation and Dissemination.

3. AGENCY FORM NUMBER:

OE 642-1, 642-2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

Section 417 (a)(1) of P.L. 93-380 requires that "* * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on the progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive benefits of such program * * *" (20 U.S.C. 1226c).

5. VOLUNTARY / OBLIGATORY NATURE OF RESPONSE:

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

The Commissioner of Educaton is required by law (Sec. 427 General Education Provisions Act) to promulgate regulations which encourage parental participation where it is determined that such participation increases the effectiveness of such programs. Currently, little information exists concerning the nature of extent of parental participation in the four federal programs beyond some limited information concerning required advisory councils. The present study is designed to collect descriptive data on the nature and extent of both formal and informal parent participation in these educational programs. Such data will be useful to federal policymakers in recommending new regulations and for purposes of reporting to the Congress the costs and benefits of the currently required parent advisory councils. Additionally the study will attempt to identify and disseminate effective strategies or models of parental participation for use by local education agencies and communities.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail/telephone.

b. TIME OF COLLECTION: Spring, 1979.

c. FREQUENCY: Once.

8. RESPONDENTS:

a. TYPE: LEA Federal Programs Coordinator.

b. NUMBER: 400 (Divided among four programs).

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: ¾ hour.

a. TYPE: School Principal of Federal Program Contact.

b. NUMBER: 1000 (Divided among four programs).

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: 1 hour.

9. INFORMATION TO BE COLLECTED:

RESPONDENT TYPE: LEA Federal Program Coordinator:

- District demographics (size, race/ethnicity, budget).
- Presence and activities of LEA Parent Involvement Specialist.
- Advisory council information (if required at LEA level):

Selection procedures for members.

Council activities and level of authority.

LEA support (training, budget).

RESPONDENT TYPE: Principal or Federal Program contact:

- School demographic (size, race/ethnicity, wealth).
- Presence and membership of School Advisory Council (if required at school level):

Selection procedures for members.

Council activities and level of authority.

School support (training, budget).

- Presence and activities of program supported parent paraprofessionals.
- Presence and activities of program encouraged parent volunteers.
- School support of parents as tutors of own children.
- Presence and activities of program supported school-parent liaison.
- Level of federal funding and budget for parent involvement.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITIY

1. TITLE OF PROPOSED ACTIVITY:

Citizen Education for Cultural Understanding—Application.

2. AGENCY/BUREAU/OFFICE:

U.S. Office of Education/Bureau of Higher and Continuing Education/Division of International Education.

3. AGENCY FORM NUMBER:

OE 675.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Sec. 603. * * * (b) The Commissioner is authorized, by grant or contract, to stimulate locally designed educational programs to increase the understanding of students in the United States about the cultures and actions of other nations in order to better evaluate the international and domestic impact of major national policies.

(c) Grants or contracts under this section—

(1) May be made to any public or private agency or organization, including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, educational consortia, and organizations of teachers;

(2) May include assistance for inservice training of teachers and other education personnel, the compilation of existing information and resources about other nations in forms useful to various types of educational programs, and the dissemination of information and resources to educators and educational officials upon thier request, but shall not be used for the development of new curriculums or the acquisition of equipment or remodeling of facilities; and

(3) May be made for projects and programs at all levels of education, and may include projects and programs carried on as part of community, adult, and continuing education programs." (Pub. L. 94-482; 20 U.S.C. 512a)

5. VOLUNTARY / OBLIGATORY NATURE OF RESPONSE:

Required to obtain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

Information collected will be used by the Commissioner to evaluate the application on the basis of the criteria set out in § 146a.7 of Title 45 of the Code of Federal Regulations, as amended, to determine whether the applicant will satisfy the project requirements set out in § 146a.6.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail.

b. TIME OF COLLECTION: Spring.

c. FREQUENCY: Once a year.

8. RESPONDENTS:

a. TYPE: Any public or private agency or organization.

b. NUMBER: Estimate 500.

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: 5.

9. INFORMATION TO BE COLLECTED:

a. Information required on Standard Form 424.

b. The application must show compliance with the Proposed Funding Criteria which will be published in the FEDERAL REGISTER. This includes such items as:

(1) Need for program.

(2) Nature and scope of program.

(c) Extent to which segments of local community were consulted.

d. Degree program provides for cooperation with local community.

e. Agency or organizations' commitment to establishment and operation of program.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISTITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY:

The collection of language assessment data used to identify limited English proficiency (LEP) students for placement in Title VII Bilingual Elementary and Secondary Education programs as required by the Management Initiative Tracking System (M.I.T.S.).

2. AGENCY/BUREAU/OFFICE:

Department of Health, Education, and Welfare; Office of Education: Office of Bilingual Education.

3. AGENCY FORM NUMBER:

OE Form 678

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

Title VII—Amendment to Title VII of the Elementary and Secondary Education Act of 1965 (Public Law 95-561).

Section 703(a) (4) (B): "a program of bilingual instruction may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 per centum. The objective of the program shall be to assist children of limited English language skills, and . . . "(Public Law 95-561) Education Amendment 1978.

5. NATURE OF RESPONSE:

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

The language assessment data (identification of LEP students) collected will be used to statistically fulfill M.I.T.S. objective that by October 31, 1979, not less than 60% of all children participating in each Title VII Basic Program will be of limited English proficiency, The national goal will be to achieve 75% LEP participation.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail.

b. TIME OF COLLECTION: January 1979; October 1979.

c. FREQUENCY: Twice in 12 month period.

8. RESPONDENTS:

a. TYPE: Elementary and Secondary Schools.

b. NUMBER: 565.

c. ESTIMATED AVERAGE MAN-HOURS PER RESPONDENT: 40 hours.

NOTE.—In estimating average man hours, time has been alloted for each catagory in the development of a profile (such as teacher assessment, administration of language assessment test, etc.) for each student. Man hours have been based on an acerage classroom of 20 students. However, the estimated 40 man hours does not include time for those grantees that will need to develop a language assessment testing instrument. There are several languages that do not have commercially available test instruments or have not developed one in the past. Therefore, additional man hours will be required for those grantees.

9. INFORMATION TO BE COLLECTED:

The language assessment data to be collected will be reflected in the form of a profile. This profile should include the following:

The results of a language assessment test;
Achievement test scores;
Teacher/staff assessment (to include an interview in the child's native language);
Home background information;
Any other information which may contribute to the development of an academic English proficiency profile.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISTION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY:

Analysis of Alternative Comparability Measures.

2. AGENCY/BUREAU/OFFICE:

U.S. Office of Education, Office of Evaluation and Dissemination.

3. AGENCY FORM NUMBER:

OE 677.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

Section 102, Part F, of PL 95-561 requires that: "The Commissioner shall . . . make a study of the feasibility and desirability of alternative criteria for demonstrating the comparability of services provided with State and local funds in each (Title I) project area . . . to those provided outside such areas . . . " (20 U.S.C.2701).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

The information collected will be used to provide Congress with alternative measures of comparability and an evaluation of the strengths and weaknesses of these alternative measures along with the currently employed measures.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail survey form/Site visits.

b. TIME OF COLLECTION: Fall/winter 1979-80; Fall/winter 1980-81.

c. FREQUENCY: Once per school year.

8. RESPONDENTS:

a. TYPE: Teachers, Elementary/Secondary Schools.

b. NUMBER: 600 for mail survey, 300 for site visit.

c. ESTIMATED AVERAGE MAN-HOURS PER RESPONDENT: 1½ hours for the mail survey and ½ hour for the site visit.

a. TYPE: School Administrators and Supervisors.

b. NUMBER: 60 for mail survey, 30 for site visit.

c. ESTIMATED AVERAGE MAN-HOURS PER RESPONDENT: 45 minutes for the mail survey and ½ hour for the site vist.

a. TYPE: LEA Federal Programs Coordinator.

b. NUMBER: 30 for mail survey, 15 for site visit.

c. ESTIMATED AVERAGE MAN-HOURS PER RESPONDENT: 2½ hours for the mail survey and 1½ hours for the site visit.

9. INFORMATION TO BE COLLECTED:

RESPONDENT TYPE: Teachers, Elementary/Secondary—

- Class characteristics (size, pupil background and socioeconomic status).
- Instructional characteristics (Physical condition of classroom, audio-visual equipment, teachers aides, size and intensity of instructional groups.)

RESPONDENT TYPE: School Administrators and Supervisors—

- Teacher characteristics (teaching experience, longevity, advanced degree earned, additional education).
- Pupil characteristics of school (race, class size, special needs population, compensatory educational needs).
- School characteristics (grade span).
- Curriculum characteristics.

RESPONDENT TYPE: LEA Federal Program Coordinator—

- Characteristics of resource allocation among schools (differential teacher salaries, differential curricula.)

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY:

Fiscal Year 1980 Annual Program Plan Amendment for Part B of the Education of the Handicapped Act as Amended by P.L. 94-142 and for P.L. 89-313.

2. AGENCY/BUREAU/OFFICE:

Department of Health, Education, and Welfare/U.S. Office of Education/Bureau of Education for the Handicapped/Division of Assistance to States.

3. AGENCY FORM NUMBER:

OE 9055

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

Any State which desires to participate in a State administered program must submit an annual program plan. (Regs 100b.18, 100b.28, 100b.29, 100b.35, 100b.36)

Sections 612 (20 U.S.C. 1412) and (20 U.S.C. 1413) of Public Law 94-142 constitute the basis of authority for this activity. These sections are quoted below in their entirety. Section 612 addresses the conditions of eligibility a State must meet in order to qualify for assistance and Section 613 deals with State Plan requirements.

Section 612:

". . . In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met:

"(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

"(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

"(A) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

"(B) a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

"(C) all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(D) policies and procedures are established in accordance with detailed criteria prescribed under section 617(c); and

"(E) the amendment to the plan submitted by the State required by this section shall be available to parents, guardians, and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

"(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving an education, and second, with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

"(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

"(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementray aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State of local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency.

"(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613 * * *" (20 U.S.C. 1412)

Section 613:

"Sec. 613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Commissioner, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall—

"(1) set forth policies and procedures designed to assure that funds paid to the State under this part will be expended in accordance with the provisions of this part, with particular attention given to the provisions of sections 611(b), 611(c), 611(d), 612(2), and 612(3);

"(2) provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2), section 305(b)(8) of such Act (20 U.S.C. 844a(b)(8) or its successor authority, and section 122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivi-

sions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

"(3) set forth, consistent with the purposes of this Act, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the in-service training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

"(4) set forth policies and procedures to assure—

"(A) that to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

"(B) that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State and (ii) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;

"(5) set forth policies and procedures which assure that the State shall seek to recover any funds made available under this part for services to any child who is determined to be erroneously classified as eligible to be counted under section 611(a) or section 611(d);

"(6) provide satisfactory assurance that the control of funds provided under this part and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(7) provide for (A) making such reports in such form and containing such information as the Commissioner may require to carry out his functions under this part, and (B) keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

"(8) provide procedures to assure that final action with respect to any application submitted by a local educational agency or an intermediate educational unit shall not be taken without first affording the local educational agency or intermediate educational unit involved reasonable notice and opportunity for a hearing;

"(9) provide satisfactory assurance that Federal funds, are available under this part (A) will not be commingled with State funds and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Commissioner may waive in part the requirement of this clause if he concurs with the evidence provided by the State;

"(10) provide, consistent with procedures prescribed pursuant to section 617(a)(2), satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies and intermediate educational units;

"(11) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617; and

"(12) provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and (C) assists the State in developing and reporting such data and evaluations as may assist the Commissioner in the performance of his responsibilities under section 618.

"(b) Whenever a State educational agency provides free appropriate public education for handicapped children, or provides direct services to such children, such State educational agency shall include as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

"(c) The Commissioner shall approve any State plan and any modification thereof which—

"(1) is submitted by a State eligible in accordance with section 612; and

"(2) meets the requirements of subsection (a) and subsection (b). The Commissioner shall disapprove any State plan which does not meet the requirements of the preceding sentence, but shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State. (20 U.S.C. 1413).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

Program Management—The State Annual Program Plan is the application submitted to the Commissioner of Education from each State desiring to receive grants under Part B of the Education for All Handicapped Children Act of 1975. States are required to submit submission statements and assurances, for both 94-142 and 89-313. For the Part B application only, States must submit updates to narrative descriptions of State policies and procedures for the implementation of Pub. L. 94-142, a description of the use of Part B funds and, four activity descriptions (one of these includes three statistical reports).

The submission statements and certification by the officer of the State educational agency (SEA) authorized

to submit the plan and by the State Attorney General shows: (1) the plan has been adopted by the SEA, (2) that the plan will be that basis for operation and administration of the activities to be carried out in that State as required under Part B of 94-142 and Pub. L. 89-313, (3) that the SEA has authority under State law to submit the plan and to administer or to supervise the administration of the plan, and (4) that all plan provisions are consistent with State law. (Regs. 121a, 112 (Part B) and 1166.12, 1166.13 (89-313)).

The information will be used as the basis for determining (1) compliance during site visits, (2) grant eligibility for each State, and (3) the kind of technical assistance that may be needed. The information will also be used to identify State and national needs on facilities and services required to meet the free appropriate public education goal for handicapped children (Pub. L. 94-142, Section 613(a)(12)(A)); and to "provide to the appropriate committees of each House of Congress and to the general public . . . programmatic information . . ." (Pub. L. 94-142, Sec. 618(b)(1)). In summary, the information collected will be primarily used for determination of grant awards, compliance enforcement, accountability to the Commissioner and technical assistance requirements (Sec. 613(a) of Pub. L. 94-142).

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: By Mail.

b. TIME OF COLLECTION: Spring.

c. FREQUENCY: Annually.

8. RESPONDENTS:

a. *Type:* State Education Agencies

b. *Number:* Universe

c. *Estimated Average Man-hours per Respondent:* 45 hours

9. INFORMATION TO BE COLLECTED:

The requirements for the FY-1980 Annual Program Plan are based entirely on the Rules and Regulations for Title VI, Part B, published August 23, 1977, and the Rules and Regulations for P.L. 89-313 published on April 17, 1978.

The information collected from State education agencies for the 89-313 program consists of a submission statement with program assurances which must be signed by the Authorized State official (Reg. 100b.18).

