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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
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DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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

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A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
February 1	February 16	March 5	March 19	April 2	May 2
February 2	February 20	March 5	March 19	April 3	May 3
February 5	February 20	March 7	March 22	April 6	May 7
February 6	February 21	March 8	March 23	April 9	May 7
February 7	February 22	March 9	March 26	April 9	May 8
February 8	February 23	March 12	March 26	April 9	May 9
February 9	February 26	March 12	March 26	April 10	May 10
February 12	February 27	March 14	March 29	April 13	May 14
February 13	February 28	March 15	March 30	April 16	May 14
February 14	March 1	March 16	April 2	April 16	May 15
February 15	March 2	March 19	April 2	April 16	May 16
February 16	March 5	March 19	April 2	April 17	May 17
February 20	March 7	March 22	April 6	April 23	May 21
February 21	March 8	March 23	April 9	April 23	May 22
February 22	March 9	March 26	April 9	April 23	May 23
February 23	March 12	March 26	April 9	April 24	May 24
February 26	March 13	March 28	April 12	April 27	May 29
February 27	March 14	March 29	April 13	April 30	May 29
February 28	March 15	March 30	April 16	April 30	May 29

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS
(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT
 AMS—Agricultural Marketing Service
 ARS—Agricultural Research Service
 ASCS—Agricultural Stabilization and Conservation Service
 APHIS—Animal and Plant Health Inspection Service
 CCC—Commodity Credit Corporation
 CEA—Commodity Exchange Authority
 CSRS—Cooperative State Research Service
 EMS—Export Marketing Service
 ESCS—Economics, Statistics, and Cooperatives Service
 FmHA—Farmers Home Administration
 FCIC—Federal Crop Insurance Corporation
 FAS—Foreign Agricultural Service
 FNS—Food and Nutrition Service
 FSQS—Food Safety and Quality Service
 FS—Forest Service
 RDS—Rural Development Service
 REA—Rural Electrification Administration
 RTB—Rural Telephone Bank

SEA—Science and Education Administration
 SCS—Soil Conservation Service
COMMERCE—COMMERCE DEPARTMENT
 Census—Census Bureau
 EAB—Bureau of Economic Analysis
 EDA—Economic Development Administration
 FTZB—Foreign Trade Zones Board
 ITA—Industry and Trade Administration
 MA—Maritime Administration
 MBEO—Minority Business Enterprise Office
 NBS—National Bureau of Standards
 NFPCA—National Fire Prevention and Control Administration
 NOAA—National Oceanic and Atmospheric Administration
 NSA—National Shipping Authority
 NTIA—National Telecommunications and Information Administration
 NTIS—National Technical Information Service
 PTO—Patent and Trademark Office
 USTS—United States Travel Service

DOD—DEFENSE DEPARTMENT
 AF—Air Force Department
 Army—Army Department
 DCPA—Defense Civil Preparedness Agency
 DCAA—Defense Contract Audit Agency
 DIA—Defense Intelligence Agency
 DIS—Defense Investigative Service
 DLA—Defense Logistics Agency
 DMA—Defense Mapping Agency
 DNA—Defense Nuclear Agency
 EC—Engineers Corps
 Navy—Navy Department
DOE—ENERGY DEPARTMENT
 BPA—Bonneville Power Administration
 ERA—Economic Regulatory Administration
 EIA—Energy Information Administration
 ERO—Energy Research Office
 ETO—Energy Technology Office
 FERC—Federal Energy Regulatory Commission
 OHADOE—Hearings and Appeals Office, Energy Department

FEDERAL REGISTER

SEPA—Southeastern Power Administration
 SWPA—Southwestern Power Administration
 WAPA—Western Area Power Administration

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

AC—Aging Federal Council
 ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
 CDC—Center for Disease Control
 ESNC—Educational Statistics National Center
 FDA—Food and Drug Administration
 HCFA—Health Care Financing Administration
 HDSO—Human Development Services Office
 HRA—Health Resources Administration
 HSA—Health Services Administration
 MSI—Museum Services Institute
 NIH—National Institutes of Health
 OE—Office of Education
 PHS—Public Health Service
 RSA—Rehabilitation Services Administration
 SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
 CPD—Community Planning and Development, Office of Assistant Secretary
 FDAA—Federal Disaster Assistance Administration
 FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
 FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
 FIA—Federal Insurance Administration
 GNMA—Government National Mortgage Association
 ILSRO—Interstate Land Sales Registration Office
 NCA—New Communities Administration
 NCDC—New Community Development Corporation
 NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR—INTERIOR DEPARTMENT

BIA—Bureau of Indian Affairs
 BLM—Bureau of Land Management
 FWS—Fish and Wildlife Service
 GS—Geological Survey
 HCRS—Heritage Conservation and Recreation Service
 Mines—Mines Bureau
 NPS—National Park Service
 OHA—Office of Hearings and Appeals, Interior Department
 RB—Reclamation Bureau
 SMRE—Surface Mining Reclamation and Enforcement Office

JUSTICE—JUSTICE DEPARTMENT
 DEA—Drug Enforcement Administration
 INS—Immigration and Naturalization Service
 LEAA—Law Enforcement Assistance Administration
 NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
 BRB—Benefits Review Board
 ESA—Employment Standards Administration
 ETA—Employment and Training Administration
 FCCPO—Federal Contract Compliance Programs Office
 LMSEO—Labor Management Standards Enforcement Office
 MSHA—Mine Safety and Health Administration
 OSHA—Occupational Safety and Health Administration
 P&WBP—Pension and Welfare Benefit Programs
 W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
 FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
 FAA—Federal Aviation Administration
 FHWA—Federal Highway Administration
 FRA—Federal Railroad Administration
 MTB—Materials Transportation Bureau
 NHTSA—National Highway Traffic Safety Administration
 OHMR—Office of Hazardous Materials Regulations
 OPR—Office of Pipeline Safety Regulations
 SLS—Saint Lawrence Seaway Development Corporation
 UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
 Customs—Customs Service
 Comptroller—Comptroller of the Currency
 ESO—Economic Stabilization Office (temporary)
 FS—Fiscal Service
 IRS—Internal Revenue Service
 Mint—Mint Bureau
 PDB—Public Debt Bureau
 RSO—Revenue Sharing Office
 SS—Secret Service

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
 CAB—Civil Aeronautics Board
 CASB—Cost Accounting Standards Board

CEQ—Council on Environmental Quality
 CFTC—Commodity Futures Trading Commission
 CITA—Textile Agreements Implementation Committee
 CPSC—Consumer Product Safety Commission
 CRC—Civil Rights Commission
 CSA—Community Services Administration
 CSC/FPRAC—Federal Prevailing Rate Advisory Committee
 EEOC—Equal Employment Opportunity Commission
 EXIMBANK—Export-Import Bank of the U.S.
 EPA—Environmental Protection Agency
 ESSA—Endangered Species Scientific Authority
 FCA—Farm Credit Administration
 FCC—Federal Communications Commission
 FCSC—Foreign Claims Settlement Commission
 FDIC—Federal Deposit Insurance Corporation
 FEA—Federal Energy Administration
 FEC—Federal Election Commission
 FHLBB—Federal Home Loan Bank Board
 FHLMC—Federal Home Loan Mortgage Corporation
 FMC—Federal Maritime Commission
 FPC—Federal Power Commission
 FRS—Federal Reserve System
 FTC—Federal Trade Commission
 GSA—General Services Administration
 GSA/ADTS—Automated Data and Telecommunications Service
 GSA/FPA—Federal Preparedness Agency
 GSA/FPRS—Federal Property Resources Service
 GSA/FSS—Federal Supply Service
 GSA/NARS—National Archives and Records Service
 GSA/OFR—Office of the Federal Register
 GSA/PBS—Public Buildings Service
 ICA—International Communications Agency
 ICC—Interstate Commerce Commission
 ICP—Interim Compliance Panel (Coal Mine Health and Safety)
 ITC—International Trade Commission
 LSC—Legal Services Corporation
 MB—Metric Board
 MSPB—Merit Systems Protection Board
 MWSC—Minimum Wage Study Commission
 NACEO—National Advisory Council on Economic Opportunity
 NASA—National Aeronautics and Space Administration
 NCUA—National Credit Union Administration
 NFAH—National Foundation for the Arts and the Humanities

FEDERAL REGISTER

NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OMB—Office of Management and Budget
OMB/FPPO—Federal Procurement Policy Office

OPIC—Overseas Private Investment Corporation
OPM—Office of Personnel Management.
OSTP—Office of Science and Technology Policy
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board

RRB—Railroad Retirement Board
ROAP—Reorganization, Office of Assistant to President
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

Title 3—
The President

presidential documents

Proclamation 4635 of January 30, 1979

National Inventors' Day, 1979

By the President of the United States of America

A Proclamation

The founding fathers in Section 8 of Article I of our Constitution provided that the Congress shall have the power to promote the progress of the useful arts by securing for a limited time to inventors the exclusive right to their discoveries.

The first Congress, pursuant to that Constitutional provision, enacted legislation providing inventors with such a right. That legislation became the first United States patent law when it was signed by President George Washington on April 10, 1790.

With the knowledge that the patent system contributes significantly to technological progress for the benefit of mankind, the United States since then has continually and actively maintained a national patent system even in times of war and rebellion.

This incentive provided inventors has prompted millions of our people to apply great effort and valuable resources, often persevering in the face of seemingly insurmountable odds, to create, perfect and bring to the marketplace many inventions which have made our labors more productive and which have contributed to our health and welfare.

The economic and technological preeminence which our Nation has known for many years and enjoys today is in large part due to the efforts of our inventors. This preeminence can be maintained by giving encouragement to their future efforts.

In honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, the 95th Congress, by House Joint Resolution 685, which I signed into law on October 14, 1978 (Public Law 95-463), designated February 11, 1979, as "National Inventors' Day."

February 11, 1979, is especially significant for celebration as National Inventors' Day because it is the anniversary of the birth of Thomas Alva Edison who one hundred years ago perfected and patented the first practical incandescent lamp, an invention which as we all know dramatically changed the way of life all over the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon and urge the people of the United States to honor all inventors by joining me in observing February 11, 1979, National Inventors' Day, with appropriate ceremonies and activities.

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



[FR Doc 79-3771
Filed 1-30-79; 5:01 pm]
Billing code 3195-01-M

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[1505-01-M]

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1977/1978 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1977 and 1978. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is \$400 domestic, \$100 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1978):

Title	Price
1	\$2.75
2 [Reserved]	
3	4.25
4	4.75
5	5.00
7 Parts:	
0-52	6.00
53-209	4.50
210-699	6.75
700-749	4.25
750-899	2.40
900-944	4.75
945-980	3.50
981-999	3.50
1000-1059	4.75
1060-1119	4.75
1120-1199	4.00
1200-1499	4.75
1500-2799	6.50
2800-2851	5.50
2852	6.00
2853-end	4.00
8	3.50
9	6.00
10 Parts:	
0-199	5.00
200-end	6.25
12 Parts:	
1-299	8.25
300-end	6.75
13	4.75
14 Parts:	
1-59	5.75

Title	Price
60-199	6.75
200-1199	5.75
1200-end	3.75
15	5.75
16 Parts:	
0-149	5.00
150-999	4.75
1000-end	5.25

CFR Unit (Rev. as of Apr. 1, 1978):

17	\$8.25
18 Parts:	
0-149	5.00
150-end	5.00
19	6.00
20 Parts:	
1-399	3.50
400-499	5.00
500-end	4.50
21 Parts:	
1-99	4.00
100-199	6.00
200-299	2.75
300-499	5.75
500-599	5.00
600-1299	4.25
1300-end	4.50
22	5.50
23	5.00
24 Parts:	
0-499	8.25
500-end	9.00
25	5.50
26 Parts:	
1 (§§ 1.0-1.169)	5.75
1 (§§ 1.301-1.400)	4.00
1 (§§ 1.401-1.500)	4.75
1 (§§ 1.501-1.640)	4.75
1 (§§ 1.641-1.850)	4.75
1 (§§ 1.851-1.1200)	6.00
1 (§§ 1.1201-end)	6.50
2-29	4.75
30-39	5.50
40-299	5.50
300-499	4.75
600-end	3.00
27	8.75

CFR Unit (Rev. as of July 1, 1978):

28	\$4.50
29 Parts:	
0-499	6.25
31	8.25
32 Parts:	
40-399	8.50
400-589	4.50
590-699	4.50
1000-1399	3.50
1400-1599	4.50
1600-end	3.00
35	4.75
37	4.00
39	4.25
40 Parts:	
0-49	4.75
41 Chapters:	
7	2.75
8	2.75
19-100	4.50
CFR INDEX	5.00

CFR Unit (Rev. as of Oct. 1, 1977):

42 Parts:	
1-399	\$5.50
400-end	4.75
43 Parts:	
1-999	4.00
1000-end	6.00
44 [Reserved]	

Title	Price
45 Parts:	
1-99	4.25
100-149	5.50
150-199	4.75
200-499	3.50
500-end	6.00
46 Parts:	
1-29	3.00
30-40	3.25
41-69	4.50
70-89	3.25
90-109	3.00
110-139	3.00
140-165	4.75
166-199	3.75
200-end	6.00
47 Parts:	
0-19	5.75
20-69	5.25
70-79	5.00
80-end	6.00
48 [Reserved]	
49 Parts:	
1-99	3.00
100-199	8.25
200-999	8.75
1000-1199	4.50
1200-1299	8.00
1300-end	4.25
50	5.50

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange, Grapefruit, Tangerine, and Tangelo Regulation 2, Amendment 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter (size) requirements for Honey tangerines for domestic shipments from 2 $\frac{1}{8}$ inches to 2 $\frac{1}{2}$ inches and from 2 $\frac{1}{2}$ to 2 $\frac{3}{8}$ inches for export shipments, through October 14, 1979, and for pink seedless grapefruit from 3 $\frac{1}{8}$ inches to 3 $\frac{3}{8}$ inches through August 26, 1979. This action recognizes current market demand for smaller sizes of these fruits and is consistent with the size composition of the available crop in the interest of growers and consumers.

EFFECTIVE DATE: January 26, 1979, through October 14, 1979, for Honey tangerines. January 29, 1979, through August 26, 1979, for pink seedless grapefruit.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

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

This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

(2) The minimum size requirements, herein specified, for domestic shipments of Honey tangerines and pink seedless grapefruit and export shipments of Honey tangerines reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller sizes of the designated fruits based on current supply and demand conditions. Relaxation of the minimum size requirements for Honey tangerines and pink seedless grapefruit will make additional supplies available to meet market needs and will tend to promote the orderly marketing of these fruits.

The Citrus Administrative Committee, at an open meeting on January 23, 1979, reported there is a good market demand for larger quantities of smaller size Honey tangerines and pink seedless grapefruit. With the marketing of Dancy variety tangerines and tangelos nearly finished, the Honey tangerines will help fill the demand. Grapefruit shipments from Texas are expected to be completed by the end of February due to adverse weather conditions in early January.

It is concluded that the amendment of the size requirements, hereinafter set forth, is necessary to establish and maintain orderly marketing conditions and to provide acceptable size fruit in the interest of producers and consum-

ers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers, and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida Honey tangerines and pink seedless

grapefruit. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

Accordingly, it is found that the provisions of § 905.302 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 2) (43 FR 43013; 52197; 53027; 54617; 57139; 58175; 58353; 59335), should be and are amended by revising Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b) applicable to export shipments, thereof, to read as follows:

§ 905.302 Orange, Grapefruit, Tangerine, and Tangelo Regulation 2.
(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
Grapefruit: Seedless, pink	Jan. 29, 1979, thru Aug. 26, 1979	Improved No. 2	3-5/16
	Aug. 27, 1979, thru Oct. 14, 1979	do	3-9/16
Tangerines: Honey	Jan. 26, 1979, thru Oct. 14, 1979	Florida No. 1	2-6/16

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
Tangerines: Honey	Jan. 26, 1979, thru Oct. 14, 1979	Florida No. 1	2-4/16

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

Dated: January 26, 1979.

D. S. KURZLOSKI, Acting Deputy Director,
Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 79-3303 Filed 1-31-79; 8:45 am]

[3410-02-M]

[Navel Orange Reg. 451; Navel Orange Reg. 450, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 2-8, 1979, and increases the quantity of such oranges that may be so shipped during the period January 26-February 1, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing sit-

uation confronting the orange industry.

DATES: The regulation becomes effective February 2, 1979, and the amendment is effective for the period January 26-February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION:
Findings. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on January 26, and 30, 1979 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges remains good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions

effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.751 Navel Orange Regulation 451.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 2, 1979, through February 8, 1979, are established as follows:

- (1) District 1: 800,000 cartons;
 - (2) District 2: 162,204 cartons;
 - (3) District 3: unlimited movement.
- (b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

§ 907.750 [Amended]

Paragraph (a)(1) in § 907.750 Navel Orange Regulation 450 (44 FR 5088), is hereby amended to read:

- (1) District 1: 950,000 cartons;

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

Dated: January 31, 1979.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-3809 Filed 1-31-79; 11:39 am]

[1505-01-M]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1978 and Subsequent Crops

Corrections

In FR Doc. 79-973 appearing at page 2353 in the issue for Thursday, January 11, 1979, make the following changes:

- 1. On page 2355, second column, paragraph (f) of § 1421.3, seventh line, "warehousman" should read "warehouseman".
- 2. On page 2356, second column, paragraph (b) of § 1421.6, second line, "make" should read "made", and in the tenth line, "mortgage" should read "mortgage"; third column, paragraph (c) of § 1421.9, tenth and thirteenth lines, "in" should read "is".
- 3. On page 2358:
 - (a) First column, third line of § 1421.17, "that" should read "than";

(b) Second column, thirteenth line from the bottom, "§1421.3" should read "§ 1421.3"; and

(c) Third column, paragraph (c) of § 1421.17, twelfth line, "therof" should read "thereof".

4. On page 2359, first column, nineteenth line from the top, "if" should read "If"; third column, thirteenth line from the top, "perons" should read "persons".

5. On page 2360, second column, third line from the top, insert a comma after "may".

6. On page 2361, first column, sixth line of subparagraph (2), "county" should read "country".

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—LOAN AND GRANT MAKING

[FmHA Instructions 1933-A and 1942-A1]

COMMUNITY FACILITY LOANS

Revision—Redesignation

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) revises and redesignates its regulations pertaining to Community Facility loans. This action is taken as a part of an overall restructuring of the numbering system, and incorporates provisions of recent public laws and reflects an internal reorganization. The intended effects of this action are to eliminate unnecessary duplication, comply with public law and due to responses from the public regarding clarification, and appropriate changes to comply with reorganization being implemented in the Agency.

EFFECTIVE DATE: February 1, 1979. However, comments must be received on April 2, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public information at the address given above.

FOR FURTHER INFORMATION CONTACT:

Louis K. Bangma, tel. 202-447-5506.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration re-

vises and redesignates its regulations concerning Community Facility loans from Part 1933 Subpart A to a new Subpart A of Part 1942, "Associations," Subchapter I, "Loan and Grant Making," Chapter XVIII, Title 7 in the Code of Federal Regulations.

The reorganization being implemented will mean basically that loans will be processed to the maximum extent possible by the FmHA District Office staff. The State Office staff will monitor community programs loan making and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The intended effect of these actions is to provide a regulation which will be simpler and clearer and achieve legislative goals effectively and efficiently, thus providing improved service. In addition to the overall restructuring of the regulation the following specific changes have been made:

1. Section 1942.2 (e) has been added to provide that other departments agencies, and executive establishments of the Federal Government may participate and provide financial and technical assistance jointly with FmHA.

2. Section 1942.5 (a) has been added to provide that FmHA will make certain that low-income and minority communities within the service area have not been omitted or discouraged from participating in the proposed project.

3. Section 1942.6 (a) provides that information required by the Office of General Counsel (OGC) to issue loan closing instructions will be forwarded to OGC.

4. Section 1942.17 (b) has been revised to clarify that loans will not be made to any city or town in excess of 10,000 population.

5. Section 1942.17 (b)(2) provides that FmHA shall document that the applicant is unable to finance the proposed project from its own resources or through commercial credit at reasonable rates and terms.

6. Section 1942.17 (b)(3) includes references to a new Guide 24 which contains a list of items to be included in management agreements.

7. Section 1942.17 (c)(2) is expanded to refer to new Guide 25 which is the joint policy statement between EPA and FmHA relative to the Safe Drinking Water Act. This section is also expanded to provide that communities having a large portion of its population with low incomes will also be given due consideration in determining project priorities for other essential community facilities as well as utility-type facilities.

8. Section 1942.17 (c)(2)(ii) has been added to provide guidance in selecting other essential community facility applications for funding.

9. Section 1942.17 (e)(1) has been reworded to provide that notice of the availability of the service should be sent to all persons living within the area who would logically be served by the phase of the project being financed.

10. Section 1942.17 (f)(2)(iii) has been added to prescribe monthly payments where practical.

11. Section 1942.17 (g)(1)(iii) and (g)(2)(iii) has been revised to clarify security requirements for other essential community facilities other than utility-type.

12. Section 1942.17 (g) (1) (iii) (A) (7) and (8) and (g) (2) (iii) (A) (3) and (4) provides for an assignment of income from other sources.

13. Section 1942.17 (h)(1) clarifies when and how financial feasibility reports should be prepared.

14. Section 1942.17 (j)(3) provides that a current and effective power-of-attorney should be attached to all insurance policies and fidelity bonds.

15. Section 1942.17 (k) (2) provides that a certification from the appropriate State and Federal agencies for water pollution control standards will be obtained showing that established standards are met.

16. Section 1942.17 (m)(4) has been added to prescribe the process as to how the applicant will be notified of preapplication review.

17. Section 1942.17 (n)(2) includes reference to a new Guide 1a which may be used to inform the private lender of FmHA's commitment.

18. Section 1942.17 (p)(3)(iii) has been added to encourage use of minority owned banks.

19. Section 1942.17 (p)(6) clarifies use of grant funds remaining after construction is completed.

20. Section 1942.17 (q)(2)(ii) provides for a list of the names and addresses of all members of the governing body rather than of all the members.

21. Section 1942.18 (c)(2) has been added to prescribe compliance with Lead Based Paint Poisoning and Prevention Act and National Consumer Health Information and Health Promotion Act of 1976.

22. Section 1942.18 (c)(3)(iii) provides an exception to the requirement that the operating pressure of plastic pipe shall not exceed $\frac{3}{4}$ of its working pressure. This requirement does not apply to plastic pipe which meets AWWA C-900 standards.

23. Section 1942.18 (i) (2) (vi) (C) has been clarified to provide that allowable methods of surety for construction and facility improvement contracts over \$100,000 will be contained in the bid documents and also provides

that use of surety other than performance and payment bonds will require concurrence by the National Office.

24. Section 1942.18 (l) (2) (vi) (D) (1) has been revised to delete reference to bid conditions for imposed plans.

25. Section 1942.19 (b)(2) provides that the State Director can approve certain exceptions to the use of bond counsel, for issues of \$50,000 or less.

26. Section 1942.19 (b)(3) has been added to provide for an exception to the use of bond counsel for loans of less than \$500,000 under certain conditions.

It is the policy of this Department that rules relating to public property, loans, grant, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published effective on an interim basis. This action is being taken to simplify and improve this regulation, provide a more responsive delivery system, and comply with public laws and at the same time permit public participation in the rulemaking process. Since no substantive changes are made, publication in prior rulemaking format is unnecessary. Also, delay in implementing these additions and amendments would be contrary to the public interest for the following reasons: (1) the reorganization of FmHA's district office field staff has been implemented and this instruction is needed for them to effectively administer the program. Applicants need this instruction to provide information on how they are to work with the reorganized field staff thereby lessening their burden in obtaining FmHA assistance. (2) The changes in FmHA's bond accounting system have been implemented. This instruction is needed in order to prevent delay and confusion in providing existing borrowers and applicants with accurate information on loan account servicing and drafting bond instruments. (3) Time is of the essence to applicants who will use these instructions in making construction plans and specifications for projects to be put out for bid in the forthcoming spring building season.

Comments made pursuant to this notice will be considered in the development of the final rule.

Accordingly, Chapter XVIII is amended as follows:

SUBCHAPTER A—GENERAL REGULATIONS
PART 1803—LOAN AND GRANT
DISBURSEMENT

§ 1803.11 [Amended]

1. In § 1803.11, paragraph (c), lines 4 and 5, change "Subpart A and I of this chapter" to "Part 1823, Subpart I and Part 1942, Subpart A".

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart B—Association Loans for Shift-in-Land Use Projects

§ 1823.65 [Amended]

2. In § 1823.65, lines 3 and 4, change "Subpart B of Part 1804 of this Chapter" to "§ 1942.9 of FmHA Instruction 1942-A".

Subpart I—Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

§ 1823.266 [Amended]

3. In § 1823.266, paragraph (a), lines 14 and 15, change "Subpart B of Part 1804 of this Chapter" to "Part 1942, Subpart A".

§ 1823.271 [Amended]

4. In § 1823.271, paragraph (b), lines 14 and 15, change "Subpart B of Part 1804 of this Chapter" to "Part 1942, Subpart A".

5. In § 1823.271, paragraph (c)(3)(i), lines 1 and 2, change "Sections 1823.41 to 1823.48, Part 1823, Subpart A" to "Part 1942, Subpart A".

§ 1823.276 [Amended]

6. In § 1823.276, lines 2 and 3 of the introductory section, change "Subpart B of Part 1804 of this Chapter" to "Part 1942, Subpart A".

Subpart O [Amended]

7. The title of Subpart O is amended to read "Grants for Facilitating Development of Private Business Enterprises".

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

§ 1888.13 [Amended]

8. In § 1888.13, line 8, change "442.1" to "1942-A".

9. In § 1888.13, paragraph (e), lines 5 and 6, change "Subparts A and P of this chapter" to "Part 1942, Subpart A and Part 1823, Subpart P".

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM RELATED INSTRUCTIONS

Subpart O—Jointly Funded Grant Assistance to State and Local Governments and Nonprofit Organizations

§ 1901.711 [Amended]

10. In § 1901.711, paragraph (d)(2), lines 7, 8, and 9, change "Part 1933, Subpart A (FmHA Instruction 1933-A, Appendix B available in any FmHA office)" to "Part 1942, Subpart A, § 1942.18".

11. In § 1901.711, paragraph (d)(5), lines 10, 11, and 12, change "Part 1933, Subpart A (FmHA Instruction 1933-A, Appendix B available in any FmHA office)" to "Part 1942, Subpart A, § 1942.18".

SUBCHAPTER J—REAL PROPERTY

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart A [Deleted and Reserved]

12. Subpart A of Part 1933 is hereby deleted and reserved.

SUBCHAPTER L—LOAN AND GRANT MAKING

PART 1942—ASSOCIATIONS

Subpart I—Resource Conservation and Development (RCD), Loans and Watershed (WS) Loans and Watershed (WS) Advances

§ 1942.409 [Amended]

13. In § 1942.409(a), line 4, change "§ 1933.17(a)(6)" to "§ 1942.17(g)".

14. In § 1942.409(b), line 12, change "§ 1933.17(a)(7)" to "§ 1942.17(h)".

15. In § 1942.409(c), line 2, change "§ 1933.19" to "§ 1942.19".

16. In § 1942.409(d), line 1, change "§ 1933.17(a)(9)" to "§ 1942.17(j)(3)".

17. In § 1942.409(e), lines 7 and 8, change "§ 1933.18(a)(3)(i)" to "§§ 1942.17(j)(3)(ii) and 1942.18(c)(i)".

18. In § 1942.409(f), line 2, change "§ 1933.18(a)(9)" to "§ 1942.18(i)".

19. In § 1942.409(g)(2), line 8, change "§ 1933.17(a)(6)" to "§ 1942.17(g)".

§ 1942.411 [Amended]

20. § 1942.411(b), lines 16 and 17, change "Section 1933.20(a) (guide 14) of this part available in any FmHA office" to "Part 1942, Subpart A, Guide 14 (available in any FmHA office)".

§ 1942.412 [Amended]

21. In § 1942.412(a)(2)(i), line 3, change "§ 1933.20(a), (guide 15)" to "Part 1942, Subpart A, Guide 15 (available in any FmHA office)".

22. In § 1942.412(a)(3), lines 4, 5, and 6, change "FmHA Instruction 1933-A including § 1933.20(a) (guide 16)" to "Part 1942, Subpart A, Guide 16 (available in any FmHA office)".

23. In § 1942.412(b)(3), line 9, change "§ 1933.20(a) (guide 16)" to "Part 1942, Subpart A, Guide 16 (available in any FmHA office)".

24. In § 1942.412(d), line 15, change "FmHA Instruction § 1933.2(c)" to "Part 1942, Subpart A, § 1942.2(c)".

§ 1942.414 [Amended]

25. In § 1942.414(d), line 8, change "§ 1933.3" to "Part 1942, Subpart A, § 1942.3".

§ 1942.415 [Amended]

26. In § 1942.415, line 3, change "§§ 1933.9 and 1933.18" to "§§ 1942.9 and 1942.18".

§ 1942.417 [Amended]

27. In § 1942.417(a), lines 5 and 6, change "§§ 1933.2, 1933.5, and 1933.20(a) (guide 15) (guide 16)" to "Part 1942, Subpart A, §§ 1942.3, and 1942.5, and Guides 15 and 16 (available in any FmHA office)".

28. In § 1942.417(a)(4), lines 4 and 5, change "§ 1933.20(a) (guide 15) and (guide 16)" to Part 1942, Subpart A, Guides 15 and 16 (available in any FmHA office)".

29. In § 1942.417(b)(2), line 6, change "§ 1933.5(a)(3)" to "§ 1942.5(a)(1)".

§ 1942.419 [Amended]

30. In § 1942.419(a), lines 3, 4 and 5, change "FmHA regulations including § 1901-A, and § 1933.5, § 1933.6, § 1933.7, § 1933.8, § 1933.17(a)" to "Part 1901, Subpart A, and §§ 1942.5, 1942.6, 1942.7, 1942.8, and 1942.17".

31. In § 1942.419(a)(6), line 3, change "§ 1933.19" to "§ 1942.19".

32. In § 1942.419(b), line 11, change "§ 1933.12" to "1942.12."

§ 1942.420 [Amended]

33. In § 1942.420(a), line 4, change "§ 1933.17(a)(13)" to "§ 1942.17(p)".

34. In § 1942.420(c), line 3, change "§ 1933.8" to "1942.8".

§ 1942.421 [Amended]

35. In § 1942.421, line 3, change "FmHA Instruction § 1933.10" to "§ 1942.17(q)".

§ 1942.424 [Amended]

36. In § 1942.424(a), line 4, change "1933-A, § 1933.16" to "Part 1942, Subpart A, § 1942.16".

SUBCHAPTER P—GUARANTEED LOANS

PART 1980—GENERAL

Subpart E—Business and Industrial Loan Programs

§ 1980.402 [Amended]

37. In § 1980.402(b), lines 16, 17, and 18, change "Subpart A of Part 1823 of this Chapter (FmHA Instructions 442.1)" to "Part 1942, Subpart A".

§ 1980.425 [Amended]

38. In § 1980.425(b), lines 13 and 14, change "Subpart A of Part 1933 of this chapter" to "Part 1942, Subpart A".

§ 1980.452 [Amended]

39. In § 1980.452, paragraph D. 3. in the Administrative section, lines 7, 8 and 9, change "Subpart A of Part 1823 of this chapter (FmHA Instruction 442.1)" to "Part 1942, Subpart A".

§ 1980.454 [Amended]

40. In § 1980.454, paragraph A. 2. in the Administrative section, line 4, change "1933-A to "1942-A".

§ 1980.481 [Amended]

41. In § 1980.481(b), lines 6 and 7, change "Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1)" to "Part 1942, Subpart A".

42. In § 1980.481, paragraph C. in the Administrative section, lines 4 and 5, change "Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1)" to "Part 1942, Subpart A".

SUBCHAPTER L—LOAN AND GRANT MAKING

PART 1942—ASSOCIATIONS

43. Subpart A of Part 1942 is hereby added and reads as follows:

Subpart A—Community Facility Loans

Sec.

- 1942.1 General.
- 1942.2 Processing applications.
- 1942.3 Preparation of appraisal reports.
- 1942.4 Borrower contracts.
- 1942.5 Application review and approval.
- 1942.6 Preparation for loan closing.
- 1942.7 Loan closing.
- 1942.8 Actions subsequent to loan closing.
- 1942.9 Planning, bidding, contracting, and constructing.
- 1942.10 1942.11 [Reserved]
- 1942.12 Loan cancellation.
- 1942.13 Loan servicing.
- 1942.14 Subsequent loans.
- 1942.15 Delegation and redelegation of authority.
- 1942.16 State supplements and guides.
- 1942.17 Appendix A Community Facilities
- 1942.18 Appendix B Community facilities—Planning, bidding, contracting, constructing.
- 1942.19 Appendix C Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.

Guides—Community Facilities, (Guides to the regulations may be used by FmHA officials in administering this program. They are not published in the FEDERAL REGISTER. However, they are available in National, State, District, and County Offices of FmHA.)

1942.20 1942.50 [Reserved]

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart A—Community Facility Loans

§ 1942.1 General.

(a) This Subpart outlines the policies and procedures for making and processing insured loans for community facilities. The Farmers Home Administration (FmHA) shall cooperate fully with appropriate State and local agencies in the making of loans in a manner which will assure maximum support to the State strategy for rural development. FmHA State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use as prescribed in this Subpart are to be considered for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. The policy of FmHA is to extend its financial programs without regard to race, color religion, sex, marital status, age, or national origin.

(b) The County Office will normally be the entry point for preapplications and serve as a local contact point. However, applications will be filed with the District Office and loans will be processed to the maximum extent possible by the District Office staff. The applicant's governing body should designate one person to coordinate the activities of its engineer, architect, attorney, and any other professional employees and to act as contact person during loan processing. FmHA personnel should make every effort to involve the applicant's contact person when meeting with the applicant's professional consultants and/or agents. The State Office staff will monitor community programs loan making and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on community program loan activity within the County Office service area to the County Supervisor at key points

throughout the loan making process as described herein.

§ 1942.2 Processing applications.

(a) *Preapplications.* (1) The County Office may handle initial inquiries and provide basic information about the program. They are to provide the preapplication, Form AD 621, "Preapplication for Federal Assistance," and Form FmHA 449-10, "Applicant's Environmental Impact Evaluation." The County Supervisor will assist applicants as needed in completing Form AD-621, and in filing written notice of intent and request for priority recommendation with the appropriate clearinghouse (except Federally recognized Indian tribes which will be dealt with in accordance with § 1901.352(c) of FmHA Instruction 1901-H of this Chapter). The County Supervisor will inform the applicant that it may be necessary to apply for credit from commercial sources. It will be explained that if credit for the project is available from commercial sources at reasonable rates and terms the applicant is not eligible for FmHA financing. Preapplications will be filed in the County Office and forwarded immediately to the District Office. The applicant will be informed that further processing will be handled by the District Office. An information folder will be established and maintained by the County Office once a preapplication is received. In the event the preapplication is filed in the District Office, the District Director may assist the applicant in completing the preapplication requirements. The appropriate information to set up the County Office information file will be sent to the County Supervisor by the District Director. Guidance and assistance will be provided by the State Director, as needed, for orderly application processing. The District Director will determine that the preapplication is properly completed and fully review it. The District Director will then forward to the State Director:

(i) Eligibility determination and recommendations.

(ii) One copy of Form AD 621.

(iii) Clearinghouse comments.

(iv) Priority recommendations.

(v) Form FmHA 449-10.

(vi) Original and one copy of Form 440-46, "Environmental Impact Assessment."

(2) The State Director will review each Form AD-621 along with other information that is deemed necessary to determine whether financing from commercial sources at reasonable rates and terms is available. If credit elsewhere is indicated, the State Director will instruct the District Director to so inform the applicant and recommend the applicant apply to commercial sources for financing. Projects may be

funded jointly with other lenders provided the requirements of § 1942.17(g) are met. Joint financing occurs when two or more lenders make separate loans to supply the funds required by one applicant for a project.

(i) In order to provide a basis for referral of preapplications of only those applicants who may be able to finance projects through commercial sources, State Directors should maintain liaison with representatives of banks, investment bankers, financial advisors, and other lender representatives in the State. State Directors with their assistance, should maintain criteria for determining preapplications which should be referred to commercial lenders. A list of lender representatives interested in receiving such referrals should be maintained.

(ii) The State Director shall maintain a working relationship with the State A-95 or other appropriate State agency and give full consideration to their comments when selecting preapplications to be processed.

(iii) The State Director will review the District Director's eligibility determination and recommendations and return the executed original of Form FmHA 440-46 along with comments in sufficient time for the District Director's use in preparing and issuing Form AD-622, "Notice of Preapplication Review Action."

(iv) Form AD-622 will be prepared by the District Director within forty-five (45) calendar days from receipt of the preapplication by FmHA, stating the results of the review action. The original will be signed and delivered to the applicant, a copy to the County Supervisor, and a copy to the State Director.

(b) *Applications.* The District Director will assist the applicant in application assembly and processing.

(1) The application docket will include Form AD-624 "Application for Federal Assistance (For Construction Programs)," and other related forms, materials, and information. The application will be assembled in accordance with Guide 15 or appropriate State guides developed in accordance with § 1942.16. State Directors will have applications in process representing approximately 150 percent of the current State loan fund allocation. The District Director will inform applicants at the time Form AD-622 is delivered if they may proceed with application assembly. Those whose preapplications are not included in the 150 percent will be advised against incurring obligations for legal and engineering work, taking options on land rights, and inviting construction bids or making other commitments which cannot be fulfilled without loan funds until funds are actually made available.

(2) When an applicant is notified to proceed with an application, the District Director should arrange for a conference with the applicant to provide copies of appropriate appendixes and forms; furnish guidance necessary for orderly application processing; and to initiate a processing checklist for establishing a time schedule for completion of items using Form FmHA 442-39, "Processing Check List (Other Than Public Bodies)," or Form FmHA 442-40, "Processing Check List (Public Bodies)," or other checklist adopted for use in the State. The District Director will confirm decisions made at this conference by letter to the applicant and a copy of the processing checklist. The original and a copy of the processing checklist will be retained in the District Office and a copy will be forwarded to the State Office. The original and copy of the checklist retained in the District Office will be kept current as application processing actions are taken. The copy will be sent to the State Office to use in updating its copy of this form. The State Office will then return the District Office's copy. As the application is being processed, and the need develops for additional conferences, the District Director will arrange with the applicant for such conferences to extend and update the processing checklist.

(c) *Review of decision.* If at any time prior to loan approval it is decided that favorable action will not be taken on a preapplication or application, the District Director will notify the applicant in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that a review of this decision by FmHA may be requested by the applicant in accordance with FmHA Instruction 1900-B.

(d) *Environmental impact assessments and statements.* Environmental impact assessments and statements will be prepared in accordance with Subpart G of Part 1901 of this Chapter. Forms FmHA 449-10, "Applicants Environmental Impact Evaluation," and FmHA 440-46, "Environmental Impact Assessment," will be submitted to the State Office with Form AD-621.

(e) *Joint Funding.* Other departments, agencies, and executive establishments of the Federal Government may participate and provide financial and technical assistance jointly with FmHA to any applicant to whom assistance is being provided by FmHA. The amount of participation by the other department, agency, or executive establishment shall only be limited by its authorities except that any limitation on joint participation itself is superseded by section 125 of Pub. L. 95-334.

§ 1942.3 Preparation of appraisal reports.

When the loan approval official requires an appraisal, Form FmHA 442-10, "Appraisal Report—Water and Waste Disposal System," may be used with appropriate supplements. Form FmHA 442-10 may be modified as appropriate or other appropriate format may be used for facilities other than water and waste disposal. Appraisal reports prepared for use in connection with the purchase of existing essential community facilities or when required by § 1942.17 (g) (1) (iii) (B) (2), (g) (2) (iii) (B) (2), and (j) (4) of this Subpart, may be prepared by the FmHA engineer/architect or, if desired by the State Director, some other qualified appraiser. The loan approval official may require an applicant to provide an appraisal prepared by an independent qualified appraiser, however, the loan approval official must determine that the appraised value shown in such reports reflects the present market value.

§ 1942.4 Borrower contracts.

The State Director will, with assistance as necessary by the Office of the General Counsel (OGC), concur in agreements between borrowers and third parties such as contracts for professional and technical services and contracts for the purchase of water or treatment of waste. State Directors are expected to work closely with representatives of engineering and architectural societies, bar associations, commercial lenders, accountant associations, and others in developing standard forms of agreements, where needed, and other such matters in order to expedite application processing, minimize referrals to OGC, and resolve problems which may arise.

§ 1942.5 Application review and approval.

(a) *Procedures for review.* Ordinarily FmHA staff review will proceed as applications are being developed. An overall review of the applicant's financial status, including a review of all assets and liabilities, will be a part of the docket review process by the staff and approval officials. The engineering/architect reports and associated data are to be reviewed by the FmHA staff engineer or architect, as appropriate, as soon as available but prior to the District Director's completion of the project summary. During the review the District Director in all cases will make certain that no low income or minority community within the service area has been omitted or discouraged from participating in the proposed project. The District Director will also determine how the service area was defined to assure that gerrymandering of specific communities or areas has not occurred. The findings should be documented in the running

record. Prior to presenting the assembled application to the approval official, the assembled application will be ordinarily processed in the following sequence:

(1) The District Director will complete the project summary including written analysis and recommendations using either Form FmHA 442-45, "Project Summary—Water and Waste Disposal and Other Utility Type Projects," for utility type projects or Form FmHA 442-43, "Project Summary—Community Facilities (Other than utility-type projects)," for all other types of projects. The District Director will prepare a draft letter of conditions listing all the requirements which the applicant must agree to meet within a specific time.