The information will be collected from State education agencies for the Title VI, Part B program in the form of a submission statement with program assurances, updates to State policies and procedures, descriptions of four ongoing program activities (Public Participation, Policy on Priorities, Child Identification, and the Comprehensive System of Personnel Development), a projection of the use of funds, and statistical information.

Under the authority of P.L. 94-142 and P.L. 89-313, the assurances and other statements will be signed by an authorized official of the State Education Agency certifying that all of the assurances and provisions listed will be met within the State.

(Regs. 121a.112(a), 121a.137, 121a.138, 121a.142, 121a.143, 121a.145, 121a.147, 121a.150, 121a.382 (P.L. 94-142); 116b.10 (P.L. 89-313).)

The narrative portions of the annual program plan (for Part B only) require descriptions of State policies and procedures for implementation of the Act.

Under the authority of P.L. 94-142, each annual program plan must include policies and procedures which:

1. Insure public hearings, adequate notice of such hearings, and an opportunity for comment prior to the adoption of the annual program plan. (Sec. 612(7)(B), Reg. 121a.120).

2. Show that all handicapped children within the mandated age ranges and timelines have the right to a free appropriate public education. (Sec. 612(1), 612(2)(B), Reg. 121a.121, 121a.122).

3. Insure that the State has a goal of providing full educational opportunity to all handicapped children aged birth through twenty-one. (Sec. 612(2)(A), Reg. 121a.123).

4. Insures that each SEA and local education agency (LEA) shall use funds under Part B of the Act (1) to provide free appropriate public education to handicapped children who are not receiving any education, and (2) to provide free appropriate education to handicapped children within each disability with the most severe handicaps who are receiving some but not all of the special education and related services needed. (Sec. 612(3), Reg. 121a.127).

5. Insure that all handicapped children, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated. (Sec. 612(2)(c), Reg. 121a.128).

6. Assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by State and local educational agencies. (Sec. 617(c), Reg. 121a.129).

7. Show that each local educational agency in the State establishes, reviews, revises and maintains records of the individualized education program for each handicapped child. (Sec. 612(4), Reg. 121a.130).

8. Show that each State and local education agency shall provide procedural safeguards to handicapped children and their parents with respect to the provision of a free appropriate public education. (Sec. 612(5)(A), Reg. 121a.131).

9. Insure (1) that to the extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and (2) that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Sec. 612(5)(B), Reg. 121a.132).

10. Insure that testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory. (Sec. 612(5)(c), Reg. 121a.133).

11. Assure that the State educational agency is responsible that the requirements of the Act are carried out for all educational programs within the State. (Sec. 612(6), Reg. 121a.134).

12. The SEA follows in insuring the SEA's and LEA's are (1) effectively implementing the procedural safeguards, and (2) using Part B funds properly and efficiently. (Sec. 612(6), Reg. 121a.135).

13. The SEA follows to inform each State and local agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by that State or local agency. (Sec. 612(6), Reg. 121a.136).

14. Insure the development and implementation of a comprehensive system of personnel development. (Sec. 613(a)(3), Reg. 121a.139).

15. Insure that provision is made for the participation of those children in the program assisted or carried out under Part B of P.L. 94-142 by providing for those children who are enrolled in regular or special private schools, special education and related services. (Sec. 613(a)(4)(A), Reg. 121a.140).

16. Insure that a handicapped child who is placed in or referred to a private school or facility by the SEA or LEA (1) is provided special education and related services, (2) has all of the rights of a handicapped child who is served by a public agency. (Sec. 613(a)(4)(B), Reg. 121a.140, 121a.401, 121a.405).

17. Insure that the State seeks to recover any funds provided under Part B of the Act for services to a child who is determined to be erroneously classified as eligible to be counted. (Sec. 613(a)(5), Reg. 121a.141).

18. Insure that the SEA does not take any final action with respect to an application submitted by a LEA

before giving the LEA reasonable notice and an opportunity for a hearing. (Sec. 613(a)(8), Reg. 121a.144).

19. Provide for evaluation of the effectiveness of programs in meeting the educational needs of handicapped children. (Sec. 613(a)(ii), Reg. 121a.146).

20. Include information about the State's use of EHA-B funds. (Sec. 611(b)(c)(d), Reg. 121a.148).

21. Describe the use of Part B funds. (Sec. 611(b)(c), Reg. 121a.149).

22. Include a description of direct services the SEA will provide. (Sec. 613(b), Reg. 121a.151).

All of the above policies and procedures are necessary to show that the States are (1) eligible to receive a grant award, and (2) to be in compliance with P.L. 94-142 and Section 504 of the Rehabilitation Act of 1973.

Four program descriptions are required for activities which must be ongoing in a State which accepts Part B funding. A Part B applicant must describe its public participation activities, its policy of priorities and service to the mandated priority groups, and child identification activities and the comprehensive system of personnel development. The description of the State's system for training personnel includes three statistical tables. These tables are the only statistical requirements in the annual program plan (Regs. 121a.120, 121a.127, 121a.128, 121a.139).

For Part B only, each applicant must also provide a description of how funds issued under the plan will be used. (Regs. 121a.149).

[FR Doc. 78-35717 Filed 12-22-78; 8:45 am]

[4110-03-M]

[Docket No. 78F-0398]

AMERICAN CYANAMID CO.

Notice of Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: American Cyanamid Co. has filed a petition proposing the safe use of acrylamide and *N*-(hydroxymethyl) acrylamide as modifiers of styrene-butadiene copolymers used as components of paper and paperboard for food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3242) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of acrylamide and *N*-(hydroxymethyl) acrylamide as modifiers of styrene-butadiene copolymers used as components of paper and paperboard for food-contact use.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the requirement of an environmental impact analysis report, and that no environmental impact statement is necessary.

Dated: December 15, 1978.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 78-35707 Filed 12-22-78; 8:45 am]

[4110-03-M]

[Docket No. 78N-0280; DESI NOS. 740, 1543, and 7661]

ESTROGENS FOR POSTPARTUM BREAST ENGORGEMENT

Extension of Time for Submissions in Support of Hearing Requests

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice extends the time period for submissions in support of hearing requests on the use of estrogens for postpartum breast engorgement.

DATE: Submissions due on or before January 26, 1979.

ADDRESSES: Submissions forwarded in response to this notice should be identified with the Docket No. 78N-0280 and directed to the Office of the Hearing Clerk, Food and Drug Administration (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 200857.

FOR FUTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 24, 1978 (43 FR 49564), the Director of the Bureau of Drugs proposed to withdraw approval of new drug applications for estrogen-containing drugs that are labeled for use in postpartum breast engorgement. The notice provided applicants and any other person subject to the notice the opportunity to request a hearing by November 24, 1978, and submit data, information, and analyses on or before December 26, 1978, to justify a hearing.

In respnse to the October 24, 1978 notice, the Director received requests from Merrell-National Laboratories and E. R. Squibb & Sons, Inc., to extend the time period for submitting the required data, information and analyses in support of their hearing requests. After reviewing the requests, the Director finds that there are reasonable grounds for granting an extension, and he hereby extends the time period to January 26, 1979, for submitting the necessary data, information, and analyses to justify a hearing. The extension of time applies only to those persons who filed a written notice of appearance and request for hearing on or before November 24, 1978.

Dated: December 20, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-35912 Filed 12-22-78; 8:45 am]

[1505-01-M]

[Docket No. 76P-0163]

IDENTITY AND QUALITY STANDARD FOR CANNED PINEAPPLE JUICE

Amended Notice of Interim Standards

Correction

In FR Doc. 78-28698, appearing at page 47284 in the issue of Friday, October 13, 1978, make the following changes:

1. The third from last line of the "Summary paragraph should read, "the 13.5° Brix minimum pineapple".

2. The sixth line of the second paragraph under the heading "Supplementry Information" should read, "[con-]stantly changing Brix level as it is being".

[1505-01-M]

[Docket Nos. 77N-0295 through 77N-0299]

SKIN TEST ANTIGENS

Revocations of Licenses, Reclassifications, and Withdrawal of Notice of Opportunity for Hearings

Correction

In FR Doc. 78-30349, appearing at page 50250 in the issue of Friday, October 27, 1978, between the words "justify" and "permitting" in the 16th line of the first full paragraph on page 50251 insert the words, "classification into category III A and thus justify".

[4110-08-M]

National Institutes of Health

NATIONAL CANCER ADVISORY BOARD, PRESIDENT'S CANCER PANEL, BOARD SUBCOMMITTEES

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board, its Subcommittees, and the President's Cancer Panel, January 15-17, 1979, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Some of these meetings will be open to the public to discuss committee business as indicted in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(4) and Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

NAME OF COMMITTEE: National Cancer Advisory Board/President's Cancer Panel.
DATE AND PLACE OF MEETING: January 15-17, 1979, Building 31C, Conference Room 6, National Institutes of Health.
TIMES OPEN: January 15, 1:00 p.m.—5:00 p.m.; January 16, 1:00 p.m.—5:00 p.m.; January 17, 9:00 a.m.—adjournment.
AGENDA/OPEN PORTION: Items include reports on activities of the President's Cancer Panel and the National Cancer Institute; the science content analysis system; training; a program review of the Division of Cancer Biology and Diagnosis; and, reports of the Board's Subcommittees.
TIMES CLOSED: January 16, 9:00 a.m.—12:00 noon.
CLOSURE REASON: To review research grant applications.

NAME OF COMMITTEE: Subcommittee on Special Actions.
DATE AND PLACE OF MEETING: January 15, 1979; 9:00 a.m.-12:00 noon, Building 31C, Conference Room 6, National Institutes of Health.
CLOSED FOR THE ENTIRE MEETING.
AGENDA: To review research grant applications.

NAME OF COMMITTEE: Subcommittee on Centers.
DATE AND PLACE OF MEETING: January 15, 1979, Building 31A, Conference Room 11A10, National Institutes of Health.
TIMES OPEN: January 15, 9:45 a.m.—adjournment.
AGENDA/OPEN PORTION: Discussion of criteria and proedures for recognition of comprehensive cancer centers.
TIMES CLOSED: January 15, 8:30 a.m.—9:45 a.m.
CLOSURE REASON: To review research grant applications.

NAME OF COMMITTEE: Subcommittee on Construction.
DATE AND PLACE OF MEETING: January 15, 1979, Building 31A, Conference Room 11A10, National Institutes of Health.
TIMES OPEN: January 15, 11:00 a.m.-adjournment.
AGENDA/OPEN PORTION: (1) preview of construction grant activities; (2) preliminary survey results on animal facilities, standard and clinical facilities, and biohazards facilities.
TIMES CLOSED: January 15, 10:30 a.m.—11:00 a.m.
CLOSURE REASON: To review research grant applications.
NAME OF COMMITTEE: Subcommittee on Environmental Carcinogenesis.
DATE AND PLACE OF MEETING: January 15, 1979; 7:30 p.m.—adjournment, Building 31C, Conference Room 6, National Institutes of Health.
OPEN FOR THE ENTIRE MEETING.
AGENDA: To discuss the Subcommittee's report on bioassay state-of-the-art.

(Catalog of Federal Domestic Assistance Program Nos. 13.392-13.397, National Institutes of Health.)

Dated: December 18, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-35739 Filed 12-22-78; 8:45 am]

[4110-08-M]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON PLANNING AND BUDGET

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board's Subcommittee on Planning and Budget, National Cancer Institute, January 15, 1979, Building 31C, Conference Room 6, National Institutes of Health. This meeting will be open to the public on January 15, 1979, from 8:30 p.m. to adjournment to discuss (a) the fiscal year 1978 final budget report; (b) the status report, fiscal year 1979; and, (c) the five-year projection for fiscal years 1981-1985. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(9)(B), Title 5, U.S. Code, as amended, and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on January 15, 1979, from 7:30 p.m. to 8:30 p.m. to discuss the President's fiscal year 1980 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and rosters of the members, upon request.

Mr. Louis M. Carrese, Executive Secretary, National Cancer Institute, Building 31, Room 11A49, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6445) will furnish substantive program information, upon request.

Dated: December 18, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-35738 Filed 12-22-78; 8:45 am]

[4110-02-M]

Office of Education

LIBRARY SERVICES AND CONSTRUCTION ACT

Promulgation of Federal Shares

Sections 7(b)(1) and 7(b)(2) of the Library Services and Construction Act, as amended, provided for the promulgation of Federal Shares every second fiscal year beginning with FY 1971. Per capita income data from the Department of Commerce for the years 1975, 1976, and 1977 has been used to establish the Federal shares applicable to Titles I and II of the Act for the States and Territories. These shares published below are effective for fiscal years ending September 30, 1980 and September 30, 1981.

(Catalog of Federal Domestic Assistance Program Number 13.464, Library Services-Grants for Public Libraries; and 13.408, Construction of Public Libraries:).

Dated: December 14, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

State	Federal share (percent)
Alabama	60.08
Alaska	33.00
Arizona	53.73
Arkansas	61.18
California	43.72
Colorado	48.99
Connecticut	42.51
Delaware	44.64
District of Columbia	36.78
Florida	52.24
Georgia	57.02
Hawaii	44.08
Idaho	56.35
Illinois	43.39
Indiana	51.28
Iowa	50.88
Kansas	49.18
Kentucky	57.88
Louisiana	58.38
Maine	58.86
Maryland	45.63
Massachusetts	48.23
Michigan	47.17
Minnesota	50.36
Mississippi	64.69
Missouri	53.07
Montana	55.45
Nebraska	51.48
Nevada	43.45
New Hampshire	53.52
New Jersey	42.70
New Mexico	58.52
New York	45.59
North Carolina	57.60
North Dakota	53.72
Ohio	50.05
Oklahoma	55.06
Oregon	50.37
Pennsylvania	50.08
Rhode Island	51.59
South Carolina	59.84
South Dakota	58.35
Tennessee	58.79
Texas	51.90
Utah	57.88
Vermont	58.10
Virginia	50.86
Washington	46.32
West Virginia	57.41
Wisconsin	51.66
Wyoming	46.98
American Samoa	66.00
Guam	66.00
Northern Marianas	66.00
Puerto Rico	66.00
Trust Territory	100.00
Virgin Islands	66.00

[FR Doc. 78-35714 Filed 12-22-78; 8:45 am]

[4110-02-M]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Amended Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Amended Notice of Public Meeting.