(i) Requirements listed in letters of conditions will ordinarily include those relative to: maximum amount of loan which may be considered, term of loan and any payment deferment, number of users (members) and verification required, contributions, rates and charges, interim financing, security requirements, organization, business operations, insurance and bonding (including applicant/borrower and contractor), construction contract documents and bidding, accounts, records, and audit reports required, adoption of Form FmHA 442-47, "Loan Resolution (Public Bodies)," for public bodies or Form FmHA 442-9, "Association Loan Resolution (Security Agreement)," for other than public bodies, closing instructions, and other requirements.

(ii) Each letter of conditions will contain the following paragraphs:

"This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application. Any changes in project cost, source of funds, scope of services, or any other significant changes in the project or applicant must be reported to and approved by FmHA by written amendment to this letter. Any changes not approved by FmHA shall be cause for discontinuing processing of the application."

"This letter is not to be considered as loan approval or as representation to the availability of funds. The docket may be completed on the basis of a loan not to exceed \$. If FmHA makes the loan, the interest rate will be that charged by FmHA at the time of the loan approval."

"Please complete and return the attached Form FmHA 442-46, "Letter of Intent to Meet Conditions," if you desire that further consideration be given your application."

(iii) District Directors may add the following: "If the conditions set forth in this letter are not met within _____ days from the date hereof,

FmHA reserves the right to discontinue the processing of the application."

(2) The FmHA staff engineer or architect, as appropriate, will include a written analysis and recommendations on Form FmHA 442-43 or FmHA 442-45.

(3) The Chief, Community Programs, will review the assembled application and include on Form FmHA 442-43 or FmHA 442-45 a written analysis and recommendations. The draft letter of conditions will be reviewed and any necessary modifications made.

(b) *Projects requiring National Office review.* Prior National Office review is required for certain proposals (See Subpart A of Part 1901 of this Chapter).

(1) Applications to be forwarded to the National Office should be assembled in the following order from top to bottom by the District Directors and forwarded to the State Director for review and submission to the National Office as follows:

(i) Transmittal memorandum including:

(A) Recommendation.

(B) Date of expected obligation.

(C) Any unusual circumstances.

(ii) Copies of the following:

(A) Proposed letter of conditions.

(B) Comments from the applicable State, Regional, and metropolitan clearinghouses.

(C) Form FmHA 442-45 or FmHA 442-43 (including the required copy of Forms FmHA 442-47, "Operating Budget," and FmHA 442-14, "Association Project Fund Analysis").

(D) Form FmHA 442-51, "Water and Waste Disposal Development Grant Summary," if applicable.

(E) Preliminary architectural or engineering report.

(F) Form FmHA 442-3, "Balance Sheet." This form may be supplemented to provide further details if desired.

(G) For other essential community facility loan applicants whose proposals do not meet the assured income or tax based security requirements of § 1942.17 (g)(1)(iii) and (g)(2)(iii), an income and expense statement for the last five years of operation will be submitted if available.

(H) For other essential community facility loans being secured in accordance with paragraph (b)(1)(ii)(G) of this section, submit a detailed explanation of the proposed security; evidence that the application cannot be processed and the loan secured in accordance with paragraph (b)(1)(ii)(G) of this section; evidence supporting the efforts by the applicant in persuading appropriate public bodies to provide the proposed facility and services and the results, and comments of the Regional Attorney concurring in the applicants legal authority to give the proposed security.

(I) Financial Feasibility Report when required by § 1942.17(h)(1).

(J) Proposed lease agreements, management agreements, or other agreements when facility management will be provided by other than the applicant.

(K) Other forms and documents on which there are specific questions.

(2) For applications to be reviewed in the State or field at least those items shown in § 1942.5(b)(1)(ii) should be available.

(c) *For all applications.* All letters of conditions will be addressed to the applicant, signed by the District Director or other FmHA representative, designated by the State Director and mailed or handed to the applicant. Upon signing or authorizing signature of the letter of conditions, the District Director will forward 2 copies of the letter of conditions and 2 copies of Form FmHA 442-43 or FmHA 442-45 to the State Director. A copy of the letter of conditions and the appropriate project summary will be forwarded to the County Supervisor for information purposes. The State Director will immediately forward one copy of Form FmHA 442-43 or FmHA 442-45 (including the required copy of Forms FmHA 442-7 and FmHA 442-14) and a copy of the letter of conditions to the National Office, Attention: Water and Waste Disposal Loan Division or Community Facilities Loan Division, as appropriate. The District Director with assistance as needed from the State Office will discuss the requirements of the letter of conditions with the applicant's representatives and afford them an opportunity to execute Form FmHA 442-46, "Letter of Intent to Meet Conditions."

(1) The letter of conditions should not ordinarily be issued unless the State Director expects to have adequate funds in the State allocation to fund the project within the next 12 months based on historic allocations or other reliable projections.

(2) If the applicant declines to execute Form FmHA 442-46, the District Director will immediately notify the State Director and provide complete information as to the reasons for such declination. The District Director will provide the County Supervisor with an information copy of the report.

(3) If the applicant executes Form FmHA 442-46, the District Director will forward two copies of the completed Form FmHA 442-14; the completed and executed original, a signed copy and an unsigned copy of Form FmHA 440-1 to the State Director.

(d) *Loan approval and obligating funds.* Loans will be approved in accordance with this Subpart and FmHA Instruction 1901-A (available in any FmHA Office). State Directors may

obligate funds when they are available and in accordance with the following:

(1) Funds may not be obligated until the applicant has legal authority to contract for a loan and enter into the required agreements.

(2) If approval was authorized by the National Office, a copy of the memorandum authorizing approval will be attached to the original of Form FmHA 440-1.

(3) Upon receipt of the executed approval documents from the District Office or upon completion and execution of the approval documents in the State Office, the State Director or a designee will telephone the Finance Office Check Request Station requesting that loan and/or grant funds for a particular project be obligated.

(4) Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation. After the security code is furnished, all information contained on Form FmHA 440-1 will be furnished the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of request.

(5) The individual making the request will record the date and time of request and sign Form FmHA 440-1 in section 37.

(6) The Finance Office will terminaly process telephone obligation requests. Those requests for obligation received before 2:30 p.m. Central Time will be processed on the date of the request. Requests received after 2:30 p.m. Central Time to the extent possible will be processed on the date received; however, there may be instances in which a request will be processed on the next working day.

(7) Each working day the Finance Office will notify the State Office by telephone of all projects for which funds were reserved during the previous night's processing cycle and the date of obligation. If funds cannot be reserved for a project, the Finance Office will notify the State Office that funds are not available within the State allocation. The obligation date will be 6 working days from the date the request for obligation is processed in the Finance Office. The Finance Office will mail to the State Office Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request," confirming the reservation of funds with the obligation date inserted as required by item No. 9 on the Forms Manual Insert (FMI) for Form FmHA 440-57.

(8) After notification by the Finance Office that the funds have been re-

served, the original only of Form FmHA 442-14 will be mailed to the Finance Office. Form FmHA 440-1 will not be mailed to the Finance Office for those obligations requested by telephone. Immediately after notification by telephone of the reservation of funds, the State Director will call the Information Division in the National Office as required by FmHA Instruction 2015-C. Notice of approval to the applicant will be accomplished by mailing the applicant's signed copy of Form 440-1 on the obligation date. The State Director or the State Director's designee will record the actual date of applicant notification on the original of Form FmHA 440-1 and include the original or the form as a permanent part of the District Office project file with a copy in the State Office file. The District Director will notify the County Supervisor that the applicant has been notified of approval.

§ 1942.6 Preparation for loan closing.

(a) *Obtaining closing instructions.* Completed dockets will be reviewed by the State Director. The information required by OGC will be transmitted to OGC with request for closing instructions. Upon receipt of the closing instructions from OGC, the State Director will forward them along with any appropriate instructions to the District Director. Upon receipt of closing instructions, the District Director will discuss with the applicant and its architect or engineer, attorney, and other appropriate representatives, the requirements contained therein and any actions necessary to proceed with closing.

(b) *Verification of users and other funds.*

(1) In connection with a loan for a utility type project to be secured by a pledge of user fees or revenues, the District Director will authenticate the number of users obtained prior to loan closing or the commencement of construction, whichever occurs first. Such individual will review each signed user agreement and check evidence of cash contributions. If during the review any indication is received that all signed users may not connect to the system, there will be such additional investigation made as deemed necessary to determine the number of users who will connect to the system. The District Director will record the determination in a memorandum to the State Director.

(2) In all cases the availability and amounts of other funds to be used in the project will be verified by FmHA.

(c) *Initial compliance review.* An initial compliance review should be completed in accordance with FmHA Instruction 1901-E.

(d) *Ordering loan checks.* Checks will not be ordered until:

(1) Form FmHA 440-57 has been received from the Finance Office.

(2) The applicant has complied with approval conditions and closing instructions, except for those actions which are to be completed on the date of loan closing or subsequent thereto.

(3) The applicant is ready to start construction or funds are needed to pay interim financing obligations.

(e) *Multiple advances of FmHA funds.* When FmHA provides loan funds during the construction period using interim (temporary) instruments described in § 1942.19 (g), the following action will be taken prior to the issuance of the permanent instruments:

(1) The Finance Office will be notified of the anticipated date for the retirement of the interim instruments and the issuance of permanent instruments of debt.

(2) The Finance Office will prepare a statement of account including accrued interest through the proposed date of retirement and also show the daily interest accrual. The statement of account and the interim financing instruments will be forwarded to the District Director.

(3) The District Director will collect interest through the actual date of the retirement and obtain the permanent instrument(s) of debt in exchange for the interim financing instruments. The permanent instruments and the cash collection will be forwarded to the Finance Office immediately. In developing the permanent instruments, the sequence of preference set out in § 1942.19 (e) will be followed.

§ 1942.7 Loan closing.

Loans will be closed in accordance with the closing instructions issued by the OGC and § 1942.17 (o) and as soon as possible after receiving the check.

(a) *Authority to execute, file, and record legal instruments.* District Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes, as appropriate, mortgages and other lien instruments, as well as affidavits, acknowledgments, and other certificates.

(b) *Preparation of mortgages.* Unless otherwise required by State law or unless an exception is approved by the State Director with advice of the OGC, only one mortgage will be taken even though the indebtedness is to be evidenced by more than one instrument.

(c) *Source of funds for insured loans.* All loans will be made from the Rural Development Insurance Fund (RDIF).

(d) *Unused funds.* Obligated funds planned for project development which remain after all authorized costs have been provided for will be disposed of in accordance with

§ 1942.17 (p) (6). See FmHA Instruction 451.2 as to the method of returning loan and grant funds to the Finance Office.

(e) *Loan checks.* Whenever a loan check is received, lost, or destroyed, the District Director will take the appropriate actions outlined in FmHA Instruction 102.1 (available in any FmHA Office). Checks which cannot be delivered within a reasonable amount of time, no more than 20 calendar days, will be handled in accordance with FmHA Instruction 102.1.

(f) *Posting management system records.* Record on Form FmHA 405-10, "Management System Card—Association or Organization," any actions to be completed subsequent to loan closing.

(g) *Supervised bank accounts.* Supervised bank accounts will be handled in accordance with Part 1803 of this Chapter (FmHA Instruction 402.1).

§ 1942.8 Actions subsequent to loan closing.

(a) *Mortgages.* The real estate or chattel mortgages or security instruments will be delivered to the recording office for recordation or filing, as appropriate. A copy of such instruments will be delivered to the borrower. The original instrument, if returnable after recording or filing, will be retained in the borrower's case folder.

(b) *Notes.* For a loan from the RDIF, a conformed copy of the note will be sent to the Finance Office immediately after loan closing.

(c) *Multiple advances—bond(s).* When temporary paper, such as bond anticipation notes or interim receipts, is used to conform with the multiple advance requirement, the original temporary paper will be forwarded to the Finance Office after each advance is made to the borrower. The borrower's case number will be entered in the upper right-hand corner of such paper by the District Office. The permanent debt instrument(s) should be forwarded to the Finance Office as soon as possible after the last advance is made.

(d) *Bond registration record.* Form FmHA 442-28, "Bond Registration Book," may be used as a guide to assist borrowers in the preparation of a bond registration book in those cases where a registration book is required and a book is not provided in connection with the printing of the bonds.

(e) *Disposition of title evidence.* All title evidence other than the opinion of title, mortgage title insurance policy, and water stock certificates will be returned to the borrower when the loan has been closed.

(f) *Material for State Office.* When the loan has been closed, the District Director will submit to the State Director:

(1) The completed docket.

(2) A statement covering information other than the completion of legal documents showing what was done in carrying out loan closing instructions.

(g) *State Office review of loan closing.* The State Director will review the District Director's statement concerning loan closing, the security instruments, and other documents used in closing to determine whether the transaction was closed properly. All material submitted by the District Director, including the executed contract documents (if required by OGC) with the certification of the Borrower's attorney, along with a statement by the State Director that all administrative requirements have been met, will be referred to OGC for post closing review. OGC will review the submitted material to determine whether all legal requirements have been met. OGC's review of FmHA's standard forms will be only for proper execution thereof, unless the State Director brings specific questions or deviations to the attention of OGC. It is not expected that facility development including construction will be held up pending receipt of the opinion from OGC. When the opinion from OGC is received, the State Director will advise the District Director of any deficiencies that must be corrected and return all material that was submitted for review. After the loan has been properly closed, the District Director will inform the County Supervisor of that fact.

(h) *Safeguarding bond shipments.* FmHA personnel will follow the procedures for safeguarding mailings and deliveries of bonds and coupons outlined in FmHA Instruction 2018-E (available in any FmHA Office), whenever they mail or deliver these items.

(i) *Water stock certificates.* Water stock certificates will be filed in the loan docket in the District Office.

§ 1942.9 Planning, bidding, contracting, and constructing.

[See §§ 1942.17(p) and 1942.18]

(a) *Review of construction plans and specifications.* All plans and specifications will be submitted as soon as available to the State Office for review and comments.

(b) *Contract approval.* The State Director is responsible for approval of all construction contracts utilizing the legal advice and guidance of OGC as necessary. The use of negotiated methods of contracting for amounts greater than \$50,000 as provided in § 1942.18(i)(2)(iv) must be concurred in by the National Office and will not be considered when an FmHA grant is involved. When an applicant requests such authorization, the State Director will submit applicable information required by § 1942.18(i)(2)(iv) and the fol-

lowing to the National Office for concurrence.

(1) State Director's and FmHA engineer/architect comments and recommendations including, if possible, an evaluation of previous work of the proposed construction firm.

(2) Regional attorney's opinion and comments regarding the legal adequacy of the proposed procurement method and proposed contract documents.

(3) Applicant's attorney's opinion and comments regarding the legal adequacy of the proposed contract documents and evidence that the applicant has the legal authority to enter into and fulfill the contract.

(4) Copy of the proposed contract.

(c) *Bid irregularities.* Any irregularities in the bids received or other matters pertaining to the contract award having legal implications will be cleared with OGC before the State Director consents to the contract award.

(d) *Noncompliance.* State Directors, upon receipt of information indicating borrowers or their officers, employees, or agents are not performing in compliance with § 1942.18(i), shall request the Regional Office of the Inspector General to investigate the matter and provide a report of such investigation. The State Director will be responsible for taking such action as appropriate to resolve the issue.

(e) *County Office notification.* The District Director will notify the County Supervisor of each construction contract award and final inspection occurring within the County Office service area.

§§ 1942.10 and 1942.11 [Reserved]

§ 1942.12 Loan cancellation.

Loans which have been approved and obligations which have been established may be canceled before closing as follows:

(a) *Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation."* The District Director or State Director may prepare and execute Form FmHA 440-10 in accordance with the FMI. For a loan made from the RDIF, if the check has been received or is received subsequently in the District Office, the District Director will return it to the United States Treasury Regional Disbursing Office with a copy of Form FmHA 440-10.

(b) *Notice of cancellation.* If the docket has been forwarded to OGC, that office will be notified of the cancellation by a copy of Form FmHA 440-10. Any application for title insurance, if ordered, will be canceled. The borrower's attorney and engineer, if any, should be notified of the cancellation. The District Director may provide the borrower's attorney and engineer with a copy of the notification to the

applicant. The State Director will notify the Director of Information by telephone and give the reasons for such cancellation.

§ 1942.13 Loan servicing.

Loans will be serviced in accordance with Subpart F of Part 1861 of this Chapter. (FmHA Instruction 451.5).

§ 1942.14 Subsequent loans.

Subsequent loans will be processed in accordance with this Subpart.

§ 1942.15 Delegation and redelegation of authority.

The State Director is responsible for implementing the authorities contained in this Subpart and to issue State supplements redelegating these authorities to appropriate FmHA employees. Loan approval authority is contained in FmHA Instruction 1901-A.

§ 1942.16 State supplements and guides.

State Directors will obtain National Office clearance for all State supplements and guides in accordance with paragraph VIII of FmHA Instruction 021.2, (available in any FmHA office).

(a) *State supplements.* State Directors may supplement this Subpart as appropriate to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements pertaining to bids, contract awards, and materials more restrictive than those in § 1942.18 of this Subpart.

(b) *State guides.* State Directors may develop guides for use by applicants if the guides to this Subpart are not adequate. State Directors may prepare guides for items needed for the application; items necessary for the docket; and items required prior to loan closing or construction starts.

§ 1942.17 Appendix A—Community facilities.

(a) *General.* This Appendix includes information and procedures specifically designed for use by applicants including their professional consultants and/or agents who provide such assistance and services as architectural, engineering financial, legal or other services related to application processing and facility planning and development. This Appendix is made available as needed for such use. It includes FmHA policies and requirements pertaining to loans for community facilities. It provides applicants with guidance for use in proceeding with their application. FmHA shall cooperate fully with appropriate State agencies to give maximum support of the State's strategies for development of rural areas. State and substate A-95

agencies may recommend priorities for applications. FmHA will fully consider all A-95 agency review comments and priority recommendations in selecting applications for funding.

(b) *Applicant eligibility.* Facilities financed by FmHA shall primarily serve rural residents. The terms "rural" and "rural areas" shall not include any area in any city or town having a population in excess of 10,000 inhabitants according to the latest decennial census of the United States. Facilities must be located in rural areas except for utility-type services such as water, sewer, natural gas, or cable TV, serving both rural and urban areas. In such cases FmHA funds may be used to finance only that portion serving rural residents regardless of facility location. Loans will not be made to any city or town in excess of 10,000 population.

(1) *Types of applicants:*

(i) *Public bodies* such as municipalities, counties, districts, authorities, or other political subdivisions of a State.

(ii) *Organizations operated on a not-for-profit basis* such as associations, cooperatives, and private corporations. Applicants organized under the general profit corporation laws may be eligible if they actually will be operated on a not-for-profit basis under their charter, bylaws, mortgage, or supplemental agreement provisions as may be required as a condition of loan approval.

(A) Essential community facility applicants other than utility type must have significant ties with the local rural community. Such ties are necessary to ensure to the greatest extent possible that a facility under private control will carry out a public purpose and continue to primarily serve the local residents. Such ties may be evidenced by such items as:

(1) Association with or controlled by a local public body or bodies, or broadly based ownership and controlled by members of the community;

(2) Substantial public funding through taxes, revenue bonds, or other local Government sources, and/or, substantial voluntary community funding such as would be obtained through a community-wide funding campaign.

(iii) *Indian tribes* on Federal and State reservations and other Federally recognized Indian tribes.

(2) *Credit elsewhere.* Applicants must certify in writing and FmHA shall determine and document that the applicant is unable to finance the proposed project from their own resources or through commercial credit at reasonable rates and terms.

(3) *Legal authority and responsibility.* Each applicant must have or will obtain the legal authority necessary for constructing, operating, and main-

taining the proposed facility or service and for obtaining, giving security for, and repaying the proposed loan. The applicant shall be responsible for operating, maintaining, and managing the facility, and providing for its continued availability and use at reasonable rates and terms. This responsibility shall be exercised by the applicant even though the facility may be operated, maintained, or managed by a third party under contract, management agreement, or written lease. Leases may be used when this is the only feasible way to provide the service and is the customary practice. Management agreements should provide for at least those items listed in Guide 24.

(4) *Refinancing FmHA debt.* FmHA shall require an agreement that if at any time it shall appear to the Government that the borrower is able to refinance the amount of the indebtedness then outstanding, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government and will take all such actions as may be required in connection with such loan.

(c) *Priorities.*

(1) *Applicant priority.* Preference for available loan funds will normally be given to public bodies. When this is not practicable:

(i) Loans for facilities providing a utility-type service such as water and sewer systems, natural gas distribution systems, and cable TV may be made to other than public-body-type organizations, when operated on a not-for-profit basis.

(ii) Loans for services and facilities basic to social, cultural, recreational needs, public health and safety, such as fire and rescue facilities, hospitals and health clinics, community and other public buildings, and similar facilities may be made to other than public-body-type organizations when such facilities are fully available to the public and it is not practicable for the public entity they serve to finance them.

(2) *Project priority.* In determining project priorities, FmHA shall give due consideration to State development strategies, projects needing improvements to comply with the Safe Drinking Water Act, (see Guide 25, Joint Policy Statement Between the Environmental Protection Agency (EPA) and FmHA) clearinghouse comments and priority recommendations, keeping in mind that projects which will provide service to communities having a large portion of its popula-

tion with low incomes, as determined for example by Department of Labor, Bureau of Labor Statistics, would therefore, have a greater financial need because of the low income population. FmHA will assign priorities in accordance with the following:

(i) *Utility type.*

(A) Water and waste disposal system applications from any municipality or other public agency (including an Indian Tribe on a Federal or State reservation or other Federally recognized Indian tribal group) in a rural community having a population not in excess of 5,500 having an inadequate water or waste disposal system. Highest priority shall be given to such applications in which:

(1) An existing community water supply system requires immediate action as the result of unanticipated diminution or deterioration of its water supply; or

(2) An existing waste disposal system is not adequate to meet the needs of the community as a result of unexpected occurrences.

(B) Those projects which will enlarge, extend, or otherwise modify existing facilities to provide service to additional rural residents.

(C) Those projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and economical service to more rural communities and residents and more orderly development of the rural area in which the facilities are located.

(ii) *Other essential community facilities.* Each application should be carefully evaluated and full consideration be given to funding those applications having the highest priority and which will serve the largest number of rural residents. The following order of preference should be used in selecting applications for funding:

(A) Public safety facilities—fire, police, rescue, and ambulance services.

(B) Health care facilities—clinics, nursing homes, convalescent facilities, and hospital projects designed to make the facility conform with life/safety codes, medicare and medicaid requirements, and minor expansions needed to meet the immediate requirements of the community.

(C) Public service facilities—courthouses and community buildings:

(D) Recreation facilities.

(E) New hospitals and major expansions of existing hospitals.

(F) Other.

(d) *Eligible loan purposes.* Funds may be used:

(1) To construct, enlarge, extend, or otherwise improve community water, sanitary sewerage, solid waste disposal, and storm waste water disposal facilities.

(2) To construct, enlarge, extend, or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, cultural, and recreational benefits; supplemental and supporting structures for rural electrification or telephone systems or facilities such as headquarters and office buildings, storage facilities, and maintenance shops only when they are not eligible for Rural Electrification Administration financing. Funds may be used for development of industrial park sites, consisting of land and land improvements (e.g., clearing, grading, drainage), necessary access ways and utility extensions to and throughout the site when the park is determined to be an integral part of community development. Funds may not be used in connection with industrial parks to finance on-site utility systems, or business and industrial buildings.

(3) To construct buildings and works of modest design, size, and cost, essential to the successful operation or protection of authorized community facilities and secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(4) To construct or relocate roads, bridges, utilities, fences, and other public improvements, or relocate roads, bridges, utilities, fences, and other private improvements.

(5) For the following when a necessary part of the loan relating to those facilities in paragraphs (1), (2), (3), and/or (4) of this section:

(i) Reasonable fees, services, and costs such as legal, engineering, architectural, fiscal advisory, recording, planning, establishing or acquiring rights through appropriation, permit, agreement, or condemnation. Fees for "loan finding" are not an eligible cost item.

(ii) Pay interest on loans until the facility is self-supporting, ordinarily not more than three years; on loans secured by general obligation bonds until taxes are available for payment, ordinarily not more than two years; and for interim financing.

(iii) Purchase existing facilities when it is determined that the purchase is necessary to provide efficient service and a satisfactory agreement between buyer and seller is reached and receives FmHA concurrence.

(iv) Acquire interest in land, rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.

(v) Purchase or rent equipment necessary to install, maintain, extend, protect, operate, or utilize facilities.

(vi) Initial operating expenses for a period ordinarily not exceeding one year when the borrower is unable to pay such expenses.

(vii) Refinancing debts incurred by or on behalf of a community when all of the following conditions exist:

(A) The debt being refinanced is the secondary part of the total loan.

(B) The debts were incurred for the facility, or any part thereof, or any service being financed.

(C) Arrangements cannot be made with the creditors to extend or modify the terms of the debt so that a sound basis will exist for making a loan.

(6) Paying obligations for construction incurred before loan approval. Construction work should not be started and obligations for such work or materials should not be incurred before the loan is approved. However, if there are compelling reasons for proceeding with construction before loan approval, applicants may request FmHA approval to pay such obligations. Such requests may be approved if FmHA determines that:

(i) A necessity exists for incurring obligations before loan approval;

(ii) The obligations will be incurred for authorized loan purposes;

(iii) Contract documents have been approved by FmHA;

(iv) The applicant has the legal authority to incur the obligations at the time proposed, and payments of the debts will remove any basis for any mechanic's, materialmen's, or other liens that may attach to the security property. FmHA may authorize payment of such obligations at the time of loan closing. FmHA's authorization to pay such obligations however, is on the condition that it is not committed to make the loan; it assumes no responsibility for any obligations incurred by the applicant; and the applicant must subsequently meet all loan approval requirements. The applicant request and FmHA authorization for paying such obligations shall be written.

(7) FmHA loan funds may be used alone or in connection with funds provided by the applicant or from other sources. Since "matching funds" are not a requirement for FmHA loans, shared revenues may be used with such loans for project construction.

(e) *Facilities for public use.* All facilities financed under the provisions of this Subpart shall be for public use.

(1) Facilities providing a utility type service such as water and waste disposal will be installed so as to afford service to all users living within the area which logically should be served unless State or local law or ordinance precludes such service. A notice of the

availability of the service should be given to all persons living within the area who would logically be served by the phase of the project being financed.

(i) If a mandatory hookup ordinance will be adopted, the required bond ordinance or resolution advertisement will be considered adequate notification.

(ii) When any portion of the income will be derived from user fees and a mandatory hookup ordinance will not be adopted, each potential user will be afforded an opportunity to request service by signing a Users Agreement. Those declining service will be afforded an opportunity to sign a statement to such effect. FmHA has guides available for these purposes in all FmHA offices.

(2) In no case will boundaries for the proposed service area be chosen in such a way that any user or area will be excluded because of race, color, religion, sex, marital status, age, or national origin.

(3) This does not preclude:

(i) Financing or construction of projects in phases when it is not practical to finance or construct the entire project at one time, and

(ii) Financing or construction of facilities where it is not economically feasible to serve the entire area provided economic feasibility is determined on the basis of the entire system and not by considering the cost of separate extensions to or parts thereof; the applicant publicly announces a plan for extending service to areas not initially receiving service from the system; and those families living in the areas not to be initially served receive written notice from the applicant that service will not be provided until such time as it is economically feasible to do so.

(iii) Extension of services to industrial areas when service is made available to users located along the extensions.

(4) Before a loan is made to an applicant other than a public body, for other than utility type projects, the articles of incorporation or loan agreement will include a condition similar to the following:

In the event of dissolution of this corporation, or in the event it shall cease to carry out the objectives and purposes herein set forth, all business, property, and assets of the corporation shall go and be distributed to one or more nonprofit corporations or public bodies as may be selected by the board of directors of this corporation and approved by at least 75% of the users or members to be used for, and devoted to, the purpose of a community facility project or other purpose to serve the public welfare of the community. In no event shall any of the assets or property, in the event of dissolution thereof, go or be distributed to members, director, stockholders, or others having financial or managerial interest in the corporation either for the reimbursement of

any sum subscribed, donated or contributed by such members or for any other purposes, provided that nothing herein shall prohibit the corporation from paying its just debts.

(f) *Rates and terms.*

(1) Loans will bear interest at the rate of 5% per annum on the unpaid principal balance.

(2) Loans will ordinarily be scheduled for repayment on terms similar to those used in the State for financing such facilities but in no case shall they exceed the useful life of the facility or 40 years from the date of the note(s) or bond(s), whichever is less. In all cases in which the FmHA is jointly financing with another lender, the FmHA payments of principal and interest should approximate amortized installments.

(i) If the borrower will be retiring other debts the repayment on such debts may be considered in developing the repayment schedule for the FmHA loans.

(ii) Principal payments may be deferred in whole or in part for a period not to exceed the end of the third full year after the estimated date of loan closing. If for any reason it appears necessary to permit a longer period of deferment, the State Director may authorize such deferment with the prior approval of the National Office. Deferments of principal will not be used to:

(A) Postpone the levying of taxes or assessments.

(B) Delay the collection of the full rates which the borrower has agreed to charge users for its services as soon as major benefits or the improvements are available to those users.

(C) Create reserves for normal operation and maintenance.

(D) Make any capital improvements except those approved by FmHA determined to be essential to the repayment of the loan or to the obtaining of adequate security thereof.

(E) Accelerate the payment of other debts.

(iii) *Payment date.* Loan payments will be scheduled to coincide with income availability and be in accordance with State law. Monthly payments will be required if consistent with the foregoing, and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

(g) *Security.* Loans will be secured by the best security position available. When processing a loan utilizing joint financing, FmHA will obtain at least a

parity position with the other lender. A parity position is to insure that in a joint financing venture in the event of default each lender will be affected on a proportionate basis. Loans will be secured in a manner which will adequately protect the interest of FmHA during the repayment period of the loan. Specific requirements for security for each loan will be included in a letter of conditions.

(1) *Public bodies.* Loans to such borrowers will be evidenced by notes, bonds, warrants, or other contractual obligations as may be authorized by relevant State statutes and by borrower's documents, resolutions, and ordinances.

(i) *Utility type facilities* such as water and sewer systems, natural gas distribution systems, cable TV, etc., will be secured by:

(A) The full faith and credit of the borrower when the debt is evidenced by general obligation bonds, and/or

(B) Pledges of taxes or assessments, and/or

(C) Pledges of facility revenue and, when permitted by State law, liens will be taken on the interest of the applicant in all land, easements, rights-of-way, water rights, water purchase contracts, sewage treatment contracts, and similar property rights, including leasehold interest, used or to be used in connection with the facility whether owned at the time the loan is approved or acquired with loan funds. In unusual circumstances where it is not feasible to obtain a lien on such land (such as land rights obtained from Federal or local Government agencies, and from railroads) and the FmHA loan approval official determines that the interest of FmHA otherwise is secured adequately, the lien requirement may be omitted as to such land rights, and/or

(D) In those cases involving water and waste disposal projects where there is a substantial number of other than full-time residents and facility costs result in a higher than reasonable rate for such full-time residents, the loan will be secured by the full faith and credit of the borrower or by an assignment or pledge of taxes, or assessments from public bodies or other organizations having the authority to issue or pledge such taxes, or assessments.

(ii) *Solid waste projects* will be secured by bonds pledging solid waste disposal revenue, only when the revenue pledged includes that from the solid waste project plus revenue from other facilities of the applicant with tie-in enforcement rights, or by the taxing power of participating local governments.

(iii) *Other essential community facilities* other than utility type, such as those for public health and safety,

social, cultural, and recreational needs and the like will meet the following security requirements.

(A) Such loans will be secured by one or a combination of the following and in the following order of preference:

(1) General obligation bonds.

(2) Assessments.

(3) Bonds which pledge other taxes.

(4) Bonds pledging revenues of the facility being financed when such bonds provide for the mandatory levy and collection of taxes in the event revenues later become insufficient to properly operate and maintain the facility and to retire the loan.

(5) Assignment of assured income which will be available for the life of the loan, from such sources as insurance premium rebates, income from endowments, irrevocable trusts, or commitments from industries, public bodies, or other reliable sources.

(6) Liens on real and chattel property when legally permissible and an assignment of the borrowers income for applicants who have been in existence and are able to present evidence of a financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required when the applicant has been in existence for less than five years or has not operated on a financially successful basis for five years immediately prior to loan application.

(7) Liens on real and chattel property when legally permissible and an assignment of income from an organization receiving HEW operating grants under the provision of the "Memorandum of Understanding Between Health Services Administration, U.S. Department of Health, Education and Welfare and Farmers Home Administration, U.S. Department of Agriculture" (see FmHA Instruction 2000-T (available in any FmHA Office)).

(8) Liens on real and chattel property when legally permissible and an assignment of income from an organization proposing a facility whose users receive reliable income from programs such as social security, supplemental security income (SSI), retirement plans, long-term insurance annuities, medicare or medicaid. Examples are homes for the handicapped or institutions whose clientele receive State or local government assistance.

(9) When the applicant cannot meet the criteria in paragraphs (g)(1)(iii)(A) (1) through (8) of this section, such proposals may be considered when all the following are met:

(i) The applicant is a new organization or one that has not operated the type of facility being proposed.

(ii) There is a demonstration of exceptional community support such as substantial financial contributions,

and aggressive leadership in the formation of the organization and proposed project which indicates a commitment of the entire community.

(iii) The State Director has determined that adequate and dependable revenues will be available to meet all operation expenses, debt repayment, and the required reserve.

(iv) Prior National Office review and concurrence is obtained.

(B) Real estate and chattel property taken as security in accordance with paragraphs (g)(1)(iii)(A) (6) through (9) of this section:

(1) Ordinarily will include the property that is used in connection with the facility being financed, and

(2) Will have an as-developed present market value determined by a qualified appraiser equal to or exceeding the amount of the loan to be obtained plus any other indebtedness against the proposed security, and

(3) May have one of the lien requirements deleted when the loan approval official determines that the loan will be adequately secured with a lien on either the real estate or chattel property.

(C) When security is not available in accordance with paragraphs (g)(1)(iii)(A) (1) through (5) of this section and State law precludes securing the loan with liens on real or chattel property, the loan will be secured in the best manner consistent with State law and customary security taken by private lenders in the State, such as revenue bonds, and any other security the loan approval official determines necessary for a sound loan. Such loans will otherwise meet the requirements of (g)(1)(iii)(A) (6) through (9) of this section as appropriate.

(2) *Other-than-public bodies.* Loans to other-than-public body applicants will be secured as follows:

(i) *Utility type facilities* such as water and sewer systems, natural gas distribution systems, cable TV, etc. will be secured as follows:

(A) Assignments of borrower income will be taken and perfected by filing, if legally permissible; and

(B) A lien will be taken on the interest of the applicant in all land, easements, rights-of-way, water rights, water purchase contracts, sewage treatment contracts and similar property rights, including leasehold interest, used, or to be used in connection with the facility whether owned at the time the loan is approved or acquired with loan funds. In unusual circumstances where it is not feasible to obtain a lien on such land (such as land rights obtained from Federal or local Government agencies, and from railroads) and the loan approval official determines that the interest of FmHA otherwise is secured adequately,

ly, the lien requirement may be omitted as to such land rights.

(C) When the loan is approved or the acquisition of real property is subject to an outstanding lien indebtedness, the next highest priority lien obtainable will be taken if the loan approval official determines that the loan is adequately secured.

(D) Other security. Promissory notes from individuals, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt, as well as mortgages or other security instruments encumbering the private property of members of the association may be pledged or assigned to FmHA as additional security in any case in which the interest of FmHA will not be otherwise adequately protected.

(E) In those cases where there is a substantial number of other than full time residents and facility costs result in a higher than reasonable rate for such full time residents, the loan will be secured by an assignment or pledge of general obligation bonds, taxes or assessments from public bodies or other organizations having authority to issue bonds backed by taxes or assessments.

(ii) *Solid waste projects* will be secured by a pledge of solid waste disposal revenue, only when the revenue pledged includes that from the solid waste project plus revenue from other facilities of the applicant with tie-in-enforcement rights, or by the taxing power of participating local governments.

(iii) *Essential community facilities* other than utility type such as those for public health and safety, social, cultural and recreational needs and the like will meet the following security requirements.

(A) Such loans will be secured by one or a combination of the following and in the following order of preference:

(1) An assignment of assured income that will be available for the life of the loan, from sources such as insurance premium rebates, income from endowments, irrevocable trusts, or commitments from industries, public bodies, or other reliable sources.

(2) Liens on real and chattel property with an assignment of income for applicants who have been in existence and are able to present evidence of a financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required when the applicant has been in existence for less than five years or has not operated on a financially successful basis for at least the five years immediately prior to loan application.

(3) Liens on real and chattel property and an assignment of income from

an organization receiving HEW operating grants under the provision of the "Memorandum of Understanding Between Health Services Administration, U.S. Department of Health, Education, and Welfare and Farmers Home Administration, U.S. Department of Agriculture" (see FmHA Instruction 2000-T).

(4) Liens on real and chattel property when legally permissible and an assignment of income from an organization proposing a facility whose users receive reliable income from social security, supplemental security income (SSI), retirement plans, long-term insurance annuities, medicare or Medicaid. Examples are homes for the handicapped or institutions whose clientele receive State or local government assistance.

(5) When the applicant cannot meet the criteria in paragraphs (g)(2)(iii)(A) (1) through (4) above, such proposals may be considered when all the following are met:

(i) The applicant is a new organization or one that has not operated the type of facility being proposed.

(ii) There is a demonstration of exceptional community support such as substantial financial contributions, and aggressive leadership in the formation of the organization and proposed project which indicates a commitment of the entire community.

(iii) The State Director has determined that adequate and dependable revenues will be available to meet all operation expenses, debt repayment, and the required reserve.

(iv) Prior National Office review and concurrence is obtained.

(6) Additional security may be taken as determined necessary by the loan approval official.

(B) Real estate and chattel property taken as security:

(1) Will include the property that is used in connection with the facility being financed, and

(2) Will have an as-developed present market value determined by a qualified appraiser equal to or exceeding the amount of the loan to be obtained plus any other indebtedness against the proposed security, and

(3) May have one of the lien requirements deleted when the loan approval official determines that the loan will be adequately secured with a lien on either the real estate or the chattel property.

(h) *Economic feasibility requirements.* All projects financed under the provisions of this Section must be based on taxes, assessments, revenues, fees, or other satisfactory sources of revenue in an amount sufficient to provide for facility operation and maintenance, a reasonable reserve, and debt payment. An overall review of the applicant's financial status, in-

cluding a review of all assets and liabilities, will be a part of the docket review process by the FmHA staff and approval official.

(1) *Financial feasibility reports.* All applicants will be expected to provide a financial feasibility report prepared by a qualified firm or individual. These financial feasibility reports will normally be:

(i) Included as a part of the preliminary engineer/architectural report using Guides 6 through 10 as applicable, or;

(ii) Prepared by a qualified firm or individual not having a direct interest in the management or construction of the facility using Guide 5 when:

(A) The project will significantly affect the applicant's financial operations and is not a utility type facility but is dependent on revenues from the facility to repay the loan; or

(B) It is specifically requested by FmHA.

(2) *Applicants for loans for utility type facilities* dependent on user fees for debt payment shall base their income and expense forecast on realistic user estimates in accordance with the following:

(i) In estimating the number of users and establishing rates or fees on which the loan will be based for new systems and for extension or improvements to existing systems, consideration should be given to the following:

(A) An estimated number of maximum initial users should not be used when setting user fees and rates since it may be several years before all residents in the community will need the services provided by the system. In establishing rates a realistic number of initial users should be employed.

(B) User agreements from individual vacant property owners will not be considered when determining project feasibility unless:

(1) The owner has plans to develop the property in a reasonable period of time and become a user of the facility; and

(2) The owner agrees in writing to make a monthly payment at least equal to the proportionate share of debt service attributable to the vacant property until the property is developed and the facility is utilized on a regular basis. A bond or escrowed security deposit must be provided to guarantee this monthly payment and to guarantee an amount at least equal to the owner's proportionate share of construction costs. If a bond is provided, it must be executed by a surety company that appears on the Treasury Department's most current list (Circular 570, as amended) and be authorized to transact business in the State where the project is located. The guarantee shall be payable jointly to

the borrower and the Farmers Home Administration; and

(3) Such guarantee will mature not later than 4 years from the date of execution and will be finally due and payable upon default of a monthly payment or at maturity, unless the property covered by the guarantee has been developed and the facility is being utilized on a regular basis.

(C) Income from other vacant property owners will be considered only as extra income.

(ii) In order to establish realistic user estimates, the following are required:

(A) Meaningful potential user cash contribution. Contributions shall be high enough to indicate sincere interest on the part of the potential user but not so high as to preclude service to low-income families. Contributions ordinarily shall be an amount approximating one year's minimum use fees and shall be paid in full before loan closing or the commencement of construction, whichever occurs first. User cash contributions are required except for users presently receiving service or in those cases where FmHA determines that users cannot make a cash contribution.

(B) Except for users presently receiving service, an enforceable user agreement with a penalty clause is required unless State statutes or local ordinances require mandatory use of the system and the applicant agrees in writing to enforce such statutes or ordinances, or an exception is otherwise approved by FmHA.