SUMMARY: This notice amends the notice published on Friday, December 15, 1978, on page 58629, to include a meeting of the Executive Committee of NACVE at 7:00 p.m. on January 10, 1979, at the same location. The intital notice, in which the functions of the Council are described, set forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. Notice of these meetings is required under the Federal Advisory Committee Act, (5 U.S. Code, Appendix I Section 10(a)(2)). This document is intended to notify the general public of its opprotunity to attend.

DATES: January 10, 11, 12, 1979.

ADDRESS: Hotel Washington, Pennsylvania Avenue at 15th Street NW., Washington, D.C. The Capital Room.

GEORGE WALLRODT,
Acting Executive Director.

[FR Doc. 78-35975 Filed 12-22-78; 8:45 am]

[4110-02-M]

PRESIDENT'S COMMISSION ON FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

Meeting

AGENCY: President's Commission on Foreign Language and International studies.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Commission on Foreign Language and International Studies. It also describes the functions of the Commission. Notice of these meetings is required under the Federal Advisory Committee Act, (5 U.S. Code, Appendix I Section 10(a)(2). this document is intended to notify the general public of its opportunity to attend.

DATES: January 11-12, 1979.

ADDRESS: Institute of International Education, Kaufman Conference Room, 809 United Nations Plaza, New York, N.Y. 10017.

FOR FURTHER INFORMATION CONTACT:

Nan Bell, Staff Director, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036 (202) 653-5817.

The President's Commission on Foreign Language and International Studies is established under Executive Order 12054 (April 21, 1978) and Section 9(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I). The Commission is directed to:

(A) Conduct such public hearings, inquiries, and studies as may be necessary to make recommendations to the President and the Secretary of Health, Education, and Welfare.

(B) The objectives of the Commission shall be to:

(1) Recommend means for directing public attention to the importance of foreign language and international studies for the improvement of communications and understanding with other nations in an increasingly interdependent world;

(2) Assess the need in the United States for foreign language and area specialists; ways in which foreign language and international studies contribute to meeting these needs, and the job market for individuals with these skills;

(3) Recommend what foreign language area studies programs are appropriate at all academic levels and recommend desirable levels and kinds of support for each that should be provided by the public and private sectors;

(4) Review existing legislative authorities and make recommendations for changes needed to carry out most effectively the Commission's recommendations.

On January 11, 1979 the President's Commission on Foreign Language and International Studies will meet in regular session from 10:00 a.m. to 5:00 p.m., and on January 12 from 9:00 a.m. to 12:30 p.m. at the Institute of International Education, Kaufman Conference Room, 809 United Nations Plaza. On Thursday, January 11, the agenda will include the following:

(1) Commission discussion of plans and priorities: international education at all levels, advanced training and research, foreign language, regional hearings, future Commission meetings and White House and Congressional liaison;

(2) Two presentations by leaders in the field of international exchanges; and

(3) Commission discussion of international educational exchanges.

The agenda on Friday, January 12, will include:

(1) Commission discussion of foreign language and international studies needs of the business and banking communities;

(2) A brief presentation by a person in the business or banking community; and

(3) Other Commission business, records, etc. Records shall be kept of all Commission proceedings and shall be available fourteen days after the meeting for public inspection at the Office of the President's Commission on Foreign Language and International Studies, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on October 4, 1978.

NAN P. BELL,
Staff Director.

[FR Doc. 78-35710 Filed 12-22-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NORTH ATLANTIC OUTER CONTINENTAL SHELF (TENTATIVE SALE NO. 52)

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

PURPOSE OF CALL

Section 102 of the Outer Continental Shelf Lands Act Amendments of 1978 describes the purposes of that Act. One of the purposes is to establish policies and procedures intended to expedite exploration and development of the Outer Continental Shelf in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade. Equally important purposes include balancing energy resource development with the protection of the human, marine and coastal environments, as well as assuring States and local governments the opportunity to review and comment on decisions relating to OCS activities. To assist the Secretary of the Interior in carrying out these purposes, and pursuant to 43 CFR 3301.3, nominations are hereby requested for areas on the North Atlantic Outer Continental Shelf for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343). Pursuant to 43 CFR 3301.4, the Secretary is also requesting comments on the possible environmental impact and potential use conflicts in specified areas.

DESCRIPTION OF AREAS

The Area of the Call for Nominations and Comments in the North Atlantic Outer Continental Shelf being considered is a subsea basin known as the Georges Bank Trough. The area is approximately 135 miles long by 195 miles wide with its center about 70 miles southeast of Cape Cod. The most seaward portion is about 160 miles from shore. The Georges Bank Trough is offshore the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

OCS OFFICIAL PROTRACTION DIAGRAMS

1. NK 19-7
2. NK 19-8
3. NK 19-9
4. NK 19-10
5. NK 19-11
6. NK 19-12

These Protraction Diagrams may be purchased for $2.00 each from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10007.

Nominations will be considered for any or all of that part of the following mapped areas seaward of the submerged lands of the adjacent States.

1. NK 19-7: All blocks except 387, 388, 389, 390, 428, 429, 430, 431, 432, 433, 434, 470, 471, 472, 473, 474, 475, 476, 477, 514, 515, 516, 517, 518, 519, 520, 521, 522, 560, 561, 562, 563, 564, 565, 566, 604, 605, 606, 607, 608, 609, 651, 652, and 653.

2. NK 19-8: All blocks except 643, 916, 917, 961, 962, and 1006.

3. NK 19-9: Blocks 1, 45, 46, 89, 90, 133, 134, 135, 177, 178, 179, 221, 222, 223, 224, 265, 266, 267, 268, 309, 310, 311, 312, 313, 353, 354, 355, 356, 357, 397, 398, 399, 400, 401, 402, 441, 442, 443, 444, 445, 446, 485, 486, 487, 488, 489, 490, 529, 530, 531, 532, 533, 534, 535, 573, 574, 575, 576, 577, 578, 579, 617, 618, 619, 620, 621, 622, 623, 624, 661, 662, 663, 664, 665, 666, 667, 668, 705, 706, 707, 708, 709, 710, 711, 712, 713, 749, 750, 751, 752, 753, 754, 755, 756, 757, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 881, 882, 885, 886, 887, 888, 889, 890, 891, 925, 929, 933, 934, 935, 969, 972, 973, 977, 978, 979, and 980.

4. NK 19-10: All blocks.

5. NK 19-11: All blocks except 38, 39, 80, 81, 82, 83, 84, 123, 124, 125, 128, 167, 168, 169, 171, 172, 214, 215, 216, 258, 259, 260, 284, 285, 286, 328, 329, 330, 331, 372, 373, 374, 375, 696, 697, 698, 699, 700, 740, 741, 742, 743, 744, 784, 785, 786, 787, 788, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, and 1008.

6. NK 19-12: Blocks 3, 4, 5, 9, 10, 11, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 90, 91, 92, 93, 94, 95, 96, 97, 98, 139, 140, 141, 178, 179, 180, 181, 182, 183, 184, 185, 221, 222, 223, 224, 225, 234, 265, 268, 275, 276, 277, 278, 279, 309, 319, 320, 321, 362, 363, 364, 368, 404, 405, 406, 407, 408, 411, 412, 441, 442, 446, 448, 449, 450, 451, 452, 453, 485, 486, 487, 488, 489, 490, 491, 494, 495, 496, 497, 529, 530, 531, 532, 533, 534, 535, 538, 573, 574, 575, 576, 577, 578, 579, 580, 581, and 582.

INSTRUCTION ON CALL

Nominations must be described in accordance with the Outer Continental Shelf Leasing Maps or Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less then one-quarter of a block, may be nominated.

Those nominating twelve blocks or more that they wish to see considered for offering in this proposed lease sale, are requested to arrange their nominations into three groups according to the priority of their interest.

Comments should be as specific as possible in identifying specific blocks or areas which should received special concern and analysis. In addition to nominations, we are seeking comments about particular geological, environmental, biological, archaeological, socioeconomic conditions or problems or other information which might bear upon potential leasing and development of particular blocks where available.

Nominations and/or comments must be submitted not later than February 28, 1979 in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—North Atlantic," or "Comments on Leasing in the Outer Continental Shelf—North Atlantic," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies should be sent to the Conservation Manager, Geological Survey, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006, and Land Management, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10007.

USE OF INFORMATION FROM CALL

Nominations will be evaluated and used along with other geologic and geophysical information to determine what, if any, tracts should be tentatively selected for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and the OCS Lands Act, as amended. Generally because of limits on the geographic scope of areas which can be successfully planned for a single sale, only a small fraction of the tracts nominated are selected for further environmental analysis and possible leasing.

Comments will be considered along with other relevant information available to the Secretary to determine what tracts should be designated for further environmental analysis and study. As a general rule, tracts which are believed to have potential for the production of hydrocarbons are not excluded from further environmental study unless the Secretary has sufficient information to conclude that it is not possible for those tracts to be developed in an environmentally safe manner.

In any event, selection of tracts for further environmental analysis does not insure that the tracts will be subsequently offered for lease or that they will be deleted for environmental or use conflicts. It simply insures that more information will be available when that decision is made. In performing the further environmental analyses leading to a sale decision, the

Department will take into account comments received as it determines particular areas and issues for attention.

Final selection of tracts for competitive bidding will be made only at a later date after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Dated: December 15, 1978.

ARNOLD E. PETTY,
Acting Associate Director, Bureau of Land Management.

Dated: December 19, 1978.

HEATHER L. ROSS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-35746 Filed 12-22-78; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Change of Agency Reviewing This Application

Applicant: Ichthyological Associates, Inc., 100 S. Cass Street, Middletown, Delaware 19709.

The Federal Wildlife Permit Office published a notice in the FEDERAL REGISTER, December 5, 1978, Vol. 43, No. 234 that it had received an application for a permit to conduct scientific research with shortnose sturgeon (*Acipenser brevirostrum*). Comments by the public were to be transmitted to the Federal Wildlife Permit Office. The shortnose sturgeon is the responsibility of the National Marine Fisheries Service and that agency will continue the review and final disposition of this application. Unless otherwise notified by that agency, persons submitting comments should continue to refer to file number PRT 2-3431, as noted below.

Documents and other information submitted with this application are available to the public during normal business hours at either of the following: Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C., 20240 as well as the Assistant Administrator for Fisheries, NMFS, Dept. of Commerce, Washington, D.C., 20235, and may be viewed at 3300 Whitehaven St. N.W., Washington, D.C.

This application has been assigned file number PRT 2-3431 by the Wildlife Permit Office. Interested persons may comment on this application by submitting written data, views, or arguments to either of the above addresses by January 4, 1979.

Dated: December 19, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35718 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520.

The applicant requests a permit to import two (2) male, two (2) female, and 200 larvae (tadpole) wild Monte Verde Toad (*Bufo periglens*) from Costa Rica for enhancement of propogation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3555. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35723 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Robert G. Anthony, Oregon Cooperative Wildlife Research Unit, Oregon State University, Corvallis, Oregon 97331.

The applicant requests a permit to take (capture and disturb) bald eagles (*Haliaeetus leucocephalus*) in Washington, Oregon and California for tagging, banding, rediotelemetric work and blood samples for environmental pollutants, food selection and movement research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3549. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35719 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: C. J. (Jim) Chamberlain, 4850 Alcorn Road, Fallon, Nevada 89406.

The applicant requests a permit to purchase in interstate commerce one (1) male white-eared pheasant (*Crossoptilon crossoptilon*) from Charles Sivelle, Dix Hills, New York for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3415. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35720 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

The applicant requests a permit to export one (1) male and one (1) female

captive-bred white-eared pheasant (*Crossoptilon crossoptilon*) to the Walsrode Bird Park, West Germany, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3546. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35721 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Alfred L. Cuming, Box 356, Watkinsville, Ga. 30677.

The applicant requests a permit to import two (2) male and two (2) female captive-bred brown-eared pheasants (*Crossoptilon mantchuricum*) from Ontario, Canada for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3344. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35722 Filed 12-22-78; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Glen Oak Zoo, Peoria Park District, 2218 N. Prospect Road, Peoria, Ill. 61603.

The applicant wishes to apply for a Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of mammals listed in 50 CFR Section 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Va., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3441. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35724 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Philip G. Grant, Dept. of Anthropology, University of Texas, Austin, Texas 78712.

The applicant requests a permit to import 2 mm tissue samples from various species of guenon monkeys (*Cercopithecus* spp.) from various zoos around the world for scientific research. No live mokeys will be imported.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPA), Washington, D.C. 20240.

This applicaiton has been assigned file number PRT 2-3453. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35725 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Melvin Eugene Royal, RR 1, Columbia City, Indiana 46725.

The applicant requests a permit to purchase in interstate commerce one (1) male and one (1) female captive-bred white-eared pheasant (*Crossoptilon crossoptilon*) from Charles Sivelle, Dix Hills, New York for enhancement of propogation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3547. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35726 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Ralph A. Rudolph, 11290 Forty Corner St., N.W., Massillon, Ohio 44646.

The applicant requests a permit to purchase in interstate commerce one (1) male and one (1) female captive-bred white-eared pheasant (*Crossoptilon crossoptilon*) from Charles Sivelle, Dix Hills, New York for enhancement of propogation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by

writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3527. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35727 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Rock Island District, Corps of Engineers, Clock Tower Building, Rock Island, Illinois 61201.

The applicant requests a permit to take those endangered mussel species that have been reported in the Upper Mississippi River, specifically—Higgin's Eye (*Lampsilis higginsi*) and fat pocketbook (*Proptera capax*) mussels, to determine the existence and distribution of these species in areas where Corps activities occur.

Humane care and treatment during transport has been indicated by applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3273. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 13, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35728 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Wild Animal Park, under the management of Zoological Society of San Diego, Route 1, Box 725E, Escondido, California 92025.

The applicant requests a permit to export two (2) male and three (3) female captive-bred Arabian Oryx (*Oryx leucoryx*) to the Tier Park Zoo in Berlin, Germany for enhancement of propogation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3573. Interested persons may comment on this application by submitting written data, view, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35729 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Francisco Zoological Gardens, Zoo Road and Skyline Boulevard, San Francisco, California 94132, Saul L. Kitchener, Director.

The applicant requests a permit to import four female Hanuman Langurs (*Presbytis entellus*) removed from the wild from Sri Lanka (Ceylon) to the San Francisco Zoological Garden for enhancement of propogation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3556. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc. 78-35730 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Seneca Park Zoo, 2222 St. Paul Street, Rochester, N.Y. 14621.