(iii) In those cases where all or part of the borrower's debt payment revenues will come from user fees, applicants must provide a positive program to encourage connection by all users as soon as service is available. The program will be available for review and approval by FmHA before loan closing or commencement of construction, whichever occurs first. Such a program shall include:

(A) An aggressive information program to be carried out during the construction period. The borrower should send written notification to all signed users at least three weeks in advance of the date service will be available, stating the date users will be expected to have their connections completed, and the date user charges will begin.

(B) Positive steps to assure that installation services will be available. These may be provided by the contractor installing the system, local plumbing companies, or local contractors.

(C) Aggressive action to see that all signed users can finance their connections. This might require collection of sufficient user contributions to finance connections. Extreme cases might necessitate additional loan funds for this purpose; however, loan

funds should be used only when absolutely necessary and when approved by FmHA prior to loan closing.

(3) *Utility type facilities for new developing communities or areas.* Developers are normally expected to provide utility type facilities in new or developing areas and such facilities shall be installed in compliance with appropriate State statutes and regulations. FmHA financing will be considered to an eligible applicant in such cases when failure to complete development would result in an adverse economic condition for the rural area (not the community being developed); the proposal is necessary to the success of an area development plan; and loan repayment can be assured by:

(i) The applicant already having sufficient assured revenues to repay the loan; or

(ii) Developers providing a bond or escrowed security deposit sufficient to meet expenses attributable to the area in question until a sufficient number of the building sites are occupied and connected to the facility to provide enough revenues to meet operating, maintenance, debt service, and reserve requirements; or

(iii) Developers paying cash for the increased capital cost and any increased operating expenses until the developing area will support the increased costs; or

(iv) The full faith and credit of a public body where the debt is evidenced by general obligation bonds; or

(v) The loan is to a public body evidenced by a pledge of tax assessments; or

(vi) The user charges can become a tax lien upon the property being served and income from such lien can be collected in sufficient time to be used for its intended purposes.

(1) *Reserve requirements.* Provision for the accumulation of necessary reserves over a reasonable period of time will be included in the loan documents and in assessments, tax levies, or rates charged for services. In those cases where statutes providing for extinguishing assessment liens of public bodies when properties subject to such liens are sold for delinquent State or local taxes, special reserves will be established and maintained for the protection of the borrower's assessment lien.

(1) *General obligation or special assessment bonds.* Ordinarily, the requirements for reserves will be considered to have been met if general obligation or other bonds which pledge the full faith and credit of the political subdivision are used, or special assessment bonds are used, and if such bonds provide for the annual collection of sufficient taxes or assessments to cover debt service, operation and maintenance, and a reasonable

amount for emergencies and to offset the possible nonpayment of taxes or assessments by a percentage of the property owners, or a statutory method is provided to prevent the incurrence of a deficiency.

(2) *Other than general obligation or special assessment bonds.* Each borrower will be required to establish and maintain reserves sufficient to assure that loan installments will be paid on time, for emergency maintenance, for extensions to facilities, and for replacement of short-lived assets which have a useful life significantly less than the replacement period of the loan. It is expected that borrowers issuing bonds or other evidences of debt pledging facility revenues as security will ordinarily plan their reserve program to provide for a total reserve in an amount at least equal to one average loan installment. It is also expected that ordinarily such reserve will be accumulated at the rate of at least one-tenth of the total each year until the desired level is reached.

(j) *General requirements.*

(1) *Membership authorization.* For organizations other than public bodies, the membership will authorize the project and its financing except that the State Director may, with the concurrence of OGC, accept the loan resolution without such membership authorization when State statutes and the organization's charter and bylaws do not require such authorization; and

(i) The organization is well established and is operating with a sound financial base; or

(ii) For utility type projects the members of the organization have all signed an enforceable user agreement with a penalty clause and have made the required meaningful user cash contribution, except for members presently receiving service or when State statutes or local ordinances require mandatory use of the facility.

(2) *Planning, bidding, contracting, constructing.* (See § 1942.18, Appendix B).

(3) *Insurance and bonding.* Property insurance, workmen's compensation insurance, liability insurance, and fidelity bonds will be obtained by the time of loan closing or start of construction, whichever shall occur first. In all cases a current and effective power-of-attorney should be attached. Such requirements will not normally be over and above those proposed by the borrower provided the coverage is found to be adequate, and in accordance with the following:

(i) *Property insurance.* Fire and extended coverage may be required on all aboveground structures, including borrower-owned equipment and machinery housed therein, usually in the amount of their value. This does not apply to water reservoirs, standpipes,

elevated tanks, and other noncombustible materials used in treatment plants, clearwells, clarification units, filters, and the like. Where lift stations are properly ventilated, property insurance is not required except for the value of the pumping equipment and electrical equipment therein.

(ii) *Flood insurance.* Facilities located in special flood and mudslide prone areas must comply with the eligibility and insurance requirements of Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(iii) *Workmen's compensation.* The borrower will carry suitable workmen's compensation insurance for all of its employees in accordance with applicable State laws.

(iv) *Liability and property damage insurance.* Requirements for liability insurance will be carefully and thoroughly considered in connection with each project financed. Public liability and property damage insurance amounts will be established accordingly. If the borrower owns trucks, tractors, or other vehicles that are driven over public highways, public liability and property damage insurance will be required.

(v) *Malpractice insurance.* The need and requirements for malpractice insurance will be carefully and thoroughly considered in connection with each health care facility financed. The applicant will maintain such insurance as determined necessary by the governing body, with the advice of the applicant's attorney and concurrence of FmHA.

(vi) *Fidelity bonds.* The borrower will provide fidelity bond coverage for the positions of officials entrusted with the receipt and disbursement of its funds and the custody of valuable property. The amount of the bond will be at least equal to the maximum amount of the money that the borrower will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. Unless prohibited by State law, the United States acting through the Farmers Home Administration, will be named as co-obligee in the bond. Corporate fidelity bonds will be obtained except that in unusual circumstances FmHA may give prior approval to cash bonds. Form FmHA 440-24, "Position Fidelity Schedule Bond," may be used.

(4) *Acquisition of land, easements, water rights, and existing facilities.* Applicants are responsible for acquisition of all property rights necessary for the project and will determine that prices paid are reasonable and fair. FmHA may require an appraisal by an independent appraiser or FmHA employee.

(i) *Title for land, easements, or existing facilities.*

(A) Applicants are responsible for obtaining continuous and adequate rights-of-way and interest in land needed for the construction, operation, and maintenance of the facility. When a lien will be taken on a site for structures such as a reservoir or pumping station, and the applicant is able to obtain only a right-of-way or easement on such site rather than a fee simple title, the applicant will furnish a title report thereon by the applicant's attorney showing the ownership of the land and all mortgages or other lien defects, or encumbrances, if any. It is the responsibility of the applicant to obtain and record such releases, consents, subordinations to such property rights from holders of outstanding liens or other instruments as may be necessary for the construction, operation, and maintenance of the facility and to give FmHA the required security.

(B) In those instances where it is feasible for Cable Television (CATV) to utilize poles of an existing utility through a joint use agreement this may be done in lieu of paragraph 1942.17(j)(4)(i)(A) of this section. Such joint use agreement must be for a period not less than the term of the loan and be approved by FmHA prior to its execution. Such an agreement does not relieve the borrower of its responsibility to assure FmHA that it can construct, operate, and maintain the facilities for which the loan is being sought. Appropriate permits should be obtained from public bodies. In the event difficulties ever arise relating to construction, operation, or maintenance of any jointly used facilities the borrower must promptly take the necessary steps to adequately remedy the matter. The borrower's attorney will furnish an opinion that the borrower has fulfilled its responsibilities under this paragraph and that any joint use agreement is sufficient and valid for its purpose. Guide 23 would be an acceptable agreement for this purpose.

(ii) *Water rights.* When legally permissible, an assignment will be taken on water rights owned or to be acquired by the applicant. The following will be furnished as applicable:

(A) A statement by the applicant's attorney regarding the nature of the water right owned or to be acquired by the applicant (such as conveyance of title, appropriation and decree, application and permit, public notice and appropriation and use).

(B) A copy of a contract with another company or municipality to supply water or stock certificates in another company representing right to receive water.

(5) *Lease agreements.* Where the right of use or control of real property not owned by the applicant/borrower

is essential to the successful operation of the facility during the life of the loan, such right will be evidenced by written agreements or contracts between the owner(s) of the property and the applicant/borrower. Lease agreements shall not contain provisions for restricted use of the site or facility, forfeiture or summary cancellation clauses and shall provide for the right to transfer and lease without restriction. Lease agreements will ordinarily be written for a term at least equal to the term of the loan. Such lease contracts or agreements will be approved by the FmHA loan approving official with the advice and counsel of the Regional Attorney, OGC, as to the legal sufficiency of such documents. A copy of the lease contract or agreement will be included in the loan docket.

(6) *Notes and bonds.* Notes and bonds will be completed on the date of loan closing except for the entry of subsequent multiple advances where applicable. The amount of each note will be in multiples of not less than \$100. The amount of each bond will ordinarily be in multiples of not less than \$1,000.

(i) Form FmHA 440-22, "Promissory Note (Association or Organization)," will ordinarily be used for loans to nonpublic bodies.

(ii) § 1942.19 (Appendix C) contains instructions for preparation of notes and bonds evidencing indebtedness of public bodies.

(7) *Environmental impact statements.* The need for an environmental impact statement will be determined by FmHA in accordance with Subpart G of Part 1901 of this Chapter (FmHA Instruction 1901-G). The applicant will provide any information required.

(8) *Health care facilities.* Applicants will provide a statement from the appropriate State agency certifying that the proposed health care facility is not inconsistent with the State Medical Facilities Plan. In addition, a statement will be provided from the appropriate State agency or regional Department of Health, Education, and Welfare (HEW) engineer certifying that the proposed facility will meet the minimum standards for design and construction contained in the Public Health Service/Health Resources Administration (PHS/HRA), HEW Publication (No. HRA 79-14500), "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities"; the statement will also contain the life/safety aspects of the 1967 and 1973 editions of the National Fire Protection Association (NFPA) 101 Life Safety Code, or any subsequent codes that may be designated by the Secretary of HEW. Any exceptions must have prior National Office concurrence.

(k) *Other Federal, State, and local requirements.* Each application shall contain the comments, necessary certifications and recommendations of appropriate regulatory or other agency or institution having expertise in the planning, operation, and management of similar facilities. Proposals for facilities financed in whole or in part with FmHA funds will be coordinated with appropriate Federal, State, and local agencies in accordance with the following:

(1) *Compliance with special laws and regulations.* Applicants will be required to comply with Federal, State, and local laws and any regulatory commission rules and regulations pertaining to:

(i) Organization of the applicant and its authority to construct, operate, and maintain the proposed facilities;

(ii) Borrowing money, giving security therefore, and raising revenues for the repayment thereof;

(iii) Land use zoning; and

(iv) Health and sanitation standards and design and installation standards unless an exception is granted by FmHA.

(2) *State Pollution Control or Environmental Protection Agency Standards.* Water and waste disposal facilities will be designed, installed, and operated in such a manner that they will not result in the pollution of water in the State in excess of established standards and that any effluent will conform with appropriate State and Federal Water Pollution Control Standards. A certification from the appropriate State and Federal agencies for water pollution control standards will be obtained showing that established standards are met.

(3) *Consistency with other development plans.* FmHA financed facilities will not be inconsistent with any development plans of State, multijurisdictional area, counties, or municipalities in which the proposed project is located.

(4) *State agency regulating water rights.* Each FmHA financed facility will be in compliance with appropriate State agency regulations which have control of the appropriation, diversion, storage and use of water and disposal of excess water. All of the rights of any landowners, appropriators, or users of water from any source will be fully honored in all respects as they may be affected by facilities to be installed.

(5) *National historic preservation.* All projects will be in compliance with the provisions of the National Historic Preservation Act of 1966 in accordance with FmHA Instruction 1901-F.

(6) *Civil Rights Act of 1964.* All borrowers are subject to and facilities must be operated in accordance with Title VI of the Civil Rights Act of 1964

in accordance with FmHA Instruction 1901-E.

(7) *Architectural Barriers Act of 1968.* All facilities financed in whole or part with FmHA funds and which are accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with this act.

(1) *Professional services and contracts related to the facility.*

(1) *Professional services.* Applicants will be responsible for providing the services necessary to plan projects including design of facilities, preparation of cost and income estimates, development of proposals for organization and financing, and overall operation and maintenance of the facility. Professional services of the following may be necessary: engineer, architect, attorney, bond counsel, accountant, auditor, appraiser, and financial advisory or fiscal agent (if desired by applicant). Contracts or other forms of agreement between the applicant and its professional and technical representatives are required and are subject to FmHA concurrence. Form FmHA 442-19, "Agreement for Engineering Services," may be used when appropriate. Guide 20, "Agreement for Engineering Services (FmHA/EPA—Jointly Funded Projects)" may be used on projects jointly funded by FmHA and EPA. Guide 14 may be used in preparation of the legal services agreement.

(2) *Bond counsel.* Unless otherwise provided by § 1942.19(b), public bodies are required to obtain the services of recognized bond counsel in the preparation of evidence of indebtedness.

(3) *Contracts for other services.* Contracts or other forms of agreements for other services including management, operation, and maintenance will be developed by the applicant and presented to FmHA for review and approval. Management agreements should provide at least those items in Guide 24.

(4) *Fees.* Fees provided for in contracts or agreements shall be reasonable. They shall be considered to be reasonable if not in excess of those ordinarily charged by the profession for similar work when FmHA financing is not involved.

(m) *Applying for FmHA loans.*

(1) *Preapplications.* Applicants desiring loans will file Form AD-621, "Preapplication for Federal Assistance," comments from the appropriate A-95 clearinghouse agency and Form FmHA 449-10, "Applicants Environmental Impact Evaluation," normally with the appropriate FmHA County Office. The County Supervisor will immediately forward all documents to the District Office. The District Director has prime responsibility for all community program loan making and servicing activities within the District.

(2) *Preapplication review.* Upon receipt of the preapplication, FmHA will tentatively determine eligibility including the likelihood of credit elsewhere at reasonable rates and terms and availability of FmHA loan funds. The determination as to availability of other credit will be made after considering present rates and terms availability for similar proposals (not necessarily based upon 5% interest and 40-year repayment terms); the repayment potential of the applicant; long-term cost to the applicant; and average user of other charges. In those cases where FmHA determines that loans at reasonable rates and terms should be available from commercial sources, FmHA will notify the applicant so that it may apply for such financial assistance. Such applicants may be reconsidered for FmHA loans upon their presenting satisfactory evidence of inability to obtain commercial financing at reasonable rates and terms.

(3) *Incurring obligations.* Applicants should not proceed with planning nor obligate themselves for expenditures until authorized by FmHA.

(4) *Results of preapplication review.* After FmHA has reviewed the preapplication material and any additional material that may be requested, Form AD-622, "Notice of Preapplication Review Action," will be sent to the applicant. Ordinarily the review will not exceed 45 days.

(5) *Application conference.* Before starting to assemble the application and after the applicant selects its professional and technical representatives, it should arrange with FmHA for an application conference to provide a basis for orderly application assembly. FmHA will provide applicants with a list of documents necessary to complete the application. Guide 15 may be used for this purpose. Applications will be filed with the District Office.

(6) *Application completion and assembling.* This is the responsibility of the applicant with guidance from FmHA. The applicant may utilize their professional and technical representatives or other competent sources.

(7) *Review of decision.* If an application is rejected, the applicant may request a review of this decision per FmHA Instruction 1900-B.

(n) *Actions prior to loan closing and start of construction.*

(1) *Loan resolutions.* Loan resolutions will be adopted by both public and other-than-public bodies using Forms FmHA 422-47, "Loan Resolution (Public Bodies)," and FmHA 442-9, "Association Loan Resolution (Security Agreement)," respectively. These resolutions will supplement or add to provisions included elsewhere in this Subpart. The association will agree:

(i) To indemnify the Government for any payments made or losses suffered by the Government on behalf of the association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

(ii) To comply with applicable local, State and Federal laws, regulations, and ordinances.

(iii) To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, establishment of adequate reserves, and to continually operate and maintain the facility in good condition. No free service or use of the facility will be permitted.

(iv) To acquire and maintain such insurance coverage including fidelity bonds, as may be required by the Government.

(v) To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof in such a manner as may be required by the Government and to provide the Government without its request, a copy of each such audit and to make and forward to the Government such additional information and reports as it may, from time to time, require.

(vi) To provide the Government at all reasonable times, access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

(vii) To serve any applicant within the service area who desires services and can be feasibly and legally served and to obtain the concurrence of the FmHA prior to refusing services to such applicant. Upon failure to provide services which are feasible and legal, such applicant shall have a direct right of action against the association under this agreement.

(viii) To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds or notes or other debt instruments or other such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

(ix) To refinance the unpaid balance, in whole or in part, of its debt upon the request of the Government if at any time it should appear to the Government that the association is able to refinance its bonds by obtaining a loan for such purposes from reasonable cooperative or private sources at reasonable rates and terms.

(x) To provide for, execute, and comply with Form FmHA 400-4, "Non-discrimination Agreement," and Form

FmHA 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in or attached as a rider to each construction contract and subcontract involving in excess of \$10,000.

(xi) To place the proceeds of the loan on deposit in an account in a bank and in a manner approved by the Government.

(xii) Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof or interest therein, and not to permit others to do so, without the prior written consent of the Government.

(xiii) Not to borrow any money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements or extensions to, or for any other purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to repay the debt to FmHA.

(xiv) That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government, at its option, may:

(A) Declare the entire principal amount then outstanding and accrued interest, due and payable;

(B) For the account of the association (payable from the source of funds pledged to pay the bonds or notes or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default; and/or

(C) Take possession of the facility, repair, maintain and operate, or otherwise dispose of the facility. Default under the provisions of the resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the association and default under any such instrument may be construed by the Government to constitute default hereunder.

(2) *Interim financing.* In all loans exceeding \$50,000, where funds can be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA's funds. Guide 1 or Guide 1a as appro-

appropriate may be used to inform the private lender of FmHA commitment. When interim commercial financing is used, the application will be processed, including obtaining construction bids, to the stage where the FmHA loan would normally be closed, that is immediately prior to the start of construction. The FmHA loan should be closed as soon as possible after the disbursement of all interim funds. Interim financing may be for a fixed term provided the fixed term does not extend beyond the time projected for completion of construction. For this purpose, a fixed term is when the interim lender cannot be repaid prior to the end of the stipulated term of the interim instruments. When an FmHA Water and Waste Disposal grant is included, any interim financing involving a fixed term must be for the total FmHA loan amount. Multiple advances may be used in conjunction with interim commercial financing when the applicant is unable to obtain sufficient funds through interim commercial financing in an amount equal to the loan. The FmHA loan proceeds (including advances) will be used to retire the interim commercial indebtedness. Before the FmHA loan is closed, the applicant will be required to provide FmHA with statements from the contractor, engineer, architect, and attorney that they have been paid to date in accordance with their contracts or other agreements and, in the case of the contractor, that any suppliers and subcontractors have been paid. If such statements cannot be obtained, the loan may be closed provided:

(i) Statements to the extent possible are obtained;

(ii) The interests of FmHA can be adequately protected and its security position is not impaired.

(iii) Adequate provisions are made for handling the unpaid accounts by withholding or escrowing sufficient funds to pay such claims.

(3) *Obtaining closing instructions.* After loan approval the completed docket will be reviewed by the State Director. The information required by OGC will be transmitted to OGC with request for closing instructions. Upon receipt of the closing instructions from OGC, the State Director will forward them along with any appropriate instructions to the District Director. Upon receipt of closing instructions, the District Director will discuss with the applicant and its architect or engineer, attorney, and other appropriate representatives, the requirements contained therein and any actions necessary to proceed with closing.

(4) *Applicant contribution.* An applicant contributing funds toward the project cost shall deposit these funds in its construction account on or

before loan closing or start of construction, whichever occurs first. Project costs, paid prior to the required deposit time with applicant funds shall be appropriately accounted for.

(5) *Evidence of and disbursement of other funds.* Applicants expecting funds from other sources for use in completing projects being partially financed with FmHA funds will present evidence of the commitment of these funds from such other sources. This evidence will be available before loan closing, or the commencement of construction, whichever occurs first. Ordinarily, the funds provided by the applicant or from other sources will be disbursed prior to the use of FmHA loan funds. If this is not possible, funds will be disbursed on a pro rata basis. FmHA funds will not be used to pre-finance funds committed to the project from other sources.

(o) *Loan closing.*

(1) *Closing instructions.* Loans will be closed in accordance with the closing instructions issued by OGC.

(2) *Obtaining insurance and fidelity bonds.* Required property insurance policies, liability insurance policies, and fidelity bonds will be obtained by the time of loan closing or start of construction, whichever shall occur first.

(3) *Distribution of recorded documents.* The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not to be held by FmHA will be returned to the borrower. The original mortgage(s) and water stock certificates, if any, if not required by the recorder's office will be retained by FmHA.

(4) *Review of loan closing.* In order to determine that the loan has been properly closed the loan docket will be reviewed by the State Director and OGC.

(p) *Project monitoring and fund delivery during construction.*

(1) *Coordination of funding sources.* When a project is jointly financed, the State Director will reach any needed agreement or understanding with the representatives of the other source of funds on distribution of responsibilities for handling various aspects of the project. These responsibilities will include supervision of construction, inspections and determinations of compliance with appropriate regulations concerning equal employment opportunities, wage rates, nondiscrimination in making services or benefits available, and environmental compliance. If any problems develop which cannot be resolved locally, complete information should be sent to the National Office for Advice.

(2) *Multiple advances.* In the event interim commercial financing is not le-

gally permissible or not available, multiple advances of FmHA loan funds are required. An exception to this requirement may be granted by the National Office when a single advance is necessitated by State law or public exigency. Multiple advances will be used only for loans in excess of \$50,000. Advances will be made only as needed to cover disbursements required by the borrower over a 30-day period. Advances should not exceed 24 in number nor extend longer than two years beyond loan closing. Normally, the retained percentage withheld from the contractor to assure construction completion will be included in the last advance.

(i) § 1942.19 (Appendix C) contains instructions for making multiple advances to public bodies.

(ii) Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay cost of construction, rights-of-way and land, legal, engineering, interest, and other expenses as needed. The applicant will prepare Form FmHA 440-11, "Estimate of Funds Needed For 30 Day Period Commencing —," to show the amount of funds needed during the 30-day period. Form SF-272, "Report of Federal Cash Transactions," and SF-272A, when applicable, will be prepared and submitted with each Form FmHA 440-11 after the initial advance of funds is made.

(3) *Use and accountability of funds.*

(i) *Supervised bank account.* Loan funds and any funds furnished by the applicant to supplement the loan including contributions to purchase major items of equipment, machinery, and furnishings may be deposited in a supervised bank account in a bank having Federal Deposit Insurance Corporation (F.D.I.C.) coverage. Funds placed in a supervised bank account are public monies under 12 U.S.C. 265, and therefore, any amount which exceeds the F.D.I.C. coverage will require a collateral pledge pursuant to Treasury Circular Number 176.

(ii) *Other than supervised bank account.* If a supervised bank account is not used, arrangements will be agreed upon for the prior approval by FmHA of the bills or vouchers upon which warrants will be drawn, so that the necessary control of payments from loan funds can be maintained and FmHA records can be kept current. Periodic audits of nonsupervised accounts shall be made by FmHA at such times and in such manner as the FmHA prescribes in the conditions of loan approval. Mandatory State laws regulating the depositories to be used shall be complied with.

(iii) *Use of minority owned banks.* Applicants are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group

members) for the deposit and disbursement of funds. A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, DC 20230.

(4) *Development inspections.* The District Director will be responsible for monitoring the construction of all projects being financed, wholly or in part with FmHA funds. Technical assistance will be provided by the State Director's staff. Project monitoring will include construction inspections and a review of each project inspection report, each change order and each partial payment estimate and other invoices such as payment for engineering and legal fees and other materials determined necessary to effectively monitor each project. These activities will not be performed on behalf of the applicant/borrower, but are solely for the benefit of FmHA and in no way are intended to relieve the applicant/borrower of corresponding obligations to conduct similar monitoring and inspection activities. Project monitoring will include periodic inspections to review partial payment estimates prior to their approval and to review project development in accordance with plans and specifications. Each inspection will be recorded using Form FmHA 424-12, "Inspection Report." The original Form FmHA 424-12 will be filed in the project case folder and a copy furnished to the State Director. The State Director will review inspection reports and will determine that the project is being effectively monitored. In all cases where the governing body has entered into an agreement for technical services with an engineer or if such services are being made available by another Federal or State Agency, the District Director is authorized to review partial payment estimates prepared by the project engineer and accept them for payment after they have been approved by the borrower. Each such payment estimate will contain a certification by the project engineer or architect that all material purchased and all work performed is in accordance with the plans and specifications. When there is no project engineer or architect, the District Director may review and accept estimates for payments which have been approved by the borrower after determining that funds are requested for authorized purposes. If there is any indication that construction is not being completed in accordance with the plans and specifications or that any other problems exist, the District Director should notify the State Director immediately and withhold all payments on the contract.

(5) *Payment for construction.* Payment for construction will be made in accordance with the construction con-

tract in amounts approved on Form FmHA 424-18, "Partial Payment Estimate." Advances for contract retainage will not be made until such retainage is due and payable under the terms of the contract. Form SF-271, "Outlay Report and Request for Reimbursement for Construction Programs," will be used to account for funds expended in the last 30 day period. Each payment estimate must be approved by the governing body of the borrower. The review and acceptance of partial payment estimates by FmHA does not attest to the correctness of the quantities shown or that the work has been performed in accordance with the plans and specifications. A final Form SF-272 will be submitted to FmHA to include the final advance and all other advances not later than 90 days after the final advance has been made.

(6) *Funds remaining after construction is completed.* Should loan and/or grant funds remain available, including obligated funds not advanced, after all costs incident to the basic project have been paid or provided for, such funds may be used for needed extensions, enlargements and improvements of the project with the prior permission of the FmHA State Director. If the additional work is to be undertaken by the contractor already engaged in the construction of the project, the additional work may be authorized by a change order. For grant funds remaining, eligibility for such funds to make extensions, enlargements, or improvements to the project must be in accordance with Section 1942.356(b) of FmHA Instruction 1942-H. Remaining project funds not needed for authorized extensions, enlargements, or improvements may be considered to include FmHA loan or grant funds, and funds from other sources but not to include applicant contribution funds. The applicant contribution funds will be considered as funds initially expended for the project. The amount of remaining funds from each funding source except from applicant contributions may be considered to be in direct proportion to the amounts obtained from each funding source except, any changes in the FmHA grant amount will be based on the actual project cost and recalculated in accordance with Section 1942.356(b) of FmHA Instruction 1942-H. FmHA grant funds not delivered to the applicant will be refunded to FmHA. Any remaining FmHA loan funds will be applied as an extra payment on the FmHA indebtedness, unless other disposition is required by the bond ordinance or resolution, or by the State Statute.

(q) *Borrower accounting methods, management reporting and audits.*

(1) *Accounting methods and records.*

(i) *Method of accounting.* The methods of accounting will be such that separate accounts are to be maintained on the individual project being financed by FmHA when it is a unit of a larger organization.

(A) *Accrual method.* Borrowers shall maintain their accounting records on the accrual basis unless State statutes or regulatory Agencies provide otherwise, or an exception to this requirement is made by FmHA.

(B) *Exception to accrual method.* The loan approval official may approve a basis of accounting other than accrual when the resultant financial statements will present fairly the financial position and results of operations of the organization. For organizations who have audits by independent public accountants, the basis of accounting other than accrual must have the written approval of the organization's auditor before granting an exception so that the basis of accounting will not be a factor in keeping the auditor from rendering an unqualified opinion.

(ii) *Records.* Each borrower shall retain all records, books, and supporting material for a period of 3 years after the issuance of the audit reports and financial statements. This material upon request will be made available to FmHA, the Comptroller General, or to their representatives.

(iii) *Approval requirement.* Prior to loan closing or commencement of construction, whichever shall occur first, each borrower shall provide and obtain approval from the FmHA loan approval official for its accounting and financial reporting system, including the agreement with its auditor, if an auditor is required.

(2) *Management reports.* These reports will furnish the management with a means of evaluating prior decisions and serve as a basis for planning future operations and financial conditions. In those cases where revenues from multiple sources are pledged as security for an FmHA loan, two reports will be required; one for the project being financed by FmHA and one combining the entire operation of the borrower. In those cases where FmHA loans are secured by general obligation bonds or assessments and the borrower combines revenues from all sources, one management report combining all such revenues will suffice. The following management data will be submitted by the borrower to the FmHA District Director.

(i) *Financial information.*

(A) Form FmHA 442-2, "Statement of Budget, Income and Equity," which includes Schedule 1, "Statement of Budget, Income and Equity" and Schedule 2, "Projected Cash Flow."

(B) Prior to the beginning of each fiscal year, two copies, with data en-

tered in column three only of page one, annual budget of schedule 1 and all of schedule 2, will be submitted to the District Director. Twenty (20) days after the end of each of the first three quarters of each year, two copies with all information furnished on schedule 1 will be submitted. More frequent submissions may be required by FmHA when necessary. For the fourth quarter of each year, submit together with the year end financial requirements of paragraphs (q) (4) and (5) of this section. The submission dates to the District Director will be 90 days following year end for audited statements and 60 days following year end for unaudited statements. The fourth quarter submission may serve the dual purpose of management report and year end financial requirement for Statement of Income.

(ii) *Additional information.*

(A) A list of the names and addresses of all members of the governing body as appropriate, also indicating the officers and their terms of office, will be included with the other information required at the end of the year.

(B) Borrowers delinquent on payment to FmHA or experiencing financial problems, will develop a positive action plan to resolve financial problems. The plan will be reviewed with FmHA and updated at least quarterly. Guide 22 may be used for developing a positive action plan.

(3) *Substitute for management reports.* In those cases where FmHA loans are secured by the general obligation of the public body or tax assessments which total 100 percent of the debt service requirements, the State Director may authorize an annual audit to be substituted for other management reports.

(4) *Borrowers required to have audits.*

(i) *Audit requirements.*

(A) *Annual audits.* Audits are required each year from:

(1) Borrowers where gross annual income exceeds \$100,000.

(2) Others as FmHA State Director may require.

(B) *Audit guide.* Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrowers and Grantees." The handbook is available at all FmHA offices.

(C) *Independent public accountant defined.* Audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or

other political subdivision of the United States.

(ii) *Public body borrowers.* Audit reports prepared in accordance with State statutes or regulatory Agencies are acceptable provided they contain the financial information necessary and are prepared on a frequency sufficient to furnish borrowers and FmHA the information for proper loan analysis. A copy of the audit report will be submitted to the District Director as soon as possible but in no case later than 90 days following the period covered by the audit. Public bodies should refer to the FmHA audit guide for further information and guidance.

(iii) *Other borrowers.* Borrowers other than public bodies and public bodies where the State has no audit requirements are required to have their records audited by an independent public accountant on an annual basis. A copy of the audit report will be submitted to the District Director as soon as possible but in no case later than ninety (90) days following the period covered by the audit.

(5) *Borrowers not required to have audits.* Borrowers whose gross annual income for a full year of operation is less than \$100,000 and who do not have an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FmHA with annual financial statements, consisting of a verification of the organization's balance sheet and statement of income and expense by an appropriate official of the organization. Forms FmHA 442-2 and FmHA 442-3 may be used. For borrowers using Form FmHA 442-2, the dual purpose of fourth quarter management reports, when required, and annual statements of income will be met with this one submission.

(r) *FmHA actions for borrower supervision and servicing.*

(1) *Management assistance and management reports.* Management assistance will be based on such factors as observation of borrower operations and review of the periodic financial reports. The amount and type of assistance provided will be that needed to assure borrower success and compliance with its agreements with FmHA.

(i) *The District Director* is responsible for obtaining all management report data from the borrower and promptly reviewing and making any necessary recommendations to the borrower within 40 calendar days. However, after reviewing management reports for borrowers whose FmHA indebtedness exceeds \$500,000 and for delinquent and problem case borrowers, the District Director will forward them with comments to the State Director for review.

(ii) *District Director reviews of borrower operations.*

(A) An initial review of the borrower's records and accounts will be made between the sixth and ninth month of the first year of operation. A report will be made to the State Director by sending a copy of Form FmHA 442-4, "District Director's Report (Association-Organization Borrowers)," to the State Director.

(B) Subsequent reviews will be made for all delinquent and other borrowers having financial problems and reported to the State Director by a copy of Form FmHA 442-4. These borrowers will adopt a positive action plan (see Guide 22). The plan will be reviewed quarterly by the District Director until the delinquency is eliminated or other servicing actions are recommended.

(C) The District Director may, after the end of the borrower's third full fiscal year of operation, exempt it from submitting management reports provided it:

(1) Is current on its loan payments.

(2) Is meeting the conditions of its agreements with FmHA.

(3) Has demonstrated its ability to successfully operate and manage the organization and has not obtained subsequent loans in the last 3 years which have significantly altered the scope of the project.

(4) Has the State Director's written concurrence for all borrowers whose FmHA indebtedness exceeds \$500,000.

(D) Borrowers qualifying for this exemption will still be required to submit a copy of its audits or annual financial statements.

(E) Ordinarily an exception will not be made to the requirement for the borrower to submit a copy of its annual budget.

(F) The District Director or State Director may reinstate the requirements for submission for periodic management reports for those borrowers who become delinquent or otherwise are not carrying out their agreements with FmHA or require more frequent submission of management reports. This requirement will be reinstated for borrowers receiving a subsequent loan which will significantly alter the scope of the project.

(G) The District Director may accept management reports which are not prepared on page 1 of Form FmHA 442-2 schedule 1 but contain like information. However, page 2 of this form must be used by all borrowers required to furnish management reports.

(iii) *The State Director is responsible for:*

(A) The review of the District Director's submission for all borrowers whose indebtedness exceeds \$500,000. The State Director will forward com-

ments to the District Director in order that a response if necessary, can be sent to the borrower within 40 calendar days after the borrower's submission of its management reports.

(B) The review of all delinquent and problem case borrower management reports. Ordinarily, review findings and instructions regarding further management assistance will be determined within 20 calendar days of submission for delinquent and problem borrowers.

(C) Forwarding to the National Office copies of review findings, instructions for further assistance, and positive action plans on delinquent borrowers and borrowers experiencing financial problems.

(2) *Audits and financial statements.*

(i) *The District Director* is responsible for obtaining all audit reports and financial statements from the borrower. Those received from borrowers whose FmHA indebtedness exceeds \$500,000 and from delinquent and problem case borrowers will be promptly reviewed and forwarded to the State Director with appropriate comments.

(ii) *The District Director* is responsible for the review of audits and financial statements and for recommendations and instructions for borrower assistance.

(A) *Review of audits.* For borrowers required to have audits, the District Director will review each audit for conformance with "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits for FmHA Borrowers and Grantees." The borrower will be required to furnish any additional information necessary to satisfy the audit requirement. Guide 21 may be used in the audit review process.

(iii) *The State Director* is responsible for the review of audits of borrowers whose indebtedness exceeds \$500,000 and delinquent and problem case borrowers. The State Director may recommend to the District Director any necessary actions to be taken.

(3) *Security inspections.* A representative of the borrower will ordinarily accompany the District Director during each inspection.

(i) *Initial inspection.* The District Director will inspect each facility at the end of the eleventh full month of operation. The results of this inspection will be reported to the State Director of Form FmHA 424-12. The State Director will provide guidance to the District Director to assure that appropriate action will be taken to correct project deficiencies.

(ii) *Subsequent inspections.* The District Director will make subsequent inspections of borrower security property and facilities during each third year after the initial inspection. The results

of this inspection will be reported to the State Director on Form FmHA 424-12.

(iii) *Special inspections.* The District Director may request, or the State Director may determine, the need for a member of the State staff to make certain security inspections. In such cases, the State Director will detail a staff member to make such inspections.

(iv) *Follow-up inspections.* If any inspection discloses deficiencies or exceptions, or otherwise indicates a need for subsequent inspections prior to the third year, the State Director will prescribe the type and frequency of follow-up inspections. These inspections will be made until all deficiencies and exceptions have been corrected.

(4) *Civil rights compliance reviews* will be performed in accordance with FmHA Instruction 1901-E for the life of the loan.

(5) *Other loan servicing actions* will be in accordance with Subpart F of Part 1861 of this Chapter (FmHA Instruction 451.5).

§ 1942.18 Appendix B—Community facilities—Planning, bidding, contracting, constructing.

(a) *General.* This Appendix includes information and procedures specifically designed for use by applicants including the professional or technical consultants and/or agents who provide such assistance and services as architecture, engineering, inspection, financial, legal or other services related to planning, bidding, contracting, and constructing community facilities. These procedures do not relieve the borrower of the contractual obligations that arise from the procurement of these services.

(b) *Technical services.* Applicants are responsible for providing the engineering or architectural services necessary for planning, designing, bidding, contracting, and constructing their facilities. Such services may be provided by the applicants' "in house" engineer or architect or through contract, subject to FmHA concurrence.

(c) *Design policies.* Facilities financed by FmHA will be designed and constructed in accordance with sound engineering and architectural practices, and must meet the requirements of State and local agencies having jurisdiction in such matters.

(1) *Facilities to be located in flood plain area.* Ordinarily facilities will not be located in the 100-year flood plain level except for supply and treatment plants in which event applicants will evaluate the proposal from the standpoint of special design and additional initial and maintenance costs, and provide FmHA with the recommendations of appropriate agencies such as the U.S. Army Corps of Engi-

neers, the Soil Conservation Service (SCS), or appropriate State official. Facilities located in special flood and mudslide prone areas must comply with the eligibility and insurance requirements of Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(2) *Lead based paints.* Applicants must comply with Lead Based Paints Poisoning and Prevention Act and National Consumer Health Information and Health Promotion Act of 1976 with reference to specifications for paints used in construction in accordance with Part 1804 of this Chapter (FmHA Instruction 424.1, Exhibit E).

(3) *Water systems.*

(i) *Capacity.* The systems must have sufficient capacity to provide for reasonable fire protection and growth.

(ii) *Pressure.* Maximum operating pressure should not exceed 90 psi, minimum should not be less than 20 psi, calculated at maximum use flow.

(iii) *Pipe.* All pipe used shall meet current product or American Society for Testing Materials (ASTM) or American Water Works Association (AWWA) standards. Furthermore, if plastic pipe is used, its operating pressure shall not exceed 2/3 of its rated working pressure, and its wall thickness shall not be less than .090 inches. If flexible plastic pipe is used, its operating pressure shall not exceed 2/3 of its rated working pressure, and its wall thickness shall not be less than .060 inches. This provision regarding pressure does not apply to plastic pipe which meets AWWA C-900 standards.

(iv) *System testing.* Leakage shall not exceed 10 gallons per inch of pipe diameter per mile of pipe per 24 hours.

(v) *Service through individual installations.* Community water or waste systems may provide service through individual installations to individuals or small clusters of users within the central system service area but who are beyond the physical or economic limits of the central system, when it is more feasible to provide such service through individual or remote facilities. The determination shall be made taking into consideration such items as: quantity, quality of the system that may be developed; cost of the individual facility as compared with the cost per user on the central system; and health and pollution problems attributable to individual facilities.

(A) Agreements between the community and individuals for the installation and payment for individual facilities and their operation will be subject to approval by FmHA.

(B) Applicants providing service through individual facilities will obtain such security as the FmHA determines is necessary to assure collection of any sum the individual is obligated to repay the applicant, if taxes

or assessments are not pledged as security.

(C) Notes representing indebtedness owed an association by a user for an individual facility will be scheduled for repayment over a period not to exceed the useful life of the individual facility or the loan, whichever is the shorter. The interest rate will be the same as the rate owed by the community on its FmHA loan.

(D) If the applicant cannot levy taxes or assessments against property being served through individual installations, arrangements are to be made for:

(1) Easements for the installation and ingress to and egress from the installation.

(2) Satisfactory method for denying service in the event of nonpayment of user fees.

(vi) *Quality.* Systems must provide water of a quality that meets the current primary drinking water regulations (PDWR) in compliance with the Safe Drinking Water Act, PL 93-523, December 16, 1974 (see Guide 25, Joint Policy Statement between EPA and FmHA).

(vii) *Metering devices.* Water facilities being financed by FmHA will have metering devices for each connection. An exception to this requirement may be granted by the FmHA State Director when the applicant demonstrates that installation of metering devices would be a significant economic detriment and that environmental consideration would not be adversely affected by not installing such devices.

(4) *Sanitary sewerage systems.*

(i) The systems must have sufficient capacity to provide for reasonable growth.

(ii) Collection and treatment facilities shall be designed and installed so as to meet the requirements of the State Environmental Protection (Water Pollution Control) Agency.

(5) *Combined sanitary and storm sewerage systems.* Combined systems will not be financed except that improvements to existing combined systems may be financed, provided it would be impractical to provide separate systems and the proposal is approved by the State Environmental Protection (Water Pollution Control) Agency.

(6) *Solid waste disposal systems.*

(i) Preliminary and final plans and designs shall address both site selection, planning, landfill design, drainage control, roadways, utilities and other problems such as those which may arise due to water leaking into or from landfills and allow for proper handling of landfill gases.

(ii) Each system will be in compliance with appropriate State and local Department of Health or environmental quality requirements.

(d) *Utility purchase contracts.* Applicants proposing to purchase water or other utility service from private or public sources shall have written contracts for such supply, and all such contracts will be reviewed and approved by FmHA prior to their execution by the applicant. Form FmHA 442-30, "Water Purchase Contract," may be used. Such contracts will:

(1) Include a definite commitment by the supplier to furnish at a specified point a specified minimum quantity of water or other service and provide that in case of shortages, all of the supplier's users will share the shortages proportionately. If it is impossible to obtain a firm commitment for a minimum supply at all times, a contract may be executed and approved, provided that adequate evidence is furnished to enable FmHA to make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other users and the applicant for the foreseeable future, and:

(i) That a suitable alternative supply could be arranged within the repayment ability of the borrower if it should ever become necessary, or

(ii) If a suitable alternative supply cannot be arranged within the repayment ability of the borrower, prior approval must be obtained from the National Office.

(2) Set out the ownership and maintenance responsibilities of the respective parties including the master meter if a meter is installed at the point of delivery.

(3) Specify the initial rates and provide some kind of escalator clause which will permit rates for the association to be raised or lowered proportionately as certain specified rates for the supplier's regular customers are raised or lowered. Provisions may be made for altering rates in accordance with the decisions of the appropriate State agency which may have regulatory authority.

(4) Run for a period of time which is at least equal to the repayment period of the loan. State Directors may approve contracts for shorter periods of time if the supplier cannot legally contract for such period, or if the applicant and supplier find it impossible or impractical to negotiate a contract for the maximum period permissible under State law provided:

(i) The contract contains adequate provisions for renewal; or

(ii) A determination is made that in the event the contract is terminated, there are or will be other adequate sources available to the applicant that can be developed or purchased feasibly.

(5) Set out in detail the amount of connection or demand charges, if any, to be made by the supplier as a condi-

tion to making the service available to the association. However, the payment of such charges from loan funds shall not be approved unless FmHA determines that it is more feasible and economical for the borrower to pay such a connection charge than it is for the borrower to provide the necessary supply by other means.

(6) Provide for a pledge of the contract to FmHA as part of the security for the loan.

(7) Not contain provisions for:

(i) Construction of facilities which will be owned by the supplier. This does not preclude the use of money paid as a connection charge for construction to be done by the supplier.

(ii) Options for the future sale or transfer. This does not preclude an agreement recognizing that the supplier and borrower may at some future date agree to a sale of all or a portion of the facility.

(e) *Contracts to treat sewage.* Applicants preparing to enter into a contract with private or public sources to treat raw sewage shall have written contracts for such service and all such contracts are subject to FmHA concurrence. Paragraph (d) of this section may be used as a guide to preparation of contracts for sewage treatment.

(f) *Preliminary engineering and architectural reports.* Reports shall be prepared in accordance with customary professional standards. FmHA has guides for preparing preliminary architectural/engineering reports for water, sewer, solid waste, storm sewer projects, and other community facilities.

(g) *Construction contract forms.* Standard contract documents prescribed for use by borrowers and grantees in Federally assisted projects may be used for all community facility projects including water and waste disposal systems and buildings, such as hospitals and nursing homes. These standard documents are contained in Guide 19. When these standard contract documents are used, it will normally not be necessary to obtain prior approval of the OGC.

(1) For those projects where a performance and payment bond is not provided, "Construction Contract Documents," may be used as indicated in Guide 17.

(2) Contract documents such as those of the American Institute of Architects (AIA) may be used for appropriate projects when modified to comply with this regulation and by including FmHA supplemental general conditions. Such documents must be submitted for prior review and approval by the Regional Attorney.

(h) *Performing construction.* Borrowers may accomplish construction through contracts with others or by using their own personnel and equip-

ment, provided a licensed engineer or architect, as appropriate, inspects the construction and furnishes inspection reports as required by paragraph (1) of this section. In either case the requirements of paragraph (i) of this section. Payments for construction will be handled in accordance with § 1942.17(p)(5).

(i) *Procurement, bidding, and contracting.*

(1) *Contractual responsibilities of borrower.* These standards do not relieve the borrower of the contractual responsibilities arising under its contracts. The borrower is the responsible authority, without recourse to the FmHA regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a loan or grant. This includes but is not limited to: disputes, claims, protests of awards, source evaluation or other matters of a contractual nature. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(2) *Procurement regulations of borrower.* Borrowers may use their own procurement regulations which reflect applicable State and local laws, rules and regulations, provided that procurements made with FmHA loan funds adhere to the standards set forth as follows:

(i) *Code or standards of conduct.* The borrower shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending loan funds. Borrower officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the borrower officers, employees, or agents, or by contractors or their agents.

(ii) *Maximum open and free competition.* All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The borrower should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Performance specifications and the term "or equal" may be used for equipment and materials. In specifying pipe, however, the acceptable material(s) should be designed into the project to assure proper installation of the material chosen and

to avoid uncertainty and misunderstanding. This can be done in the following ways:

(A) By reference to nationally known materials standards such as the American Society for Testing and Materials (A.S.T.M.); American Water Works Association (A.W.W.A.), and Federal specifications and standards, or the standards of similar agencies. In referring to standards, however, care must be exercised to assure that the desired type of material is selected since many standards cover two or more types.

(B) By specifying two or more materials, any one of which is acceptable to the owner.

(C) By specifying the particular material required for the project. In specifying materials, the owner and its consultant will consider all materials suitable for its project. Where materials which would normally be suitable are not included for bidding, the owner and his consultant must be prepared to justify the selection of the material used.

(iii) *Procurement requirements.* The borrower shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(A) Proposed procurement actions shall be reviewed by borrower officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical and practical procurement. Where substantial amounts of funds are necessary for purchase of machinery and equipment, applicants ordinarily will be required to call for bids in a manner specified by the loan approval official to assure the best obtainable price.

(B) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material or product to be procured. Such description shall not contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(C) Positive efforts shall be made by the borrower to utilize small business and minority-owned business sources. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing loan funds. Applicants shall, when submitting contract documents as required in paragraph (1)(2)(viii) of this section provide FmHA with a written statement or

other evidence of the steps taken to comply with this requirement.

(D) The "cost-plus-a-percentage-of-the-cost" method of contracting shall not be used.

(E) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (i)(2)(iii) (F) below of this section is necessary to accomplish sound procurement. However, procurements of \$50,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the borrower, price and other factors considered. Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for the bid to be evaluated by the borrower. Any or all bids may be rejected when it is in the borrower's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(F) Procurements may be negotiated if it is impracticable and infeasible to use formal advertising. Generally, procurements may be negotiated by the borrower if:

(1) The public exigency will not permit the delay incident to advertising; or

(2) The material or service to be procured is available from only one person or firm; (All contemplated sole source procurements where the aggregate expenditure is expected to exceed \$50,000 shall be referred to the FmHA for prior approval) or

(3) The aggregate amount involved does not exceed \$50,000; or

(4) No acceptable bids have been received after formal advertising.

(G) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(iv) *Procurement requirements when other than formal advertising or negotiation is used.* Procurement records or files for purchases not handled in accordance with paragraphs (i)(2) (E) and (F) of this section and those in excess of \$50,000 shall provide at least the following pertinent information:

(A) The applicant's written request to utilize methods of procurement other than competitive bidding and justification for the use of such negotiations.

(B) A written consent from FmHA making an exception to the requirements contained in paragraphs (i)(2)(iii) (E) and (F) of this section and (i)(2)(vii) of this section in regard to formal competitive bidding and the architect/engineer-contractor relationship. Such consent shall not be given when FmHA financing includes a grant.

(C) A detailed tabulation of similar type projects of comparative construction costs of several facilities recently completed within the geographical area by contactors other than the bidder. Such tabulation must show that the cost of constructing the proposed facility through use of negotiated contract will be less than the cost of comparable facilities constructed through competitive bidding.

(D) A firm total construction cost guaranteed in writing by the contractor. Any extra cost which may result from errors or omissions shall be the responsibility of the contractor.

(E) Final plans and specifications that are complete and in sufficient detail to indicate what is covered by the contract. The plans and specifications should include such items as site layout and all appurtenant work; structural and finish materials; electrical, heating, plumbing, ventilating, and air conditioning equipment; fixed equipment included in the construction contract, as well as any other fixed equipment.

(F) The applicant will submit a detailed listing and cost estimate of equipment and supplies not included in the construction contract necessary to properly operate the facility.

(G) Contractor's and applicant's statement that the facility will equal or exceed all applicable Federal, State, and local requirements. Where applicable, certificate of need, permits, or other clearances are available, they will be included.

(H) Evidence that the applicant has hired an on-site full-time construction inspector who is completely independent from the contractor and is responsible only to the owner. Such inspector must be qualified to interpret plans and specifications and to advise the applicant of the full technical scope of the proposed project. This inspector must be hired prior to the execution of the construction contract.

(I) The applicant's evaluation of the contractors' performance for previous similar projects and those in which the contractor performed both the design and construction.

(J) The applicant's and contractor's written agreement in which they agree to comply with all FmHA regulations.

(v) *Contracts awarded prior to preapplications.* Applicants awarding construction or other procurement contracts prior to filing a preapplica-

tion with FmHA must comply with the following:

(A) Provide conclusive evidence that the contract was entered into without intent to circumvent the requirements of FmHA regulations. Such evidence will consist of at least the following:

(1) The lapse of a reasonable period of time between the date of contract award and the date of filing preapplication which clearly indicates an irreconcilable failure of previous financial arrangements; or

(2) A written statement explaining initial plans for financing the project and reasons for failure to obtain the planned credit.

(B) Modify the outstanding contract to conform with the provisions of this Subpart. Where this is not possible, modifications will be made to the extent practicable and as a minimum the contract must comply with all State and local laws and regulations as well as statutory requirements and executive orders related to the FmHA financing. When all construction is complete and it is impracticable to modify the contracts, the applicant must provide the certification required by paragraph (i)(2)(v)(D) of this section. Any exceptions to full compliance with this Subpart must be approved by FmHA with advice from OGC.

(C) Provide a certification by its engineer or architect certifying that any construction performed complies fully with the plans and specifications.

(D) Provide a certification that the applicant and its contractor complied with all statutory and executive requirements related to FmHA financing, for construction already performed, even though their requirements may not have been included in the contract documents.

(vi) *Additional required contract provisions.* The borrower shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

(A) Contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. A realistic liquidated damage provision also should be included.

(B) All contracts, amounts for which are in excess of \$10,000, shall contain suitable provisions for termination by the borrower including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(C) In all contracts for construction or facility improvement awarded in excess of \$100,000, the borrower shall require bonds, a bank letter of credit or cash deposit in escrow, assuring performance and payment of 100 percent of the contract cost. The surety will normally be in the form of performance and payment bonds; however, when other methods of surety may be necessary, bid documents must contain provisions for such alternative types of surety.

The use of surety other than performance and payment bonds will require concurrence by the National Office after submission of a suitable justification by the State Director together with the proposed form of escrow agreement or letter of credit. For contracts of lesser amounts, the borrower may require surety. When a surety is not provided (Guide 17 may be used), contractors will furnish evidence of payment in full for all materials, labor, and any other items procured under the contract. Form FmHA 424-10, "Release by Claimants," and Form FmHA 424-9, "Certificate of Contractor's Release," may be obtained at the local FmHA office and used for this purpose. The United States, acting through the Farmers Home Administration, will be named as co-obligee on all surety unless prohibited by State law.

(D) All contracts in excess of \$10,000 shall include provisions for compliance with Executive Order No. 11246, as amended, entitled "Equal Employment Opportunity." In addition and without reference to the number of employees, each contractor shall be required not to discriminate on the basis of race, color, religion, national origin, and sex.

(1) Bid conditions—hometown plans. All construction contracts in excess of \$10,000 financed by FmHA, in areas which have hometown plans are subject to the Model Equal Employment Opportunity EEO Bid Conditions issued by the Department of Labor. See Attachment I to Guide 17. The Department of Labor's Regional Offices of Federal Contract Compliance maintain current lists of areas covered by these plans. They can provide specific information on such areas. Each State Director should seek the advice of OGC as to compliance with any such plans within the State Office service area. The following reports will be required from plan areas.

(2) Contractors will submit monthly to the Agency responsible for monitoring compliance with Executive Order No. 11246 SF 257, "Monthly Employment Utilization Report."

(E) All contracts for construction shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supple-

mented in Department of Labor regulations. This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The borrower shall report all suspected or reported violations to FmHA.

(F) All negotiated contracts (except those of \$2,500 or less) awarded by borrowers shall include a provision to the effect that the borrower, FmHA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific Federal loan program for the purpose of making audits, examinations, excerpts, and transcriptions.

(G) If the contract exceeds \$100,000, the contractor agrees to comply with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. The contract should contain provisions obligating the contractor as a condition for the award of the contract as follows:

(1) To notify the owner of the receipt of any communication from EPA indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

(2) To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities as of the date of contract award.

(3) To include or cause to be included the above criteria and requirements of paragraph (1)(2)(vi)(G) (1) and (2) of this section in every nonexempt subcontract, and that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(H) The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location, or site of operations, owned, leased, or supervised by a grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location

shall be deemed to be a facility except where the Director, Office of Federal Activities, EPA, determines that independent facilities are collocated in one geographical area.

(I) Each contract in excess of \$2,500 shall contain FmHA supplemental general conditions. These conditions are contained in Guide 18 "Supplemental General Conditions."

(vii) *Unacceptable bidders.* No engineer or architect (individual or firm including persons they employ) who has prepared plans and specifications or who will be responsible for supervising the construction will be considered acceptable as a bidder. Any individual, firm, or corporation in which such architect or engineer (including persons they employ) is an officer, employee, or holds or controls a substantial interest will not be considered an acceptable bidder. Contracts or purchases by the construction contractor may not be awarded or made to a supplier or manufacturer if the engineer or architect (firm or individual) who prepared the plans and specifications has a corporate or financial affiliation with the supplier or manufacturer. Bids will not be awarded to firms or corporations which are owned or controlled wholly, or in part by a member of the governing body of the applicant or to an individual who is such a member. Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job), should be avoided whenever it is practicable to do so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or semifinished state such as prefabricated buildings and lift stations. Contracts may also be awarded for materials delivered to the job site and installed by a patented process or method.

(viii) *Contract review and approval.* The applicant's attorney will review the executed contract documents including performance and payment bonds and provide FmHA with a certification that they have been properly executed and that the persons executing these documents have been properly authorized to do so. The contract documents, including bid bonds and bid tabulation sheets will be forwarded to FmHA for approval. All contracts will contain a provision that they are not in full force and effect until they have been approved by FmHA. The FmHA State Director is responsible for approval of all construction contracts utilizing the legal advice and guidance of the OGC where necessary. If the construction contract utilized the format of a guide form which has

been approved by FmHA, it will not be necessary to submit individual contract documents to the OGC for prior approval. If the construction contract does not utilize the format of guide forms previously approved by FmHA, OGC approval of the contract will be obtained prior to its use.

(ix) *Change orders to be approved by FmHA.* The construction contract will require that all change orders be approved by FmHA.

(j) *Preconstruction conference.* Prior to beginning construction, FmHA will review the planned development with the applicant, its engineer, resident inspector, attorney, the contractor, and other interested parties. The conference will thoroughly cover the items included in Form FmHA 424-16, "Record of Preconstruction Conference," and the discussions and agreements will be documented on the form.

(k) *Applicant/borrower monitor reports.* Each applicant or borrower will be required to monitor, and provide a report to FmHA on actual performance during the construction for each project financed, or to be financed, in whole or in part with FmHA funds to include:

(1) A comparison of actual accomplishments to the construction schedule established for the period. SF-271 and Form FmHA 424-18 will be used for this purpose.

(2) A narrative statement will be attached to Form SF-271 giving full explanation of the following:

(i) Reasons established goals were not met.

(ii) Analysis and explanation of cost overruns or high unit costs and how payment is to be made for the same.

(3) If events occur between reports which have a significant impact upon the project, the applicant/borrower will notify FmHA as soon as any of the following conditions are known:

(i) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(1) *Resident inspection.* Full-time resident inspection is required for all construction unless a written exception is made by FmHA. Unless otherwise agreed, the resident inspector will be provided by the consulting architect/engineer. Prior to the precon-

struction conference, the architect/engineer will submit a resume of qualifications of the resident inspector to the applicant and to FmHA for acceptance in writing. If the applicant provides the resident inspector, it must submit a resume of the inspector's qualifications to the project architect/engineer and FmHA for acceptance in writing prior to the preconstruction conference. The resident inspector will attend the preconstruction conference where duties and responsibilities will be fully discussed. The resident inspector will work under the general supervision of the project architect/engineer. A guide format (Guide 11) for preparing daily inspection reports and Form FmHA 424-18 are available on request from FmHA.

(1) *Inspectors daily diary.* The inspector will maintain a daily diary in accordance with the following:

(i) The diary shall be maintained in a hard-bound book.

(ii) The diary book shall have all pages numbered and all entries in ink.

(iii) All entries shall be entered on a daily basis beginning with the date and weather conditions.

(iv) Daily entries shall include daily work performed, number of men and equipment used in the performance of work, and all significant happenings during that day.

(v) The daily diary will be made available to FmHA personnel and will be reviewed during project inspections.

(2) *Prefinal inspections.* A prefinal inspection will be made by the borrower, resident inspector, project architect or engineer, representatives of other agencies involved in project financing, the District Director and a member of the FmHA State Office staff, preferably the State Staff architect or engineer. A list of items necessary for project completion will be developed and agreed upon during the prefinal inspection. The inspection results will be recorded by the member of the State Office staff on Form FmHA 424-12 and a copy provided all appropriate parties.

(3) *Final inspection.* A final inspection will be made by FmHA before final payment is made.

(m) *Changes in development plans.*

(1) Changes in development plans may be approved by FmHA when requested by borrowers, provided:

(i) Funds are available to cover any additional costs;

(ii) The change is for an authorized loan purpose; and

(iii) It will not adversely affect the soundness of the facility operation or FmHA's security.

(2) Changes will be recorded on Form FmHA 424-7, "Contract Change Order." Change orders must be approved by the FmHA State Director or a designated representative.

(3) Changes should be accomplished only after FmHA approval on all changes which affect the work and shall be authorized only by means of a contract change order. The change order will include items such as:

(i) Any changes in labor and material and their respective cost.

(ii) Changes in facility design.

(iii) Any decrease or increase in quantities based on final measurements that are different from those shown in the bidding schedule.

(iv) Any increase or decrease in the time to complete the project.

(4) All changes shall be recorded on a chronologically numbered contract change order as they occur. Change orders will not be included in payment estimates until approved by all parties.

§ 1942.19 Appendix C—Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.

(a) *General.* This Appendix includes information for use by public body applicants in the preparation and issuance of evidences of debt ("bonds," "notes," or "debt instruments") (herein referred to as "bonds"). This Appendix is made available to applicants as appropriate for application processing and loan docket preparation.

(b) *Policies related to use of bond counsel.* Preparation of the bonds and the bond transcript documents will be the responsibility of the applicant. Public body applicants will obtain the services and opinion of recognized bond counsel with respect to the validity of a bond issue, except as provided in (b) (1) through (3) below. The applicant normally will be represented by a local attorney who will obtain the assistance of a recognized bond counsel firm which has had experience in municipal financing with such investors as investment dealers, banks, and insurance companies.

(1) *Issues of \$250,000 or less.* At the option of the applicant for issues of \$250,000 or less, bond counsel may be used for the issuance of a final opinion only and not for the preparation of the bond transcript and other documents when the applicant, FmHA, and bond counsel have agreed in advance as to the method of preparation of the bond transcript documents. Under such circumstances the applicant will be responsible for the preparation of the bond transcript documents.

(2) *Issues of \$50,000 or less.* At the option of the applicant and with the prior approval of the State Director of FmHA, the applicant need not use bond counsel if:

(i) The amount of the issue does not exceed \$50,000 and the applicant recognizes and accepts the fact that proc-

essing the application may require additional legal and administrative time.

(ii) There is a significant cost saving to the applicant particularly with reference to total legal fees after determining what bond counsel would charge as compared with what the local attorney will charge without bond counsel.

(iii) The local attorney is able and experienced in handling this type of legal work.

(iv) The applicant understands that, if it is required by FmHA to refinance its loan pursuant to the statutory refinancing requirements, it will probably have to obtain at its expense a bond counsel's opinion at that time.

(v) All bonds will be prepared in accordance with this regulation and will conform as nearly as possible to the preferred methods of preparation stated in paragraph (e) but still be consistent with State law.

(vi) Many matters necessary to comply with FmHA requirements such as land rights, easements, and organizational documents will be handled by the applicant's local attorney. Specific closing instructions will be issued by the Office of the General Counsel of the U.S. Department of Agriculture for the guidance of FmHA.

(3) *For loans of less than \$500,000.* The applicant shall not be required to use bond counsel in a straight mortgage-note situation where competitive bidding is not required for the sale of the debt instrument, unless a complicated financial situation exists with the applicant. In addition, if there is a known backlog in a particular OGC regional office the applicant will be advised of such backlog and it will be suggested to the applicant that the appointment of bond counsel may be more expeditious. However, it will be the decision of the applicant whether or not to appoint bond counsel. The applicant must comply with (b)(2)(iii) through (vi) above.

(c) *Bond transcript documents.* Any questions with respect to FmHA requirements should be discussed with the FmHA representatives. The bond counsel (or local counsel where no bond counsel is involved) is required to furnish at least two complete sets of the following to the applicant, who will furnish one complete set to FmHA:

(1) Copies of all organizational documents.

(2) Copies of general incumbency certificate.

(3) Certified copies of minutes or excerpts therefrom of all meetings of the applicant's governing body at which action was taken in connection with the authorization and issuance of the bonds.

(4) Certified copies of documents evidencing that the applicant has com-

plied fully with all statutory requirements incident to calling and holding of a favorable bond election, if such an election is necessary in connection with bond issuance.

(5) Certified copies of the resolutions or ordinances or other documents, such as the bond authorizing resolution or ordinance and any resolution establishing rates and regulating the use of the improvement, if such documents are not included in the minutes furnished.

(6) Copies of official Notice of Sale and affidavit of publication of Notice of Sale where a public sale is required by State statute.

(7) Specimen bond, with any attached coupons.

(8) Attorney's no-litigation certificate.

(9) Certified copies of resolutions or other documents pertaining to the bond award.

(10) Any additional or supporting documents required by bond counsel.

(11) For loans involving multiple advances of FmHA loan funds, a preliminary approving opinion of bond counsel (or local counsel if no bond counsel is involved) if a final unqualified opinion cannot be obtained until all funds are advanced. The preliminary opinion for the entire issue shall be delivered on or before the first advance of loan funds and state that the applicant has the legal authority to issue the bonds, construct, operate and maintain the facility, and repay the loan subject to changes during the advance of funds such as litigation resulting from the failure to advance loan funds, and receipt of closing certificates.

(12) Preliminary approving opinion, if any, and final unqualified approving opinion of recognized bond counsel (or local counsel if no bond counsel is involved) including opinion regarding interest on bonds being exempt from Federal and any State income taxes. On approval of the Administrator, a final opinion may be qualified to the extent that litigation is pending relating to Indian claims that may affect title to land or validity of the obligation. It is permissible for such opinions to contain language referring to the last sentence of Section 306(a)(1) or to Section 309A(h) of the Consolidated Farm and Rural Development Act [7 U.S.C. 1926(a)(1) or 1929 a (h)], and providing that if the bonds evidencing the indebtedness in question are acquired by the Federal Government and sold on an insured basis from the Agriculture Credit Insurance Fund, or the Rural Development Insurance Fund, the interest on such bonds will be included in gross income for the purposes of the Federal income tax statutes.

(d) *Interim financing from commercial sources during construction*

period for loans of \$50,000 or more. In all cases where it is possible for funds to be borrowed at current market interest rates on an interim basis from commercial sources, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA funds.

(e) *Permanent instruments for FmHA loans to repay interim commercial financing.* FmHA loans will be evidenced by the following types of instruments chosen in accordance with the following order of preference:

(1) *First preference—Form FmHA 440-22.* If legally permissible use Form FmHA 440-22 for insured loans.

(2) *Second preference—single instruments with amortized installments.* If Form FmHA 440-22 is not legally permissible, use a single instrument providing for amortized installments. Show the full amount of the loan on the face of the document and provide for entering the date and amount of each FmHA advance on the reverse thereof or on an attachment to the instrument. Form FmHA 440-22 should be followed to the extent possible. When principal payment is deferred, no attempt should be made to compute in dollar terms the amount of interest due on these installment dates. Rather the instrument should provide that "interest only" is due on these dates. The appropriate amortized installment computed as follows will be shown due on the installment dates thereafter.

(i) *Annual payments—*Subtract the due date of the *last annual interest only* installment from the due date of the final installment to determine the number of annual payments applicable. When there are no interest only installments, the number of annual payments will equal the number of years over which the loan is amortized. Then multiply the amount of the note by the applicable amortization factor shown in FmHA Amortization Tables and rounded to the next higher dollar. Example of Computation of Annual Payment:

Date of Loan Closing: 7-5-1976
 Amount of Loan: \$100,000.00
 Interest Rate: 5%
 Amortization Period: 40 years
 Interest Only Installments: 7-5-1977 and 7-5-1978
 First Regular Installment: 7-5-1979
 Final Installment: 7-5-2016
 Computation: $2016 - 1978 = 38$ annual payments
 $\$100,000.00 \times .05929 = \5929.00 annual payment due

(ii) *Semiannual payments—*Multiply by two the number of years between the due date of the *last annual interest only* installment and the due date of the final installment to determine the correct number of semiannual pe-

riods applicable. When there are no interest only installments, multiply by two the number of years over which the loan is amortized. Then multiply the amount of the note by the applicable amortization factor shown in FmHA Amortization Tables and rounded to the next higher dollar.

Example of Computation of Semiannual Payment:

Date of Loan Closing: 7-5-1976
 Amount of Loan: \$100,000.00
 Interest Rate: 5%
 Amortization Period: 40 years
 Interest Only Installments: 7-5-1977 and 7-5-1978
 First Regular Installment: 7-5-1979
 Final Installment: 7-5-2016
 Computation: $2016-1978=38 \times 2=76$ semiannual periods $\$100,000.00 \times .02952=\2952.00 semiannual payment due

(iii) Monthly payments—Multiply by twelve the number of years between the due date of the *last annual interest only* installment and the final installment to determine the number of monthly payments applicable. When there are no interest only installments, multiply by twelve the number of years over which the loan is amortized. Then multiply the amount of the note by the applicable amortization factor shown in FmHA Amortization Tables and rounded to the next higher dollar.

Example of Computation of Monthly Payment:

Date of Loan Closing: 7-5-1976
 Amount of Loan: \$100,000.00
 Interest Rate: 5%
 Amortization Period: 40 years
 Interest Only Installments: 7-5-1977 and 7-5-1978
 First Regular Installment: 7-5-1979
 Final Installment: 7-5-2016
 Computation: $2016-1978=38 \times 12=456$ monthly payments $\$100,000.00 \times .00491=\491.00 monthly payment due

(3) *Third preference—single instrument with installments of principal plus interest.* In a single instrument with amortized installments is not legally permissible, use a single instrument providing for installments of principal plus interest accrued on the unmatured principal balance. The principal should be in an amount best adapted to making principal retirement and interest payments which closely approximate equal installments of combined interest and principal as required by the first two preferences.

(i) The repayment terms concerning interest only installments described in paragraph (e)(2) of this section. "Second preference" applies.

(ii) The instrument shall contain in substance the following provisions:

(A) A statement of principal maturities and due dates.

(B) Payments made on indebtedness evidenced by this instrument shall be applied to the interest due through the next installment due date and the balance to principal in accordance with the terms of the bond. Payments on delinquent accounts will be applied in the following sequence:

- (1) billed delinquent interest,
- (2) past due interest installments,
- (3) past due principal installments,
- (4) interest installment due, and
- (5) principal installment due.

Extra payments and payments made from security depleting sources shall be applied to the principal last to come due or as specified in the bond instrument.

(4) *Fourth preference—serial bonds with installments of principal plus interest.* If instruments described under the first, second, and third preferences are not legally permissible, use *serial bonds with a bond or bonds delivered in the amount of each advance. Bonds will be delivered in the order of their numbers.* Such bonds will conform with the minimum requirements of paragraph (h) of this section. Rules for application of payments on serial bonds will be the same as those for principal installment single bonds as set out in the preceding paragraph (e)(3) of this section.

(f) *Multiple advances of FmHA funds using permanent instruments.* Where interim financing from commercial sources is not available, FmHA loan proceeds will be disbursed on an "as needed by borrower" basis in amounts not to exceed the amount needed during 30-day periods.

(g) *Multiple advances of FmHA funds using temporary debt instrument.* When none of the instruments described in paragraph (e) of this section are legally permissible or practical, a bond anticipation note or similar temporary debt instrument may be used. The debt instrument will provide for multiple advance of FmHA loan funds and will be for the full amount of the FmHA loan. The instrument will be prepared by bond counsel (or local counsel if bond counsel is not involved) and approved by the State Director and OGC. At the same time FmHA delivers the last advance, the borrower will deliver the permanent bond instrument and the canceled temporary instrument will be returned to the borrower. The approved debt instrument will show at least the following:

- (1) The date from which each advance will bear interest.
- (2) The interest rate.
- (3) A payment schedule providing for interest on outstanding principal at least annually.

(4) A maturity date which shall be no earlier than the anticipated issuance date of the permanent instrument(s).

(h) *Minimum bond specifications.* The provisions of this paragraph are minimum specifications only, and must be followed to the extent legally permissible.

(1) *Type and denominations.* Bond resolutions or ordinances will provide that the instrument(s) be either a bond representing the total amount of the indebtedness or serial bonds in denominations customarily accepted in municipal financing (ordinarily in multiples of not less than \$1,000). Single bonds may provide for repayment of principal plus interest or amortized installments; amortized installments are preferable from the standpoint of FmHA. Coupon bonds will not be used unless required by State statute.

(i) To compute the value of each coupon when the bond denomination is consistent:

(A) Multiply the amount of the loan or advance by the interest rate and divide the product by 365 days.

(B) Multiply the daily accrual factor determined in (A) by the number of days from the date of advance or last installment date to the next installment date.

(C) Divide the interest computed in (B) by the number of bonds securing the advance; this is the individual coupon amount.

(ii) To compute the value of each coupon when the bond denomination varies:

(A) Multiply the denomination of the bond by the interest rate and divide the product by 365 days.

(B) Multiply the daily accrual factor determined in (A) by the number of days from the date of advance or last installment date to the next installment due date; this is the individual coupon amount.

(2) *Bond registration.* Bonds will contain provisions permitting registration as to both principal and interest. Bonds purchased by FmHA will be registered in the name of "United States of America, Farmers Home Administration," and will remain so registered at all times while the bonds are held or insured by the United States. The address of FmHA for registration purposes will be that of the FmHA Finance Office.

(3) *Size and quality.* Size of bonds and coupons should conform to standard practice. Paper must be of sufficient quality to prevent deterioration through ordinary handling over the life of the loan.

(4) *Date of bond.* Bonds will preferably be dated as of the day of delivery, however, may be dated another date at the option of the borrower and sub-

ject to approval by FmHA. If the date of delivery is other than the date of the bond, the date of delivery will be stated in the bond. In all cases, interest will accrue from the date of delivery of the funds.

(5) *Payment date.* Loan payments will be scheduled to coincide with income availability and be in accordance with State law. Monthly payments will be required if consistent with the foregoing, and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

(6) *Place of payment.* Payments on bonds purchased by FmHA should be submitted to the FmHA District Office by the borrower. The District Office will then remit the payments to the Finance Office on Form FmHA 451-2, "Schedule of Remittances."

(7) *Redemptions.* Bonds should contain customary redemption provisions, subject, however, to unlimited right of redemption without premium of any bonds held by FmHA except to the extent limited by the provisions under the "Third Preference" and "Fourth Preference" in paragraph (e) of this section.

(8) *Additional revenue bonds.* Parity bonds may be issued to complete the project. Otherwise, parity bonds may not be issued unless the net revenues (that is, unless otherwise defined by the State statute, gross revenues less essential operation and maintenance expense) for the fiscal year preceding the year in which such parity bonds are to be issued, were 120 percent of the average annual debt service requirements on all bonds then outstanding and those to be issued; provided, that this limitation may be waived or modified by the written consent of bondholders representing 75 percent of the then outstanding principal indebtedness. Junior and subordinate bonds may be issued in accordance with the loan agreement.

(9) *Scheduling of FmHA payments when joint financing is involved.* In all cases in which FmHA is participating with another lender in the joint financing of the project to supply funds required by one applicant, the FmHA payments of principal and interest should approximate amortized installments.

(10) *Precautions.* The following types of provisions in debt instruments should be avoided.

(i) Provisions for the holder to manually post each payment to the instrument.

(ii) Provisions for returning the permanent or temporary debt instrument to the borrower in order that it, rather than FmHA, may post the date and amount of each advance or repayment on the instrument.

(11) *Multiple loan types.* When more than one loan type is used in financing a project, each type of loan will be evidenced by a separate debt instrument or series of debt instruments.

(i) *Bidding by FmHA.* Bonds offered for public sale shall be offered in accordance with State law, in such a manner to encourage public bidding. FmHA will not submit a bid at the advertised sale unless required by State law, nor will reference to FmHA's rates and terms be included. If no acceptable bid is received, FmHA will negotiate the purchase of the bond.

§§ 1942.20-1942.50 [Reserved]

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

This document has been reviewed in accordance with FmHA Instruction 1901-G, Environmental Impact Statements. It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

Dated: December 29, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 79-3444 Filed 1-31-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II— DEPARTMENT OF ENERGY

PART 456—RESIDENTIAL ENERGY CONSERVATION PROGRAM

Interpretation of the National Energy Conservation Policy Act

AGENCY: Department of Energy.

ACTION: Interpretative rule.

SUMMARY: The Department of Energy interprets section 216(d) of the National Energy Conservation Policy Act (NECPA) (Pub. L. No. 95-619) to allow a public utility to supply, install, or finance energy conservation meas-

ures, if, at the time of the passage of NECPA (November 9, 1978), the utility either (1) was supplying, installing, or financing energy conservation measures or (2) had broadly advertised or completed substantial preparations for the supply, installation, or financing of such measures, until the Secretary of Energy has promulgated procedures by which the determinations described in sections 216(d)(1) and (2) of NECPA can be made and until 30 days thereafter to allow affected public utilities to seek determinations regarding continuation of such activities in accordance with those procedures.

EFFECTIVE DATE: November 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William Funk, Deputy Assistant General Counsel, U. S. Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9296.

SUPPLEMENTAL INFORMATION:

BACKGROUND

On November 9, 1978, the National Energy Conservation Policy Act (NECPA) became law. Part I of Title II of NECPA established the "Utility Program," a five year program designed to increase substantially the installation of energy conservation measures, including renewable resource measures, in existing residential buildings. Installation of energy conservation measures under the "Program" will not start until 1980.

Section 216(a) of NECPA contains a broad prohibition against public utilities themselves installing, supplying, or financing energy conservation measures. Sections 216(d) (1) and (2) exempt from the prohibition a utility's supply, installation or financing of energy conservation measures which the Secretary of Energy determines were being installed or financed (or for which substantial preparations had been completed) by the utility when NECPA was enacted. The legislative history establishes that sections 216(d) (1) and (2) were intended to "grandfather" existing programs by utilities to install or finance energy conservation measures and to allow utilities to continue those installation and financing activities which they either were engaged in or which they were about to engage in at the time of NECPA's enactment. See H.R. Rep. No. 95-488, Part I, 95th Cong., 1st Sess. 7, 25 (1977); H.R. Rep. No. 95-496, Part IV, 95th Cong., 1st Sess. 33 (1977); S. Rep. No. 95-409, 95th Cong., 1st Sess. 31, 58 (1977).

A question has arisen, however, whether sections 216(d) (1) and (2)

were effective to exempt such activities from the prohibition in section 216(a) as soon as NECPA was enacted, or whether the Secretary of Energy is required to make a determination that a particular utility had in fact been installing or financing the particular measures or had made substantial preparations to do so before the exemption can apply to that utility. If the latter were the case, each utility with an existing program of installing or financing energy conservation measures at the time NECPA was enacted would have had to cease activity under that program until such time as the Secretary of Energy made the necessary determination, or else face the possibility of a \$25,000 fine for each day it continued its program. See sections 216(h) and 219(g). Under the terms of NECPA, final rules for the "Utility Program" may not be promulgated for at least 150 days after enactment, so the Secretary could not establish procedures for making the determinations described in sections 216(d) (1) and (2) for at least five months.

Nothing in the legislative history suggests that Congress intended to force utilities to cease their programs for at least five months while awaiting the promulgation of those rules. Indeed, it would be inconsistent with the purpose of the "Utility Program" to interrupt the installation and financing of energy conservation measures while the regulations governing the "Program" are being developed.

Consequently, in order to provide guidance with respect to the conduct by public utilities of activities described in sections 216(d) (1) and (2) prior to promulgation of regulations implementing those sections, the Department of Energy is issuing this interpretative rule which will govern the Department's interpretation and enforcement of section 216(a) of NECPA.

All activities engaged in pursuant to this guidance must meet the substantive requirements set forth in this rule for an exemption and are subject to review by the Department for compliance therewith.

Dated: January 26, 1979.

LYNN R. COLEMAN,
General Counsel.

10 CFR is amended by adding Part 456, Residential Energy Conservation Program consisting of § 456.00 to read as follows:

§ 456.00 Exemption from prohibitions on supply, installation, or financing.

The prohibition on the supply, installation, or financing by any public utility of residential energy conservation measures, contained in section 216(a) of the National Energy Conser-

vation Policy Act, Pub. L. No. 95-619, shall not apply to:

(a) A public utility's supply, installation, or financing of those specific residential energy conservation measures which were being installed or financed by that utility on November 9, 1978; or

(b) A public utility's supply, installation, or financing of those specific residential energy conservation measures (1) with respect to which that utility had, by November 9, 1978, broadly advertised such supply, installation, or financing or (2) with respect to which that utility had, by November 9, 1978, completed substantial preparations for undertaking such activities, until 30 days after the effective date of the procedures promulgated by the Secretary of Energy to implement sections 216(d)(1) and 216(d)(2) of that Act.

(Part 1 of Title II of the National Energy Conservation Policy Act, Pub. L. No. 95-619, 92 Stat. 3206 *et seq.*, Section 644 of the Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565 *et seq.*)

[FR Doc. 79-3621 Filed 1-31-79; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-24-AD; Amdt. 39-3386]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 56, 58, 65, 70, 90, 95, 99, 100 and 200 Series Airplanes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects a rule issued on December 21, 1978, and appearing in FR Doc. 79-218 on pages 1078 and 1079 in the issue of Thursday, January 4, 1979 (78-CE-24-AD). An airplane serial number was inadvertently omitted in the Applicability Statement of the Airworthiness Directive (AD) which necessitates this correction.

EFFECTIVE DATE: January 8, 1979.

FOR FURTHER INFORMATION CONTACT:

William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: The FAA issued a Final Rule with an

effective date of January 8, 1979. In the Final Rule, in the Applicability Statement of the AD, the ending serial number for Model V35B airplanes was incorrectly cited as "D-9539". The ending serial numbers for Model V35B airplanes should read "D-9539 through D-9968". Action is taken herein to make this correction. Since the change is editorial in nature, notice and public procedure thereon are not necessary.

In FR Doc. 79-218 appearing at pages 1078 and 1079 in the FEDERAL REGISTER of January 4, 1979, the last line of serial numbers for Model V35B airplanes in the AD Applicability Statement appearing on page 1078 should be corrected to read "9533 through D-9536 and D-9539 through D-9968".

(Secs. 313(a), 601 and 603 of the 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)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)).

Issued in Kansas City, Missouri on January 17, 1979.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 79-3217 Filed 1-31-79; 8:45 am]

[4910-13-M]

[Airspace Docket Number 78-CE-29]

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

Alteration of Transition Area—West Union, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the existing transition area at West Union, Iowa to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the George L. Scott Municipal Airport, West Union, Iowa, which is based on a Non-Directional Radio Beacon (NDB) navigational aid installed near the airport.

EFFECTIVE DATE: April 19, 1979.

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: The City of West Union, Iowa is installing a Non-Directional Radio Beacon (NDB) on the George L. Scott Municipal Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the existing West Union, Iowa transition area at and above 700 feet above ground level (AGL) within which aircraft will be provided additional controlled airspace protection.

DISCUSSION OF COMMENTS

On pages 53447 and 53448 of the **FEDERAL REGISTER** dated November 16, 1978, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Union, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442) is amended effective 0901 GMT, April 19, 1979, by altering the following transition area:

WEST UNION, IOWA

George L. Scott Municipal Airport, West Union, Iowa. That airspace extending upward from 700 feet above the surface within an eight-mile radius of the George L. Scott Municipal Airport (latitude 42°59'00"N, longitude 91°48'00"W). Within 3 miles each side of the 174° bearing from the George L. Scott Municipal Airport, extending from the eight-mile radius to 10.5 miles south of the airport.

(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)); § 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 January 23 1979.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 79-3216 Filed 1-31-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2946]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Norris Industries, Inc.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Long Beach, Calif. manufacturer and distributor of dishwashers and other major home appliances to cease misrepresenting, or making unsubstantiated claims regarding the qualities, performance or efficacy of its products.

DATE: Complaint and order issued Dec. 27, 1978.*

FOR FURTHER INFORMATION CONTACT:

FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. 202-724-1499.

SUPPLEMENTARY INFORMATION: On Monday, Oct. 23, 1978, there was published in the **FEDERAL REGISTER**, 43 FR 49315, a proposed consent agreement with analysis in the Matter of Norris Industries, Inc., a corporation, for the purposes of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Advertising Falsely or Misleadingly; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170-16, Cleansing, purifying; 13.170-56 Non-corroding; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-

* Copies of the Complaint and Decision and Order filed with the original document.