The applicant requests a permit to purchase in interstate commerce two (2) female Elliot's pheasants (*Syrmaticus ellioti*) for enhancement of propogation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3440. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 25, 1979. Please refer to the file number when submitting comments.

Dated: December 18, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35731 Filed 12-22-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Issuance of Permit for Marine Mammals

On August 11, 1978, a Notice was published in the FEDERAL REGISTER (Vol. 43, No. 159), that an application had been filed with the Fish and Wildlife Service by the Vancouver Public Aquarium, P.O. Box 3232, Vancouver, British Columbia, Canada V6B 3X8 for a permit to capture four sea otters (*Enhydra lutris*) for the purpose of public display.

Notice is hereby given that on November 6, 1978, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit (PRT 2-2507) to the Vancouver Public Aquarium, subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours

at the Fish and Wildlife Service's office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: December 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-35732 Filed 12-22-78; 8:45 am]

[4310-03-M]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before December 15, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by January 5, 1979.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ALABAMA

Lauderdale County

Florence vicinity, *Seven Mile Island Archeological District*, SW of Florence (also in Colbert County)

CALIFORNIA

Alameda County

Oakland, *Federal Realty Building (Pierce Building)* 1615 Broadway

Fresno County

Fresno, *Fresno Republican Printery Building*, 2130 Kern St.

Kern County

Bakersfield, *First Baptist Church*, 1200 Truxtum Ave.

Marin County

San Rafael, *China Camp*, 247 N. San Pedro Dr.

Napa County

Calistoga, *Francis, James H., House*, 1403 Myrtle St.
Calistoga, *Palmer, Judge Augustus C., House (The Elms)* 1300 Cedar St.
Oakville vicinity, *Far Niente Winery*, S of Oakville at 1577 Oakville Grade.

San Joaquin County

Stockton, *Sperry Union Flour Mill*, 325 W. Weber

Sonoma County

Freestone, *Hinds Hotel*, 306 Bohemian Hwy.

Tulare County

Wilsonia vicinity, *Gen. Grant National Park Historic District*, NW of Wilsonia in Kings Canyon National Park

Yuba County

Marysville, *Forbes House*, 618 D St.

GEORGIA

Barlow County

Cartersville vicinity, *Felton, Rebecca Latimer House*, N of Cartersville off U.S. 411

Bryan County

Richmond Hill vicinity, *Strathy Hall*, SE of Richmond Hill

Lumpkin County

Auraria, *Auraria Hotel*, GA 9E

Putnam County

Eatonton vicinity, *Woodland*, NE of Eatonton of Harmony Rd.

IOWA

Madison County

St. Charles, *Imes Covered Bridge*, IA 251

MARYLAND

Frederick County

Rocky Ridge vicinity, *Old Mill Road Bridge*, W of Rocky Rigde on Old Mill Rd. over Owens Creek

MASSACHUSETTS

Barnstable County

Chatham, *Brick Block*, Main St. and Chatham Bars Rd.
Osterville, *Wianno Club*, Seaview Ave.

Middlesex County

Belmont, *Pleasant Street Historic District*, irregular pattern along Pleasant St.
Cambridge, *Cornerstone Baptist Church*, 2114 Massachusetts Ave.
Waltham, *The Castle, Middlesex Medical School*, 415 South St.
Winchester, *Locke, Capt. Josiah, House*, 195 High St.

MINNESOTA

Redwood County

Redwood County Multiple Resource Area, various locations in Redwood County

MISSISSIPPI

Harrison County

Pass Christian, *Scenic Drive Historic District*, W. Scenic Dr.

MONTANA

Cascade County

Sun River vicinity, *Adams, J. C., Stone Barn*, NE of Sun River off U.S. 81

NEBRASKA

Hitchcock County

Culbertson vicinity, *St. Paul's Methodist Protestant Church*, S of Culbertson on NE 17

Keith County

Keystone, *Keystone Community Church*, McGinley St.

Nemaha County

Auburn vicinity, *St. John's Lutheran Church Complex*, SW of Auburn

NEVADA

Carson City (independent city)

Ferris, G. W. G., House, 311 W. 3rd St.

NEW JERSEY

Bergen County

Franklin Lakes, *Reaction Motors Rocket Test Facility*, 936 Dogwood Trail
Tenafly, *Tenafly-Station*, off Hillside Ave.

Essex County

Montclair, *Van Reyper-Bond House*, 848 Valley Rd.
Roseland, *Williams-Harrison House*, 126 Eagle Rock Ave.

NEW MEXICO

Bernalillo County

Albuquerque, *O'Rielly, J. H., House*, 220 9th St., NW.

NORTH CAROLINA

North Carolina Courthouses Thematic Group, courthouses in various counties

Avery County

Linville, *Linville Historic District*, U.S. 221

OREGON

Harney County

Burns vicinity, *Double-O Ranch*, Double-O County Rd.
Burns vicinity, *P Ranch*, S of Burns
Burns vicinity, *Sod House Ranch*, S of Burns

Jackson County

Medford, *U.S. Post Office and Courthouse*, 310 W. 6th St.

Union County

LaGrande, *U.S. Post Office and Federal Building*, 1010 Adams St.

TEXAS

Bosque County

Meridian, *Bosque County Jail*, 203 E. Morgan

Galveston County

Galveston, *First Presbyterian Church*, 1903 Church St.

McLennan County

Waco, *Rotan-Dossett House*, 1503 Columbus Ave.

Mitchell County

Colorado City, *Scott-Majors House*, 425 Chestnut St.

Travis County

Austin, *Schneider, J. P., Store*, 401 W. 2nd St.

VERMONT

Windsor County

Andover vicinity, *Simons' Inn*, SW of Andover on VT 11

WASHINGTON

King County

Seattle, *U.S. Immigrant Station and Assay Office*, 815 Airport Way South

WISCONSIN

Green County

Monroe, *White, F. F., Block*, 1514-1524 11th St.

[FR Doc. 78-35542 Filed 12-22-78; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION, SECOND CIRCUIT PANEL

Meeting

The first meeting of the nominating panel for the Second Circuit of the United States Circuit Judge Nominating Commission will be held on Wednesday, January 3, 1979, at 10:00 a.m. at the Association of the Bar of the City of New York. [42 West 44th Street, New York, N.Y.] This meeting will be open to the public.

December 20, 1978.

JOSEPH A. SANCHES,
Advisory Committee, Management Officer.

[FR Doc. 78-35745 Filed 12-22-78; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation Regarding Competitive Research Grant Program

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program aimed at developing an understanding of the policies, practices and behavior that affect fairness and efficiency in criminal courts. The solicitation asks for the submission of concept papers in three categories of studies:

(1) Incentive structures and sanctioning systems in the courts

(2) Effects of speedy case processing on fairness and equity

(3) The role of the trial court administrator in the pretrial process

Full proposals will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than February 9, 1979. All grants are planned for award in June 1979 with funding support for individual grants ranging between $10,000 and $250,000.

Further information and copies of the solicitation can be obtained by contacting: Director, Adjudication Division, Office of Research Programs, NILECJ, 633 Indiana Avenue, NW., Washington, D.C. 20531 (301) 492-9114.

BLAIR EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 78-35855 Filed 12-22-78; 8:45 am]

[4510-20-M]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 20th day of December 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications Received During the Week Ending December 22, 1978

Name of applicant and location of enterprise	Principal Product or Activity
J. J Ferguson Sand and Gravel, Carroll, Leflore, Grenada and Holmes Counties, Mississippi.	Production and transportation of sand, gravel an asphalt.
Columbia Health Care, Inc., Harlem, Georgia	Long-term nursing care.
Southern Silk Mills, Spring City, Tennessee	Manufacture of textiles.
Hampshire Hosiery, Inc., Spruce Pine, North Carolina	Manufacture of ladies' nylon hosiery.
McNair Seed Company, Laurinburg, North Carolina	Production agricultural seeds.
Sky Island Hotel Ltd., U.S. 90 Between Main & Lameuse Sts., Mississippi.	Hotel.
Colonial Manor of Higginsville, Higginsville, Missouri	Nursing home care.

Applications Received During the Week Ending December 22, 1978—Continued

Name of applicant and location of enterprise	Principal Product or Activity
Lampasas Turkey Processing Plant, Lampasas, Texas	Poultry processing plant.
H & C Veneer Company, Pollock, Louisiana	Manufacture of green veneer, studs and wood chips.
American Garden of Texas Ltd., a Texas limited partnership, Huntsville, Texas.	Production, sale and distribution of horticultural plants.
Fresno Industries, Corp., Fresno, Texas	Manufacture of structural steel.
Colonial Manor of Higginsville, Colombia, Missouri	Nursing home care.
Ceco Corporation, Woodland, California	Manufacture of metal garage doors.
Harbour Land Co., Inc., Upper Sandusky, Ohio	Sales and service of motor vehicles.
Federal Grocery Division, Scot Lad Foods, Inc., Eldorado, Illinois.	Grocery and warehouse.
Sundial of Arizona, Inc., Carefree, Arizona	Hotel/motel.
Mid-Continent Erection Corporation, Vienna, West Virginia.	Erection of steel and precast concrete.
Pied Mont Vineyards Co., Inc., Keswick, Virginia	Recreational theme resort inn.

[FR Doc. 78-35840 Filed 12-22-78; 8:45 am]

[4510-01-M]

DEPARTMENT OF LABOR

Office of the Secretary

ALLIS-CHALMERS CORP., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date Received	Date of Petition	Petition Number	Articles Produced
Allis-Chalmers Corp. (UAW)	West Allis, Wis	12/8/78	12/1/78	TA-W-4,514	agricultural tractors.
Consolidated Metals Corp. (company).	Dover, New Jersey	12/12/78	12/11/78	TA-W-4,515	welded austinetic stainless steel pipes.
Franzen Shoe Co., Inc. (workers)	Worcester, Mass	12/11/78	12/8/78	TA-W-4,516	women's street shoes.
Gear, Incorporated (ILGWU)	El Monte, California	12/8/78	11/16/78	TA-W-4,517	ladies' coats.
Heidi-Ho, Inc. (company)	Keysville, Va	12/11/78	12/7/78	TA-W-4,518	contractor or subcontractor of children's apparel.
Hills Brothers Coffee, Inc. (Teamsters).	Edgewater, New Jersey	12/11/78	12/8/78	TA-W-4,519	coffee, cocoa, instant coffee, beverages.
Stanco Manufacturing Company (workers).	Brooklyn, New York	12/11/78	12/8/78	TA-W-4,520	ladies' knitted sweaters.
Steffi Fashions, Inc. (workers)	Patterson, New Jersey	12/11/78	11/30/78	TA-W-4,521	cutting of ladies' outerwear
Washington Stove Works (International Molders) (Allied Workers Union).	Everett, Washington	12/11/78	12/5/78	TA-W-4,522	Franklin stoves & parlor stoves.
Weiss Shirt Company, Inc. (ACTWU).	Lebanon, Pa	12/4/78	11/13/78	TA-W-4,523	women's shirts & blouses.

[FR Doc. 78-35661 Filed 12-22-78; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR EARTH SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Committee for Earth Sciences.

DATE AND TIME: January 18, 19, 20 and 21, 1979; 9:00 a.m. to 5:00 p.m. each day.

PLACE: The National Science Foundation, 1800 G Street, N.W., Room 602, Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632-4274.

PURPOSE OF COMMITTEE: To provide advice and recommendations concerning support for research in Earth Sciences.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35848 Filed 12-22-78; 8:45 am]

[7555-01-M]

ADVISORY COMMITTEE FOR MINORITY PROGRAMS IN SCIENCE EDUCATION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

NAME: Advisory Committee for Minority Programs in Science Education.

DATE & TIME: January 13, 1979—9:00 a.m.—5:00 p.m.

PLACE: Room 651, 5225 Wisconsin Avenue, N.W., Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON: Mrs. Frances Watts, Staff Assistant, Science Education Directorate, National Science Foundation, Room W-600, Washington, D.C. 20550. Telephone—(202) 282-7930.

SUMMARY MINUTES: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, National Science Foundation, Room 248, Washington, D.C. 20550.

PURPOSE OF COMMITTEE: To assist in the evaluation and assessment of activities in the ethnic minority-focused Foundation programs.

AGENDA: Oversight and evaluation of resource centers in Science and Engineering.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35850 Filed 12-22-78; 8:45 am]

[7555-01-M]

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Nuclear Science Advisory Committee.

DATE AND TIME: January 26, 1979, 9:00 am-5:00 pm. January 27, 1979, 9:00 am-5:00 pm.

PLACE: Conference Room 8E-069, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC.

TYPE OF MEETING: January 26, 1979, Open. January 27, 1979, Open.

CONTACT PERSON: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, DC 202/632-4318.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, DC 20550.

PURPOSE OF COMMITTEE: To provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.

AGENDA:

January 26, 1979

9:00 am-9:15 am Chairman's opening remarks.

9:15 am-11:00 am Comments by representatives of NSF and DOE.

11:00 am-4:30 pm Discussion of Scientific Priorities and Long-Range Planning.

4:30 pm-6:00 pm Reports from foremen of Working Groups.

January 27, 1978

9:00 am-10:30 am Reports from Subcommittee Chairmen.

10:30 am-5:00 pm Discussion of Scientific Priorities and Long-range Planning.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35842 Filed 12-22-78; 8:45 am]

[7555-01-M]

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE 1979 MANPOWER SUBCOMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Manpower Subcommittee of the Nuclear Science Advisory Committee.

DATE AND TIME: January 25, 1979, 1:00 p.m.—6:00 p.m.

PLACE: Conference Room 340, National Science Foundation, Washington, D.C. Telephone 202/632-4318.

TYPE OF MEETING: January 25, 1979, Open.

CONTACT PERSON: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. Telephone 202/632-4318.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF COMMITTEE: To provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.

AGENDA: Discussion of results from census questionnaire and of plans for a report on these results.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35844 Filed 12-22-78; 8:45 am]

[7555-01-M]

PUBLIC SERVICE SCIENCE RESIDENTS AND INTERNS

Meeting

A meeting of the Public Service Science Residents and Interns who received awards in 1978 will be held from 9:00 a.m. to 5:30 p.m. on Friday,

January 5, 1979 at the National Science Foundation, Room 540, 1800 G Street, N.W., Washington D.C.

The purpose of this meeting is to give the residents and interns an opportunity to discuss the problematic issues that may arise in conducting their project activities; to assist them in developing procedures for internal project evaluation; and to assist the staff of the Science for Citizens program in monitoring projects.