45(a) Advertising substantiation. Subpart-Failing To Maintain Records; § 13.1051 Failing to maintain records; 13.1051-10 Accurate. Subpart-Misrepresenting Oneself and Goods—Goods; § 13.1710 Qualities and properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.—Promotional Sales Plans; § 13.1830 Promotional sales plans. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure; § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-3432 Filed 1-31-79; 8:45 am]

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—HIGHWAY SAFETY

[FHWA Docket No. 79-11]

PART 922—SAFER OFF-SYSTEM ROADS PROGRAM

Guidance and Procedures

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this document in order to provide guidance and establish procedures for administering the safer off-system roads program in accordance with Section 168(d) of the Surface Transportation Assistance Act of 1978.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James Rummel, Office of Highway Safety (202/426-2131), or Mrs. Kathleen S. Markman, Office of the Chief Counsel (202/426-0346), Federal Highway Administration, United States Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689. Section 168(d) of the Act amended 23 U.S.C. § 210(c) which necessitates an amendment of the regulations implementing the

safer off-system roads program. The present regulations governing the safer off system program require that the States give special consideration to low-cost safety projects when developing a program of safer off-system projects. The new legislation requires that at least 50 percent of the funds obligated in this program by a State in any fiscal year shall be obligated for highway safety improvement projects. This will help assure that necessary safety improvements are undertaken by the States and local governments on roads not located on any Federal-aid system. At present, collectively the States are already obligating almost 55 percent of the safer off-system funds for safety.

Accordingly, the Federal Highway Administration hereby amends Part 922, Chapter I of Title 23, Code of Federal Regulations as set forth below.

1. Section 922.5 is revised to read as follows:

§ 922.5 Objective.

The principal objective of the Safer Off-System Roads (SOS) program is to construct, reconstruct, or otherwise improve off-system roads and streets
ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood In- with special emphasis on the implementation of highway safety improvement projects.

2. Section 922.9 is amended by revising paragraph (a) to read as follows:

§ 922.9 Distribution of funds.

(a) Each SHA shall make funds apportioned under this program available throughout the State on a fair and equitable basis. Not less than 50 percent of the funds obligated by the State in any fiscal year for this program shall be obligated for highway safety improvement projects.

Each SHA shall ensure that projects are selected, designed, and constructed in a manner which will not discriminate against any person or community

on the grounds of race, religion, color, national origin, or sex.

NOTE.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. (23 U.S.C. 101(e), 219 and 315; 49 CFR 1.48(b).)

Issued on: January 22, 1979.

KARL S. BOWERS,
 Federal Highway Administrator.

[FR Doc. 79-3438 Filed 1-31-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-5067]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible commu-

nity, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

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

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Louisiana	Caldwell	Grayson, village of	Jan. 16, 1979, emergency	Aug. 13, 1976	220329
Guam	Unincorporated areas	Guam, territory of	Jan. 19, 1979, emergency		660001
Mississippi	Clarke	Shubuta, town of	do	June 7, 1974 and June 25, 1976.	280034-A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Pennsylvania.....	Snyder.....	Beaver, township of.....do.....	Nov. 1, 1974 and July 30, 1976.	422032-A
Do.....	Lackawanna.....	Scott, township of.....do.....	Dec. 27, 1974.....	421757
Texas.....	Parker.....	Unincorporated areas.....	Jan. 22, 1979, emergency.....	Dec. 27, 1977.....	480520-A
Alaska.....	Matanuska-Susitna.....	Matanuska-Susitna, borough of.....	Jan. 23, 1979, emergency.....	Feb. 28, 1978.....	020021-A
Ohio.....	Tuscarawas.....	Sugarcreek, village of.....do.....	May 31, 1974 and June 11, 1976.	390546-A

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-3025 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. 50271]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With no Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is

now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial non-subsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is \$.25 per \$100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is \$.01 per \$100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is \$.05 per \$100 of coverage.

In addition to the less expensive rates, the maximum coverage available

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

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

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

The entry reads as follow:

§ 1915.8 List of Communities with No Special Flood Hazard Areas

State	County	Community name	Date of conversion to regular program
Arizona.....	Pima.....	City of South Tucson.....	January 31, 1979.
Illinois.....	Cook.....	City of Park Ridge.....	January 31, 1979.
Michigan.....	Eaton.....	Township of Carmel.....	January 31, 1979.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-3038 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. 50281]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with

local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

lished by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

- (1) for acquisition and construction of buildings, and
- (2) for buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

§ 1915.9 List of Communities with Minimal Flood Hazard Areas

State	County	Community name
Arkansas	Jackson	City of Swifton
Texas	Lamar	City of Royton
Indiana	Whitley	City of Columbia City
Michigan	Van Buren	Village of Paw Paw
Ohio	Guernsey	Village of Pleasant City
Ohio	Jefferson	Village of Wintersville
Pennsylvania	Adams	Borough of Fairfield
Pennsylvania	Lycoming	Borough of Salladasburg
Pennsylvania	Cumberland	Borough of Shiremanstown
Wisconsin	Iowa	Village of Cobb
Wisconsin	Iowa	Village of Linden
Wisconsin	Iowa	Village of Ridgeway
Arkansas	Jackson	City of Campbell Station
Texas	Caldwell	City of Luling
Texas	Bastrop	City of Smithville
Texas	Henderson	City of Trinidad
Arkansas	Jackson	City of Beedeville
Arkansas	Jackson	City of Tupelo
Massachusetts	Worcester	Town of Petersham
Texas	Panola	City of Carthage
Texas	Eastland	City of Cisco
Texas	Henderson	City of Malakoff
Texas	Smith and Cherokee	City of Troup
Texas	Hidalgo	City of Alamo

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3039 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-5029]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Withdrawal of Flood Insurance Maps

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps pub-

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program

status is suspended while the map is withdrawn. (For definitions see 24 CFR part 1909 et. seq.).

As the purpose of this revision is the convenience of the public, notice, and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) Flood Hazard Boundary Maps (FHBM's).

The following is a cumulative list of withdrawals pursuant to this Part:

- 40 FR 5149
- 40 FR 17015
- 40 FR 20798
- 40 FR 46102

- 40 FR 53579
- 40 FR 56672
- 41 FR 1478
- 41 FR 50990
- 41 FR 13352
- 41 FR 17726
- 42 FR 8895
- 42 FR 29433
- 42 FR 46226
- 42 FR 64076
- 43 FR 24019
- 44 FR 815
- 44 FR 6383

(b) Flood Insurance Rate Maps (FIRM's)

The following is a cumulative list of withdrawals pursuant to this Part:

- 40 FR 17015
- 41 FR 1478
- 42 FR 49811
- 42 FR 64076
- 43 FR 24019

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 1915.6:

FIA MAP RESCISSIONS

State	Community name and number	County	Hazard ID date	Rescission date	Reason
AZ	City of Peoria 040050 C	Maricopa	Jan. 21, 1974	Nov. 17, 1978	1A
IN	Plainville TN C	Davies	Mar. 21, 1978	June 1, 1978	1A
MN	Cromwell, City	Carlton	Nov. 4, 1978	June 1, 1978	1A
MO	City of Laredo 290152	Grundy	Oct. 18, 1974	Nov. 17, 1978	1
MO	City of Leadington 290560	St. Francois	Oct. 18, 1974	Nov. 17, 1978	1
MO	City of Linn 290708	Osage	Nov. 28, 1975	Nov. 17, 1978	1
MO	City of Lockwood 290682	Dade	June 11, 1976	Nov. 17, 1978	1
MO	Village of Lone Jack 290853	Jackson	Dec. 10, 1976	Nov. 17, 1978	1
MO	City of Lowry City 290683	St. Clair	July 9, 1976	Nov. 17, 1978	1
MO	City of Luray 290082	Clark	Oct. 30, 1975	Nov. 17, 1978	1
MO	City of Meadville 290566	Linn	Apr. 25, 1975	Nov. 17, 1978	1
MO	Village of Monticello 290207	Lewis	Dec. 27, 1974	Nov. 17, 1978	1
MO	City of Napoleon 290547	Lafayette	June 11, 1976	Nov. 17, 1978	1
MO	City of Montgomery 290689	Montgomery	July 9, 1976	Nov. 17, 1978	1
MO	City of Nelson 290405	Saline	Dec. 17, 1978	Nov. 17, 1978	1
MO	City of Newton 290551	Sullivan	July 30, 1976	Nov. 17, 1978	1
MO	City of Nina 290078	Christian	Jan. 16, 1976	Nov. 17, 1978	1
MO	City of Osborn	De Kalb	July 18, 1975	Nov. 17, 1978	1
MO	City of Otterville 290556	Cooper	April 25, 1975	Nov. 17, 1978	1
MO	Village of Parkway 290532	Franklin	July 21, 1976	Nov. 17, 1978	1
MO	City of Parnell 290533	Nodaway	May 25, 1975	Nov. 17, 1978	1
MO	City of Perry 290676	Ralls	Feb. 14, 1975	Nov. 17, 1978	1
MO	Village of Pocahontas 290680	Cape Girardeau	Oct. 29, 1976	Nov. 17, 1978	1
MO	City of Ravenwood 290541	Nodaway	June 27, 1975	Nov. 17, 1978	1
OH	Village of Hammerville 390676 C	Brown	Feb. 14, 1975	Nov. 17, 1978	1A
OH	Village of Riveries 390692	Franklin	Jan. 1, 1975	Nov. 17, 1978	1
OH	Village of South Mt. Vernon 390312	Knox	June 24, 1974	Nov. 17, 1978	3
PA	Blooming Valley 421559 C	Crawford	Apr. 9, 1976	Nov. 17, 1978	1A

FIA MAP RESCISSIONS—Continued

State	Community name and number	County	Hazard ID date	Rescission date	Reason
PA	Boro Ellport 422462 C	Lawrence	Jan. 24, 1975	Nov. 17, 1978	1A
PA	Boro Fredonis 422477 C	Mercer	Jan. 3, 1975	Nov. 17, 1978	1A
WI	Cudany, City	Milwaukee	May 14, 1976	June 1, 1978	1A
CA	City of Westminster 060237	Orange	July 2, 1976	Dec. 7, 1978	1A
KS	City of Nortonville 200150	Jefferson	June 18, 1976	Dec. 7, 1978	1
MN	Osseo 270658 C	Hennepin	Jan. 10, 1975	Dec. 7, 1978	1
MO	Village of Raymondville 290542	Texas	Feb. 14, 1975	Dec. 7, 1978	1
MO	City of Savannah 290664	Andrew	Nov. 5, 1976	Dec. 7, 1978	1
MO	City of Seligman 290521	Barry	Nov. 5, 1976	Dec. 7, 1978	1
MO	City of Shelbyville 290666	Shelby	Apr. 18, 1975	Dec. 7, 1978	1
MO	City of Sheldon 290522	Vernon	Jan. 3, 1975	Dec. 7, 1978	1
MO	City of Sheridan 290523	Worth	July 2, 1976	Dec. 7, 1978	1
MO	Village of Sibley 290177	Jackson	Jan. 16, 1976	Dec. 7, 1978	1
MO	Village of Silver Creek 290524	Newton	Oct. 29, 1976	Dec. 7, 1978	1
MO	City of Sparata 290529	Christian	Apr. 2, 1976	Dec. 7, 1978	1
MO	City of Spickard 290530	Grundy	Feb. 9, 1975	Dec. 7, 1978	1
MO	City of Stotts City 290531	Lawrence	Oct. 29, 1976	Dec. 7, 1978	1
MO	City of Strafford 290506	Greene	Apr. 30, 1976	Dec. 7, 1978	1
MO	City of Summerville 290507	Texas	Jan. 31, 1975	Dec. 7, 1978	1
MO	City of Tipton 290640	Moniteau	Jan. 17, 1975	Dec. 7, 1978	1
MO	City of Truesdale 290511	Warrenton	Nov. 12, 1976	Dec. 7, 1978	1
MO	Village of Unlity 290513	Jackson	June 3, 1977	Dec. 7, 1978	1
MO	City of Velda Village 290643	St. Louis	July 2, 1976	Dec. 7, 1978	1
MO	City of Wardsville 290633	Cole	July 11, 1975	Dec. 7, 1978	1
MO	City of Washburn 290024	Barry	Jan. 10, 1975	Dec. 7, 1978	1
MO	City of Waverly 290644	LaFayette	July 11, 1975	Dec. 7, 1978	1
MO	City of Wellsville 290652	Montgomery	July 30, 1976	Dec. 7, 1978	1
MO	Village of Westboro 290635	Atchison	July 11, 1975	Dec. 7, 1978	1
MO	City of Wheaton 290636	Barry	Aug. 13, 1976	Dec. 7, 1978	1
MO	City of Wheeling 290637	Livingston	Dec. 24, 1976	Dec. 7, 1978	1
MO	Wright City 290654	Warren	Nov. 14, 1975	Dec. 7, 1978	1
OH	Village of Verond 390464	Preble	May 28, 1976	Dec. 7, 1978	1
TN	City of Gibson 470286	Gibson	July 18, 1975	Dec. 7, 1978	1
MN	Big Lake, City 270663 C	Sherburne	Jan. 17, 1975	Dec. 26, 1978	1A
MN	Dellwood, City 270694 C	Washington	July 15, 1977	Dec. 26, 1978	1A
MN	Deephaven, City 270158 C	Hennepin	Apr. 4, 1975	Dec. 26, 1978	1A
MN	Greenwood, City 270164 C	Hennepin	May 31, 1974	Dec. 26, 1978	1A
MN	Lauderdale, City 270376 C	Ramsey	Oct. 17, 1975	Dec. 26, 1978	1A

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FIA MAP RESCISSIONS—Continued

State	Community name and number	County	Hazard ID date	Rescission date	Reason
MN	Oakdale, City 270511 C	Washington	June 25, 1975	Dec. 26, 1978	1A
MN	St. Bonifacius City 270183 C	Hennepin	May 28, 1976	Dec. 26, 1978	1A
MN	Young America City 270656 C	Carver	Jan. 31, 1975	Dec. 26, 1978	1A
OK	Mulhall, Town 400310	Logan	May 28, 1976	Dec. 26, 1978	1A
PA	Coaldale, Boro 420768 C	Schuylkill	June 4, 1976	Dec. 26, 1978	1A
WV	Blacksville, City 540140 C	Monongalia	Oct. 26, 1978	Dec. 26, 1978	1A
WV	Flemington, Town 540189 C	Taylor	July 23, 1976	Dec. 26, 1978	1A
VA	Standardville, Town 510251 C	Greene	Feb. 11, 1977	Dec. 26, 1978	1A
VA	Strasburg, Town 510149 C	Shenandoah	Dec. 28, 1973	Dec. 26, 1978	1A

KEY TO SYMBOLS

- E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
 C The community is participating in the Emergency Program. It will be converted to the Regular Program without an FIA map.
 R The community is participating in the Regular Program.
- The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
 - 1A. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
 - The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
 - The Community lacked land-use authority over the special flood hazard area.
 - A more accurate FIA map is the effective map for this community.
 - The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
 - The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
 - The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
 - The T&E or H&E Map was rescinded.
 - A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3024 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4403]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Brookfield, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood

elevations, for the Town of Brookfield, Fairfield County, Connecticut.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Brookfield, Fairfield County, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Still River.....	620 feet upstream from corporate limits with New Milford.	231
	2,250 feet upstream from Aldrich Road.	232
	Just upstream of confluence with Limekiln Brook.	235
	2,040 feet upstream from confluence with Limekiln Brook.	239
	100 feet downstream from second dam downstream from Station Road.	250
	Just upstream of second dam downstream from Station road.	257
	180 feet upstream from first dam downstream from Station Road.	266
	Just upstream of Station Road (Route 25).	272

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Silvermine Road.....	277
	Upstream of Route 7 (1,000 feet upstream from Silvermine Road).	278
	450 feet upstream from Route 133.	279
	900 feet upstream from Route 7 (downstream of Grays Bridge Road).	282
	Just upstream of relocated Grays Bridge Road.	283
	660 feet upstream from Route 7 (upstream of Grays Bridge Road).	284
	Upstream of East Brook confluence.	286
	470 feet upstream from White Turkey Road.	287
	At the upstream corporate limits with Danbury.	287
	Limekiln Brook	At the confluence with Still River.
	70 feet upstream from Route 7.	236
	Just upstream of North Mountain Road.	240
	At upstream limit of study near Hillside Court.	241
East Brook.....	At the confluence with Still River.	286
	100 feet upstream from private drive (460 feet upstream from U.S. 302).	288
	40 feet downstream from private drive (1,050 feet upstream from U.S. 302).	303
	165 feet upstream from private drive.	306
	Downstream end of culvert.	310
	Upstream end of culvert.	316
	120 feet upstream from third driveway upstream from the culvert.	320
	125 feet upstream from the second dam downstream from Rocky Road.	345
	Just downstream of first dam downstream of Rocky Road.	355
	Upstream of the first dam downstream of Rocky Road.	359
	30 feet downstream from Rocky Road.	378
	Upstream side of Rocky Road.	380
	570 feet upstream from Rocky Road.	383
	1,370 feet upstream from Rocky Road.	405
	2,650 feet upstream from Rocky Road.	429
	30 feet downstream from Huckleberry Hill Road.	480
	Upstream side of Huckleberry Hill Road.	485
	Just upstream of a driveway, 830 feet upstream of Huckleberry Hill Road.	519

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-3040 Filed 1-31-79; 8:45 am]

[4210-01-M]

IDocket No. FI-32241

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Rosemont, Cook County, Illinois, are available for review at the Rosemont Vil-

lage Hall, 9301 West Bryn Mawr, Rosemont, Illinois.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Des Plaines River..	Downstream Corporates Limits.....	628	
	Kennedy Expressway	627	
	Northwest Tollway.....	627	
	Higgins Road.....	627	
	Upsteam Corporate Limits.....	627	
	Willow Creek	Confluence w/Des Plaines River.....	627
		River Road.....	630
Northwest Tollway.....		631	
Interstate 294.....		631	
Ruby Street.....		631	
Route 72.....		638	
Soo Line Railroad.....		640	
Orchard Drive.....		640	
Route 45.....		641	
Lee Street.....		643	
Upstream Corporate Limits.....	643		

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of

1978, P.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: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3041 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-42711]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Township of Frankenlust, Bay County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Frankenlust, are available for review at Township Hall, 2401 Delta Road, Bay City, Michigan.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Frankenlust, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Saginaw River	Hotchkiss Road—20 feet*.....	585	
	Upstream Corporate Limits.....	580	
Saginaw River West Channel.....	Confluence with Dutch Creek.....	585	
	Dutch Creek	Euclid Road—40 feet*.....	585
Minnesota Highway 84—50 feet*.....		585	
Squaconning Creek.....	Ziegler Road—20 feet*.....	585	
	Southbound Interstate Highway 75—50 feet*.....	580	
		Minnesota Highway 84—100 feet*.....	580
	Bay Valley Road—20 feet*.....	589	
	Four Mile Road—20 feet*.....	593	
	Hotchkiss Drive—100 feet*.....	590	
Squaconning Creek Secondary Channel.....	Minnesota Highway 84—50 feet*.....	580	
	Kochville and Frankenlust Drain.....	Delta Road—20 feet*.....	591
Amclith Road—50 feet**.....		602	
Kloha Road—10 feet*.....	604		
	Mackinaw Road—10 feet**.....	600	
	Klauss Drain.....	Footbridge—10 feet*.....	594
		South Campus Drive—50 feet*.....	593
Delta Road—50 feet*.....	604		

*Upstream of centerline.
**Downstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 19, 1979

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3042 Filed 1-31-79; 8:45 am]

[3810-71-M]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 705—PUBLIC AFFAIRS REGULATIONS

Amendments

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: These regulations are being amended to incorporate the changes made to the underlying regulation, Department of the Navy Public Affairs Regulations (SECNAVINST 5720.44), and to update Part 705.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant-Jesse J. Graham II, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370, telephone number (202) 694-5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred in 5 U.S.C. § 301 and 10 U.S.C. § 5031, the Department of the Navy amends 32 CFR Part 705. Part 705 is a codification of the Department of the Navy Public Affairs Regulations (SECNAVINST 5720.44). These amendments basically reflect nonsubstantive changes to the underlying regulations adopted by the Secretary of the Navy. They relate to internal naval management and/or rules of agency organization, procedure, and practice. It has been determined that invitation for public comment on these amendments prior to adoption would be impracticable, unnecessary, and contrary to the public interest and thus is not required under the rule-making provisions in Parts 296 and 701 of 32 CFR.

Accordingly, 32 CFR Part 705 is amended as follows:

1. Section 705.2 is revised as follows:

§ 705.2 Chief of Information and the Office of Information (CHINFO).

(a) The Chief of Information is the direct representative of the Secretary of the Navy and of the Chief of Naval Operations in all public affairs and internal relations matters. As such, the Chief of Information has the authority to implement public affairs and internal relations policies and to coordinate Navy and Marine Corps public affairs and internal relations activities of mutual interest.

(b) The Chief of Information will keep Navy commands informed of De-

partment of Defense policies and requirements. No command within the Department of the Navy, except Headquarters, Marine Corps, will deal directly with the Office of the Assistant Secretary of Defense (Public Affairs) on public affairs matters unless authorized to do so by the Chief of Information.

(c) The Chief of Information will be consulted on all Navy public affairs and internal relations matters and informed of all operations and proposed plans and policies which have national or international (and in the case of audio-visual material, regional) public affairs aspects.

(d) The Chief of Information heads the Navy Office of Information, the Navy Internal Relations Activity (NIRA), the Office of Information Branch Offices (NAVINFOS), the Navy Public Affairs Center (NAVPA-CENS) and the Fleet Home Town News Center (FHTNC). In addition, the Chief of Information has responsibility (on behalf of the Secretary of the Navy as Executive Agent for the Department of Defense) for the High School News Service and has operational control of the U.S. Navy Band, Washington, D.C.

(e) The Navy Office of Information Branch Offices (NAVINFOS) are located in Atlanta, Boston, Chicago, Dallas, Los Angeles, and New York. As representatives of the Secretary of the Navy, Chief of Naval Operations, and Chief of Information, the NAVINFOS have a primary mission of providing direct liaison with local and regional mass communications media.

(1) The function of the NAVINFOS are as follows:

(i) Establish and maintain close personal relationships with local television, radio, film, publishing, and other mass-media organizations including minority-group-oriented media.

(ii) Seek ways through these media to inform the public about naval personnel and activities.

(iii) Provide assistance to media organizations and respond to their interest in Navy programs, stories, and features. In this regard, maintain informal liaison with various information offices afloat and ashore in order to respond to requests from local media representatives, particularly those from inland areas, who desire to visit fleet units or activities ashore.

(iv) Provide advice on Navy cooperation and assistance, as appropriate, to representatives of national industrial and commercial organizations, including advertising agencies.

(v) Maintain a library of Navy motion picture films for use by local television stations, distribute news films and audio material, and otherwise perform normal audio-visual functions at the local level.

(vi) Provide personnel and other assistance as appropriate, to special Command Information Bureaus and public information staffs of other naval activities as directed by the Chief of Information.

(vii) Advise the Chief of Information on current trends and significant problems relating to local media requirements.

(viii) Seek ways to support the long-range goals and immediate priorities of the Navy.

(ix) Provide advice and assistance in the placement of news and feature materials to the field activities of the Navy Recruiting Command.

(x) Perform such other tasks as may be assigned by the Chief of Information.

(2) Additionally, NAVINFO Los Angeles is the Navy representative for all appropriate liaison with motion picture and network television offices in the Hollywood area. Naval activities will channel all requests for information or assistance from these media to NAVINFO Los Angeles, which will coordinate with CHINFO.

(3) Additionally, NAVINFO New York is the Navy representative for all appropriate liaison with television and radio networks in the New York area and with magazine and book publishers in that area. Requests for assistance originating from these media should be directed to NAVINFO New York, which will coordinate with CHINFO.

(4) Except as specifically directed by CHINFO, the Branch Offices do not have responsibility or authority for community relations or internal relations.

(5) Direct liaison between NAVINFOS and Naval District public affairs offices, Navy recruiters and other naval activities afloat and ashore is encouraged.

(f) Areas covered by the respective offices are:

(1) NAVINFO Atlanta: Alabama, the District of Columbia, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Southern West Virginia.

(2) NAVINFO Boston: Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(3) NAVINFO Chicago: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Northern West Virginia.

(4) NAVINFO Dallas: Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(5) NAVINFO Los Angeles: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

RULES AND REGULATIONS

(6) NAVINFO New York: Connecticut, Delaware, New Jersey, New York, and Pennsylvania:

(g) The Navy Public Affairs Centers (NAVPACENs) are located in Norfolk and San Diego. The centers have a primary mission of producing Navy stories for dissemination to the media through normal information channels.

(1) The following tasks are included among the functions of the NAVPACENs.

(i) Produce written, audio and photographic feature public information material about fleet and shore personnel, units and activities, as coordinated with and approved for policy and concept by the respective fleet and shore commander concerned.

(ii) Serve as public affairs emergency reaction teams/resource personnel responsive to the requirements of the CNO and CHINFO, and when feasible and appropriate and as approved by CNO or CHINFO, serve as public affairs emergency reaction teams/resource personnel in support of Fleet Commanders.

(iii) Develop feature material to support the long range goals and the immediate priorities of the Navy. Direct liaison is authorized with the Navy Recruiting Command, Recruiting Areas, Recruiting Districts, and other Commanders as appropriate to achieve this function.

(iv) Perform such other tasks as may be assigned by the Chief of Information.

(2) NAVPACENs will have no public affairs news media responsibilities which conflict with the basic public affairs responsibilities of Fleet Commanders-in-Chief. Specifically, NAVPACENs are excluded from responding to news media queries, releasing news information, arranging news media embarkations, or any other day-to-day news media services concerning the respective fleets. These responsibilities remain with the Fleet Commander.

(3) NAVPACENs have no direct responsibility or authority for community relations or internal relations and shall defer in these areas to the cognizant Naval District Commandant.

(4) Direct liaison with Fleet Commanders-in-Chief and NAVINFOs is appropriate and authorized. As approved by the Fleet CINCs, direct liaison with forces afloat and shore activities under the Fleet CINCs is appropriate.

(5) NAVPACENs will carry out their mission and functions in such a manner as not to interfere with the public affairs responsibilities of the District Commandants.

2. Paragraph (b) of § 705.4 is revised as follows:

§ 705.4 Communication directly with private organizations and individuals.

(b) Assistance within the command's capabilities should (and in some cases, must) be given. Where an established channel for obtaining the item exists, such as a publication stocked by the Superintendent of Documents (Government Printing Office), or photos, as explained in the subparagraph below, the requester may be directed to it. Under some circumstances, a charge may be made. (Consult Part 701 or the command's Freedom of Information authority for details.) If a lengthy search, beyond the convenient manpower resources of the command, would be required, the requester may be offered the opportunity of examining the material at the command instead of copies being made.

3. Paragraph (c) of § 705.8 is revised as follows:

§ 705.8 Motion pictures.

(c) Navy assistance to motion pictures and all other audio-visual products produced by Navy contractors will be subject to the same rules and procedures that apply to other non-government producers. Audio-visual products produced by Navy contractors, with or without Navy assistance, will be submitted to the Chief of Information via the appropriate Navy headquarters activity for coordination with the Assistant Secretary of Defense (Public Affairs) for clearance for public release. They will be accompanied by five copies of the script and a statement from the producer that costs were paid from corporate (vice contract) funds.

4. Subparagraphs (d)(2) and (d)(4) of § 705.14 are revised as follows:

§ 705.14 Embarkation of media representatives.

(d) *Communications.*

(2) All persons embarked with permission of proper authority and accredited as correspondents are eligible to file press traffic, as authorized by the procedures set forth in Naval Telecommunication Procedures (NTP-9), "Commercial Communications."

(4) Messages and instructions from editors and station managers to em-

barked newsmen will be handled as press traffic, as authorized in Naval Telecommunication Procedures (NTP-9).

5. In subparagraph (b)(3)(i) of § 705.16, lines seven, eight, and nine of the labeling address are revised as set forth below.

6. Subparagraph (b)(4) of § 705.16 is deleted.

7. § 705.16 is also amended by adding an new paragraph (c) as follows:

§ 705.16 Navy produced public information material.

(b) * * *

(3) * * *

(i) * * *

Commanding Officer, U.S. Naval Photographic Center (ATTN: CHINFO Liaison), Washington, DC 20374.

(c) FLEET HOME TOWN NEWS CENTER (FHTNC).

(1) All public affairs officers will assure that appropriate news and photo releases on personnel of their commands are regularly sent to the Fleet Home Town News Center.

(2) Procedures, requirements and formats are contained in CHINFOINST 5724.1.

8. In paragraph (q) of § 705.17, at lines five and six, the last sentence is revised as follows: Other exceptions may be given under unusual circumstances.

9. Section 705.17 is further amended by revising paragraphs (s), (t), and (u), and by adding new paragraphs (v) and (w), as follows:

§ 705.17 Participation guidelines.

(s) Navy participation in public events shall be authorized only when it can be reasonably expected to bring credit to the individuals involved and to the Armed Forces and their recruiting objectives. Naval personnel will not be used in such capacities as ushers, guards, parking lot attendants, runner or messengers, baggage handlers or for crowd control, or in any installations.

(t) Maximum advantage of recruiting potential will be taken at appropriate events for which Navy participation has been authorized.

(u) Navy support will not normally be authorized for commercially-oriented events such as shopping center promotions, Christmas parades, and other such events clearly sponsored by, or conducted for the benefit of commer-

cial interests. However, this policy does not preclude participation of Navy recruiting personnel and their organic equipment, materials and exhibits so long as their participation is not used to stimulate sales or increase the flow of business traffic or to give that appearance. Requests for exceptions will be considered on a case-by-case basis by the Chief of Information.

(v) Questions as to appropriateness of Navy participation, or as to existing Navy and OASD (PA) policy, may be referred to the Chief of Information.

(w) Procedures for requesting participation are addressed in § 705.21.

§ 705.20 [Amended]

10. In paragraph (a) and subparagraph (a)(20) of § 705.20, the word "load" is changed to "loan."

11. In subparagraph (b)(4) of § 705.20, in the first line, the word "gristis" is changed to "group visits."

12. In paragraph (c) of § 705.20, in the fourth line, the cite to "OPNAVINST 5030.11A" is changed to "OPNAVINST 5030.11B."

§ 705.22 [Amended]

13. In paragraph (e) of § 705.22, the second line is amended as follows: in the Community (refer to SECNAVINST 5370.2F and DOD Directive 5500.7):

§ 705.23 [Amended]

14. In paragraph (e) of § 705.23, in the 20th line, the phrase "back to your home" is added after the word "debar-kation."

15. In subparagraph (c)(1) of § 705.24, lines one through five are revised as set forth below.

16. In subparagraph (c)(2)(ii) of § 705.24, in the fifth and sixth lines, the phrase, "See § 705.28 following, 'Interagency Exhibit Program,'" is deleted.

17. Finally, subparagraph (c)(4) of § 705.24 is amended as set forth below.

§ 705.24 Exhibits.

(c) * * *

(1) Requests for Navy exhibits, other than local exhibits may be forwarded to the Navy Recruiting Exhibit Center via the local Navy recruiter with an information copy to the Chief of Information. The primary mission of the Navy Recruiting Exhibit Center is to support local Navy recruiters. Requests for exhibits for community relations events will be considered favorably only when not in conflict with recruiting requirements.

(4) Requests for exceptions to policy for exhibit displays should be forward-

ed to the Officer in Charge, Navy Recruiting Exhibit Center.

§ 705.25 [Amended]

18. Paragraph (b) of § 705.25 is deleted.

§ 705.26 [Amended]

19. In paragraph (b) of § 705.26 in the third and sixth lines the phrase "Navy Exhibit Center" is amended to "Navy Recruiting Exhibit Center."

20. Subparagraph (b)(3) of § 705.29 is amended as set forth below.

21. Paragraph (c) of § 705.29 is amended as set forth below.

22. Finally, in subparagraph (d)(1) of § 705.29, in the seventh and twenty-second lines, the phrase "Navy Exhibit Center" is amended to "Navy Recruiting Exhibit Center."

§ 705.29 Navy Art Collection.

(b) * * *

(3) The Curator Navy Combat Art Center, in coordination with the Chief of Information, will:

(c) Requests for art displays should be forwarded to the Director, Community Relations Division, Office of Information, Navy Department, Washington, DC 20350.

23. Section 705.34 is amended by revising paragraphs (a) and (e) as follows:

§ 705.34 Other Special Events.

(a) *Ship visits.* Requests for visits generally originate with civic groups desiring Navy participation in local events. Often, members of Congress endorse these requests, advising the Navy of their interest in a particular event. Because of the marked increase in requests for ship visits, and in order to give equal consideration to all requests, the Chief of Information has arranged for quarterly meetings of representatives from CHINFO, Commander, Navy Recruiting Command, Chief of Naval Operations and Chief of Legislative Affairs. Based on the importance of the event (nationally, regionally, or locally) location, and prospective audience, recommendations are consolidated and forwarded to the fleet commanders prior to their quarterly scheduling conferences.

(e) *Fund-raising events.*

(1) Navy support of fund-raising events must be limited to recognized, joint or other authorized campaigns. Navy support of fund-raising events or

projects for a single cause, even though the cause is a member of one of the federated, joint or authorized campaigns, or donates in part to one of several of the recognized campaigns, is not authorized by Department of Defense.

(2) Navy support for a single-cause fund-raising event may be authorized if the event is:

(i) in support of Navy recruiting objectives;

(ii) supported by a letter indicating the local United Way representative has no objection; and

(iii) approved by the local Navy Commander as a single-cause charity which has broad local benefit.

24. Subparagraph (c)(1) of § 705.36 is revised as follows:

25. Subparagraph (c)(4)(i) of § 705.36 is deleted and thus subparagraphs (c)(4)(ii) and (c)(4)(iii) of § 705.36 are renumbered as (c)(4)(i) and (c)(4)(ii), respectively.

26. Subparagraph (c)(9)(ii) of § 705.36 is deleted and thus subparagraph (c)(9)(iii) is renumbered as (c)(9)(ii).

§ 705.36 Government transportation of civilians for public affairs purposes.

(c) * * *

(1) This section applies to media representatives who are embarked for the purpose of news gathering or of traveling to an area in order to cover a news event. It does not apply to:

(i) Correspondents when members of groups embarked as regular cruise guests of the Navy.

(ii) Casual trips by correspondents to ships in port or to shore stations in CONUS. Such visits may be authorized by officers in command or higher authority in accordance with instructions promulgated by the Chief of Naval Operations. Written orders are not required.

§ 705.37 [Amended]

27. Subparagraph (d)(2) of § 705.37 is deleted and thus subparagraphs (d)(3) and (d)(4) of § 705.37 are renumbered as (d)(2) and (d)(3), respectively.

Dated: January 25, 1979.

P. B. WALKER,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc. 79-3477 Filed 1-31-79; 8:45 am]

RULES AND REGULATIONS

[7710-12-M]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL
SERVICE

SUBCHAPTER B—INTERNATIONAL MAIL

PART 10—INTERNATIONAL EXPRESS
MAIL RATES

Rates

AGENCY: Postal Service.

ACTION: Final International Express
Mail Rates.

SUMMARY: The Postal Service is beginning International Express Mail Service with Switzerland at rates indicated in the tables below. Rates to Switzerland are the same as those charged to other European countries.

EFFECTIVE DATES: February 1,
1979.FOR FURTHER INFORMATION
CONTACT:

Patricia M. Gibert, (202) 245-5624.

SUPPLEMENTARY INFORMATION: On December 5, 1978, the Postal Service published for comment in the FEDERAL REGISTER proposed rates of postage for International Express Mail covering the Republic of China (Taiwan), Singapore, the Federal Republic of Germany (West Germany) and Switzerland. 43 FR 56959. Interested persons were invited to submit written data, views, or arguments concerning these rates. However, no comments were received. Accordingly, the Postal Service adopted on December 29, 1978, the rates for the first three countries named. 43 FR 60905. Rates for Switzerland had been delayed pending the conclusion of an agreement with that country. The Postal Service now adopts without change the rates of postage for International Express Mail covering Switzerland set out in the following tables (designated Tables 8-3 and 8-11) for inclusion in publication 42, International Mail, incorporated by reference, 39 CFR 10.1.

(39 U.S.C. 401, 403, 404(a)(2), 407, 410(a); Universal Postage Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6.)

W. ALLEN SANDERS,
Acting Deputy General Counsel

S W I T Z E R L A N D
INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	\$27.85	\$27.88	\$27.92	\$27.96	\$28.00	\$28.05	\$28.10
2	29.92	29.98	30.06	30.14	30.22	30.32	30.42
3	31.99	32.08	32.20	32.32	32.44	32.59	32.74
4	34.06	34.18	34.34	34.50	34.66	34.86	35.06
5	36.13	36.28	36.48	36.68	36.88	37.13	37.38
6	38.20	38.38	38.62	38.86	39.10	39.40	39.70
7	40.27	40.48	40.76	41.04	41.32	41.67	42.02
8	42.34	42.58	42.90	43.22	43.54	43.94	44.34
9	44.41	44.68	45.04	45.40	45.76	46.21	46.66
10	46.48	46.78	47.18	47.58	47.98	48.48	48.98
11	48.55	48.88	49.32	49.76	50.20	50.75	51.30
12	50.62	50.98	51.46	51.94	52.42	53.02	53.62
13	52.69	53.08	53.60	54.12	54.64	55.29	55.94
14	54.76	55.18	55.74	56.30	56.86	57.56	58.26
15	56.83	57.28	57.88	58.48	59.08	59.83	60.58
16	58.90	59.38	60.02	60.66	61.30	62.10	62.90
17	60.97	61.48	62.16	62.84	63.52	64.37	65.22
18	63.04	63.58	64.30	65.02	65.74	66.64	67.54
19	65.11	65.68	66.44	67.20	67.96	68.91	69.86
20	67.18	67.78	68.58	69.38	70.18	71.18	72.18
21	69.25	69.88	70.72	71.56	72.40	73.45	74.50
22	71.32	71.98	72.86	73.74	74.62	75.72	76.82
23	73.39	74.08	75.00	75.92	76.84	77.99	79.14
24	75.46	76.18	77.14	78.10	79.06	80.26	81.46
25	77.53	78.28	79.28	80.28	81.28	82.53	83.78
26	79.60	80.38	81.42	82.46	83.50	84.80	86.10
27	81.67	82.48	83.56	84.64	85.72	87.07	88.42
28	83.74	84.58	85.70	86.82	87.94	89.34	90.74
29	85.81	86.68	87.84	89.00	90.16	91.61	93.06
30	87.88	88.78	89.98	91.18	92.38	93.88	95.38
31	89.95	90.88	92.12	93.36	94.60	96.15	97.70
32	92.02	92.98	94.26	95.54	96.82	98.42	100.02
33	94.09	95.08	96.40	97.72	99.04	100.69	102.34

- NOTES:** 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
 2) Pick-up is available under a Service Agreement for an added charge of \$5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
 3) If tendered at origin airport mail facility, deduct \$3.00 from these rates.

S W I T Z E R L A N D

INTERNATIONAL EXPRESS MAIL
ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	\$17.57	\$17.60	\$17.64	\$17.68	\$17.72	\$17.77	\$17.82
2	19.64	19.70	19.78	19.86	19.94	20.04	20.14
3	21.71	21.80	21.92	22.04	22.16	22.31	22.46
4	23.78	23.90	24.06	24.22	24.38	24.58	24.78
5	25.85	26.00	26.20	26.40	26.60	26.85	27.10
6	27.92	28.10	28.34	28.58	28.82	29.12	29.42
7	29.99	30.20	30.48	30.76	31.04	31.39	31.74
8	32.06	32.30	32.62	32.94	33.26	33.66	34.06
9	34.13	34.40	34.76	35.12	35.48	35.93	36.38
10	36.20	36.50	36.90	37.30	37.70	38.20	38.70
11	38.27	38.60	39.04	39.48	39.92	40.47	41.02
12	40.34	40.70	41.18	41.66	42.14	42.74	43.34
13	42.41	42.80	43.32	43.84	44.36	45.01	45.66
14	44.48	44.90	45.46	46.02	46.58	47.28	47.98
15	46.55	47.00	47.60	48.20	48.80	49.55	50.30
16	48.62	49.10	49.74	50.38	51.02	51.82	52.62
17	50.69	51.20	51.88	52.56	53.24	54.09	54.94
18	52.76	53.30	54.02	54.74	55.46	56.36	57.26
19	54.83	55.40	56.16	56.92	57.68	58.63	59.58
20	56.90	57.50	58.30	59.10	59.90	60.90	61.90
21	58.97	59.60	60.44	61.28	62.12	63.17	64.22
22	61.04	61.70	62.58	63.46	64.34	65.44	66.54
23	63.11	63.80	64.72	65.64	66.56	67.71	68.86
24	65.18	65.90	66.86	67.82	68.78	69.98	71.18
25	67.25	68.00	69.00	70.00	71.00	72.25	73.50
26	69.32	70.10	71.14	72.18	73.22	74.52	75.82
27	71.39	72.20	73.28	74.36	75.44	76.79	78.14
28	73.46	74.30	75.42	76.54	77.66	79.06	80.46
29	75.53	76.40	77.56	78.72	79.88	81.33	82.78
30	77.60	78.50	79.70	80.90	82.10	83.60	85.10
31	79.67	80.60	81.84	83.08	84.32	85.87	87.42
32	81.74	82.70	83.98	85.26	86.54	88.14	89.74
33	83.81	84.80	86.12	87.44	88.76	90.41	92.06

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of \$5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

[FR Doc 79-3524 Filed 1-31-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

[FRL 1049-51]

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Attainment Status Designations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On March 3, 1978, the Administrator of the Environmental Protection Agency (EPA) promulgated air quality designations for all areas of the country specifying whether the national ambient air quality standards required to have been attained under the 1970 Clean Air Act have been, in fact, attained. The Administrator's designations were required by the 1977 Amendments to the Clean Air Act, Pub. L. No. 95-95, 91 Stat. 685 (August 7, 1977). Under section 107(d)(1)-(2) of the Amendments, each State was required to assess the air quality within its borders and submit a list to EPA identifying those areas in the State which attained the national ambient air quality standards (NAAQS), those which had not, and those areas which could not be classified. The Administrator was to review the State's designations and promulgate his own list with any modifications he deemed necessary. On March 3, 1978, the Administrator promulgated the designations (43 FR 8972).

Even though the designations were immediately effective, EPA solicited public comments on the designations. On September 11, 12, and October 5, 1978, the Agency published responses to many of the comments received and in many cases, designations were changed. See 43 FR 40412, 43 FR 40502, and 43 FR 45993. The State of New Jersey submitted comments challenging the Agency's policy for designating areas as attainment, nonattainment, or unclassifiable for the ozone standard. The Agency has evaluated the technical comments submitted by New Jersey. The Agency's evaluation is set forth in a Technical Support Document which is incorporated herein. The Agency has determined that the comments do not establish a sufficient technical basis to change any designations. Accordingly, the Agency reaffirms the designations.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Action filed by the State of New Jersey: Ronald C. Hausmann, Office of General Counsel (A-133), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Area designations: G. T. Helms; Control Programs Development Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTAL INFORMATION:

The Clean Air Act Amendments of 1977 (the 1977 amendments), Pub. L. 95-95, added to the Clean Air Act (the Act) a new section 107(d), which directed each State to submit to the Administrator a list of the NAAQS attainment status of all areas within the State. The Administrator was required under section 107(d)(2) of the act to promulgate the State lists, with any necessary modifications. For each standard, areas are designated as either not meeting the standard (nonattainment areas), meeting the standard (attainment areas), or lacking sufficient data to be classified (unclassifiable areas). EPA published these lists in the FEDERAL REGISTER on March 3, 1978, 43 FR 8962, and invited the public to submit comments to the Agency by May 2, 1978.

In guidance to the States while the States were developing designation lists, EPA stated there is scientific evidence that for many of the areas in the eastern portion of the country, without ozone monitoring data, ozone concentrations are probably greater than allowed by the NAAQS. The Agency recommended, therefore, that the eastern States list those areas as nonattainment areas for ozone even though there is no actual monitoring data showing a nonattainment problem. The State of New Jersey followed the EPA recommendation and the entire State was designated as nonattainment with reference to the ozone NAAQS. In contrast, many other States did not follow EPA's recommendation and designated areas in their States without ozone monitoring data as unclassifiable. Since the Agency determined that without actual monitoring data it is impossible to determine for certain that a nonurban area is nonattainment, the Agency approved the unclassifiable designations.

In comments submitted on the March 3, 1978, promulgation, the State of New Jersey contends that EPA's recommendation to the States to designate nonurban areas without monitoring data as nonattainment should have been a requirement and that there is sufficient information to find that in all areas east of the Mis-

issippi River ozone concentrations are greater than the NAAQS allow. New Jersey, therefore, argues that all areas in the eastern half of the country must be designated nonattainment under Section 107(d)(1)(E) of the Act. The Agency has determined that the scientific information relied upon by New Jersey is not definitive enough to require that all areas in the eastern portion of the country be designated nonattainment. Moreover, the Agency's implementation of the nonattainment and prevention of significant deterioration provisions of the 1977 amendments should insure that the national standard is attained by the statutory deadline.

Accordingly, since the comments submitted by New Jersey do not establish a scientific or legal basis for changing the Agency's previous designations, the designations are reaffirmed. A detailed consideration of the comments is set forth in the Agency's technical support document affirming the Agency's ozone designations. See "Technical Support Document for Agency Policy Concerning Designation of Nonattainment Areas for Ozone," which may be obtained by writing Library Services Branch (MD-35), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. The Technical Support Document is incorporated as part of this notice and as part of the record affirming the ozone designations. Authority: Sections 107(d), 171(2), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7661(a)).

Dated: January 26, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-3536 Filed 1-31-79; 8:45 am]

[4310-09-M]

Title 43—Public Lands: Interior

CHAPTER 1—BUREAU OF RECLAMATION; DEPARTMENT OF THE INTERIOR

PART 405—CERTAIN LANDS SOUGHT TO BE COVERED BY RECORDABLE CONTRACTS; COLUMBIA BASIN PROJECT

Deletion of Part

AGENCY: Bureau of Reclamation, Interior.

ACTION: Deletion of Part 405 from the Code of Federal Regulations (CFR).

SUMMARY: 43 CFR Part 405 established rules and regulations for execution of recordable contracts on the Columbia Basin Project, Washington,

pursuant to Section 2 of the Columbia Basin Project Act of March 10, 1943 (57 Stat. 14), as amended by the Act of September 26, 1950 (64 Stat. 1037). Section 2 was repealed in its entirety by the Act of October 1, 1962 (76 Stat. 677, 16 U.S.C. 835c). Accordingly, Part 405 is deleted from the CFR. The part number is reserved for future use of the Bureau of Reclamation, Department of the Interior.

DATE: Deletion of Part 405 is effective February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael S. HacsKaylo, O&M Policy Staff, Bureau of Reclamation, Washington, DC, (202) 343-2148.

SUPPLEMENTARY INFORMATION: The acreage limitation provisions of Reclamation law place a limit of 160 acres on the amount of land for which an individual may receive a Federal-project irrigation water supply. Legislation authorizing the Columbia Basin Project initially placed this limitation at 40 acres and imposed other conditions on eligibility for project water that were stricter than those contained in general Reclamation law. After a number of statutory modifications, those acreage limitation provisions applicable only to the Columbia Basin Project were repealed by the Act of October 1, 1962. The act provided that the project was subject to the general acreage limitation provisions of Reclamation law.

The primary author of this document is Michael S. HacsKaylo, O&M Policy Staff, Bureau of Reclamation, Washington, DC.

Dated: January 24, 1979.

GUY R. MARTIN,
Secretary of the Interior.

[FR Doc. 79-3316 Filed 1-31-79; 8:45 am]

[6315-01-M]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6000-2c]

PART 1067—FUNDING OF CSA GRANTEES

Subpart—Index and Applicability of CSA Regulations (Instructions)

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule which provides an Index to its current regulations. This rule indicates which

directives are in effect for grants made under specific authorities in the Economic Opportunity Act of 1964, as amended and describes the procedures by which the list will be kept current.

EFFECTIVE DATE: This final rule is effective February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Ms. Maryann J. Fair, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone (202) 254-5047, Teletypewriter Number (202) 254-6218.

SUPPLEMENTARY INFORMATION:—The index to CSA subject classification has been deleted since it is mainly for internal CSA use. This document has caused confusion among grantees as to which listing is correct. This index will show a total of 117 directives; whereas the last index showed a total of 127 directives. However, only two brand new directives have been added and a total of 113 directives have been deleted entirely since the last publication. For the first time, we have included a cross-index of CSA Instructions and Code of Federal Regulation (CFR) parts relating to grantees. This will enable grantees who subscribe to the CFR to locate Instructions that have been codified as well as identify the ones that have not been codified.

(The provisions of this subpart are issued under Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR is amended as follows:

Subpart-Index and applicability of CSA Regulations (Instructions) is revised as follows:

Subpart—Index and Applicability of CSA Regulations (Instructions)

Sec.
1067.50-1 Applicability.
1067.50-2 Policy.
1067.50-3 Background.
1067.50-4 Determining Applicability.
1067.50-5 Procedures.
1067.50-6 Distribution to Delegate Agencies
Appendix A
Appendix B
Appendix C

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart—Index and Applicability of CSA Regulations (Instructions)

§1067.50-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, III-B and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration:

§1067.50-2 Policy.

The General Conditions of all CSA-administered grants made under the authorities of Titles II, III-B and VII of the Economic Opportunity Act provide that program funds expended under the grant are subject to CSA directives. This subpart shows which directives are in effect for grants made under specific authorities in the EOA and describes the procedures by which the list will be kept current.

§1067.50-3 Background.

(a) CSA's present issuance system is made up of the following types of issuance which set forth the policy and procedures to be followed by a grantee or offer advice as to how a grantee may better accomplish its objectives: Instructions, Notices, Handbooks, and Guidances. (These regulations may be referred to as "OEO" or "CSA" Instructions or Notices; in either case these regulations are deemed to be the policy statements of the Community Services Administration).

(b) **Current Issuance System.** (1) *Instructions:* These issuances set forth policies and procedures and are binding on the grantees to which they are applicable as shown in Appendix B to this subpart.

(2) *Notices:* These issuances announce matters of temporary concern or one time occurrence. They also announce interim policy on which immediate action is required, in which case they will be later replaced by more detailed subpart. These Notices are binding on the grantees to which they apply as shown in Appendix B.

(3) *Guidances:* These issuances are not binding on the grantee but are designed to offer suggestions as to how particular functions may be performed better. Since these issuances are not directives they are not included in the Appendix to this subpart but are issued periodically on a separate listing.

(4) *Handbooks:* These issuances include publication sometimes titled "pamphlets or manuals" and collect information relating to one subject. The information compiled in a handbook is drawn from Instructions, Notices and Guidances and arranged for programmatic convenience in one document.

(c) *Daily Publication.* On September 28, 1978 CSA began publishing all proposed rules in the FEDERAL REGISTER exclusively (Monday and Thursday of each week). CSA is requiring that grantees have access to daily publications of this document for the duration of their grants which are funded by CSA. If grantees do not have access to the FEDERAL REGISTER either through a direct subscription or a circulating copy, they must take immediate steps to purchase subscription.

§ 1067.50-4 Determining Applicability.

(a) Appendix B to this subpart is a chart which lists all CSA directives which are still in effect as of this instruction. The chart indicates which of seven general categories of grants each directive applies. The seven categories correspond to sections of the EOA under which grants are authorized. An "X" in any column of the chart indicates that the directive applies to that grant category. Grants under Section 221/222(a) apply only to Community Action Agencies (CAAs), and not to Limited Purpose Agencies (LPAs) funded under those sections. This is indicated by "CAA" in lieu of "X" in the "221/222(a)" column. (Any directive not included in this list has been superseded and is no longer binding on the grantee.)

(b) Instructions and Notices contain an Applicability section which indicates which types of grants are covered by the issuance. Normally, this applicability is expressed in terms of specific statutory authority under which the grant is made. However, the applicability of CSA regulations shown in Appendix B supersedes applicability language stated explicitly on the face of each directive or, by implication, in the body of the directive's text which follows. (For example, by its terms OEO Instruction 6710-1, "Applying for a CAP Grant" applies only to CAAs. Since its applicability has been expanded to apply to grantees other than CAAs, the term "CAA" wherever referred to as a grantee or a prospective grantee shall be understood to include grantees other than CAAs unless the contrary is required by context.)

(c) Although a particular issuance may not be applicable to a general category of grants, such as to grants funded under Section 232, the special conditions to an individual grant in that category may make such an issuance applicable.

§ 1067.50-5 Procedures.

(a) Appendix A to this subpart lists additions, deletions, and correction or regulations since issuance of the last Index (March 28, 1978.)

(b) Appendix B to this subpart is a listing of all current policy statements applicable to grantees funding by CSA.

(c) Appendix C to this subpart is a cross-index of CSA Instructions and CFR parts relating to grantees. The cross-index will be easier for grantees to locate subparts in the CFR that have been codified, as well as identify the ones that have not been codified.

(d) Check all sets of issuances which you may have to determine whether they are accurate. Missing items in these sets may be ordered from:

(1) CSA Publications and Distribution Center, 49 L Street, S.E., Washington, D.C. 20003.

(ii) PLEASE DO NOT ORDER COMPLETE SETS SINCE THEY ARE NOT AVAILABLE. However, individual items are in stock.

(e) Grantees should cross-check all issuances in their possession and take the following actions:

(i) Remove all issuances which are not listed on the chart, or which are not applicable to them.

(ii) On those issuances listed on the chart, make pen-and-ink changes in the applicability sections, as necessary, to conform to the applicability status shown on the chart (e.g., adding and/or deleting sections or titles which do not/do appear on the original issuance.)

§ 1067.50-6 Distribution to Delegate Agencies.

Each grantee should assure that at least one copy of all instructions has been forwarded to the Director of each of its delegate agencies. In addition, the grantee should establish a distribution system which will assure that each recipient (including delegate agencies) will also be furnished new issuances.

APPENDIX A

1. Changes to Index Since March 28, 1978.

a. Additions.
We would like to call your attention to the following regulations published since March 28, 1978.

(1) N-6000-4, Notice and Information on Certain 1978 Amendments to the EOA (Effective November 27, 1978).

(2) I-6000-2c, Index and Applicability of CSA Regulations (Instructions) (Effective on February 1, 1979).

I-6004-1k, CSA Income Poverty Guidelines (Revised) (Effective May 5, 1978).

(4) I-6005-2, Citizen Participation Grant Program—Fiscal Year 1978 (Effective August 9, 1978).

(5) I-6100-1b, Program Account Structure (Effective June 8, 1978).

(6) I-6100-1b, Ch.1, Program Account Structure (Effective August 1, 1978).

(7) I-6132-2a, Community Food and Nutrition Program (Effective July 14, 1978).

(8) I-6168-2b, Summer Youth Recreation Program (Effective May 3, 1978).

(9) I-6730-1a, Denial of Refunding (Effective July 6, 1978).

(10) I-6710-3a, Ch.2, CSA Procedures for the Federal Project Notification and Review System (PNRS) (Effective September 29, 1978).

(11) I-6800-10, Ch.1, Payment Requirements (Effective September 28, 1978).

(12) I-6802-3a, Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs (Effective December 11, 1978).

(13) I-6803-1b, Allowances and Reimbursements for Members of Policy Making Bodies (Effective January 10, 1979).

(14) I-6903-1a, Policies and Procedures on \$18,000 Per Year Salary Limitation (Effective January 10, 1979).

(15) 7000-1, FEDERAL REGISTER; Access to Daily Publication (Effective September 28, 1978).

b. Deletions.

We would like to call your attention to the following deletions of regulations since March 28, 1978 and reasons for such.

Deletions; Superseded by and/or Reason for Deletion

(1) I-6000-1, Index to OEO Directives; Dropped since it is mainly for internal CSA use and its continuing as part of the CSA directive system has caused confusion among grantees regarding which document is the correct listing of current CSA directives.

(2) N-6000-1, Notice and Information on Certain 1972 Amendments to the EOA; CSA Notice 6000-4.

(3) I-6000-2b, Index and Applicability of CSA Regulations (Instructions); CSA Instruction 6000-2c.

(4) I-6004-1j, CSA Income Poverty Guidelines (Revised); CSA Instruction 6004-1k.

(5) I-6015-01, Maximum Use of Existing Community Facilities; Dropped because all information relevant to grantees is guidance.

(6) I-6100-1a, Program Account Structure; CSA Instruction 6100-1b.

(7) I-6100-1a, Ch.1, Program Account Structure; CSA Instruction 6100-1b.

(8) I-6132-2, Community Food and Nutrition Program; CSA Instruction 6132-2a.

(9) I-6143-3, Emergency Energy Conservation Program; Waivers for Farmworker Governed Organizations; Expired September 30, 1978.

(10) N-6143-7, Emergency Energy Conservation Program; Funding Requirements for Emergency Energy Assistance Program; Expired December 31, 1978.

(11) I-6168-2b, Summer Youth Recreation Program; CSA Instruction 6168-2b.

NOTE.—The reason the number is the same as last year's 6168-2b, is because the only change was the listing of State School Lunch Directors which has been updated to reflect changes in this year's list.

(12) I-6302-1, Choice of Project Names—Avoiding Infringement of Trademarks and Service Marks; Dropped because all information relevant to grantees is guidance.

(13) N-6347-2, Rural Home Repair; FmHA Cooperation; Expired November 30, 1978.

(14) I-6730-1, Denial of Refunding; CSA Instruction 6730-1a.

(15) N-6802-2, Non-Federal Share Requirement for Title II, Sections 221, 222(a) and 231 Programs; CSA Instruction 6802-3a.

(16) I-6802-3, Non-Federal Share Requirement for Title II, Sections 221, 222(a) and 231 Programs; CSA Instruction 6802-3a.

(17) I-6802-4, Additional Communities Eligible for Waivers of Non-Federal Share Requirement (Puerto Rico, Trust Territories, the Virgin Island and Indian Tribes on Reservations); CSA Instruction 6802-3a.

(18) I-6802-6, Additional Criteria for Waiver of Non-Federal Share; CSA Instruction 6802-3a.

(19) I-6802-7, Criteria for Waiver of Non-Federal Share; Disaster Relief; CSA Instruction 6802-3a.

(20) I-6802-8, Waiver of Non-Federal Share; Reprogrammed Special Crisis Intervention Funds; CSA Instruction 6802-3a.

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- (21) I-6803-02, Revised Policy on Allowances and Reimbursements of Policy Making Bodies; CSA Instruction 6803-1b.
- (22) I-6803-1a, Allowances and Reimbursements for Members of Policy Making Bodies; CSA Instruction 6803-1b.
- (23) I-6903-1, Policies and Procedures on \$18,000 Per Year Salary Limitation; CSA Instruction 6903-1a.
- (24) I-7401-1, State/Special Technical Assistance Program; Dropped because we are not currently funding this activity.
- (25) I-7801-1, CAP Policy and Guidance System; Dropped because all information relevant to grantees is guidance.
- (26) I-1210-3, Exchange Visitors in Anti-poverty Programs: Applications for Waiver of Foreign Residence Requirement; This regulation is obsolete and should be removed from the CFR. The procedures contained in it have not been used for several years. 45 CFR Part 1012 is deleted from the Code of Federal Regulations.

c. Correction.

We would like to call your attention to an item listed in the March 28, 1978 index:

The reference and item dealing with OEO Instruction 6907-01, Restrictions on Political Activities should have read 45 CFR 1069.6-2(a)(5). This regulation is revoked because it has been considered legally questionable since 1973 on the basis of *Local 2677 v Phillips* 358 F. SUPP. 60(1973), and has not been recognized or enforced as a CSA regulation since then.

Index and Applicability of CSA Regulations (Instructions)
By Funding Source

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-D 312
					221- 222(a)	230	231	232	
	N	6000-4	Notice and Information on Certain 1978 Amendments to the EOA		X	X	X	X	X
	I	6000-2c	Index and Applicability of CSA Regulations (Instructions)	X	X	X	X	X	X
	I (CG)	6001-01 (B.9)	Means of Carrying Out a Community Action Program	X	X	X	X	X	X
	I (CG)	6001-03 (C.2)	Characteristics of Eligible Activities		X				
	I	6001-1	Eligible Activities						
	I	6004-01a	Title 45, Code of Federal Regulations, Part 1010, Nondiscrimination in Federally Assisted Programs of the Office of Economic Opportunity Effectuation of Title VI of Civil Rights Act of 1964	X	X	X	X	X	X
	I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo								

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-B
					221-222(a)	230	231	232	
	I	6004-01a, CH-1	Title 45, Code of Federal Regulations, Part 1010, Nondiscrimination in Federally-Assisted Programs of the Office of Economic Opportunity Effecutation of Title VI of Civil Rights Act of 1964	X	X	X	X	X	X
	I	6004-1k	CSA Income Poverty Guidelines (Revised)	X	X	X	X	X	X
	I	6004-2	Limitation on Benefits of Those Voluntarily Poor	X	X	X	X	X	X
	N	6004-2	Requirement for Affirmative Civil Rights Program	X	X	X	X	X	X
	I	6004-4	Resolving Complaints of Discrimination in Employment, Program Participation, and Benefits by OEO Grantees	X	X	X	X	X	X
	I	6005-1	Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs	X	X	X	X	X	X
	I	6005-2	Citizen Participation Grant Program-Fiscal Year 1978	X	X	X	X	X	X
	I - Instruction								
	N - Notice								
	CG - CAP Guide: Volumes I and II								
	M - Community Action Memo								

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UNIFORM FEDERAL STANDARDS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II					TITLE III-B 312	
					221-	222(a)	230	231	232		234
					X	X	X	X	X		X
	I	6100-1b	Program Account Structure	X	X	X	X	X	X	X	
	I	6100-1b, CH-1	Program Account Structure	X	X	X	X	X	X	X	
	I (M)	6130-01 (37-A)	New Statement of OEO Policy on Family Planning Activities (Note: This directive had been amended by Section 244(4) of the EOA and by more recent directives containing the CSA Poverty Income Guidelines)	X	X	X	X	X	X	X	
	I	6130-1	Family Planning Activities								
	I	6132-1	Use of EFMS Funds for Food Stamp Activities (*Section 222(a)(5) only	X	X	X	X	X	X	X	
	I	6132-2a	Community Food and Nutrition Program	X	X	X	X	X	X	X	
	I (M)	6140-01 (79)	Notice and Interim Instruction as to Certain 1967 Amendments to the Economic Opportunity Act (NOTE: Only Part A "Independent Funding of Versatile CAP Programs")	X	X	X	X	X	X	X	
	I - Instruction N - Notice (C - CAP Guide: Volumes I and II M - Community Action Memo										

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-B 312
					221- 222(a)	230	231	232	
	I	6143-1a	Emergency Energy Conservation Program	X					
	I	6143-2	Emergency Energy Conservation Program: Energy Data Form	X					
	N	6143-5	Reprogramming Unobligated Special Crisis Intervention Program Funds	X					
	N	6143-6	Emergency Energy Conservation Program: Policies and Allocations for Fiscal Year 1978 Fundings	X					
	I	6158-1	Special Impact Programs Policies and Priorities		X				
	I	6158-2	Small Business Programs Funded by CDCs		X				
	I	6158-3	Training, Public Service Employment and Social Service Programs Funded by CDCs		X				
I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo									

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-B	
					221-	230	231	232		234
	I	6158-4	Location of CDC Ventures	X						
	I	6168-1a	Youth Development Program Policies		X					
	I	6168-2b	Summer Youth Recreation Programs		X					
	I	6170-1	Guidelines for Planning and Programming for the Elderly Poor		X					
	I	6302-2	CAAs: Eligibility and Establishment			CAA				
	I	6302-2, CH-1	CAAs: Eligibility and Establishment			CAA				
	I	6320-1	The Mission of the Community Action Agency			CAA				
	I	6335-1	CAA Relationship to Pilot Programs			CAA				
	I (M)	6400-01 (81)	The Organization of Community Action Agency Boards and Committees Under the 1967 Amendments to the Economic Opportunity Act (Section 211)			CAA				
I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo										

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-B 312
					221- 222(a)	230	231	232	
	I (M)	6402-01 (42-A)	Service by OEO Employees and Other Federal Employees with Grantee and Delegate Agencies	X	X	X	X	X	X
	I (M)	6402-02 (24)	Standards of Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action Agencies and Single-Purpose Agencies; Policies and Procedures	X	X	X	X	X	X
	I	6402-1	Limitation on Terms of Board Service (*EXCEPT INDIAN GRANTEES)		*X				
	I	6402-2	Composition and Selection of CDC Boards of Directors	X					
	I (CG)	6441-01 (Exh. IX Vol. 1)	Special Conditions When A Community Action Component is Delegated to a Church Related Organization	X	X	X	X	X	X
	I	6441-1	Appeal to OEO by an Organization That Would Like to Serve As a Delegate Agency		CAA				
	N	6441-1	Authority of Regional Directors to Hear Appeals Under OEO Instruction 6441-1 (Extended Indefinitely)		X				
	I - Instruction N - Notice CG - CAP Guide Volumes I and II M - Community Action Memo								

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-B
					221-222(a)	230	231	232	
	I (CG) (I.2)	6710-02 (Except paragraph c)	Instructions for Defending Cost Categories	X	X	X	X	X	X
	I	6710-1	Applying for a CAP Grant	X	X	X	X	X	X
	I	6710-1, CH-10	Preparation of CSA Form 314, Statement of CSA Grant	X	X	X	X	X	X
	I	6710-1, CH-11	Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA	X	X	X	X	X	X
	I	6710-3a	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X	X	X	X	X
	I	6710-3a, CH-2	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X	X	X	X	X
	I	6710-4	Administration of Grants, Contracts, or Other Arrangements with Educational Institutions (*Research Projects with educational instructions only)	X*	X*	X*	X*	X*	X*
	I	6710-6	Applying for a Grant Under Title VII of the Community Services Act	X	X	X	X	X	X
	I - Instruction N - Notice CG - CP Guide: Volumes I and II M - Community Action Memo								

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II					TITLE III-B	
					221-222(a)	230	231	232	234		312
	I	6710-7	Amending a Grant Under Title VII of the Community Services Act	X							
	I	6710-8	Preparing a Budget for a Title VII Grant Under the Community Services Act	X							
	I	6730-1a	Denial of Application for Re-funding								
X	I	6800-1	Implementation of Uniform Federal Standards by the Community Services Administration	X	X	X	X	X	X	X	X
X	I	6800-2	Cash Depositories	X	X	X	X	X	X	X	X
X	I	6800-3	Bonding and Insurance	X	X	X	X	X	X	X	X
X	I	6800-4	Retention and Custodial Requirements for Records	X	X	X	X	X	X	X	X
X	I	6800-5	Program Income		X	X	X	X	X	X	X
X	I	6800-6	Cost Sharing and Matching	X	X	X	X	X	X	X	X
X	I	6800-7	Standards for Financial Management Systems	X	X	X	X	X	X	X	X
I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo											

RULES AND REGULATIONS

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II					TITLE III-B 312
					221- 222(a)	230	231	232	234	
X	I	6800-8	Financial Reporting Requirements	X	X	X	X	X	X	X
X	I	6800-9	Monitoring and Reporting Program Performance		X	X	X	X	X	X
X	I	6800-10	Payment Requirements	X	X	X	X	X	X	X
X	I	6800-10, CH-1	Payment Requirements	X	X	X	X	X	X	X
X	I	6800-12	Grant Closeout Procedures	X	X	X	X	X	X	X
X	I	6800-13	Suspension and Termination Procedures	X	X	X	X	X	X	X
X	I	6800-14	Standard Form for Applying for Federal Assistance (SF 424)	X	X	X	X	X	X	X
X	I	6801-1	Grantee Fiscal Responsibility and Auditing (Page 10, Item 6 superseded)	X	X	X	X	X	X	X
I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo										

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II				TITLE III-B 312
					221- 222(a)	230	231	232	
	I	6801-1, CH-1	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X
	I	6801-1, CH-2	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X
	I (M)	6802-01 (7)	Contributions to the Non-Federal Share of a Community Action Program by Local Housing Authorities	X	X	X	X	X	X
	I (M)	6802-02 (22)	College Work Study Program	X	X	X	X	X	X
	I	6802-3a	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs	X	X	X	X	X	X
	I	6802-5a	Non-Federal Share Contribution; Eligibility for Waiver of Increase	X	X	X	X	X	X
I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo									

RULES AND REGULATIONS

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II					TITLE III-B 312
					221-222(a)	230	231	232	234	
	I	6803-1b	Allowances and Reimbursements for Members of Policy Making Bodies		X	X	X	X	X	X
	I	6803-2	Allowability of Costs Incurred to Borrow Funds	X	X	X	X	X	X	X
	I	6803-5	Use of Federal Funds for Union Activities	X	X	X	X	X	X	X
	I	6803-6	Membership Dues and Related Expenses Paid to Professional Organizations	X	X	X	X	X	X	X
	I (CG)	6806-01 (I.1)	Establishing and Maintaining Program Accounts	X	X	X	X	X	X	X
	I (CG)	6806-04 (I.8)	Accounting for Delegated or Contracted Activities	X	X	X	X	X	X	X
	I	6807-1 (12-20-71)	Limitation on CAA Administrative Costs				CAA			
	I	6810-1	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes	X	X	X	X	X	X	X
	I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo									

RULES AND REGULATIONS

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D		TITLE II					TITLE III-B		
				I-D	TITLE VII	221-	222(a)	230	231	232	234	312	
	I (M)	6900-01 (23-A)	Personnel Policies and Procedures- Revised	X		X		X					X
	I (M)	6900-02 (23-B)	Personnel Policies and Procedures- Additional	X		X		X		X			X
	I (TAM)	6900-03 (26)	Personnel Policies and Procedures						X				
	I (TAM)	6900-04 (26-A)	Personnel Policies and Procedures- Additional						X				
	I	6901-1	Employment of Persons with Criminal Records	X		X		X		X			X
	I	6901-2	Assistance to Vietnam-Era Veterans	X		X		X		X			X
	I	6903-1a	Policies and Procedures on \$18,000 Per Year Salary Limitation			X				X			X
	I	6903-3	Payment for Overtime and Authorization for Compensatory Time	X		X		X		X			X
	I (M)	6906-01 (45)	Social Security Coverage for Employees Under CAP Grants	X		X		X		X			X
	I (M)	6907-01 (66)	Policy Guidance on Lobbying Activities	X		X		X		X			X
	I	6907-1a	Restrictions on Political Activities	X		X		X		X			X
I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo													

RULES AND REGULATIONS

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II					TITLE III-B 312
					221- 222(a)	230	231	232	234	
	I	6907-2	Limitation with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances	X	X	X	X	X	X	X
	I	6907-3	Employee Participation in Direct Action							
	I	6907-4	Outside Employment of Grantee and Delegate Agency Personnel	X	X	X	X	X	X	X
	I (M)	6909-01 (75)	Conflicts of Interest in Community Action Program Contracts	X	X	X	X	X	X	X
	I	6909-1	Prohibition Against Acceptance of Gifts and Gratuities	X	X	X	X	X	X	X
	I	6910-1b	Travel Regulations for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X
	I	6910-2d	Per Diem Rates for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X
	I	7000-01 (H.5)	Funding of Third Party Contractors		X	X	X	X	X	X
	I	7000-1	Federal Register; Access to Daily Publications	X	X	X	X	X	X	X
	I	7001-01a	Grantee Property Administration	X	X	X	X	X	X	X
	I - Instruction									
	N - Notice									
	CG - CAP Guide Volumes I and II									
	M - Community Action Memo									

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II					TITLE III-B 312
					221-222(a)	230	231	232	234	
	I	7041-1	Public Access to Grantee Information	X	X	X	X	X	X	X
	I	7042-1	Grantee Public Meetings and Hearings	X	X	X	X	X	X	X
	I	7044-1a	Grantee Involvement in the News Media	X	X	X	X	X	X	X
	I	7050-1	General Conditions Governing CSA Grants Funded Under Titles II, III-B and VII of the EOA of 1964 as amended (Including Amendments Made by the Community Services Act of 1974)	X	X	X	X	X	X	X
	I (CG)	7410-01 (Exhibit VI, Vol. I)	Standard Form for Professional or Technical Services to a Community Action Program	X	X	X	X	X	X	X
	I	7501-1	Role of State Economic Opportunity Offices		X	X				
	I	7570-1 (01-07-72)	Applying for a New Research or Demonstration Grant Under the EOA (Pages 17 and 18, Item 3 superseded)						X	
	I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo									

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D		TITLE II			TITLE III-B										
				TITLE VII	TITLE VII	221-	222(a)	230	231	232	234	312							
	I	7570-2	Applying for a Continuation of a Research or Demonstration Grant Under the EOA		X														
	I	7570-3	Amendment Procedures for a Research or Demonstration Grant Under the EOA		X														
	I	7570-4	Preparing a Budget for a Research or Demonstration Grant Under EOA		X														
	I	7641-1	Waiver of Non-Federal Share of Program Costs for Certain Title I-D Programs			X													
	I	7648-1	Training Requirements for Special Impact Program Grantees			X													
	I	7850-1a	Standards for Evaluating the Effectiveness of CSA Administered Programs and Projects			X													
	I - Instruction N - Notice CG - CAP Guide: Volumes I and II M - Community Action Memo																		

RULES AND REGULATIONS

[6315-01-M]

APPENDIX C.—Cross-Index of CSA Instruction and CFR Parts

Instruction	Title	CFR (All are 45 CFR)
6000-2C.....	Index and Applicability of CSA Regulations.....	1060.5
6001-01.....	Means of Carrying Out a Community Action Agency.	
6001-03.....	Characteristics of Eligible Activities.....	
6001-1.....	Eligible Activities.....	
6004-1K.....	CSA Income Poverty Guidelines.....	1060.2
6004-2.....	Limitation on Benefits to Those Voluntarily Poor.....	1060.3
6004-4.....	Resolving Complaints of Discrimination in Employment; Program Participation and Benefits Against OEO Grantees.	1060.4
6004-01a and 6004-01a, CH 1.....	Nondiscrimination in Federally Assisted Programs of the Community Services Administration—Effectuation of Title VI of the Civil Rights Act of 1964.	1010
6005-1.....	Participation of the Poor in the Planning, Conduct and Administration of the Community Action Programs.	1060.1
6005-2.....	Citizen Participation Grant Program (Fed. Register, Vol. 43, No. 154, P. 35312).	1061.60
6100-1b.....	Program Account Structure.....	
6100-1b, CH 1.....	Program Account Structure.....	
6130-1.....	Family Planning Activities.....	
6130-01.....	New Statement of OEO Policy on Family Planning Activities.	
6132-1.....	Use of EFMS Funds for Food Stamp Activities.....	1061.12
6132-2a.....	Community Food and Nutrition Program.....	1061.50
6140-01.....	Notice and Interim Instruction as to Certain 1967 Amendments to the Economic Opportunity Act.	
6143-1a.....	Emergency Energy Conservation Program.....	1061.30
6143-2.....	Emergency Energy Conservation Program.....	1061.31
6158-1.....	Special Impact Program Policies and Priorities.....	1076.5
6158-2.....	Small Business Programs Funded by CDC's.....	1076.20
6158-3.....	Training, Public Service Employment, and Social Service Programs Funded by CDC's.	1076.30
6158-4.....	Location of CDC Ventures.....	1076.40
6168-1b.....	Youth Development Program Policies.....	1061.1
6168-2b.....	Summer Youth Recreation Programs.....	1061.20
6170-1.....	Guidelines for Planning and Programming for the Elderly Poor.	
6302-2.....	Establishment and Eligibility of Community Action Programs.	1062.1
6302-2, CH 1.....	Establishment and Eligibility of Community Action Programs.	1062.1
6320-1.....	The Mission of the Community Action Agency.....	
6335-1.....	CAA Relationship to Pilot Programs.....	
6400-01.....	The Organization of CAA Boards & Committees Under the 1967 Amendments to the Economic Opportunity Act (Section 211).	
6402-1.....	Limitation on Terms of Board Service (Except Indian Grantees).	
6402-01.....	Service by OEO-Employees and other Federal Employees with Grantee and Delegate Agencies.	
6402-02.....	Standards for Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action Agencies; and Single-Purpose Agencies; Policies and Procedures.	
6441-1.....	Appeal to OEO by an Organization That Would Like to Serve as a Delegate Agency.	
6441-01.....	Special Conditions—When a Community Action Component is Delegated to a Church Related Organization.	
6710-1.....	Applying for a CAP Grant.....	
6710-1, CH 10.....	Preparation of CSA Form 314, Statement of CSA Grant.	1067.30
6710-1, CH 11.....	Applying for a Grant Under Title II, Sections 221, 222(a), and 231 of the EOA.	1067.40
6710-3a, and 6710-3a, CH 2.....	CSA Procedures for the Federal Project Notification and Review System (PNRS).	1067.10
6710-4.....	Administration of Grants, Contracts, or Other Arrangements with Educational Institutions. (Research Projects with Educational Institutions only).	
6710-6.....	Applying for a Grant Under Title VII of The Community Services Act.	1067.15
6710-7.....	Amending a Grant under Title VII of The Community Services Act.	1067.16
6710-8.....	Preparing a Budget for a Title VII Grant under The Community Services Act.	1067.17
6730-1a.....	Denial of Application for Refunding.....	1067.2
6800-1.....	Implementation of Uniform Federal Standards by the Community Services Administration.	1050.1-5
6800-2.....	Cash Depositories.....	1050.10-13
6800-3.....	Bonding and Insurance.....	1050.15-17
6800-4.....	Retention and Custodial Requirements for Records..	1050.20-26
6800-5.....	Program Income.....	1050.40-43
6800-6.....	Cost Sharing and Matching.....	1050.50-57
6800-7.....	Standards for Financial Management Systems.....	1050.60-62
6800-8.....	Financial Reporting Requirements.....	1050.79-73
6800-9.....	Monitoring and Reporting Program Performance.....	1050.80

RULES AND REGULATIONS

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APPENDIX C.—Cross-Index of CSA Instruction and CFR Parts—Continued

Instruction	Title	CFR (All are 45 CFR)
6800-10, CH 1	Payment Requirements	1050.90-93
6800-12	Grant Closeout Procedures	1050.110-113
6800-13	Suspensions and Terminations	1050.115
6800-14	Standard Form for Applying for Federal Assistance	1050.120
6801-1	Grantee Fiscal Responsibility and Auditing	
6801-1, CH 1	Grantee Fiscal Responsibility and Auditing	
6801-1, CH 2	Grantee Fiscal Responsibility and Auditing	
6802-01	Contributions to the Non-Federal Share of a Community Action Program by Local Housing Authorities	
6802-02	College Work Study Program	
6802-3a	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs	1063.20
6802-5a	Non-Federal Share Contribution; Eligibility for Waiver of Increase	1063.22
6802-5a, CH 1	Non-Federal Share Contribution; Eligibility for Waiver of Increase for FY 1978 Grants	1063.22-6
6803-1b	Allowances and Reimbursements for Members of Policy Making Bodies	1063.5
6803-2	Allowability of Costs Incurred to Borrow Funds	1063.4
6803-5	Use of Federal Funds for Union Activities	1063.8
6803-6	Membership Dues and Related Expenses Paid to Professional Organizations (Fed Register, Vol. 42, No. 241, p. 63171)	1063.30
6806-01	Establishing and Maintaining Program Accounts	
6806-04	Accounting for Delegated or Contracted Activities	
6807-1	Limitation on CAA Administrative Costs	
6810-1	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes	
6900-01	Personnel Policies and Procedures—Revised	
6900-02	Personnel Policies and Procedures—Additional	
6900-03	Personnel Policies and Procedures	
6900-04	Personnel Policies and Procedures—Additional	
6901-1	Employment of Persons with Criminal Records	
6901-2	Assistance to Vietnam Era Veterans	
6903-1a	Policies and Procedures on \$15,000 Per Year Salary Limitation	1063.9
6903-3	Payment for Overtime and Authorization for Compensatory Time	
6906-01	Social Security Coverage for Employees Under CAP Grants	
6907-1a	Restrictions on Political Activities	1069.8
6907-2	Limitation with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances	1069.2
6907-3	Employee Participation in Direct Action	1069.1
6907-4	Outside Employment of Grantee and Delegate Agency Personnel	
6907-01	Policy Guidance on Lobbying Activities	1069.6
6909-1	Prohibitions Against Acceptance of Gifts and Gratuities	
6909-01	Conflicts of Interest in Community Action Program Contracts	
6910-1b	Travel Regulations for CSA Grantees	1069.3
6910-2d	Per Diem Rates for CSA Grantees and Delegate Agencies	1069.4
7000-01	Funding of Third Party Contractors	
7000-01a	Grantee Property Administration	1071
7000-1	Federal Register; Access to Daily Publication (Fed. Register Vol. 43, No. 189, p. 44532)	1067.6
7041-1	Public Access to Grantee Information	1070.1
7042-1	Grantee Public Meetings and Hearings	1070.2
7044-1a	Grantee Involvement in the News Media	1070.4
7050-1	General Conditions Governing CSA Grants Funded Under Titles II, III-B, and VII of the EOA of 1964 as amended (Including Amendments made by the Community Services Act of 1974)	1067.5
7410-01	Standard Form for Professional or Technical Services to a Community Action Program	
7501-1	Role of State Economic Opportunity Program	1075.1
7570-2	Applying for a New Research or Demonstration Grant Under the EOA	
7570-2	Applying for a Continuation of a Research or Demonstration Grant	
7570-3	Amendment Procedures for a Research or Demonstration Grant under EOA	
7570-4	Preparing a Budget for a Research or Demonstration Grant under EOA	
7641-1	Waiver of Non-Federal Share of Program Costs for Certain Title I-D Programs	
7648-1	Training Requirements for Special Impact Program Grantees	
7850-1a	Standards for Evaluating the Effectiveness of CSA Administered Programs and Projects	1067.4
	Freedom of Information Act Regulation	1005
	Privacy Act Regulation	1006
	General Administration and Management Committees	1012 (obsolete)

RULES AND REGULATIONS

APPENDIX C.—Cross-Index of CSA Instruction and CFR Parts—Continued

Instruction	Title	CFR (All are 45 CFR)
Staff Instruction 735	Standards of Conduct for Employees.....	1015
Staff Instruction 2610-1.....	Contracts and Administration	1026
	Consultation with the Bar on Legal Services Program.	1061.2 (obsolete)
	Eligibility Standard of Comprehensive Health Services.	1061.3 (obsolete)
	Control over Cash in the Hands of Grantees.....	1067.3 (obsolete)

NOTE.—When there is no CFR reference the Instruction has not been codified.