The meeting will be chaired by Dr. Alexander J. Morin. Members of the public who wish to attend should contact Ms. Jean Albert, (202)282-7770, regarding attendance at this meeting.

ALEXANDER J. MORIN,
Director,
Office of Science and Society.

DECEMBER 19, 1978.

[FR Doc. 78-35846 Filed 12-22-78; 8:45 am]

[7555-01-M]

ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES SUBCOMMITTEE ON ANTHROPOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Anthropology of the Advisory Committee for Behavioral and Neural Sciences.

DATE AND TIME: January 22, 1979; 9:00 a.m. to 5:00 p.m.

PLACE: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. John E. Yellen, Program Director, Anthropology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4208.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for systematic anthropological collections.

AGENDA: To review and evaluate systematic anthropological collection proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35845 Filed 12-22-78; 8:45 am]

[7555-01-M]

ADVISORY COMMITTEE FOR ENVIRONMENTAL BIOLOGY SUBCOMMITTEE ON ECOLOGICAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.

DATE AND TIME: January 18 and 19, 1979; 8:30 a.m. to 5:00 p.m. each day.

PLACE: Room 338, National Science Foundation, 1800 G St NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSONS: Dr. George W. Cox, Program Director, Ecology Program, (202) 632-7324, and Dr. Melvin I. Dyer, Program Director, Ecosystem Studies Program, (202) 632-5854, Room 336, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in ecological sciences.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35847 Filed 12-22-78; 8:45 am]

[7555-01-M]

ADVISORY COMMITTEE FOR ENVIRONMENTAL BIOLOGY SUBCOMMITTEE ON SYSTEMATIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

DATE AND TIME: January 25 and 26, 1979; 8:30 a.m. to 5:00 p.m. each day.

PLACE: Room 338, National Science Foundation, 1800 G St NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. William Louis Stern, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5846.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in systematic biology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35843 Filed 12-22-78; 8:45 am]

[7555-01-M]

SUBCOMMITTEE TO REVIEW THE SOLID MECHANICS, FLUID MECHANICS, AND THE HEAT TRANSFER PROGRAMS OF THE ADVISORY COMMITTEE FOR ENGINEERING

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

NAME: Subcommittee to Review the Solid Mechanics, Fluid Mechanics, and the Heat Transfer Programs.

DATE & TIME: January 16 and 17, 1979—9 a.m. to 5 p.m. each day.

PLACE: Room 421, National Science Foundation, 1800 G Street, NW, Washington, D.C.

TYPE OF MEETING: Part-Open—

1/16—9 a.m. to 12 noon—Open; 1:30 p.m. to 5:00 p.m.—Closed.

1/17—9 a.m. to 11:30 a.m.—Open; 2 p.m. to 5 p.m.—Closed.

CONTACT PERSON: Dr. Ronald L. Huston, Section Head, Mechanical Sciences and Engineering, Room 420, National Science Foundation, Washington, D.C. 20550. Telephone (202) 632-5787.

SUMMARY MINUTES: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF SUBCOMMITTEE: To provide advice and counsel concerning the status and new directions of Mechanical Sciences and Engineering research in Solid Mechanics, Fluid Mechanics and Heat Transfer.

AGENDA: Tuesday, January 16, 1979—Open—9 a.m. to 12 noon.

9:00 a.m.—Introduction by Section Head.

9:30 a.m.—Engineering Division Status Report by Division Director.

10:30 a.m.—Question and Answer.

10:45 a.m.—Briefing of Section Programs: Section Overview; Fluid Mechanics; Heat Transfer; Solid Mechanics.

11:45 a.m.—Question and Answer.

12:15 p.m.—Recess.

Tuesday, January 16, 1979—Closed—1:30 p.m. to 5:00 p.m.

1:30 p.m.—Review of declinations containing names of applicant institutions and principal investigators and of the peer review documentation pertaining to awards.

Wednesday, January 17, 1979—Open—9:00 a.m. to 1:00 p.m.

9:00 a.m.—Oral reports from Subcommittee.

9:30 a.m.—Subcommittee Discussion of future directions of programs.

10:30 a.m.—Subcommittee discussion of Section-wide and Division-wide concerns.

11:30 a.m.—Drafting of preliminary subcommittee response.

Wednesday, January 17, 1979—Closed—2:00 p.m. to 5:00 p.m.

2:00 p.m.—Further review of peer review process on individual grants and declinations

5:00 p.m.—Adjourn.

REASON FOR CLOSING: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institution and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Director, NSF, pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Committee Management Coordinator.

DECEMBER 20, 1978.

[FR Doc. 78-35849 Filed 12-22-78; 8:45 am]

[4910-13—M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA)

Executive Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463); 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held on January 26, 1979 in Room #1, Fort Myer Officers' Club, Fort Myer, Arlington, Virginia, commencing at 9:00 A.M.

The Agenda for this meeting is as follows: (1) Approval of the Minutes of meetings held November 2 and 15, 1978; (2) Special Committee Activities Report for October-December, 1978; (3) Chairman's Report on RTCA Administration and Activities; (4) Briefing on the Status and Plans of Special Committee 134; (5) Consideration of Establishing Special Committees; (6) Approval of Special Committee 127 Report, and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 "H" Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 15, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-35751 Filed 12-22-78; 8:45 am]

[4910-13-M]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COMMITTEE 139—AIRBORNE EQUIPMENT STANDARDS FOR MICROWAVE LANDING SYSTEM (MLS)

Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held January 23 through 25, 1979, Conference Room 9A DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting held September 28-29, 1978; (3) Briefing on MLS Standards and Recommended Practices; (4) Briefing on Application of Government Regulations; (5) Briefing on Low Cost MLS Receiver Program; (6) Briefing on SC-139 Working Group Activities; (7) Briefing on MLS System Test and Evaluation Program; (8) MLS Program Update Briefing; (9) Working Groups Meet in Separate Sessions; (10) Summary Reports from Working Group Chairmen; (11) Establish Rules and Tasks for Working Groups; (12) Establish SC-139 Goals and Times for Accomplishment; and (13) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on December 14, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-35749 Filed 12-22-78; 8:45 am]

[4910-13-M]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COMMITTEE 140—VHF AIR-GROUND TECHNOLOGY AND SPECTRUM UTILIZATION

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 140 on VHF Air-Ground Technology and Spectrum Utilization to be held January 17-18, 1979, RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Review of Terms of Reference (TOR) and Outline of Work Program with Schedules for Accomplishment; (3) Develop Views Relative to Merits of: (a) Further Channel Splitting Using AM Techniques (in VHF band), and (b) Using Other Modulation Techniques in VHF Band; (4) Identify and Assign Other Tasks to comply with TOR, and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on December 15, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-35750 Filed 12-22-78; 8:45 am]

[4910-13-M]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COMMITTEE 138—MINIMUM PERFORMANCE STANDARDS FOR AIRBORNE OMEGA RECEIVING EQUIPMENT

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 138 on Minimum Performance Standards for Airborne Omega Receiving Equipment to be held January 30 and 31, 1979, RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C., commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting held October 17 and 18, 1978; (3) Discussion of Revised Antenna Test Procedures; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on December 14, 1978.

KARL F. BIERACH.
Designated Officer.

[FR Doc. 78-35722 Filed 12-22-78; 8:45 am]

[4810-40-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Dept. Circular, Public Debt Series—No. 29-78]

TREASURY NOTES, SERIES W-1980

Interest Rate

DECEMBER 20, 1978.

The Secretary of the Treasury announced on December 19, 1978, that the interest rate on the notes designated Series W-1980, described in Department Circular—Public Debt Series—No. 29-78, dated December 14, 1978, will be 9⅞ percent. Interest on the notes will be payable at the rate of 9⅞ percent per annum.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 78-35852 Filed 12-22-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01-M]

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[M-185, Amdt. 1; Dec. 20, 1978]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the December 21, 1978 meeting.

TIME AND DATE: 9 a.m., December 21, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 13. Docket 32484, Statement of Provisional Findings and Conclusions regarding the subsidy levels to be established effective July 1, 1978, under new class rate (class rate IX) and order to show cause why temporary rates based on the "Statement" should not be set pending finalization of class rate IX (BPDA, OC, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Chairman Cohen has requested that item 13 be deleted from the December 21, 1978 agenda in order to provide him sufficient time to review the item. Accordingly, the following Members have voted that Item 13 be deleted from the December 21, 1978 agenda and that no earlier announcement of this change was possible.

Chairman, Marvin S. Cohen.
Member, Richard J. O'Melia.
Member, Elizabeth E. Bailey.
Member, Gloria Schaffer.

[S-2592-78 Filed 12-21-78; 3:57 pm]

[6320-01-M]

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CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9 a.m., December 21, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 33712, Tiger International-Seaboard Acquisition Case. This case involves the prescreening of Tiger International's acquisition of up to 25 percent of Seaboard's stock in voting trust and the institution of a proceeding under section 408 for approval of the acquisition of control (Memo 8346, BPDA).
3. Docket 33712, Flying Tiger/Seaboard—OGC Comment (Memo 8346-A, OGC).
4. Voting Trusts versus Prescreening Tests (Memo 8346-B, OEA).
5. Dockets 33112 and 33283, Texas International-National Acquisition Case; Pan Am-Acquisition of Control of and Merger With National—Caption Certification to the Board (BLJ).
6. Dockets 33209, 31217, and 33838—National application for certificate authority and Trans International Airlines, Inc. applications for certificate and immediate exemption authority to serve Israel via intermediate points (Memo 8363, BIA, OGC).
7. Dockets 33294 and 33360, Lloyd Aereo Boliviano, S.A. Applications for new authority (Memo 8347, BIA, OGC).
8. Dockets 13962, 23229 and 33183; Applications of British West Indian Airways (BWIA) for amendment and renewal in part of its foreign air carrier permit (Memo 8362, BIA, OGC).
9. Docket 33511, Application of Olympic Airways, S.A. for amendment of its permit to add Frankfurt as a third intermediate point on its New York-Athens route (Memo 8368, BIA, OGC).
10. Docket 30464, Final order on applications of Braniff, British Airways and Air France for approval of Concorde interchange agreements (Memo 8018-B, BIA, OGC, BPDA).
11. Docket 9977; Agreement 21445, as amended; Airlines Mutual Aid Agreement (Memo 8208-A, BPDA, OGC).
12. Docket 29387, Part 288—Draft final rule establishing fuel surcharge applicable to categories A and B minimum rates to reflect reported fuel price changes for October 1978 (Memo 8364, BPDA).
13. Docket 32484, Statement of Provisional Findings and Conclusions regarding the subsidy levels to be established effective July 1, 1978, under new class rate (Class Rate IX) and order to show cause why temporary rates based on the "Statement" should not be set pending finalization of Class Rate IX. (BPDA, OC, OGC).
14. Docket 33707, Application of Hawaiian for exemption from Part 250 of the Board's regulations governing denied boarding in order to carry emergency stretcher patients without paying DBC to bumped passengers (Memo 8318, BPDA).
15. Docket 27948, Application of Delta, Southern, and Ozark for approval of interline air express agreement. The Carriers petition for reconsideration of Board disapproval of agreement (Memo 8355, BPDA, OGC).
16. Dockets 33223, 33462 and 33548; Federal Express petition for an order to show cause on its certificate application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority; Wright's petition for an order to show cause on its certificate amendment application for Midway-Cleveland/Detroit nonstop authority; Frontier's application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority and its motion to consolidate with Federal Express application American's answer requesting some of the same authority (BPDA).
17. Dockets 32901, 33073, 33980, 33981, and 33982, TXI's application and notice of intent to suspend service at Carlsbad, Clovis, and Hobbs, N. Mex.; Air Midwest's application for subsidy-eligible certificate authority to serve Albuquerque, Amarillo, Lubbock and the above points and motion to consolidate; Petitions of Carlsbad, Clovis, and Hobbs for determinations of their respective essential air transportation and for prohibition of the proposed suspension (Memo 8351, 8351-A, BPDA, OGC, OCCR).
18. Dockets 33927, 33947, 33967, 33956, and 33957; National's 90-day notice to suspend service at Baltimore, Boston, and Philadelphia, TXI's 90-day notice to suspend service at Shreveport, National's 90-day notice to suspend service at Atlanta, Braniff's 90-day notice to suspend service at Fort Smith, Braniff's 90-day notice to suspend service at Shreveport (BPDA).
19. Dockets 33054, 33163, 33519, 33597 and 33630; Piedmont's motion for hearing on its certificate application for Knoxville-Denver and Nashville-Denver-Las Vegas/Phoenix nonstop authority; Southern's, TWA's Allegheny's and Braniff's applications, respectively, requesting similar authority and motions to consolidate (BPDA).
20. Docket 33565—Application of Allegheny Airlines, Inc., for certificate amendment for Route 97 to remove Charleston-Parkersburg one-stop restriction (Memo 8357, BPDA, OGC).
21. Dockets 28457, 29136, 32954; Service at Midland/Odessa, Tex. (Memo 6130-F, BPDA).
22. Dockets 31147 and 31837; Evergreen International Airlines applications for a certificate to engage in overseas and foreign charter air transportation (Memo 7966-D, BPDA, BIA, OGC).
23. Docket 34006, Piedmont's application for exemption from 401(j) to permit it to

suspend air service on less than 90 days notice at Augusta, Ga. (Memo 8365, BPDA).

24. Dockets 33411 and 33711, Atlanta-Memphis Service Investigation, application of Braniff Airways (Memo 8173-A, OGC).

25. Dockets 33220C, 32731, 32695, 33422, 33522, 33526, 33525, 33528, 33529, 33533, 33536, and 33620; Yucatan Service Case—Consolidating applications (Memo 8336, OGC).

26. Docket 33019, Chicago-Midway expanded service proceeding (Midway II) (OGC).

27. 14 CFR 399.35; revocation of Board's general policy statement that free or reduced-rate transportation by U.S.-flag carriers oversas or abroad is permitted only when certified by State Department to be in the "paramount national interest" (OGC).

28. Docket 26487, Transatlantic, Transpacific and Latin American Service Mail Rates Investigation (Memo 4395-F, 4395-G, OGC).

29. Part 252 of the Board's economic regulations—(1) Final rule on seating segregation (2) Proposed rules on further amendments (Memo 7323-E, OGC).