[FR Doc. 79-3117 Filed 1-31-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE
COMMERCE COMMISSIONSUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[Sixteenth Revised Service Order No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Sixteenth Revised Service Order No. 1234.

SUMMARY: There are serious shortages of freight cars of the sizes and numbers required to comply with certain tariff provisions. Service Order No. 1234 authorizes the carriers to substitute sufficient smaller cars for larger cars required for shipments of

specified commodities in order to meet minimum volume requirements but without limitations as to the number of cars to be used by each shipment. Sixteenth Revised Service Order No. 1234 adds coke to the list of commodities for which smaller cars may be substituted for the larger cars customarily used.

DATES: Effective 11:59 p.m., January 26, 1979. Expires 11:59 p.m., June 30, 1979.

FOR FURTHER INFORMATION
CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided: January 26, 1979.

There is an acute shortage of high capacity freight cars for transporting shipments of alfalfa pellets, barium sulphate (crude barite, ground or not ground), beet pellets, beet pulp, citrus

pellets, citrus pulp, clay, coal, coke,¹ cottonseed hulls, electrode binder pitch, fertilizer, fish meal, grain, grain products, gypsum, gypsum rock, peanuts, peanut hulls, pencil pitch, perlite, phosphate (dried or ground, treated or untreated), salt, soybeans, soybean hulls, soybean products or sunflower seeds, caused by certain tariff provisions specifying the minimum quantities that must be loaded into cars offered to the carriers for transport. At the same time smaller cars, suitable except as to capacity, are available for transporting these products. The inability of the carriers and shippers to utilize the smaller capacity cars in place of the larger cars required by tariff provisions is resulting in great economic loss to both shippers and carriers. In the opinion of the Commission, an emergency exists requiring immediate action to modify existing rules, regulations and practices with respect to car service to secure maximum utilization of the available supply of freight cars and to alleviate shortages of cars. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1234 Distribution of freight cars.

(a) Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of alfalfa pellets, barium sulphate (crude barite, ground or not ground) beet pellets, beet pulp, citrus pellets, citrus pulp, clay, coal, coke,¹ cottonseed hulls, electrode binder pitch, fertilizer, fish meal, grain, grain products, gypsum, gypsum rock, peanuts, peanut hulls, pencil pitch, perlite, phosphate (dried or ground, treated or untreated), salt, soybeans, soybean hulls, soybean products or sunflower seeds regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of (—) cu. ft. and of (—) lbs. or greater capacity ordered. Smaller cars furnished authority Sixteenth Revised ICC Service Order No. 1234.

(f) *Concurrence of Shipper Required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C., 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(j) *Effective date.* This order shall become effective at 11:59 p.m., January 26, 1979.

(k) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOWME, Jr.,
Secretary.

[FR Doc. 79-3544 Filed 1-31-79; 8:45 am]

¹Addition.

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

PART 33—SPORT FISHING

Opening of Union Slough National Wildlife Refuge, Iowa, to Public Entry and Use and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to public entry and use, and to sport fishing of Union Slough National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: For § 26.34, as stated in "Special Conditions" of Supplementary Information. For § 33.5, June 1, 1979 through September 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Richard Antonette, Rt. 1 Box 32-B, Titonka, Iowa 50480—Telephone Number (515) 928-2523.

SUPPLEMENTARY INFORMATION:

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

Public access on the Union Slough National Wildlife Refuge, Iowa, is permitted during daylight hours only, on the areas listed below and as designated by signs and delineated on maps available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116. The following areas are open under special conditions.

1. Union Slough Habitat Tour Route is open for travel in motor vehicles from the 20th through the 30th of April, July, and September, 1979, during the hours of 8:00 a.m.-5:00 p.m., weather permitting. Parking is permitted in designated parking areas only. Foot travel is permitted in designated areas.

2. Deer Meadow Picnic Area and Indian Bluff Nature Trail are open April 15 through September 30, 1979, for access by foot travel. Parking is permitted in designated parking area only.

3. Vanishing Prairie Grassland Area is open July 15 through September 30, 1979 for access by foot travel. Parking is permitted in designated parking area only.

4. Deer Observation Area is open from February 1, 1979 through December 31, 1979. Parking is permitted.

5. Pets must be on a leash less than ten feet in length and under control of the owner at all times.

The provisions of this special regulation supplement the regulations which govern public entry and use on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26 and are effective through December 31, 1979.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

Sport fishing is permitted on the Union Slough National Wildlife Refuge, Iowa, during daylight hours only on the areas designated by signs as being open to fishing. (These areas comprising eight acres and road right-of-ways transversing the refuge are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

1. The use of boats, canoes, or other floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 5, 1979.

RICHARD ANTONETTE,
Refuge Manager.

[FR Doc. 79-3229 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 32—HUNTING

PART 33—SPORT FISHING

Opening of Mingo National Wildlife Refuge, Mo., to Hunting and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to squirrel, waterfowl, deer hunting and sport fishing of Mingo National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: See below.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Clawson, Refuge Manager, Mingo National Wildlife Refuge, Route 1, P.O. Box V, Puxico, MO 63960. (314)-222-3589.

SUPPLEMENTARY INFORMATION:

See under *Hunting* and *Sport Fishing* below.

HUNTING

Hunting is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to hunting. These areas comprising 6,500 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, United States Department of the Interior, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Waterfowl hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Dogs may be used to retrieve downed waterfowl within the hunting area.

2. Hunting in or entering any cultivated field, pasture or diked area is prohibited.

§ 32.22 Special regulations; upland game; for individual wildlife refuges.

Squirrel hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting squirrels on the refuge extends from opening date of Statewide season, August 1, 1979 through September 30, 1979.

2. Hunters must register when entering the refuge and record kill when leaving.

§ 32.32 Special regulations; big game; for individual wildlife refuges.

Deer hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Hunting with bows and arrows only is permitted.

2. Hunters must register when entering and leaving the area.

3. Hunting from permanent tree stands (one that is connected to the tree by nails, screws, etc.) is prohibited.

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 928; 16 U.S.C. 668bb.)

SUPPLEMENTARY INFORMATION:

SPORT FISHING

Sport fishing is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to fishing. These areas comprising 4,300 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, United States Department of the Interior, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open Season: January 1, 1979 through March 14, 1979 in designated waters.

2. Open Season: March 15, 1979 through September 20, 1979 in all waters.

3. Open Season: October 1, 1979 through December 31, 1979 in designated waters.

4. Use of all motors is prohibited.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651 secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270 sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

The provisions of these special regulations supplement the regulations which govern hunting and fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Parts 32 and 33. The public is invited to offer suggestions and comments at any time.

Dated: January 4, 1979.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Missouri.

[FR Doc. 79-3556 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Des Lacs National Wildlife Refuge, North Dakota, to sport fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of the Des Lacs National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: December 15, 1978 through March 25, 1979.

FOR FURTHER INFORMATION CONTACT:

John Venegoni, Project Leader, Des Lacs NWR, Kenmare, North Dakota 58746; 701-385-4046.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Des Lacs National Wildlife Refuge, North Dakota, only on the area designated as being open to fishing. This area comprising 700 acres is delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota. Sport fishing shall be in accordance with all applicable State Regulations subject to the following conditions:

(1) No fishing or parking is allowed on County Road 2 or the bridge over Des Lacs Lake: The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33, and are effective through March 25, 1979. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Date: January 5, 1979.

JOHN VENEGONI,
Project Leader, Des Lacs National Wildlife Refuge, Kenmare, North Dakota 58746.

[FR Doc. 79-3431 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Pool 10 Lacreek National Wildlife Refuge, S. Dak. to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 1, 1979 through March 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Lacreek National Wildlife Refuge, Martin, SD 57551 or telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Pool 10 and adjacent streams, Lacreek National Wildlife Refuge, only on those areas designated by public fishing signs as being open to fishing. These areas comprising of about 600 acres are delineated on maps available at the refuge headquarters and at the office of the Area Manager, Federal Building, Pierre, SD. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Fishermen must use designated parking areas and/or boat landings.

2. No motors may be used on boats or canoes in the Refuge.

3. Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads, are impassable, refuge wildlife need further protection from disturbances, or good refuge management dictates that the area be closed to the public.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement

under Executive Order 11949 and OMB Circular A-107.

ROLF H. KRAFT,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

JANUARY 22, 1979.

[FR Doc 79-3439 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Cedar Creek Ponds, Lacreek National Wildlife Refuge, S. Dak. to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 15, 1979 through November 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Lacreek National Wildlife Refuge, Martin, SD 57551 or telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Cedar Creek Ponds No. 1, 2, and 3, Lacreek National Wildlife Refuge, only on those areas designated by public fishing signs as being open to fishing. These areas are delineated on maps available at the Refuge headquarters and at the office of the Area Manager, Federal Building, Pierre, South Dakota. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The season for fishing on Cedar Creek Ponds 1, 2, and 3 extends from April 15 through November 1, 1979, daylight hours only.

2. The use of boats and the use of live minnows as bait, on the Refuge portion of Cedar Creek are prohibited.

3. Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads are impassable, refuge wildlife need further protection from disturbances, or good refuge management dictates that the area be closed to the public.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas

RULES AND REGULATIONS

generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

ROLF H. KRAFT,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

JANUARY 22, 1979.

LFR Doc. 79-3440 Filed 1-31-79; 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.

[6210-01-M]

FEDERAL RESERVE SYSTEM

[12 CFR Part 238]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 26]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563f]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

[Docket No. R-0198]

MANAGEMENT OFFICIAL INTERLOCKS

Proposed Regulations for Implementation

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

ACTION: Proposed regulations.

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

DATE: Comments must be received on or before March 5, 1979.

ADDRESS: Interested persons are invited to submit written data, views or arguments regarding the proposed regulations. Please send one copy of your comments to Theodore E. Allison, Secretary of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C., 20551. All material

submitted should refer to F.R.B. Docket No. R-0198. All comments received will be made available for public inspection.

FOR FURTHER INFORMATION CONTACT:

John Walker (202) 452-2418, or Allan Schott (202) 452-3779, Board of Governors of the Federal Reserve System; David Roderer (202) 447-1880, Office of the Comptroller of the Currency; Pamela LeCren (202) 389-4433, Federal Deposit Insurance Corporation; Kathleen Topellus (202) 377-6444, Federal Home Loan Bank Board; Ross Kendall (202) 632-4870, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act (the "Act") was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630). The purpose of the Act is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides that:

(1) Except with respect to institutions with assets of less than \$20 million, a management official (defined as an employee or officer with management functions, a director, or any person who has a representative or nominee serving in such a capacity) of a depository institution, depository holding company, or depository institution affiliate of such institutions may not serve as a management official of a nonaffiliated depository institution, depository holding company, or depository institution affiliate of such institutions that has an office located in the same Standard Metropolitan Statistical Area (SMSA) (§ 203);

(2) Regardless of the size of the institutions involved, a management official of a depository institution, depository holding company, or depository institution affiliate of such institutions may not serve as a management official of a nonaffiliated depository institution, depository holding company, or depository institution affiliate of such institutions if both institutions have offices located in the same or a contiguous or an adjacent city, town or village (§ 203); and

Notwithstanding geographic location, interlocking management relationships are prohibited between any depository institution or depository holding company with total assets exceeding \$1 billion, or any affiliate of such institutions, and any nonaffiliated depository institution or depository holding company with total assets exceeding \$500 million, or any affiliate of such institutions (§ 204).

Any management official who was serving as such prior to November 10, 1978, and whose service was not in violation of section 8 of the Clayton Act (15 U.S.C. 19) on that date, is not prohibited by the Act from continuing in that position until November 10, 1988 (§ 206).

The Comptroller of the Currency, the board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, The Federal Home Loan Bank Board, and the National Credit Union Administration (the "agencies") are designated to administer and enforce the Act with respect to the institutions they regulate (§ 207) and are authorized to promulgate rules and regulations which permit service otherwise prohibited under the Act (§ 209).

The agencies are proposing substantially identical regulations containing only those technical variations necessary to accommodate the different types of depository institutions regulated by each agency.

In order to provide clarity, the proposed regulations define the term "adjacent" as used in Section 203 of the Act. Similarly, the concept of a banker's bank is clarified in the proposed regulations. The term "office" has been defined to exclude electronic terminals.

The regulations would permit several types of interlocking relationships which may be appropriate in certain instances because of anticipated community benefits from the promotion of such institutions or because the institutions do not in fact compete with each other. It should be emphasized, however, that in each enumerated instance, specific approval must be obtained from each of the agencies charged with supervision of the institutions.

The proposed exceptions relating to institutions located in low income areas, or controlled or managed by persons who are members of minority groups or by women are substantially similar to existing exceptions contained in subparts 212.3(g) and (h) of Regulation L of the Board of Governors (12 CFR 212.3(g), (h)). These exceptions are designed to permit limited interlocking relationships for no more than five years. These exceptions may be permitted only with specific approval of the appropriate agencies and are subject to such other terms and

conditions as may be imposed by the agencies.

Other exceptions would permit interlocking relationships, when determined by the appropriate agency or agencies to be necessary, to provide adequate management or operating expertise to a new or deteriorating institution. In the case of a new institution, no interlock would be permitted for more than two years after the institution commences business. In the case of either a new or a deteriorating institution, other terms and conditions that the agency or agencies believe necessary may be imposed.

Where a depository institution or depository holding company sponsors a credit union primarily to serve the needs of its employees and those of its affiliates, a specific exemption has been proposed which recognizes that the two institutions do not compete with each other.

Interlocking relationships between affiliated corporations are excluded from the prohibitions of the Act. One of the statutory definitions of the term "affiliate" requires common beneficial ownership of more than 50 per cent of the voting shares of corporations involved. In order to prevent circumvention of the intent of the Act, the proposed regulations would establish a rebuttable presumption that each member of a group that asserts such common ownership must own at least 5 per cent of the voting shares of each corporation. Comment is specifically requested to assist the agencies in developing criteria sufficient to overcome the presumption in those cases where an individual does not meet the 5 per cent qualifying standard, and to determine in which specific circumstances the presumption should not be applied at all.

The agencies particularly request specific comment on the application of the Act to nondepository affiliates of depository institutions, including diversified depository holding companies, in circumstances where such affiliates do not in fact compete with any nonaffiliated depository institution.

The proposed regulations do not attempt to interpret application of the Act to interlocking relationships involving foreign banks. Comment is specifically requested on the potential impact of the Act upon such relationships.

Finally, the proposed regulations provide for the exclusion of electronic fund transfer terminals from the term "office". Such an exclusion would help to prevent disruption and delay in the establishment of new payment systems where permitted by State law. However, the agencies are specifically requesting comment on the appropriateness of this approach or whether

this issue should be resolved in another way, for example, by limiting the exclusion to terminals that are shared with another depository institution.

To aid in implementation of the Act, interested persons are also invited to submit relevant data, views, and comments on any other matter thought to be appropriate for further agency action, including other possible exceptions consistent with the purposes of the Act.

Although the agencies contemplate the adoption of a final regulation to be effective on March 10, 1979, subsequent amendments may be adopted as determined to be appropriate upon review of public comments. Interested persons are encouraged to file comments at the earliest possible date in order to facilitate prompt adoption of regulations.

The Administrator of the National Credit Union Administration would like to emphasize that the Act and Regulations affect Federally-insured credit unions differently, in some respects, than other depository institutions. First, the Act provides that its prohibitions on management official interlocks do not apply to a credit union being served by a management official of another credit union. Therefore, the Act will only affect credit unions when a management official of a credit union serves in a management capacity with another type of depository institution, or depository holding company, or with an affiliate of either such institution. Second, because each credit union member, regardless of the number of shares owned, has only one vote, a credit union will never be subject to the control of any one individual or holding company. An affiliate relationship based on common ownership by one or more individuals of two corporations will, therefore, never exist in the case of a credit union. And finally, while Federal law and regulations prohibit a Federally-chartered credit union from owning shares in another depository institution, some State statutes allow state-chartered credit unions to purchase stock in other depository institutions. A state-chartered credit union that is Federally-insured and holds enough stock in a depository institution to qualify as a depository holding company would be subject to the rules promulgated by the Federal Reserve Board pertaining to depository holding companies in addition to rules pertaining to credit unions.

In adopting the Act, Congress left untouched section 8 of the Clayton Act, which also contains prohibitions against certain interlocking relationships. While the two statutes overlap in many respects, there are significant differences. For example, although

section 8 of the Clayton Act prohibits interlocks between a member bank and another bank, it does not prohibit interlocks between a member bank and a thrift institution. In proposing its regulation, the Federal Reserve Board has not attempted to reconcile its regulations under the two statutes for several reasons. First, the Federal Reserve Board wishes to propose regulations that are uniform among the other Federal regulatory agencies affected by the Act, and these other agencies do not have jurisdiction under the Clayton Act. Second, differing proposals at this time might lead to confusion that would make public comment less fruitful and interfere with the goal of inter-agency coordination. The Federal Reserve Board will consider reconciling the two sets of regulations at the time it takes final action on the regulations proposed herein. However, if it is not feasible to do so at that time, an individual would be bound by both sets of regulations and by whichever is the more restrictive. The Federal Home Loan Bank Board will similarly consider reconciling its final regulations based on this proposal with § 563.33 of the Regulations of the Federal Savings and Loan Insurance Corporation concerning composition of the board of directors of an insured institution. If it is not feasible to do so at that time, an individual would be bound by both sets of regulations and by whichever is the more restrictive.

In proposing these regulations, the Federal Reserve Board has not followed all of the expanded rulemaking procedures set forth in its policy statement of January 15, 1979. These regulations were initiated before the policy statement was adopted and expedited action is necessary to meet the effective date of the Act. Similarly, because the Act shall become effective on March 10, 1979, the Comptroller of the Currency has determined, in accordance with the existing procedures of the Department of Treasury regarding the issuing of regulations, that a 30-day time period for comment on the proposed regulation is appropriate in this instance in order to expedite the adoption of a regulation.

Some of the prohibitions of the Act depend upon whether a depository organization is located in a Standard Metropolitan Statistical Area (SMSA). For the benefit of those who may be unfamiliar with the current definitions of SMSAs, the Board will make available upon request, at no charge, a list of current SMSAs. Persons who are interested in this list should contact the Secretary of the Federal Reserve Board.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Fed-

eral Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration propose to amend 12 CFR by adding Parts 238, 26, 348, 563f, and 711, respectively, to read as set forth below:

FEDERAL RESERVE SYSTEM

[12 CFR Part 238]

(REGULATION LL)

PART 238—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

- 238.1 Authority, purpose and scope.
238.2 Definitions.
238.3 Permitted relationships.
238.4 Common control.

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

§ 238.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 et seq.).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of \$20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding \$1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding \$500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. § 19), is not prohibited from continuing to serve in such capacity

with such institution until November 10, 1988. The Board of Governors of the Federal Reserve System administers and enforces the Act with respect to State member banks, bank holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

§ 238.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official" have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office", as used with reference to a depository institution in section 202 of the Act, means either a principal office or a branch, but does not include an electronic terminal.

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 238.3 Permitted relationships.

The Act authorizes the Board to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to State member banks, bank holding companies, and any affiliate thereof. Upon request for its prior approval, the Board may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following conditions: (1) no interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Institution sponsoring credit union.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the State member bank, bank holding company, or an affiliate thereof, primarily to serve employees of such institutions.

§ 238.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

Board of Governors of the Federal Reserve System, January 26, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[4810-33-M]

DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY

[12 CFR Part 26]

PART 26—MANAGEMENT OFFICIAL
INTERLOCKS

Sec.

26.1 Authority, purpose and scope.

26.2 Definitions.

26.3 Permitted relationships.

26.4 Common control.

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

§ 26.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. § 3201 et seq.).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) Offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of \$20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding \$1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding \$500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19), is not prohibited from continuing to serve in such capacity with such institution until November 10,

1978. The Comptroller of the Currency administers and enforces the Act with respect to national banks, banks located in the District of Columbia, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this part.

§ 26.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official", have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office", as used with reference to a depository institution in section 302 of the Act, means either a principal office or a branch, but does not include an electronic terminal.

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 26.3 Permitted relationships.

The Act authorizes the Comptroller to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to national banks, banks located in the District of Columbia, and any affiliate thereof. Upon request for its prior approval, the Comptroller may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) No interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) Such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following conditions: (1) No interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) Such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Institution sponsoring credit union.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the national bank, bank located in the District of Columbia or any affiliate thereof, primarily to serve employees of such institutions.

§ 26.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

JOHN G. HEIMANN,
Comptroller of the Currency.

JANUARY 26, 1979.

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

- 348.1 Authority, purpose and scope.
- 348.2 Definitions.
- 348.3 Permitted relationships.
- 348.4 Common control.

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

§ 348.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 et seq.).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution may not serve in such capacity with any other such institution that is not affiliated therewith if (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of \$20 million or more, or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding \$1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding \$500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (15 U.S.C. 19), is not prohibited by the Act from continuing to serve in such capacity with such institution until November 10, 1988. The Board of Directors of the Federal Deposit Insurance Corporation administers and enforces the Act with respect to insured State nonmember banks and their affiliates and may refer the case of a prohibited

interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

§ 348.2 Definitions.

(a) "Depository institution," "depository holding company," "affiliate," and "management official" have the meanings provided in section 202 of the Act.

(b) "Adjacent," as used in section 203 of the Act, means that the cities, towns, or villages are less than 10 miles apart at their closest points.

(c) "Office," as used with reference to a depository institution in section 202 of the Act, means either a principal office or a branch but does not include electronic terminals.

(d) "Any other bank organized specifically to serve depository institutions," or banker's bank, as used in Section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 348.3 Permitted relationships.

The Act authorizes the FDIC Board of Directors to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to insured State nonmember banks and their affiliates. Upon request for its prior approval, the Board may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area, or of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determines such relationship to be necessary to provide management or operating expertise to such other institution; (2) No interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) Such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of not more than one other depository institution or depository holding company,

subject to the following conditions: (1) no interlocking relationship permitted by this paragraph shall continue past a date two years after the date such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determines such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determines such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Sponsored credit union.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of a Federally insured credit union that is sponsored by the insured State nonmember bank or affiliate primarily to serve employees of such institutions.

§ 348.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under Section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 percent of the voting shares of each corporation beneficially owns five percent or more of the voting shares of each corporation.

By direction of the Board of Directors dated January 24, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563f]

PART 563f—MANAGEMENT OFFICIAL
INTERLOCKS

Sec.

563f.1 Authority, purpose and scope.

563f.2 Definitions.

563f.3 Permitted relationships.

563f.4 Common control.

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

563f.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 et seq.).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of \$20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding \$1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding \$500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19), is not prohibited from continuing to serve in such capacity with such institution until November 10, 1978. The Federal Home Loan Bank Board administers and enforces the Act with respect to insured institutions, savings and loan holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any

such institution to the Attorney General to enforce compliance with the Act and this Part.

563f.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official", have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office" as used with reference to a depository institution in section 302 of the Act, means either a principal office or a branch, but does not include an electronic terminal

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

563f.3 Permitted relationships.

The Act authorizes the Bank Board to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to insured institutions, savings and loan holding companies, and any affiliate thereof. Upon request for its prior approval, the Bank Board may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of an insured institution, savings and loan holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of an insured institution, savings and loan holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one

other depository institution or depository holding company, subject to the following conditions: (1) no interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of an insured institution, savings and loan holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

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

§ 563f 4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

JANUARY 24, 1979.

[7535-01-M]

NATIONAL CREDIT UNION
ADMINISTRATION

[12 CFR Part 711]

MANAGEMENT OFFICIAL INTERLOCKS

Sec.

711.1 Authority, purpose and scope.

711.2 Definitions.

711.3 Permitted Relationships.

711.4 Common control.

711.5 Relationships Involving Only Credit Unions.

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

§ 711.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of \$20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding \$1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding \$500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such capacity with such institution until November 10, 1978. The National Credit Union Administration administers and enforces the Act with respect to Federally insured credit unions, and may refer the

case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

§ 711.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official" have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office", as used with reference to a depository institution in section 202 of the Act, means either a principal office of a branch, but does not include an electronic terminal.

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 711.3 Permitted relationships.

The Act authorizes the National Credit Union Administration to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to Federally insured credit unions. Upon request for its prior approval, the National Credit Union Administration may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of a Federally insured credit union may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly chartered institution.* A management official of a Federally insured credit union may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following condi-

tions: (1) no interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of a Federally insured credit union may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Credit union sponsored by another depository institution.* A management official of a Federally insured credit union that is sponsored by a depository institution, depository holding company or an affiliate thereof primarily to serve its employees or the employees of its affiliates may serve at the same time as a management official of such sponsoring depository institution, depository holding company or affiliate thereof.

§ 711.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

§ 711.5 Relationships involving only credit unions.

The Act provides that its prohibitions against interlocks do not apply to a credit union being served by a management official of another credit union.

LAWRENCE CONNELL,
Administrator.

JANUARY 26, 1979.

[FR Doc. 79-3436 Filed 1-31-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-54]

TRANSITION AREA

Proposed Alteration: West Woodward, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at West Woodward, Okla. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the West Woodward Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) on the airport.

DATES: Comments must be received by March 5, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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: Subpart G 71.181 (43 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Alteration of the transition area at West Woodward, Okla., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, South-

west Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 5, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at West Woodward, Okla. The FAA believes this action will enhance IFR operations at the West Woodward Airport by providing additional controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by altering the West Woodward, Okla., transition area to read as follows:

WEST WOODWARD, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Woodward, Okla. Airport (Latitude 36°26'12" N., Longitude 99°31'30" W.) and within 5 miles, each side of the Gage, Okla. VORTAC 072° radial, extending from the 7-mile radius area, southwest to the Gage, Okla. VORTAC, and within 3.5 miles

each side of the 349° bearing from the West Woodward NDB, extending from the 7-mile radius area to 11.5 miles northwest of the West Woodward NDB, excluding the Gage, Okla. Control Zone and Transition Area.

(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 8, 1978).

Issued in Fort Worth, Tex., on January 18, 1979.

PAUL J. BAKER,
Acting Director,
Southwest Region.

IFR Doc. 79-3220 Filed 1-31-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 9]

COMMISSION REVIEW OF EXCHANGE DISCIPLINARY OR OTHER ADVERSE ACTION

Publication of Violations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission is proposing to adopt a new regulation prescribing the manner in which an exchange is to make public its findings and reasons for acting whenever a person has been suspended, expelled, disciplined by, or denied access to, the exchange. This regulation would implement the Futures Trading Act of 1978, which requires exchanges to make this information public.

DATE: Comments must be received on or before April 2, 1979.

ADDRESS: Comments on the proposal should be sent to Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Teresa J. Hermosillo, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, telephone (202) 254-7602.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission proposes to adopt a new §9.12 to implement Section 18 of the recently enacted Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat.

865, 874-75 (1978). That Section amends Section 8c(1)(B) of the Commodity Exchange Act by replacing the requirement that an exchange keep confidential the notice and reasons for the exchange action in disciplinary and access denial proceedings with the requirement that "An exchange shall make public its findings, and the reasons for the exchange action in any such proceeding, including the action taken or the penalty imposed, but shall not disclose the evidence therefor, except to the person who is suspended, expelled, or disciplined, or denied access, and to the Commission."

The Commission has long favored the disclosure of exchange disciplinary actions because of the strong public interests served by releasing this information. As the Commission has previously observed:

The general public and members of an exchange should be informed of the disciplinary actions taken by an exchange. Notice of these disciplinary actions would preclude an otherwise unknowing general public and/or members of an exchange from dealing with a member who has been suspended, expelled, or denied access to the exchange. In addition, such publicity would serve as a deterrent against further exchange rule violations. 40 FR 30156 (July 17, 1975).

This position was supported by several exchanges during the recent legislative hearings on the Senate and House bills to amend the Commodity Exchange Act.¹

In implementing this new statutory provision, the Commission proposes to distinguish between the kind of publication required for minor infractions and that required for more serious violations. Thus, the manner in which disciplinary actions are to be made public is set forth in paragraph (a) of proposed § 9.12. The term "disciplinary action" is defined in § 9.2(a) and does not include minor sanctions imposed for violations of exchange rules of decorum, attire or similar rules.² Paragraph (b) of proposed § 9.12 will apply to minor sanctions imposed for violations of exchange rules of decorum, attire or similar rules.

Proposed § 9.12(a) provides that each exchange shall make public its find-

ings and reasons for taking any disciplinary action by promptly posting a notice in a conspicuous place near the trading floor and making a written advisory available to the news media which conforms to the requirements for notice contained in § 9.11(a)(1)-(4).³ An exchange is therefore required to make public: (1) The name of the person disciplined or denied access; (2) a statement of each rule found to have been violated or otherwise underlying the exchange's action or, in the event of a settlement, each rule which the exchange has reason to believe was violated; (3) the reason for the exchange's action; and (4) the action taken or the penalty imposed.

In addition, proposed § 9.12(b) requires an exchange to maintain and make available a record of its action whenever it imposes a minor penalty for violation of a rule of decorum, attire or a similar rule. The record must include the name of the person disciplined, the applicable exchange rule, a statement of the violation, and the action taken or penalty imposed.

In consideration of the foregoing, the Commission proposes to amend 17 CFR Part 9 by adding a new § 9.12 to read as follows:

§ 9.12 Publication of violations.

(a) As soon as the disciplinary action becomes effective or within five days after an exchange provides the notice required by § 9.11 to the person against whom the action was taken, whichever occurs first, the exchange shall make public its findings by posting a notice in a conspicuous place near the trading floor, and by making a written advisory available to the news media which shall contain at least the information required to be contained in the notice called for by § 9.11(a)(1)-(4).

(b) Whenever an exchange imposes a minor disciplinary penalty for violation of an exchange rule of decorum, attire or similar rule, the exchange shall maintain and make available for public inspection a record which includes:

- (1) The name of the person disciplined,
- (2) The applicable exchange rule,
- (3) A statement of the violation, and
- (4) The action taken or penalty imposed.

Issued in Washington, D.C. on January 26, 1979.

¹Part 9 of the Commission's regulations which contains the procedures and standards governing Commission review of exchange disciplinary or other adverse action was adopted by the Commission on December 15, 1978 and will become effective January 19, 1979. 17 CFR Part 9, 43 FR 59343 (December 20, 1978).

By the Commission.

GARY L. SEEVERS,
Acting Chairman.

(FR Doc. 79-3476 Filed 1-31-79; 8:45 am)

[4110-07-M]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Social Security Administration

[20 CFR Part 416]

[Regulations No. 161]

**SUPPLEMENTAL SECURITY INCOME FOR THE
AGED, BLIND, AND DISABLED**

Income

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: We plan to revise and reorganize our rules on income under the Supplemental Security Income (SSI) program. These rules describe what we consider income and what we do not consider income. They explain the difference between earned income and unearned income, how we treat each type, and the exclusions we apply to each. The rules also describe how we count an individual's income and its effect on the amount of benefits we pay. Our purpose is to make these rules clearer and easier for the public to use.

DATES: Your comments will be considered if we receive them no later than April 2, 1979.

ADDRESSES: Send your written comments to the Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive can be seen at the Washington Inquiries Section, Office of Information, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Sander Weissman, Legal Assistant, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7341.

SUPPLEMENTARY INFORMATION: We are revising and reorganizing these rules as part of Operation Common Sense, which is a Department-wide effort to review, simplify, and reduce these rules which are currently in effect.

¹See *Hearings on H.R. 10285 Before the Subcommittee on Conservation and Credit of the Committee on Agriculture*, 95th Cong., 2d Sess. 565, 586 (1978) (Statements of W. L. Perkins, President, New York Cocoa Exchange, Inc., and of the New York Mercantile Exchange); *Hearings on S. 2391 Before the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry*, 95th Cong., 2d Sess. 503, 557 (1978) (Statements of Robert K. Wilmouth, President, Chicago Board of Trade and Bennett J. Corn, President, New York Coffee and Sugar Exchange, Inc.)

²17 CFR 9.2(a), 43 FR 59343, 59350 (December 20, 1978).

REARRANGING SECTIONS

We have retitled and rearranged the sections in this Subpart K so that the sequence is more logical. Subtitles are added to highlight important rules and make them easier to locate. In addition, we have removed §416.1146 which contained a list of types of income that are excluded under the SSI program by Federal laws other than the Social Security Act. We have moved this listing into an appendix which will be updated periodically.

DEFINITIONS

We have added a new section (§416.1101) to define terms that are used throughout this subpart. We have also added definitions to other sections where they specifically apply.

INCOME GENERALLY

These rules (§416.1102) explain that we consider as income anything an individual receives in cash or in kind that can be used to meet his or her needs for food, clothing, and shelter. Section 416.1103 states that we do not consider as income something an individual cannot use as food, clothing, or shelter, or to obtain food, clothing, or shelter. This section goes on to list the items we do not consider as income. We have added three items to this list which are not income. The first is credit life or credit disability insurance payments made on behalf of an individual. The second is money an individual borrows or money the individual receives for repayment of a loan. However, interest received on money the individual has loaned is income. The third item is payment of an individual's bill by someone else. While the payment itself is not income to the individual, the payment may result in the individual's receiving income. This section also expands the description of medical and social services that are not income. These rules were published on September 14, 1978 (43 FR 41054), as a Notice of Proposed Rule-making.

EARNED INCOME

We have placed the rules dealing with earned income in §§416.1110 through 416.112. These rules state we consider as earned income wages, and in some instances food, clothing, or shelter provided instead of cash. We also consider as earned income net earnings from self-employment. We explain how we treat these earnings and any net losses which may result from self-employment. We describe the kinds of earned income we do not count, and list in the order they apply the exclusions for earned income, in order to determine the amount of countable earned income.

UNEARNED INCOME

We have placed the rules dealing with unearned income in §§416.1120 through 416.1124. All income which is not earned is considered unearned income. Unearned income can be in the form of money, or it can be the receipt of food, clothing, or shelter, or it can be something which can be sold or traded for food, clothing, or shelter.

Section 416.1121 lists and explains some types of unearned income and gives a general explanation of in-kind support and maintenance. (Support and maintenance are discussed in greater detail under the next subheading.) We describe in §416.1124 the kinds of unearned income we do not count, and list in the order they apply the exclusions for unearned income in order to determine the amount of countable unearned income.

IN-KIND SUPPORT AND MAINTENANCE

Both earned income and unearned income include food, clothing, or shelter (in-kind support and maintenance). We generally value this income at its current market value, and the various exclusions for both earned and unearned income apply. However, we also use some other rules when we consider food, clothing, or shelter as unearned income.

(1) If an individual lives in another person's household and receives both food and shelter from that person, we reduce the individual's Federal benefit rate by one-third as required by law instead of determining the actual value of the food and shelter. We have clarified the description of a household to indicate that there can be a household within a rooming or boarding establishment but there cannot be a household within an institution. We also define shelter (§416.1130(b)) to refer to room, rent or mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewer and collection garbage services. The rules covering the one-third reduction are described in §§416.1131 through 416.1133. The rules describing the one-third reduction were published as an interim regulation on July 7, 1978 (43 FR 29281).

(2) If an individual lives in his or her own household (including a noninstitutional care situation), or is living in another person's household and is not receiving both food and shelter, we presume that any food, clothing, or shelter the individual receives is worth one-third of his or her Federal benefit rate plus the amount of the general income exclusion, unless the individual can show us that the actual value is less. These rules are described in §416.1140.

(3) We apply the same rules we described in the preceding paragraph to people who live in nonmedical for

profit institutions or nonprofit retirement homes or similar type institutions although there are some exceptions. The rules covering nonprofit retirement homes provide more detail than the interim rules which were published on October 20, 1975 (40 FR 48939). These rules are described in §§416.1142 and 416.1143.

(4) Section 416.1145 describes how we value food, clothing, or shelter for members of a couple.

(5) Section 416.1148 explains that the one-third reduction rule or the presumed value rule continues to apply during a temporary absence. This section also defines what a temporary absence is, and the exceptions to the general rule.

MAJOR DISASTERS

On April 1, 1977, interim regulations (42 FR 17440) were published to implement Pub. L. 94-331. That law provided for the exclusion of assistance received under the Disaster Relief Act of 1974 or other Federal statutes on account of a Presidentially declared major disaster. It further provided that the value of support and maintenance received by SSI applicants or recipients when forced from their own households as the result of a Presidentially declared major disaster would not be considered to be unearned income. However, the law was restricted to disasters which occurred on or after June 1, 1976, and before December 31, 1976.

On November 12, 1977, Pub. L. 95-171 became law. This law extends the applicability of the above exclusions to major disasters which occur on or after December 31, 1976. In addition, the law provides that interest earned on Federal assistance received on account of a Presidentially declared major disaster be excluded from income for a period of 9 months and that the Secretary promulgate regulations to extend the 9-month period for good cause.

These rules provide for the exclusions required by Pub. L. 95-171 as it affected Pub. L. 94-331. In addition, the regulation extends the 9-month exclusion of interest from income for an additional 9 months for good cause. These rules are described in §416.1149.

DEEMING INCOME

When an individual applies for or receives SSI, we consider the individual's own income, and we also deem (consider to be available) certain income of the individual's ineligible spouse, ineligible parent or essential person who is living in the same household. The rules which explain when we deem income and the method we use to determine the amount of income we deem from an ineligible spouse to an eligible individual are described in

§416.1153. The rules for deeming income from an ineligible parent to an eligible child are described in §416.1155. Section 416.1158 describes how we deem income from an essential person to a qualified individual.

We deem income to an eligible individual, or eligible child, because we expect an ineligible spouse, or ineligible parent, or stepparent to use part of his or her income to help take care of some of the eligible individual's needs. Similarly, we consider the essential person's income is available to help meet part of the qualified individual's needs, since we have increased the qualified individual's benefit to help meet the essential person's needs.

There are certain types of income an ineligible spouse, or ineligible parent, may receive which we do not include when we deem income. These types of income are listed in §416.1151.

Before we deem any income from either an ineligible spouse or ineligible parent we set aside (allocate) part of that income to make money available for the needs of each ineligible child. The amount of income we set aside and the way we do it are described in §416.1153. In determining the amount of income to be deemed to an eligible child, we also set aside (allocate) some of the parents' income to help meet their needs. The amount of the parents' income we set aside (allocate) varies depending on the type of income the parents have, and is described in §416.1155.

Section 416.1157 discusses how a change in an individual's living arrangement can affect the deeming of income. This section also provides that we stop deeming income to an eligible child the month after he or she attains age 18, unless the child is a student. If the child is a student, deeming stops the month after he or she attains age 21.

The deeming rules were published in final on September 6, 1978 (43 FR 39564). These rules state that an ineligible child's allocation is the difference between the quarterly standard payment amount for a couple and the quarterly standard payment amount for an individual. Although the allocation for each ineligible child remains the same, we are redefining the allocation, for the sake of clarity, to mean one-half the Federal benefit rate for an individual.

ALTERNATIVE INCOME RULES FOR CERTAIN BLIND INDIVIDUALS

These rules apply only to individuals who receive SSI benefits because they are blind and were transferred to SSI when the program began in January 1974. The individuals must have received State assistance payments for the blind for December 1973, under the State plan for October 1972. These

individuals have an option as to how we count their income. Sections 416.1170 and 416.1171 explain that we count income for these individuals under the rules in this subpart, or under the rules that would have applied under the State plan for October 1972. We use whichever method results in the lower countable income.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program.)

Dated: November 24, 1978.

STANFORD G. ROSS,
Commissioner of Social Security.

Approved: January 3, 1979.

JOSEPH A. CALIFANO, JR.
Secretary of Health,
Education, and Welfare.

Subpart K of Part 416 Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart K—Income

GENERAL

- Sec. 416.1100 Income and SSI eligibility.
- 416.1101 Definition of terms.
- 416.1102 What is income.
- 416.1103 What is not income.
- 416.1104 Income we count.

EARNED INCOME

- 416.1110 What is earned income.
- 416.1111 How we count earned income.
- 416.1112 Earned income we do not count.

UNEARNED INCOME

- 416.1120 What is unearned income.
- 416.1121 Types of unearned income.
- 416.1123 How we count unearned income.
- 416.1124 Unearned income we do not count.

IN-KIND SUPPORT AND MAINTENANCE

- 416.1130 Introduction.
- 416.1131 One-third reduction when you live in another person's household.
- 416.1132 Living in another person's household.
- 416.1133 Pro rata share.
- 416.1140 Valuing in-kind support and maintenance when you live in a household where the one-third reduction does not apply.
- 416.1141 Public assistance households.
- 416.1142 Valuing in-kind support and maintenance when you live in a non-profit retirement home or similar institution.
- 416.1143 Valuing in-kind support and maintenance when you live in a nonmedical for profit institution.
- 416.1144 Valuing in-kind support and maintenance when you live in another kind of institution.

IN-KIND SUPPORT AND MAINTENANCE IN SPECIAL CIRCUMSTANCES

- 416.1145 Valuing in-kind support and maintenance for a couple.
- 416.1146 In-kind support and maintenance and deeming income.

TEMPORARY ABSENCE

Sec.

- 416.1148 Temporary absence from your living arrangement.

MAJOR DISASTERS

- 416.1149 Treatment of income received because of a major disaster.

DEEMING OF INCOME

- 416.1150 What is deeming.
- 416.1151 Income of ineligible individuals and essential persons for deeming purposes.
- 416.1153 How we deem income to you from your ineligible spouse.
- 416.1155 How we deem income to you from your ineligible parent.
- 416.1156 How we deem income to you and your eligible child from your ineligible spouse.
- 416.1157 When a change in status affects use of deeming rules.
- 416.1158 How we deem income to you from your essential person.
- 416.1159 When we stop deeming income from an essential person.