30. Participation of Air Carrier Associations in Board proceedings (OGC).

31. Final rule governing the procedures under the automatic market entry program (OCG).

32. Proposed procedures and interpretations for unused authority (OGC).

33. Docket 34063, Petitions for review of the requirement that certificated route air carriers file unused route authority information with the Board (BAS).

34. Amendment of rules of practice in enforcement proceedings to make various technical and editorial changes (BCP).

35. Amendment of rules of practice to reduce the number of copies required for filing in enforcement proceedings from 20 to 4, (Memo 8366, BCP).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-2593-78 Filed 12-21-78; 3:57 pm]

[6714-01-M]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:00 a.m. on Wednesday, December 20, 1978, the Corporation's Board of Directors voted, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), to withdraw the following items from consideration:

A memorandum regarding the liquidation of assets acquired by the Corporation from American Bank & Trust Co., New York, N.Y.

A memorandum and resolutions proposing the adoption of a Joint Statement, revised, regarding the classification of assets, the appraisal of bonds and the treatment of securities in bank examinations.

The Board further determined, by the same majority vote, that Corporation business required the addition of the following matters to the agenda for the meeting, on less than seven days notice to the public:

A staff memorandum concerning the deposit insurance provisions of the International Banking Act of 1978.

A proposed contract for cleaning services for the Division of Bank Supervision Training Center Lodging Facilities.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: December 20, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-2590-78 Filed 12-21-78; 3:03 pm]

[6714-01-M]

FEDERAL DEPOSIT CORPORATION.

Notice of change in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:30 a.m. on December 20, 1978, the Corporation's Board of Directors voted, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), to withdraw from consideration a recommendation regarding the liquidation of assets acquired by the Corporation from United States National Bank, (In Receivership), San Diego, Calif. (Case No. 43, 754-NR).

The Board also determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: December 20, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-2591-78 Filed 12-21-78; 3:03 pm]

[6715-01-M]

5

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" NO. FR-S-2529.

PREVIOUSLY ANNOUNCED DATE AND TIME: WEDNESDAY, DECEMBER 20, 1978 at 10 a.m.

CHANGE IN MEETING: Due to extraordinary circumstances, the Commission will discuss labor management relations at the meeting on the above date.

PERSON TO CONTACT FOR INFORMATION:

Ms. Sharon Snyder, Press Office, telephone: 202-523-4065.

Signed: LENA L. STAFFORD,
For Marjorie W. Emmons,
Secretary to the Commission.

[S-2586-78 Filed 12-21-78; 3:03 p.m.]

[6740-02-M]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published December 18, 1978; 43 FR 58895.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., December 20, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No. and docket No. and company

M-7. RM79-4, amendments to the Commission's regulations relating to independent producer filing requirements.

M-8. Clarification of Commission's policy respecting indefinite price escalator clauses in existing interstate and intrastate contracts and bilateral modification of these contracts.

KENNETH F. PLUMB,
Secretary.

[S-2585-78 Filed 12-21-78; 11:36 am]

[6210-01-M]

7

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 58703, December 15, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Following 10 a.m. open portion, Wednesday, December 20, 1978.

CHANGES IN THE MEETING: Addition of the following closed item to the meeting: Proposed Federal Reserve Act amendments designed to improve monetary control and provide for fair competition among financial institutions.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: December 20, 1978.

GRIFFIN L. GARWOOD,
Deputy Secretary of the Board.

[S-2584-78 Filed 12-21-78; 11:36 am]

[7545-01-M]

8

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2 p.m., Tuesday, January 9, 1979.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Meeting with Administrative Law Judges Committee.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated at Washington, D.C., December 21, 1978.

By direction of the Board:

GEORGE A. LEET,
Associate Executive Secretary, National Labor Relations Board.

[S-2587-78 Filed 12-21-78; 3:03 pm]

[7545-01-M]

9

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Wednesday, January 10, 1979.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Pipeline Committee recommendations to improve casehandling capabilities of ALJ Division.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated at Washington, D.C., December 21, 1978.

By direction of the Board:

GEORGE A. LEET,
Associate Executive Secretary, National Labor Relations Board.

[S-2588-78 Filed 12-21-78; 3:03 pm]

[7600-01-M]

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 59244, December 19, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1 p.m., December 28, 1978.

CHANGES IN THE MEETING: This meeting will take place at 9:30 a.m. on December 28, 1978.

DECEMBER 20, 1978.

[S-2583-78 Filed 12-21-78; 11:36 am]

[7910-01-M]

11

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 58472, December 14, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, December 19, 1978; 10 a.m.

CHANGE IN MEETING: Matters 14 and 15 are added to the previously announced agenda.

MATTERS TO BE CONSIDERED:

14. Recommended clearances without assignment OSC&E List 1928:
A. Informatics Information Systems Co., fiscal year ended December 31, 1974.
A-1 Informatics Inc., fiscal year ended December 31, 1974.
A-2 Informatics Inc., fiscal year ended March 31, 1974.
B. Kawecki Berylco Industries, Inc., fiscal year ended December 31, 1973.
C. Zirconium Technology Corp., fiscal year ended December 31, 1973
D. Eyelets for Industry, fiscal year ended December 31, 1973.
E. HTL Industries Inc., fiscal year ended September 30, 1976.
15. Request for Extended Terms for Payment Order: Poloron Products, Inc., fiscal year ended November 30, 1969.

STATUS: Matter 14 is open to public observation. Matter 15 is closed to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW, Washington, D.C. 20446, 202-254-8277

Dated: December 21, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-2589-78 Filed 12-21-78; 3:03 pm]

federal register

TUESDAY, DECEMBER 26, 1978
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

National Park Service

NEW ALASKA NATIONAL MONUMENTS

Interim Rules

[4310-70-M]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 1—MISCELLANEOUS PROVISIONS

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Interim Rules for New Alaska National Monuments Managed by the National Park Service

AGENCY: National Park Service, Department of the Interior.

ACTION: Final interim rule.

SUMMARY: On December 1, 1978, President Carter proclaimed seventeen national monuments in Alaska, including two enlargements of existing national monuments in Alaska. Thirteen of these monuments (known collectively as the "Alaska National Monuments") will be administered by the National Park Service.

The Proclamations establishing the Alaska National Monuments stress the value of preserving the opportunity for local rural residents to engage in subsistence activities as a lifestyle. Most subsistence activities are currently prohibited by the general regulations of the National Park Service contained in Parts 1 through 6 and 8 through 11 of Chapter I of Title 36 of the Code of Federal Regulations. These regulations prescribe conditions for the proper use, management, and protection of areas of the National Park System. These general regulations apply to the federally owned or controlled lands within the new Alaska National Monuments by virtue of their becoming a part of the National Park System. The interim rules established herein are necessary to relax or otherwise modify the provisions of the general regulations to accommodate subsistence activities in the new Alaska National Monuments.

The National Park Service has determined that public notice and comment procedures on these interim regulations is impractical and contrary to the public interest. The need to provide express permission for subsistence use and general guidance for other acceptable uses required immediate action and demonstrated good cause for making these interim regulations effective immediately.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert L. Peterson, Acting Area Director, National Park Service, Anchorage, Alaska 99501, Telephone: (907) 276-8166.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 1, 1978, President Carter signed public proclamations establishing fifteen new national monuments and two additions to existing national monuments in Alaska. The new national monuments were established pursuant to section 2 of the Antiquities Act of 1906 (34 Stat. 225; 16 U.S.C. 431). The Proclamations state that fifteen of these new national monuments are to be administered by the Secretary of the Interior through the issuance of appropriate regulations. The Secretary delegated to the Director of the National Park Service administrative and regulatory authority over thirteen of these new national monument areas, namely, Aniakchak National Monument, Bering Land Bridge National Monument, Cape Krusenstern National Monument, Denali National Monument, Gates of the Arctic National Monument, 1978 enlargement of Glacier Bay National Monument, 1978 enlargement of Katmai National Monument, Kenai Fjords National Monument, Kobuk Valley National Monument, Lake Clark National Monument, Noatak National Monument, Wrangell-St. Elias National Monument and Yukon-Charley National Monument. This delegation added these thirteen new national monument areas to the National Park System. Previously, the Alaska National Monument lands had been managed by the Department of the Interior through the Bureau of Land Management. Lands managed by the National Park Service are subject to the provisions of statutory and administrative law relating to the National Park System found in Title 16 of the United States Code and Title 36 of the Code of Federal Regulations. The regulations contained in Chapter I of Title 36 of the Code of Federal Regulations prescribe conditions for the proper use, management and protection of areas of the National Park System. These general regulations apply to the new Alaska National Monuments by virtue of their becoming part of the National Park System. Certain general regulations found in Title 36 are inconsistent with the requirements of the Presidential Proclamations for protection of subsistence uses, such as hunting and wood gathering, within monument lands by local residents. The Proclamations establishing the national monuments recognize the unique subsistence culture of the local residents as a value to be preserved.

In order to comply with the Presidential Proclamations, therefore, it is necessary to publish these special regulations to relax or otherwise modify the general regulations to permit subsistence uses in the Alaska National Monuments. These special regulations will also modify the general regulations as they apply to aircraft, off-road vehicles and access across monument lands. The lack of established roads requires that special provisions be made to accommodate traditional means of transportation in Alaska. Where such means of transportation are not inconsistent with the purposes for which the monuments were established, their use may be continued under conditions specified by the Superintendent. In addition, the regulations provide that commercial fishing may continue in accordance with applicable State and Federal law.

SCOPE AND APPLICATION

The interim regulations set forth herein apply to all persons using, entering or visiting within the boundaries of the Alaska National Monuments. These regulations, as well as the general regulations found in Chapter I of Title 36 of the Code of Federal Regulations, apply only on lands owned or controlled by the United States and administered by the National Park Service. State, Native and privately owned lands within the boundaries of the National Monuments will remain largely unaffected by these regulations.

The interim regulations affecting subsistence uses will apply to all new national monument areas administered by the National Park Service, except Kenai Fjords National Monument where no known subsistence activities occur.

The new regulations, as they relate to Glacier Bay and Katmai National Monuments, apply only to the lands added by the 1978 enlargements. The pre-1978 acreages of these two monuments will continue to be governed by existing regulations.

SUBSISTENCE

The Proclamations establishing each Alaska National Monument, except Kenai Fjords, recognized that

> the unique subsistence culture of the local residents . . . enhance(s) the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects.

Moreover, the Proclamations stated that

> the opportunity for local residents to engage in subsistence hunting is a value to

be protected and will continue under the administration of the monument,

limited by the Secretary's authority to close portions of a monument to subsistence hunting for "public safety, administration, or to ensure the natural stability or continued viability of" fish and wildlife populations. Except in emergencies, the Superintendent will consult with appropriate State Fish and Game authorities prior to such closures.

As already noted, since the maintenance of a subsistence culture was proclaimed to be an integral part of these new Alaska National Monuments (with the exception of Kenai Fjords), it was found to be contrary to the public interest to have the current regulations, found in Parts 1 through 6 and 8 through 11 of Title 36 of the Code of Federal Regulations, applicable in their entirety. These emergency interim regulations were required, therefore, to permit subsistence activities.

SUBSISTENCE USES

This term is defined in section 7.87(a)(3) in a manner consistent with H.R. 39, the Alaska National Interest Lands bill passed by the House of Representatives during the 95th Congress. The Administration, as well as Native, State and conservation groups, had considerable input in this legislatively developed definition. "Subsistence uses" are defined to include traditional uses of renewable resources (e.g. wildlife, fish, timber) for personal or family consumption as food, shelter, fuel, clothing, tools or transportation. Customary subsistence uses for the sale, trade, barter or sharing of handicraft articles made from nonedible byproducts of fish and wildlife taken for personal or family consumption are also covered by the definition, and handicraft articles made from wood are intended to be included.

This definition represents an initial effort on what constitutes legitimate subsistence uses. Prior to the public comment and deliberative period afforded in a normal rulemaking context, it was felt to be in the public interest to use this legislative definition of subsistence uses, which was itself the result of a public consensus. More exacting criteria for subsistence uses (e.g. qualification in terms of need or availability of alternative resources; geographical restrictions to traditionally used areas, etc.) will be presented for public comment in the upcoming "Notice of Intent to Propose Rules."

SUBSISTENCE HUNTING AND TRAPPING

In general, local rural residents are allowed to continue subsistence hunting and trapping in the new Alaska National Monument areas. *See* § 7.87(c), (e) and (h). Subsistence uses must be conducted in accordance with applicable State law. Additionally, subsistence uses must comply with any applicable Federal law or regulation which is more restrictive than State law, such as the emergency protective provision of § 7.87(h)(2). This interim approach provides for subsistence hunting and trapping, while at the same time providing protection of the natural resources and public safety.

All other persons are prohibited by the interim regulations from sport hunting or commercial trapping within the Alaska National Monuments. The use of firearms, traps and other weapons is prohibited within the Alaska National Monuments for nonsubsistence activities except in defense of human life, for the prevention of personal injury, or as authorized by the Superintendent for energency use as stipulated in a written permit.

SUBSISTENCE FISHING

In general, subsistence fishing uses will be allowed to continue in Alaska National Monument areas. *See* § 7.87 (e) and (h). Subsistence uses must comply with applicable State law and any more restrictive Federal law or regulations, such as the emergency protective provision of § 7.87(h)(2). This interim approach provides for the protection of subsistence fishing.

All other persons may fish within Alaska National Monument areas in accordance with applicable State and Federal law. Commercial fishing operations may be permitted in Alaska National Monuments upon application to the Alaska Area Director of the National Park service, and commercial fishing operations existing at the time of the monument's creation may continue operating at the same level pending action on their applications.

TRANSPORTATION FOR SUBSISTENCE USES

In general, the use of snowmobiles, off-road vehicles, and motorboats for subsistence uses where such use is traditional and established within the Alaska National Monument areas will continue. *See* § 7.87(g). Vehicles used for subsistence activities must be operated to prevent unnecessary abuse to the Alaska National Monuments, and the Superintendent may close any area to vehicle use as necessary to protect the monument. The landing of airplanes within the Alaska National Monuments for subsistence purposes is prohibited. This exclusion of airplanes is consistent with the provisions of H.R. 39.

PUBLIC USE AND RECREATION

Several public comments and questions concerning existing land uses during the transition from Bureau of Land Management to National Park Service administration were received during the public review of the Draft Environmental Supplement entitled "Alternative Administrative Actions—Alaska National Interest Lands" and following President Carter's recent Proclamations. These interim regulations respond to public concern for immediate guidance as to what previously existing land uses are allowed or disallowed within the new Alaska National Monuments. Since immediate action was required to provide interim guidance during the transitional period, notice and public procedure on these interim regulations was impracticable and contrary to the public interest, and good cause existed for making these interim regulations effective immediately.

ACCESS

In general, established, reasonable routes and methods of access across the new Alaska National Monuments will be allowed where necessary. *See* § 7.87(g). Under the interim regulations, the Superintendent retains the power to close or retrict access in areas of an Alaska National Monument if necessary to protect the monument from damage or injury.

AIRCRAFT

Traditionally, access to many of the new Alaska National Monument areas has been by aircraft. Aircraft access would be allowed to continue in customarily used areas under the interim regulations, unless closed by the Superintendent. The landing of aircraft for subsistence purposes, however, would be prohibited. *See* § 7.87(b).

"VALID EXISTING RIGHTS"

In each of the Presidential Proclamations establishing the new national monuments, the establishment was made "subject to valid existing rights." the Department has not attempted at this time to define "valid existing rights" in these interim regulations.

EXISTING PERMITS

It is the intent of the National Park Service to honor during this interim period existing permits or licenses (such as reindeer grazing) issued by the Bureau of Land Management for activities on the lands now within the new Alaska National Monuments.

OTHER USES

Uses of land within the Alaska National Monuments not covered by any of the interim regulations will be governed by the applicable provisions of Parts 1 through 6 and 8 through 11 of Title 36.

PERMANENT REGULATIONS

These interim regulations are intended only to give short-term guidance on subsistence and other uses of the new NPS-administered national monuments. The National Park Service intends to publish in the near future a "Notice of Intent to Propose Rules" for these new national monument areas. This procedure will provide for significant public participation in the permanent rulemaking. The Notice will identify the subject matter of the proposed rules, develop questions for public consideration and request public views on specific issues. The National Park Service does not view these interim regulations as constituting the full extent of Federal authority over the new Alaska National Monuments or as in any way precluding the National Park Service from adopting alternative approaches in the permanent regulations.

While it was found impracticable and contrary to the public interest to solicit public comment in developing these interim regulations, the National Park Service invites comments and suggestions on the interim as well as on future regulations for the Alaska National Monuments.

AUTHORITY

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); Sections 1, 1c, 9a, 432 and 462 of Title 16 of the United States Code; 245 DM-1 (42 FR 12931); and the Presidential Proclamations establishing each national monument (43 FR 57009-57132).

DRAFTING INFORMATION

The primary authors of these regulations are Molly N. Ross and Thomas R. Lundquist, Office of the Solicitor, and Michael V. Finley, Division of Ranger Activities and Protection, National Park Service, Washington, D.C.

IMPACT ANALYSIS

The National Park Service has determined that these rules are not significant rules and do not require a regulatory analysis under Executive Order 12044; nor do they represent a major Federal action significantly affecting the quality of the human environment. An environmental impact statement covering proposed Federal actions in Alaska was prepared in 1974 and supplemented by an analysis covering Alternative Administrative Actions on November 28, 1978.

DANIEL J. TOBIN, Jr.,
Acting Director,
National Park Service.

In consideration of the foregoing, Title 36 of the Code of Federal Regulations is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

§ 1.2(g) [Amended].

Section 1.2(g) is amended by adding to the list of national monuments the following:

Aniakchak National Monument; Bering Land Bridge National Monument; Cape Krusenstern National Monument; Denali National Monument; Gates of the Arctic National Monument; 1978 enlargement of Glacier Bay National Monument; 1978 enlargement of Katmai National Monument; Kenai Fjords National Monument; Kobuk Valley National Monument; Lake Clark National Monument; Noatak National Monument; Wrangell-St. Elias National Monument; Yukon-Charley National Monument.

PART 11—ARROWHEAD AND PARKSCAPE SYMBOLS

36 CFR Part 7 is amended by adding the following § 7.87:

§ 7.87 Alaska National Monuments.

(a) *Definitions.*

(1) Except as otherwise provided herein, the term "Alaska National Monuments" shall include the following national monuments:

Aniakchak National Monument; Bering Land Bridge National Monument; Cape Krusenstern National Monument; Denali National Monument; Gates of the Arctic National Monument; 1978 enlargement of Glacier Bay National Monument; 1978 enlargement of Katmai National Monument; Kenai Fjords National Monument; Kobuk Valley National Monument; Lake Clark National Monument; Noatak National Monument; Wrangell-St. Elias National Monument; Yukon-Charley National Monument.

(2) For purposes of the Alaska National Monuments, the term "Superintendent" shall mean any National Park Service official in charge of a monument area, the Alaska Area Director of the National Park Service, or an authorized representative of either.

(3) As used in this section, the term "subsistence uses" means the customary and traditional uses in Alaska of wild, renewable resources for (i) direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; (ii) the making or selling of handicraft articles out of non edible byproducts of fish and wildlife resources taken for personal or family consumption; and (iii) customary trade, barter, or sharing for personal or family consumption.

(4) As used in this section, the term "off-road vehicles" means any motor vehicle, except snowmobiles and vessels (as defined by this chapter), designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland, or other natural terrain.

(b) *Aircraft; designated landing areas.*

The use of aircraft within the Alaska National Monuments for access to areas within, adjacent to, or across the monuments may continue where such use is traditional and established or reasonable and appropriate in the exercise of a valid property right; *Provided, however,* That the use of aircraft for subsistence purposes within the Alaska National Monuments is prohibited. The Superintendent may designate areas for closure to aircraft landing where he, in his discretion, determines it necessary to provide for the public safety or to protect the Alaska National Monuments, or any parts or values thereof, from injury or damage. Such closures shall be shown on maps available for public inspection in the office of the Alaska Area Director and the offices of the respective monuments.

(c) *Firearms, traps, and other weapons; possession.* The possession of a trap, seine, hand-thrown spear, net (except a landing net), firearm (including an air or gas powered pistol or rifle), blow gun, bow and arrow or crossbow, or any other implement designed to discharge missiles in the air or under water which is capable of destroying animal life is prohibited in the Alaska National Monuments unless (1) it is unloaded and cased or otherwise packed in such a way as to prevent its use while in the park areas, or (2) its possession is authorized by the Superintendent for emergency use as stipulated in a written permit, or (3) its possession is necessary for purposes of subsistence uses as authorized in accordance with this section.

(d) *Firearms, traps, and other weapons; use.* The use of a trap, seine, hand-thrown spear, net (except a landing net), firearm (including an air or gas powered pistol or rifle), blow gun, bow and arrow or crossbow, or any other implement designed to discharge missiles in the air or under water which is capable of destroying animal life is prohibited in the Alaska National Monuments except for subsistence uses or as authorized by the Superintendent for emergency use as stipulated in a written permit.

(e) *Fishing.* (1) The possession of live or dead minnows, chubs, other bait fish, nonpreserved fish eggs and fish roe or the use thereof as bait in fresh water, or the placing or depositing of preserved or fresh fish eggs, fish roe, food or other substance in any fresh waters for the purpose of attracting, catching, or feeding fish is prohibited in the Alaska National Monuments except for subsistence uses.

(2) Fishing in monument area waters with a net, seine, trap, spear, or in any manner other than by hook and line with the rod or line being held in the hand, is prohibited in the Alaska National Monuments except for subsistence uses and authorized commercial fishing operations.

(3) Fishing in monument area waters for merchandise or profit is prohibited in the Alaska National Monuments except for subsistence uses and authorized commercial fishing operations.

(4) Commercial fishing operations may be permitted in the Alaska National Monuments on application by letter to the Alaska Area Director of the National Park Service. All such commercial fishing operations shall be conducted in accordance with State law and any more stringent regulations specified by the Alaska Area Director for purposes of protecting the Alaska National Monuments, or any parts or values thereof, from injury or damage. Any commercial fishing operations in existence within the Alaska National Monuments at the time of their creation may continue such operations, but may not engage in any significant new or modified operations, pending action by the Alaska Area Director on the application required by this subsection.

(f) *Wildlife; hunting and trapping.* (1) The hunting, killing, wounding, or capturing at any time of any wildlife, or the attempting to kill, wound, or capture at any time any wildlife, is prohibited in the Alaska National Monuments.

(2) The feeding, touching, teasing, frightening, molesting, or intentionally disturbing any wildlife, or their nesting, breeding, feeding or related activities, is prohibited in the Alaska National Monuments.

(3) *Exceptions.* The provisions of this section shall not apply to the following:

(i) The taking of fish, crustaceans, and mollusks conducted in accordance with § 2.13 of this Title and § 7.87(e) of this Part;

(ii) Emergency action necessary to prevent a dangerous animal from destroying human life or inflicting personal injury;

(iii) The killing, capturing, or disturbance of animals for approved resources management or research purposes as authorized by the Superintendent;

(iv) Subsistence uses as provided hereinafter.

(g) *Use of Snowmobiles, Off-Road Vehicles, and Vessels.* The use of snowmobiles, off-road vehicles, and vessels, as defined by this chapter, within the Alaska National Monuments for subsistence uses or for access to areas within, adjacent to, or across the monuments may continue where such use is traditional and established or reasonable and appropriate in exercise of a valid property right; provided however, that the use of such motor vehicles for fire fighting, law enforcement or resource management purposes shall not be limited to those areas where the use of such vehicles is traditional and established. All such motor vehicles shall be operated in compliance with applicable State and Federal law and in such a manner as to prevent abuse, waste, or damage to the Alaska National Monuments or any parts or values thereof. The Alaska Area Director may temporarily close or, after notice and opportunity for informal public hearing, permanently close areas within an Alaska National Monument to such motor vehicles if he, in his discretion, determines it necessary to protect the monument, or any part of value thereof, from injury or damage. Recreational snowmobile use may be permitted in accordance with section 2.34 of this chapter.

(h) *Subsistence Uses.* (1) Nonwasteful subsistence uses of fish, wildlife and plant resources within the Alaska National Monuments, except Kenai Fjords National Monument, shall be allowed to continue by local rural residence who comply with applicable State and Federal law.

(2) The Superintendent may close all or any portion of an Alaska National Monument or take such other measures as are necessary if he determines that an emergency situation exists and that measures must be taken to provide for public safety or to ensure the natural stability and continued viability of one or more fish, wildlife or plant populations.

In the case of closure, the Superintendent shall post a notice of the reasons justifying the closure in communities known to be affected by the closure and shall publish the reasons justifying the closure in local newspapers in the area of the closure. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty days, and shall not be extended unless the Secretary establishes after notice and informal public hearing that such extension is justified.

[FR Doc. 78-35953 Filed 12-22-78; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER H—NATIONAL WILDLIFE MONUMENTS

PART 96—ALASKA NATIONAL WILDLIFE MONUMENTS

Final Interim Rule

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

ACTION: Final interim rule.

SUMMARY: On December 1, 1978, President Carter signed Presidential Proclamations establishing 17 new National Monument areas in Alaska. Two of these areas, Becharof National Monument and Yukon Flats National Monument (collectively known as the "Alaska National Wildlife Monuments), will be administered by the United States Fish and Wildlife Service. Because of the immediate change in the status of these areas, it is necessary to promulgate emergency final interim rules pending the development of proposed and final regulations for these areas. These final interim rules preserve the opportunity for local residents to continue their traditional subsistence activities and establishes a transition period for the gradual regulation and control of on-going activities and uses within these two Alaska National Wildlife Monuments. For reasons set forth below, notice and public comment on these final interim rules was determined to be impracticable and contrary to the public interest. Furthermore, good cause exists for making these interim regulations effective immediately. Thus these final interim rules establish a new Subchapter H and Part 96 in Title 50 of the Code of Federal Regulations.

The Fish and Wildlife Service intends to publish in the FEDERAL REGISTER in the very near future a "Notice of Intent to Propose Rules" to administer these new Alaska Wildlife National Monuments on a more permanent basis. This Notice will identify the subject matter of the rules and request public views on specific issues. Ultimately, final regulations developed through this public review process will replace these interim rules.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

William Reffalt, Chief, Alaska Native Claims Staff, United States

Fish and Wildlife Service, Room 3012, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-7533).

SUPPLEMENTARY INFORMATION:

AUTHORITY

Section 2 of the Antiquities Act of 1906 (16 U.S.C. 431) authorizes the President, in his discretion, to declare objects of historic or scientific interest that are situated upon lands owned or controlled by the United States to be National Monuments. The same section authorizes the President to include within a monument surrounding parcels of federally owned or controlled lands required for the proper care and management of the objects to be protected.

Pursuant to this authority, President Carter signed seventeen proclamations establishing new National Monuments and additions to existing National Monuments in Alaska on December 1, 1978 (43 FR 57009). Fifteen of these Proclamations directed the Secretary of Interior to "issue such regulations as are appropriate" for the management of these areas. The Secretary of the Interior subsequently delegated his administrative regulatory authority over two of these new National Monument areas (Becharof National Monument and Yukon Flats National Monument), to the Director of the U.S. Fish and Wildlife Service.

Through this internal delegation, the Director obtained regulatory authority over these two new National Wildlife Monument areas. The authorities for these regulations are 16 U.S.C. 432, 16 U.S.C. 742f and the Proclamations establishing the two National Wildlife Monuments.

BACKGROUND

On December 1, 1978, President Carter utilized his discretionary authority to proclaim fifteen new National Monuments in Alaska and add additional acreage to two existing National Monuments in Alaska. These new National Monument areas offer protection for a variety of significant archeological, anthropological, geological, paleontological and biotic objects of historic and scientific value, as stated in the Proclamations. The affected lands had previously been managed by the Bureau of Land Management of the Department of the Interior and the Forest Service of the Department of Agriculture.

By a Departmental delegation dated December 18, 1978, the Secretary delegated his management and regulatory authority over two of these areas, the Becharof and the Yukon Flats National Monuments, to the Director of the United States Fish and Wildlife Service. Simultaneously, the Secretary's management authority over thirteen other new National Monument areas was delegated to the Director of the National Park Service.

The two Alaska National Wildlife Monuments administered by the Fish and Wildlife Service do not become part of the National Wildlife Refuge System as that System is currently defined. Rather, these Wildlife Monuments will be administered in accordance with the provisions of the Antiquities Act, 16 U.S.C. 431 *et seq.* and the Fish and Wildlife Act of 1956, 16 U.S.C. 742a *et seq.* The primary thrust of any regulatory program established under these authorities would be the conservation and protection of the two National Wildlife Monuments. In the context of Becharof and the Yukon Flats National Wildlife Monuments, the regulatory program must, in particular, conserve and protect the outstanding fish and wildlife resources and their habitats as noted in the Presidential Proclamations.

Since these National Wildlife Monuments do not become part of the National Wildlife Refuge System, the general regulations governing the administration of that System are not applicable to these two areas in Alaska.

Thus, the administrative emergency facing the United States Fish and Wildlife Service is not the automatic application of a general set of management regulations, but rather the lack of any existing management regulations for the two National Wildlife Monuments. This lack of regulatory controls exposes the Wildlife Monuments and their natural resources to potential injury and abuse and leaves the public in general, and rural Alaskans residing within or adjacent to the two Monuments in particular, with little guidance as to the legality of ongoing activities and uses within the two Monuments. The uncertain status of subsistence and sport hunting within National Wildlife Monuments is a case in point.

The change in land status and management responsibilities created by the Proclamations, Departmental delegation and existing law, dictate that at least a minimal regulatory program protect the Monuments and govern public activities therein as soon as possible. In order to provide immediate protection for the two National Wildlife Monuments and guidance to the general public as to the scope of permissible activities within those Monuments, the Department has determined that compliance with the procedures for developing regulations under Executive Order 12044, including notice and an opportunity for public comment, was impractical and contrary to the public interest. This determination was made by the Director of the Fish and Wildlife Service pursuant to Section 6 of Executive Order 12044. For the same reasons, it was determined that good cause existed for making these interim emergency regulations effective immediately.

REGULATORY APPROACH

As previously noted, it is essential that an interim regulatory program be established for the two National Wildlife Monuments during the administrative transition period immediately following their establishment. This interim regulatory program has been kept to a minimum in order to cause the least disruption possible to ongoing activities and public uses within the two National Wildlife Monuments, consistent with the protection of those two areas. Thus as a general rule, any outstanding BLM permit or license issued for these areas will be honored and extended for the period stated on the face of the document, or until final, permanent regulations are issued for the Wildlife Monuments, whichever occurs first. The only exception to this rule would be where the extension of a particular permit or license would be incompatible with the preservation and protection of the Wildlife Monument in question. Apart from BLM licenses or permits, other established public uses within the two Monuments such as temporary camping or hunting will be allowed to continue under the interim regulations. By adopting this permissive regulatory posture during the transition period, the Fish and Wildlife Service can avoid imposing any hardships on those members of the general public who have some established connection or dependency with the Wildlife Monument areas. This maintenance of the status quo further obviates the need for an opportunity for public comment on the emergency interim regulations.

It must be stressed, however, that this minimal regulatory approach in no way reflects the full extent of Federal regulatory authority over the two National Wildlife Monuments. Rather, it represents a voluntary curtailment of regulatory controls at this time, in recognition of the impracticality of submitting these emergency interim regulations to public comment. The Fish and Wildlife Service will develop comprehensive Monument regulations on such subjects as subsistence activities, sport hunting, fishing, access, and public use and recreation. Such regulations shall be prepared in accordance with Executive Order 12044 which provides for extensive public involvement in the regulatory process. The frameworks for these comprehensive regulations will be presented at some length when the Fish and Wildlife Service publishes in the very near future a "Notice of Intent to Propose

Rules" in the FEDERAL REGISTER. After reviewing the public comments generated in response to that Notice, the Fish and Wildlife Service will publish proposed and final rulemakings which may substantially differ from the emergency interim regulations promulgated today. Thus, nothing in these interim regulations would preclude the Fish and Wildlife Service from adopting an alternative approach in the permanent regulations.

The specific provisions of these interim regulations are categorized as follows: Section 96.1 briefly describes the purpose of National Wildlife Monuments and these interim regulations. Section 96.2 defines a few key terms including "subsistence uses." The definition of subsistence uses is consistent with the one in H.R. 39, the Alaska National Interest Lands bill which passed the House during the 2nd session of the 95th Congress. The Administration, as well as Native, State and conservation groups had considerable input in this legislatively developed definition. This definition represents an initial effort to determine what constitutes legitimate subsistence uses. Prior to the public comment and deliberative period afforded in a normal rulemaking context, it was felt to be in the public interest to track the legislative definition of subsistence uses, which was itself the result of a consensus among interested parties.

Section 96.3 sets out the general prohibitions governing public activities within National Wildlife Monuments. Although the prohibitions may initially appear to be rather sweeping, they are subject to two major exceptions. First, activities are exempted from the prohibitions if they are specifically authorized elsewhere in the regulations. Since the regulations authorize most, if not all, on-going public activities within the Monuments which are compatible with the preservation and conservation of the Monuments, few activities would actually be proscribed by the language of Section 96.3. Second, the Alaska Area Director of the Fish and Wildlife Service would be empowered to authorize other activities not specifically mentioned in the interim regulations, provided they were capable of satisfying the same compatibility test. Thus, Section 96.3 establishes the principle that while most public activities will be allowed to continue within National Wildlife Monuments, they are not allowed to continue as of right, but rather must be compatible with Monument preservation.

Section 96.4 authorizes the subsistence use of wild renewable resources within a National Wildlife Monument by local rural residents. This would allow residents of rural communities located within, or adjacent to, a National Wildlife Monument to continue their subsistence activities in accordance with applicable State and Federal law. Furthermore, subsistence use of these natural resources would be accorded the highest priority over other consumptive uses such as sport hunting. This prioritization of subsistence user is a management principle for Alaska public lands which was uniformly recognized and adopted by the various Committees of the 95th Congress which considered H.R. 39. During the transition period, subsistence uses would only be restricted in emergency situations involving public safety or the natural stability or continued viability of a particular population of fish, wildlife or plants. This closure authority has been voluntarily limited during the transition period to emergency situations, in recognition of the importance of subsistence uses to many rural Alaskans. The Fish and Wildlife Service felt that any regulatory program capable of imposing restrictions on subsistence activities outside of emergency situations should not be established without providing subsistence users, as well as the general public, with an opportunity to comment on the program. Therefore, the Fish and Wildlife Service will wait until publication of its "Notice of Intent to Propose Rules" before it begins to develop the full range of its closure authority over subsistence activities, as set forth in the Presidential Proclamations establishing the National Wildlife Monuments.

Section 96.5 authorizes the use of various motorized vehicles within and across National Wildlife Monuments where such use is traditional and established or an appropriate exercise of a property right. This assures that restrictions on access within a Monument will be kept to the minumum necessary to conserve the resources of the Monument itself. A similar provision applies to the use of motorized vehicles for subsistence purposes, although the use of airplanes is not permitted for subsistence purposes. This exclusion of airplanes is consistent with the provisions of H.R. 39.

Section 96.6 allows for continued recreational uses within National Wildlife Monuments, provided that such uses do not abuse, damage or injure the Wildlife Monuments or any part or value thereof. the list of potential activities enumerated in Section 96.6 is not intended to be all inclusive.

Section 96.7 deals with the taking of fish and wildlife for sport and commercial purposes. As a general rule, such activities must comply with applicable State law. The Fish and Wildlife Service could impose additional restrictions, however, when deemed necessary for public safety, administration, or to protect the natural stability or continued viability of a particular species of fish or wildlife.

Finally, Section 96.8 sets out the enforcement provisions of the interim regulations. Violation of the regulations could result in the imposition of criminal sanctions under 16 U.S.C. 433.

One final point needs to be stressed. These emergency interim regulations apply only to the Federally owned or controlled lands within the boundaries of the Alaska National Wildlife Monuments; State, Native and private inholdings are not directly affected by the terms of these regulations. This is consistent with the terms of the Presidential Proclamations making the establishment of the National Wildlife Monuments "subject to valid existing rights".

The primary author of these regulations is Donald Barry, Attorney-Advisor, Office of the Solicitor.

Dated: December 19, 1978.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

Effective immediately, 50 CFR is amended by adding a new Subchapter H as set forth below:

SUBCHAPTER H—NATIONAL WILDLIFE MONUMENTS

PART 96—ALASKA NATIONAL WILDLIFE MONUMENTS

Sec.
96.1 Alaska National Wildlife Monuments.
96.2 Definitions.
96.3 Prohibited Acts.
96.4 Subsistence uses.
96.5 The Use of Snowmobiles, Off-road Vehicles, Motorboats and Aircraft.
96.6 Recreational activities.
96.7 Taking of Fish and Wildlife.
96.8 Enforcement.

AUTHORITY: 16 U.S.C. 460k-3; 16 U.S.C. 432; 16 U.S.C. 742(f); Presidential Proclamation of December 1, 1978 (43 FR 57009).

§ 96.1 Alaska National Wildlife Monuments.

These areas were established by Presidential Proclamation for the purpose of preserving and enhancing their outstanding scientific and historic values. The interim regulations in this Part authorize or prohibit various public activities within Alaska National Wildlife Monuments administered by the United States Fish and Wildlife Service. These interim regulations will remain in effect until the publication of final regulations establishing permanent rules governing the administration of Alaska National Wildlife Monuments.

§ 96.2 Definitions.

The definitions in this Section apply only to this Part 96 of Title 50 of the

Code of Federal Regulations. As used in this Part:

(a) "Alaska National Wildlife Monument" means the Becharof and Yukon Flats National Monuments in Alaska which are administered by the United States Fish and Wildlife Service;

(b) "Area Director" means any official of the United States Fish and Wildlife Service who has been delegated authority over Alaska National Wildlife Monuments, including the Alaska Area Director of the United States Fish and Wildlife Service or his authorized representatives;

(c) "Subsistence Uses" means the customary and traditional use in Alaska of wild, renewable resources for (1) direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, (2) the making or selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and (3) customary trade, barter, or sharing for personal or family consumption;

(d) "Off-Road Vehicles" mean any motorized vehicle designed for, or capable, of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland or other natural terrain.

§ 96.3 Prohibited acts.

No person shall enter, or undertake any activity which would appropriate, injure, or destroy an Alaska National Wildlife Monument, or any part or value thereof, including fish and wildlife or plant resources, unless such entrance or activity is specifically authorized by the Area Director or is in accordance with these regulations. Such prohibited activities include but are not limited to the establishment or construction of roads, trails, utility and transmission lines, pipelines, canals, cabins and the cutting or removal of logs or wood. The Area Director may only authorize these or other activities upon his determination that they are compatible with the preservation and conservation of the affected Alaska National Wildlife Monument or any part or value thereof.

§ 96.4 Subsistence uses.

(a) The nonwasteful subsistence uses of fish, wildlife or plant resources within Alaska National Wildlife Monuments shall be allowed to continue by local rural residents who comply with applicable provisions of State and Federal law. The nonwasteful subsistence use of fish, wildlife or plant resources shall be the first priority consumptive use of such resources over other consumptive uses such as sport hunting, commercial trapping, or sport or commercial fishing.

(b) Notwithstanding any other provision of this section, the Area Director may close all or any portion of an Alaska National Wildlife Monument to the subsistence uses of a particular fish, wildlife or plant population, or take such other measures as may be necessary, if he determines that an emergency situation exists and that measures must be taken to provide for public safety or to assure the natural stability and continued viability of the particular population of fish, wildlife or plants. In the case of closure, the Area Director shall post a notice of the reasons justifying the closure in communities known to be affected by the closure and shall publish and broadcast the reasons justifying the closure in the local media in the area of the closure. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty days, and shall not be extended unless the Area Director establishes after notice and informal public hearing that such extension is justified.

§ 96.5 The Use of Snowmobiles, Off-Road Vehicles, Motorboats, and Aircraft.

The use of snowmobiles, off-road vehicles, motorboats and aircraft within Alaska National Wildlife Monuments for access to areas within, adjacent to, or across the Monuments may continue where such use is traditional and established or reasonable and appropriate in exercise of a valid property right. Furthermore, the use of snowmobiles, off-road vehicles and motorboats for subsistence purposes within Alaska National Wildlife Monuments may continue where such use is traditional and established. *Provided, however,* that the use of all such motorized vehicles for fire fighting, law enforcement or resource management purposes shall not be limited to those areas where the use of such vehicles is traditional and established. All such motorized vehicles shall be operated in compliance with applicable State and Federal law and in such a manner as to prevent abuse, waste, or damage to the Alaska National Wildlife Monuments or any part or value thereof. The Area Director may temporarily close or, after notice and opportunity for an informal public hearing, permanently close, areas within an Alaska National Wildlife Monument to the use of motorized vehicles if, in his discretion, he determines that the continuation of such uses is not compatible with the preservation and conservation of the Monument or any part or value thereof.

§ 96.6 Recreational activities.

Public recreational activities within an Alaska National Wildlife Monument shall be allowed to continue as long as such activities are conducted in a manner which prevents abuse, waste or damage to the Alaska National Wildlife Monument or any part or value thereof. Such recreational activities include but are not limited to sightseeing, nature observation and photography, hunting, fishing, boating, camping, hiking, picnicking and other related activities.

§ 96.7 Taking of fish and wildlife.

The taking of fish and wildlife within an Alaska National Wildlife Monument shall be allowed to continue in accordance with applicable State and Federal law and regulation; *Provided, however,* that the Area Director may designate areas where, and establish periods when, no taking of a particular population of fish or wildlife shall be permitted within an Alaska National Wildlife Monument for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population. The following provisions shall apply to each person while engaged in the taking of fish or wildlife within an Alaska National Wildlife Monument:

a. *Trapping and Sport Hunting.* (1) Each person shall secure and possess all required State license and shall comply with the applicable provisions of State law and regulations unless further restricted by Federal law or regulations;

(2) Each person shall comply with the applicable provisions of Federal law and regulations.

b. *Sport and Commercial Fishing.* (1) Each person shall secure and possess all required State license and shall comply with the applicable provisions of State law and regulations unless further restricted by Federal law or regulations;

(2) Each person shall comply with the applicable provisions of Federal law and regulations.

§ 96.8 Enforcement.

Any person who violates any of the provisions of this Part or any permit, limitation or condition issued by the Area Director shall, upon conviction, be penalized in accordance with the provisions of 16 U.S.C. 433 or 16 U.S.C. 460k-3.

[FR Doc. 78-35954 Filed 12-22-78; 8:45 am]