ALTERNATIVE INCOME COUNTING RULES FOR CERTAIN BLIND INDIVIDUALS

- 416.1170 General.
- 416.1171 When alternative applies.

Appendix.—List of types of income provided by Federal laws other than the Social Security Act which are excluded under the SSI program.

AUTHORITY.—Secs. 1102, 1611, 1612, 1614, and 1631 of the Social Security Act as amended; Sec. 211 of Public Law 93-66; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1471, 86 Stat. 1475, 87 Stat. 154; 42 U.S.C. 1302, 1382, 1382a, 1382c, and 1383.

Subpart K—Income

GENERAL

- §416.1100 Income and SSI eligibility.

You are eligible for supplemental security income (SSI) benefits if you are an aged, blind, or disabled person who meets the requirements described in Subpart B and has limited income and resources. Thus the amount of income you have is a major factor in deciding whether you are eligible for SSI benefits and the amount of your benefit. Generally, the more income you have the less your benefit will be. If you have too much income you are not eligible for a benefit. However, we do not count all of your income to determine your eligibility and benefit amount. We will explain in the following sections how we consider and count your income for the SSI program. These rules apply to the Federal benefit and also to any optional State supplementation benefit paid by us on behalf of a State. While this subpart explains generally how we count income, we explain how we compute your benefit in Subpart D of these regulations.

- §416.1101 Definition of terms.

As used in this subpart—

"Child" is someone who is not married, is not the head of a household, and is either under age 18 or is under age 22 and a student. (See § 416.1050)

"Couple" means an eligible individual and his or her eligible spouse.

"Current market value" means the price for which an item can be purchased on the open market in your geographic area.

"Federal benefit rate" refers to the quarterly payment amount for an eligible individual or couple. It is the figure from which we subtract countable income to find out how much your Federal SSI benefit should be.

"Institution" refers to an establishment which furnishes some treatment or services beyond food and shelter to four or more persons who are not related to the proprietor. (See § 416.231(b))

"Spouse" refers to someone who lives with another person as that person's husband or wife. (See §§ 416.1001-416.1041)

"We," "Us," or "Our" refers to the Social Security Administration.

"You" or "Your" refers to a person who is applying for, or already receiving, SSI benefits.

§ 416.1102 What is income.

We consider as income anything you receive in cash or in kind that you can use to meet your needs for food, clothing, or shelter. In-kind income is not cash, but is actually food, clothing, or shelter, or something you can sell or trade for one of these.

§ 416.1103 What is not income.

We do not consider something as income if you cannot use it as food, clothing, or shelter or to sell or trade to obtain food, clothing, or shelter. In addition, we do not consider as income what you receive from the sale or exchange of your own property, or something that we have already counted as income. (See Subpart I on resources.) Therefore, there are various items that are not income. These are—

(a) *Medical care or services* provided free of charge or paid for by someone else. This includes the value of room and board furnished during a medical confinement. It also includes any assistance regardless of the form it takes, if provided under a governmental program designed to provide medical care or services (including vocational rehabilitation). It includes, too, payment of supplementary medical insurance premiums under the Medicare program by a third party insurer. However, if a nongovernmental medical care or services program provides you with food, clothing, or shelter outside of a medical confinement, we consider that to be income. The same is true if a nongovernmental medical program gives you cash which is not

reimbursement for, or restricted to the future purchase of, a service approved by that program.

Example. If you receive reimbursement from your health insurance for prescription drugs you have bought, we do not consider that income.

(b) *Social services* received from any governmental or private nonprofit agency. "Social services" includes any assistance regardless of the form it takes, if provided under a governmental program whose purpose is to provide social services (including vocational rehabilitation). However, if a nongovernmental program provides you with food, clothing, or shelter, you are receiving income. The same is true if a nongovernmental program gives you cash which is not reimbursement for, or restricted to the future purchase of, a service approved by that program.

Example. If you are unable to handle your household chores and the State Social Services agency provides you with homemaker services three times a week, that is not income.

(c) *Receipts from the sale, exchange, or replacement of a resource.* This also includes an insurance payment to replace or repair an excluded resource (see § 416.1210).

Example. If you sell your automobile, the money you receive is not income; it is another form of a resource.

(d) *Income tax refunds.* Any amount refunded on income taxes you have already paid.

(e) *Payments by credit life or credit disability insurance* made on your behalf.

Example. If a credit disability policy pays off the mortgage on your home after you become disabled in an accident, we do not consider either the payment or your increased equity in the home to be income.

(f) *Proceeds of a loan.* Money you borrow or money you receive as repayment of a loan; however, interest received on money you have loaned is income.

(g) *Bill paid for you.* Payment of your bill by someone else directly to your creditor. If this payment, however, results in your receiving income we have to count this.

Examples. If your daughter uses her own money to pay the grocer to provide you with food, the payment itself is not your income because you do not receive it. However, because of your daughter's payment, the grocer provides you with food; the value of that food is income to you. Similarly, if you buy clothing and your son uses his own money to pay the bill, the payment to the store is not income to you. However, the value of the clothing is income to you.

§ 416.1104 Income we count.

We have described generally that we consider as income and what we do not for SSI purposes (§ 416.1103). There

are different kinds of income, earned and unearned, and we have rules for counting each kind. The earned income rules are described in §§ 416.1110 through 416.1112 and the unearned income rules are described in §§ 416.1120 through 416.1124. One kind of unearned income is support and maintenance. The way we value support and maintenance depends on your living arrangement. These rules are described in §§ 416.1130 through 416.1146. In some situations we must consider the income of certain people with whom you live as available to you and we consider this as part of your income. These rules are described in §§ 416.1150 through 416.1159. In order to understand our rules for counting income and the effect on your eligibility and benefit amount, it is necessary to consider all types of income, and the rules for counting each type. We use all of these rules to determine your countable income.

EARNED INCOME

§ 416.1110 What is earned income.

Earned income is what you receive as wages or as net earnings from self-employment. We consider these items as earned income whether you receive them in cash or in kind.

(a) *Wages.* Wages are what you receive for working as someone else's employee. Wages include salaries, commissions, bonuses, and severance pay. They may also include food, clothing, or shelter or other items provided instead of cash. We refer to this as in-kind earned income. However, if you are a domestic or agricultural worker, we must treat your in-kind pay as unearned income. We count as wages the same things that are counted in the social security retirement insurance program for purposes of the earnings test. (See § 404.429(c) of this chapter.)

(b) *Net earnings from self-employment.* Net earnings from self-employment are your gross income from any trade or business that you operate, less allowable deductions for that trade or business. Net earnings also include your share of profit or loss from any partnership to which you belong. These are the same things that we would count under the social security retirement insurance program and that you would report on a Schedule C for Federal income tax purposes (See § 404.1050 of this chapter).

§ 416.1111 How we count earned income.

(a) *Wages.* We count wages either when you receive them or when they are credited to your account or set aside so you can use them at any time, whichever occurs first. We determine your wages for each calendar quarter.

(b) *Net earnings from self-employment.* We consider net earnings from

self-employment on a taxable year basis. However, we divide the total of these earnings by four to get an amount of earnings for each quarter. For example, if your net yearly earnings are \$2,000, we consider that you received \$500 in each quarter. If you have net losses from self-employment, we divide them in the same way, and we deduct them only from earned income.

(c) *In-kind earned income.* We use the current market value of in-kind earned income for SSI purposes.

§416.1112 Earned income we do not count.

(a) *General.* While we must consider all of your earned income for SSI, we do not count all of it to determine your eligibility and benefit amount.

(b) *Other Federal laws.* Some Federal laws other than the Social Security Act provide that we cannot count some of your earned income for SSI purposes. (We list the laws and exclusions in the appendix which we update periodically.) We apply these exclusions first. Then we apply the other exclusions, in the order listed below to the rest of your earned income for a calendar quarter, but we never reduce your earned income below zero.

(c) *Other earned income we do not count.* We do not count as earned income—

(1) Up to \$30 of earned income in a calendar quarter if you receive it infrequently or irregularly; that is, if you receive it only once during the quarter or if you cannot reasonably expect to receive it;

(2) Up to \$1,200 of earned income in a calendar quarter, but no more than \$1,620 in a calendar year, if you are a blind or disabled child who is a student regularly attending school as described in §416.1060;

(3) Up to the first \$60 of earned income in a calendar quarter if you do not also have at least \$60 of unearned income in that same quarter (see §416.1124(c)(10));

(4) \$195 plus one-half of your remaining earned income in a calendar quarter;

(5) Earned income used to meet any expenses reasonably attributable to the earning of the income, if you are blind and under age 65 or if you receive SSI (or assistance under the prior State program) as a blind person for the month before you attain age 65. (We consider that you "attain" a certain age on the day before that particular birthday.); and

(6) Any earned income you use to fulfill an approved plan for achieving self-support (§416.1731), if you are blind or disabled.

UNEARNED INCOME

§416.1120 What is unearned income.

We consider any income you receive that is not earned income to be unearned income. We describe some types of unearned income in §416.1121. We consider all of these items as unearned income, whether you receive them in cash or in kind.

§416.1121 Types of unearned income.

Some types of unearned income are—

(a) *Annuities, pensions, and other periodic payments.* This unearned income is usually related to prior work or service. It includes, for example, private pensions, social security benefits, disability benefits, veterans benefits, workman's compensation, and unemployment compensation.

(b) *Alimony and support payments.* These are contributions to meet some or all of a person's usual needs for food, clothing, or shelter. Support payments may be made voluntarily or because of a court order. Alimony (sometimes called "maintenance") is an allowance made by a court from the funds of one spouse to the other spouse in connection with a suit for separation or divorce.

(c) *Dividends, interest, and royalties.* Dividends and interest are returns on capital investment, such as stocks, bonds, or savings accounts. Royalties are payments to the holder of a copyright or patent for duplication of a writing or for use of an invention. Royalties may also be paid to the owner of a mine, oil well, etc., for extraction of a product or the like.

(d) *Rents.* Rent is payment for the use of real or personal property such as land, housing, or machinery. We do not consider all of the rent you receive to be unearned income. We deduct your ordinary and necessary expenses for renting the property. These include only those expenses necessary for the production or collection of income. Some of these are interest on debts, State and local taxes on real and personal property and on motor fuels, general sales taxes, and expenses of managing or maintaining the property. (Sections 163, 164, and 212 of the Internal Revenue Code of 1954 and related regulations explain this in more detail.) We do not consider depreciation or depletion of property a deductible expense. (See §416.1110(b) for rules on rental income that is earned from self-employment if, for example, you are in business as a real estate dealer.)

(e) *Proceeds of life insurance policy.* These are payments you get as a beneficiary of a life insurance policy. We only count those payments, however, to the extent they exceed \$1,500, or the amount you spend on the insured's

last illness and burial expenses, whichever is less. Illness and burial expenses include related hospital and medical expense, funeral, burial plot, interment expenses, and other related costs.

Example. If you receive \$2,000 from a relative's life insurance policy and you spend \$900 on his or her burial expenses, we would count \$1,100, as unearned income.

(f) *Prizes and awards.* A prize is generally something won in a contest, lottery, or game of chance. An award is something received as the result of a decision or judgment of a court, board of arbitration, or the like.

(g) *Gifts and inheritances.* A gift is anything you receive which is not payment for goods or services provided by you and is not given because of a legal obligation on the donor's part. An inheritance is something that comes to you as the result of someone's death. It can be in cash or in kind, including any right in real or personal property.

(h) *Support and maintenance in kind.* This is food, clothing, or shelter furnished to you. We have rules for valuing this type of income depending on your living arrangements. We use one rule if you are living in the household of another person and receiving both food and shelter. We use another rule if you live in your own household or another living arrangement, and receive food, clothing, or shelter. There are several exceptions, but we discuss all of the rules in §§416.1130 through 416.1146.

§416.1123 How we count unearned income.

(a) *When we count unearned income.* We count unearned income when you actually receive it or when it is first available to you or set aside so you can use it at any time, whichever occurs first. We determine your unearned income for each quarter.

(b) *Amount considered as income.* We determine the amount of unearned income available to you by subtracting from your total unearned income the expenses you had in getting the income. For example, if you are paid for damages you receive in an accident, we subtract from the amount of payment, your medical, legal, or other expenses connected with the accident. However, we do not subtract from income the part you have to use to pay personal income taxes. The payment of taxes is one of the ways you spend your income and not an expense you have in getting it. Also in certain situations, we may consider someone else's income to be available to you, whether or not it actually is. (For the rules on this process, called deeming, see §§416.1150-416.1159).

(c) *In-kind income.* We use the current market value of in-kind unearned income to determine its value for SSI

purposes. We describe some exceptions to this rule in §§ 416.1131-416.1146.

§ 416.1124 Unearned income we do not count.

(a) *General.* While we must consider all of your unearned income for SSI, we do not count all of it to determine your eligibility and benefit amount.

(b) *Other Federal laws.* Some Federal laws other than the Social Security Act provide that we cannot count some of your unearned income for SSI purposes. (We list the laws and the exclusions in the appendix which we update periodically.) We apply these exclusions first to your unearned income. Then we apply the other exclusions, in the order listed below, to the rest of your unearned income for a calendar quarter, but we never reduce your unearned income below zero.

(c) *Other unearned income we do not count.* We do not count as unearned income—

(1) Any public agency's refund of taxes on real property or food;

(2) Assistance based on need which is funded wholly by a State or one of its political subdivisions. (An Indian tribe is considered a political subdivision of a State.) Assistance is based on need when it is provided under a program which uses the amount of your income as one factor to determine your eligibility. This includes State supplementation of Federal SSI benefits as defined in Subpart T of this part but does not include payments under a Federal/State grant program such as Aid to Families with Dependent Children under title IV-A of the Social Security Act;

(3) Any portion of a grant, scholarship, or fellowship used for paying tuition, fees, or other necessary educational expenses. However, we do not exclude any portion set aside or actually used for food, clothing, or shelter;

(4) Food which you or your spouse raise if it is consumed by you or your family and you did not raise it as part of a trade or business;

(5) Assistance received under the Disaster Relief Act of 1974 or assistance provided under any Federal program because of a catastrophe which the President of the United States declares to be a major disaster. (See § 416.1149 for a more detailed discussion of this assistance, particularly the treatment of in-kind support and maintenance received as the result of such a disaster.);

(6) Up to \$60 of unearned income in a calendar quarter if you receive it infrequently or irregularly; that is, if you receive it only once during the quarter or if you cannot reasonably expect to receive it;

(7) Periodic payments made by a State under a program established before July 1, 1973, and based solely

on your length of residence and attainment of age 65;

(8) Payments for providing foster care to an ineligible child who was placed in your home by a public or private nonprofit child placement or child care agency;

(9) One-third of support payments made to or for you by an absent parent if you are a child;

(10) The first \$60 of any unearned income in a calendar quarter except for income based on need. (However, assistance based on need which is funded wholly by a State or political subdivision is not counted as income as described in § 416.1124(c)(2).) If you receive less than \$60 of unearned income in a quarter and you have earned income in that quarter, we will use the rest of the \$60 exclusion to reduce the amount of your earned income we count; and

(11) Any unearned income you use to fulfill an approved plan for achieving self-support (§ 416.1731), if you are blind or disabled.

IN-KIND SUPPORT AND MAINTENANCE

§ 416.1130 Introduction.

(a) *General.* Both earned income and unearned income include food, clothing, and shelter (in-kind support and maintenance). Generally, we value this income at its current market value and the various exclusions for both earned and unearned income apply. However, we also use some other rules when we consider food, clothing, or shelter as unearned income.

(b) *In-kind support and maintenance as unearned income defined.* In-kind support and maintenance means any or all of your food, clothing, or shelter which is given to you or any part which you receive because someone else pays for them. Shelter includes room, rent or mortgage costs, real property taxes, heating fuel, gas, electricity, water, sewer and garbage collection services. The way we value in-kind support and maintenance depends upon whether you are living in the household of another (§§ 416.1131-416.1133), or in other situations (§§ 416.1140-416.1144). We also apply special rules when members of a couple have different living arrangements (§§ 416.1145-416.1146).

§ 416.1131 One-third reduction when you live in another person's household.

(a) *When the one-third reduction applies.* Instead of determining the actual dollar value of in-kind support and maintenance, we reduce the Federal benefit rate by one-third if you (or you and your eligible spouse)—

(1) Live in another person's household (see § 416.1132) for a full calendar

month except for temporary absences (see § 416.1148); and

(2) Receive both food and shelter from the person in whose household you are living.

(b) *What the one-third reduction is.* The one-third reduction is a flat reduction of your Federal benefit rate. It applies in full or not at all. We do not treat the food and shelter you receive when you are living in another person's household the way we treat your other unearned income. Therefore, we cannot apply any income exclusions to the reduction amount. However, we do apply appropriate exclusions to any other earned or unearned income you receive. If you have an eligible spouse we apply the rules described in §§ 416.1145-416.1146.

§ 416.1132 Living in another person's household.

(a) *Household.* For purposes of this subpart, we consider a household to be a personal place of residence. This may include a household within a commercial establishment such as a rooming or boarding house. If you live in a household within a rooming or boarding establishment, we do not consider you to be a member of the proprietor's household. A household is not an institution and cannot exist within an institution.

(b) *Another person's household.* We consider that you live in another person's household if paragraph (c) of this section does not apply and if the household has at least one other member who is not—

(1) Your spouse (as defined in § 416.1005);

(2) A minor child; or

(3) An ineligible person whose income may be deemed to you as described in §§ 416.1150-416.1159.

(c) *Not another person's household.* We consider that you do not live in another person's household, if—

(1) You (or your spouse who lives with you) have an ownership or life estate interest in the home;

(2) You (or your spouse who lives with you) are liable to the landlord for payment of any part of the rental charges;

(3) You live in a noninstitutional care situation as described in § 416.1140(e); or

(4) You pay at least a pro rata share of household operating expenses (see § 416.1133).

§ 416.1133 Pro rata share.

(a) *How we determine a pro rata share.* Your pro rata share of household operating expenses is the monthly average household operating expenses divided by the number of people in the household, regardless of age. If you pay this amount toward monthly household operating ex-

penses, we consider that you are living in your own household and the one-third reduction does not apply to you. (If you are receiving food, clothing, or shelter from someone outside the household, we must value that under the rules in § 416.1140.)

(b) *Average household operating expenses.* Household operating expenses are the household's total monthly expenditures for food, rent or mortgage costs, real property taxes, heating fuel, gas, electricity, water, sewage and garbage collection services. (The term does not include the cost of any of these items if someone outside the household pays for them.) Generally, we average household operating expenses over the past 12 months to determine a pro rata share.

§ 416.1140 Valuing in-kind support and maintenance when you live in a household where the one-third reduction does not apply.

(a) *General.* The rules in this section apply if—

(1) You are living in another person's household but not receiving both food and shelter from that person;

(2) You are living in your own household; or

(3) You are living in a noninstitutional care situation (see paragraph (e) of this section).

(b) *How we value in-kind support and maintenance.* Instead of determining the actual dollar value of any food, clothing, or shelter you receive, we presume that it is worth a maximum value. This maximum value is one-third of your Federal benefit rate plus the amount of the general income exclusion described in § 416.1124(c)(10). We use this amount because, if you have no other income, it will give you the same Federal benefit you would receive under the one-third reduction rules.

(c) *If you disagree with the presumed value rule.* We will not use the presumed value at any time if you—

(1) Show us that the current market value of any food, clothing, or shelter you receive, minus any payment you make for them is lower than our presumed value; or

(2) Show us that the actual amount paid for any of your food, clothing, or shelter by someone else is lower than our presumed value.

(d) *Determining your benefit.* (1) If you show us that the presumed value as described in paragraph (b) of this section is higher than the actual value of the food, clothing, or shelter you receive, we consider as part of your unearned income the actual amount you establish to determine your benefit.

(2) If you choose not to question the use of the presumed value, or if the presumed value is less than the actual value of the the food, clothing, or

shelter you receive, we use the presumed value to determine your benefit.

(e) *Living in a noninstitutional care situation.* We consider you to be living in a noninstitutional care situation if all of the following conditions exist:

(1) You are placed by a public or private agency under a specific program such as foster or family care;

(2) You are in a private household (not an institution) which is licensed or approved by the placing agency to provide care;

(3) The placing agency is responsible for your care; and

(4) You, the placing agency, or someone else pays the person who takes care of you.

§ 416.1141 Public assistance households.

If you live in a household where every person is receiving some kind of public income maintenance payments, we assume that no one in the household is providing you with food, clothing, or shelter, unless there is evidence to the contrary. (If you are receiving food, clothing, or shelter from someone outside the household, we must value that under the rules in § 416.1140.) Public income maintenance payments are those made under—

(a) Title IV-A of the Social Security Act (Aid to Families with Dependent Children);

(b) Title XVI of the Social Security Act (SSI, including federally administered State supplements and State administered mandatory supplements);

(c) The Migration and Refugee Assistance Act of 1962;

(d) The Indochina Migration and Refugee Assistance Act of 1975;

(e) The Disaster Relief Act of 1974;

(f) General assistance programs of the Bureau of Indian Affairs; or

(g) General assistance programs of State or local governments.

§ 416.1142 Valuing in-kind support and maintenance when you live in a nonprofit retirement home or similar institution.

(a) *When we count.* If you live in a nonprofit retirement home or similar institution we count the value of the food, clothing, or shelter you receive under the rules described in § 416.1140, if—

(1) The home or nonprofit organization has expressly undertaken an obligation to provide you full support and maintenance (at least all of your food and shelter needs); and

(2) The home does not require any current or future payment for your food and shelter. A prepayment is not considered a current payment.

(b) *When we do not count.* If paragraph (a) does not apply, we do not count the value of the food, clothing,

or shelter you receive from the home or institution as part of your unearned income—

(1) To the extent that the home or institution receives no payment for your food, clothing, or shelter; or

(2) If the home or institution receives payment from another nonprofit organization.

(c) *Definitions.* For purposes of this section the following definitions apply.

(1) "Nonprofit institution" means a nongovernmental institution which is, or is controlled by a private nonprofit organization that does not provide you with services which are (or could be covered) under Medicaid and does not provide you with education or vocational training.

(2) "Nonprofit organization" means a private organization which is tax exempt under section 501(a) of the Internal Revenue Code of 1954 and is of the kind described in section 501(c) and (d) of that code.

(3) An obligation to provide you full support and maintenance is expressly undertaken if there is either a legally enforceable written contract or membership rules that provide—

(i) The home (institution) or organization will provide you with at least all of your food and shelter needs; and

(ii) The home does not require any current or future payment.

§ 416.1143 Valuing in-kind support and maintenance when you live in a non-medical for profit institution.

(a) *When we count.* If you live in a nonmedical for profit institution and another person or organization pays the institution for any of your food, clothing, or shelter, we count its value under the rules described in § 416.1140.

(b) *When we do not count.* We do not count the value of the food, clothing, or shelter you receive from the institution if—

(1) You pay the institution and the institution accepts whatever you pay as payment in full; or

(2) You contract a legal debt to the institution for your food, clothing, or shelter and the institution accepts your debt plus the payment you make, if any, as payment in full.

§ 416.1144 Valuing in-kind support and maintenance when you live in another kind of institution.

(a) *General.* The rules in this section apply if—

(1) You are living in a public or private nonprofit educational or vocational training institution; or

(2) You are living in any other public institution even if less than a full calendar month.

(b) *How we value in-kind support and maintenance.* We value any food, clothing, or shelter you receive outside

of a medical institution under the rules described in § 416.1140.

IN-KIND SUPPORT AND MAINTENANCE IN SPECIAL CIRCUMSTANCES

§ 416.1145 Valuing in-kind support and maintenance for a couple.

(a) *General.* The way we value any food, clothing, or shelter you or your eligible spouse receive, depends on your living arrangements. We continue to consider you and your spouse as a couple even though you are separated as long as the separation does not last more than 6 months (§ 416.1040). This section contains the rules for the combinations of living arrangements.

(b) *Presumed value arrangements.* For purposes of this section, we refer to the following kinds of living arrangements as presumed value arrangements:

(1) You are living in another person's household and not receiving both food and shelter from that person;

(2) You are living in your own household;

(3) You are living in a noninstitutional care situation (see § 416.1140(e)); and

(4) You or your spouse are living in a nonmedical institution where we count any food, clothing, or shelter. (See §§ 416.1142-416.1144.)

(c) *Both live in another person's household and receive food and shelter from that person.* We apply the one-third reduction to the Federal benefit rate for a couple (§ 416.1131). The one-third reduction applies whether you are both in the same household or different households.

(d) *One lives in another person's household and receives food and shelter from that person and the other is in a medical institution.* We compute your benefits as if you were two eligible individuals, beginning with the first full calendar month one of you is in a medical institution as describe in § 416.231(a)(2). The one living in another person's household is eligible at an eligible individual's Federal benefit rate reduced by one-third. The one in the medical institution is eligible at the reduced Federal benefit rate as described in § 416.231(a)(2)(i).

(e) *One lives in the household of another and receives food and shelter from that person and the other is in a presumed value arrangement.*

(1) We value the food and shelter received by the one in the household of another at one-sixth of the couple's Federal benefit rate unless you can show that the value is lower as described in § 416.1140(c).

(2) We value any food, clothing, or shelter received by the other outside of a medical institution at one-sixth of the couple's Federal benefit rate plus one-half the amount of the general

income exclusion (§ 416.1124(c)(10)), unless you can show that the value is lower as described in § 416.1140(c).

(f) *Both in a presumed value arrangement.* We value any food, clothing, or shelter you and your spouse receive at one-third of the Federal benefit rate for a couple plus the amount of the general income exclusion (§ 416.1124(c)(10)), unless you can show that their value is less as described in § 416.1140(c).

(g) *One is in a presumed value arrangement and the other is in a medical institution.* We compute your benefits as if you were two eligible individuals beginning with the first full calendar month that one of you is in a medical institution (§ 416.231(a)(2)). We value any food, clothing, and shelter received by the one outside of the medical institution at one-third of the eligible individual's Federal benefit rate, plus the amount of the general income exclusion (§ 416.1124(c)(10)), unless you can show that their value is less as described in § 416.1140(c). The one in the medical institution as described in § 416.231(a)(2) is eligible for the reduced Federal benefit rate (§ 416.231(a)(2)(ii)).

§ 416.1146 In-kind support and maintenance and deeming income.

(a) *The one-third reduction and deeming of income.* If you live in the household of someone whose income can be deemed to you as described in §§ 416.1150-416.1159, the one-third reduction does not apply to you. However, if you and a person whose income can be deemed to you both live in another person's household as described in § 416.1131, we must apply both the one-third reduction and the deeming rules to you.

(b) *The presumed value rule and deeming of income.* (i) If you live in the household of someone whose income can be deemed to you (§§ 416.1150-416.1159) we do not consider as income any food, clothing, or shelter that person provides. However, if you receive any food, clothing, or shelter from another source, we consider what you receive to be income and we value it under the presumed value rule (§ 416.1140). We also apply the deeming rules to you.

(2) If you are a child under age 21 who lives in the household of an ineligible parent, and you are temporarily absent from the household to attend school (§ 416.1157(a)(2)), we consider as income any food, clothing, or shelter you receive at school unless your parent provides it. We value this income under the presumed value rules (§ 416.1140). We also apply the deeming rules to you (§ 416.1155).

TEMPORARY ABSENCE

§ 416.1148 Temporary absence from your living arrangement.

(a) *General.* A temporary absence may be due to employment, hospitalization, vacations, or visits. Generally, we consider that you are temporarily absent from your permanent living arrangement if you (or you and your eligible spouse)—

(1) Were in your permanent living arrangement for at least one full calendar month prior to your absence; and

(2) Intend to, and do, return to your permanent living arrangement in the same calendar month in which you leave, or in the next month.

(b) *Rules we apply during temporary absence.* The income rules which apply in your permanent living arrangement continue to apply during a temporary absence. For example, if the one-third reduction applies in your permanent living arrangement, we continue to apply the same rule during a temporary absence. However, if you receive in-kind support and maintenance only during a temporary absence we do not consider it since you are still responsible for maintaining your permanent quarters during the absence.

(c) *Rules for temporary absence in special circumstances.* (1) If you enter a medical institution as described in § 416.231(a)(2) with the intention of returning to your prior living arrangement, we consider this a temporary absence. We use the rules that apply to your permanent living arrangement to value any food, clothing, or shelter you receive during the month you enter or leave the institution. During any full calendar month you are in the medical institution you are eligible at the reduced Federal benefit rate described in § 416.231(a)(2)(i). We do not consider food or shelter provided during a medical confinement to be income.

(2)(i) Generally, if you are a child under age 22, you are temporarily absent while you are away at school, regardless of how long you are away, if you come home on some weekends, lengthy holidays, and vacations (or for extended visits as provided in school regulations).

(ii) However, if you are a child under age 21, and your permanent living arrangement is with an ineligible parent or essential person (§ 416.243) we follow the rules in § 416.1146(b)(2).

MAJOR DISASTERS

§ 416.1149 Treatment of income received because of a major disaster.

(a) *Support and maintenance.* We do not count the value of support and maintenance (in cash or in-kind), and

the one-third reduction does not apply, if—

(1) You maintained and lived in your own household when a catastrophe occurred in the area;

(2) The President declares the catastrophe to be a major disaster for purposes of the Disaster Relief Act of 1974;

(3) You stopped living in the household because of the catastrophe, and within 30 days after the catastrophe you began to receive support and maintenance; and

(4) You received support and maintenance while living in a residential facility (including a private household) maintained by another person.

(b) *Time limit.* Paragraph (a) of this section only applies to support and maintenance you receive during the 18-month period beginning with the month you begin to receive the support and maintenance.

(c) *Other assistance you receive.* We do not consider other assistance you receive under the Disaster Relief Act of 1974 or under another Federal statute because of a catastrophe which the President declares to be a major disaster. For example, you may receive payments to repair or replace your home or other property.

(d) *Interest payments.* Any interest earned on the assistance payments you receive under paragraph (c) is excluded from income for a period of 9 months beginning on the date you receive assistance. We can extend the 9-month period for up to an additional 9 months if you show good cause. Good cause exists, for example, if you show that circumstances beyond your control prevent the repair or replacement, or contracting for the repair or replacement of a home or other kinds of property within the initial 9-month time period.

DEEMING OF INCOME

§416.1150 What is deeming.

(a) *General.* (1) If you live in the same household as your ineligible spouse, or if you are a child living in the same household as your ineligible parent, we look at the person's income to determine whether we must consider (deem) some of it as your income. If you live in the same household as your essential person, we must also look at that person's income to determine whether we must consider some of it.

(2) We use the term "deeming" to identify the process of considering another person's income to be your own income. When the rules for deeming apply, it does not matter whether the income of the other person is actually available to you; we must apply these rules anyway. We deem income because we expect your ineligible spouse or ineligible parent with whom you live to use part of his or her income to

take care of some of your needs. Similarly, we consider your essential person's income to be available to you, since we have increased your benefit to help meet his or her needs.

(b) *Steps in deeming.* Although the way we deem income varies depending upon whether you are an eligible individual, eligible child, or an individual with an essential person, we follow several general steps to determine how much income to deem.

(1) We determine how much earned and unearned income your ineligible spouse, ineligible parent, or essential person has and we apply the appropriate exclusions in §416.1151.

(2) We then apply an allocation for each ineligible child in the household, before we deem income to you from either your ineligible spouse or ineligible parent. (Allocations for ineligible children are explained in §416.1153(b).)

(3) We then follow the deeming rules which apply to you.

(i) For deeming income from your ineligible spouse, see §416.1153.

(ii) For deeming income from your ineligible parent, see §416.1155.

(iii) For deeming income from your ineligible spouse when you also have an eligible child, see §416.1156.

(iv) For deeming income from your essential person, see §416.1158.

(v) For provisions on change in status, see §§416.1157 and 416.1159.

(c) For deeming purposes—

(1) "Ineligible spouse" refers to someone who lives with you as your husband or wife and who is not eligible for SSI benefits.

(2) "Ineligible parent" refers to a natural, or adoptive parent, or stepparent who lives with you and is not eligible for SSI benefits.

(3) "Ineligible child" is your natural child, adopted child, or stepchild who is under age 21, lives in the same household with you, and is not eligible for SSI benefits. If you are a child, this term applies to a natural, adopted, or stepchild of your parent.

(4) "Essential person" is someone whose presence was felt to be necessary for your welfare under the State program that preceded the SSI program. (See §416.241-416.249 for the rules on essential persons.)

§416.1151 Income of ineligible individuals and essential persons for deeming purposes.

The first step in deeming is determining how much income your ineligible spouse, ineligible parent, or essential person has. We do not always include all of their income when we determine how much income to deem. In addition, we must determine the amount of income of any ineligible children in the household.

(a) *For a spouse or parent, we do not include—*(1) Any assistance which is based on need and provided by a Federal agency or by a State or one of its political subdivisions, or any income which was counted so that it affected the amount of that assistance;

(2) Any portion of a grant, scholarship, or fellowship used to pay tuition or fees;

(3) Money received for providing foster care to an ineligible child;

(4) The value of food stamps and the value of Department of Agriculture donated foods;

(5) Home produce grown for personal consumption;

(6) Tax refunds on income, real property, or food purchased by the family;

(7) Income needed to fulfill an approved plan for achieving self-support;

(8) Income used to comply with the terms of court-ordered support;

(9) The value of in-kind support and maintenance;

(10) Periodic payments made by a State under a program established before July 1, 1973, and based solely on duration of residence and attainment of age 65; and

(11) Income excluded by Federal laws other than the Social Security Act. (These are listed in the appendix, which will be updated periodically.)

(b) *For an essential person.* We include all of an essential person's income as defined in §416.1102, except for income excluded under Federal laws other than the Social Security Act. (See the appendix.)

(c) *For an ineligible child.* Although we do not deem any income to you from an ineligible child, we reduce his or her allocation if the ineligible child has income of his or her own (See §416.1153(b)(2)). For this purpose, we do not include any of the income listed in paragraph (a) of this section. In addition, if the ineligible child is a student (see §416.1060), we do not include any of the child's earned income up to \$1,200 a calendar quarter, but not more than \$1,620 per year.

§416.1153 How we deem income to you from your ineligible spouse.

If you and your ineligible spouse live in the same household, we apply the deeming rules to your spouse's income.

(a) *Determining your ineligible spouse's income.* We first determine how much earned and unearned income your ineligible spouse has, using the appropriate exclusions in §416.1151(a).

(b) *Allocations for ineligible children.* We then deduct an allocation for each ineligible child in the household to help meet their needs.

(1) The allocation for each ineligible child is one-half of the Federal benefit rate for an eligible individual. The

amount of the allocation automatically increases whenever the Federal benefit rate increases. If the allocation only applies to one or two months of a calendar quarter, we reduce the allocation by two-thirds or one-third, as appropriate.

(2) Each ineligible child's allocation is reduced by the amount of his or her own income as described in § 416.1151(c).

(3) We deduct the allocations from your ineligible spouse's unearned income first. If your ineligible spouse does not have enough unearned income to cover the allocations we deduct the balance from the ineligible spouse's earned income.

(c) *Your SSI benefit.* (1) If the remaining amount of your ineligible spouse's income is not more than one-half of the Federal benefit rate for an eligible individual, we do not deem any of the income to you. In this situation, only your own countable income is deducted from the Federal benefit rate for an individual to determine the amount of your benefit.

(2) If the remaining amount of your ineligible spouse's income is more than one-half of the Federal benefit rate for an eligible individual, we treat you and your ineligible spouse as an eligible couple. We do this by:

(i) Combining the remainder of your spouse's unearned income with your own unearned income and the remainder of your spouse's earned income with your earned income;

(ii) Applying all appropriate income exclusions, in §§ 416.1112 and 416.1124; and

(iii) Subtracting the total countable income from the Federal benefit rate for an eligible couple.

(3) However, your SSI benefit under the deeming rules cannot be higher than what it would be if deeming did not apply. Therefore, your benefit is the amount computed under the rules in paragraph (c)(2) or the amount remaining after we subtract only your own countable income from an individual's Federal benefit rate, whichever is lower.

(d) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual. Therefore, the amounts of income used, the income exclusions described, and the allocation amounts shown are all quarterly amounts. The Federal benefit rates used are based on rates effective July 1, 1978.

Example 1. Ted, an aged individual, lives with his ineligible spouse, Alice, and their ineligible son, Mike. Alice receives \$500 unearned income per quarter. She has no earned income and Mike has no income at all. Before we deem any income we make an allocation to Mike of \$284.10 (half of the Federal benefit rate for an eligible individual). We take the allocation (\$284.10) from Alice's unearned income (\$500) leaving

\$215.90. Since Alice's remaining income (\$215.90) is not more than one-half of the Federal benefit rate for an individual (\$284.10) we do not deem any income to Ted. Instead, we subtract only Ted's own countable income from the Federal benefit rate for an eligible individual to determine his benefit.

Example 2. George, a disabled individual, lives with his ineligible spouse, Ellen, and ineligible child, Christine. George and Christine have no income. Ellen has earned income of \$1,000 a quarter and unearned income of \$750 a quarter. Before we deem any income we make an allocation to Christine of \$284.10. We take the allocation (\$284.10) from Ellen's unearned income (\$750) leaving \$465.90 in unearned income. Since Ellen's remaining income is more than one-half the Federal benefit rate for an individual we deem the remaining unearned income (\$465.90) and the earned income (\$1,000) available to George and Ellen and treat them as a couple. We apply the \$60 general income exclusion to the unearned income reducing it further to \$405.90. We then apply the earned income exclusion (\$195 plus one-half the remainder) to Ellen's earned income of \$1,000, leaving \$402.50. We combine the countable unearned income (\$405.90) and the countable earned income (\$402.50) and subtract it (\$808.40) from the Federal benefit rate for a couple (\$852.30) leaving a benefit of \$43.90 for that quarter. (George would receive a Federal benefit of \$14.64 each month.)

Example 3. Joe, a disabled individual, lives with his wife, Mary. She earns \$600 in a quarter. Joe receives a pension (unearned income) of \$300 a quarter. Since Mary's income is greater than one-half the Federal benefit rate for an individual (\$284.10), we deem all of her income to be available to both Joe and Mary and treat them as a couple. We apply the \$60 general income exclusion to Joe's \$300 unearned income, leaving \$240. Then we apply the earned income exclusion (\$195 plus one-half the remainder) to Mary's \$600, leaving \$202.50. This gives the couple total countable income of \$442.50 for the quarter (\$240 plus \$202.50). Subtracting \$442.50 from the \$852.30 Federal benefit rate for a couple leaves a benefit of \$409.80. However, if Joe were not subject to deeming rules, his benefit would only be \$328.20. This is because Joe's own unearned income of \$300, minus the \$60 general income exclusion, leaves \$240 countable income. Subtracting \$240 countable income from the \$568.20 Federal benefit rate for an individual leaves a benefit of \$328.20. Since Joe's benefit cannot exceed the amount he would receive if deeming did not apply, his benefit is \$328.20 for the quarter (\$109.40 each month).

§ 416.1155 How we deem income to you from your ineligible parent.

If you are a child under age 21 living with one or both of your parents, we apply the deeming rules to their income.

(a) *Determination of your ineligible parents' income.* We first determine how much earned and unearned income your parents have, using the appropriate exclusions in § 416.1151(a).

(b) *Allocations for ineligible children.* We then deduct an allocation for

each ineligible child in the household as described in § 416.1153(b).

(c) *Allocations for your ineligible parents.* We then deduct allocations for your parents. These vary depending on the type of income they have:

(1) *All parental income is earned.* If your parents have only earned income, we allocate \$255 (the sum of the \$60 general income exclusion and the \$195 earned income exclusion) plus—

(i) Double the Federal benefit rate for a couple if both parents live with you; or

(ii) Double the Federal benefit rate for an individual if only one parent lives with you.

(2) *All parental income is unearned.* If your parents have only unearned income, we allocate \$60 (the amount of the general income exclusion) plus—

(i) The Federal benefit rate for a couple if both parents live with you; or

(ii) The Federal benefit rate for an individual if only one parent lives with you.

(3) *Parental income is both earned and unearned.* If your parents have both earned and unearned income, we first deduct \$60 from their combined unearned income. If they do not have enough unearned income we subtract the balance of the \$60 from their combined earned income. Then we subtract \$195 plus one-half the remainder of their earned income. We total the remaining earned and unearned income, and subtract—

(i) The Federal benefit rate for a couple if both parents live with you; or

(ii) The Federal benefit rate for an individual if only one parent lives with you.

(d) *Your SSI benefit.* We deem any of your parents' income that remains to be your unearned income. We combine it with your own unearned income and apply the exclusions in § 416.1124 to determine your countable unearned income. We add this to any countable earned income you may have and subtract the total from the Federal benefit rate for an individual to determine your benefit.

(e) *When you are not the only eligible child.* If your parents have more than one eligible child in the household, we divide the parental income to be deemed equally among the eligible children. However, we do not deem more income to an eligible child than the amount which, when combined with the child's own income, reduces his or her SSI benefit to zero. (For purposes of this paragraph, an SSI benefit includes any federally administered State supplement.) If the share of parental income that would be deemed to a child makes that child ineligible because that child has other countable income, we deem any remaining parental income to other children.

gible children in the household in the manner described in this paragraph.

(f) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible child. Therefore, the amounts of income used, the income exclusions described, and the allocation amounts shown are all quarterly amounts. The Federal benefit rates used are based on rates effective July 1, 1978.

Example 1. Henry, a disabled child, lives with his mother and father and a 12-year-old ineligible brother. His mother receives a pension (unearned income) of \$600 per quarter, and his father earns \$1,900 per quarter. Henry and his brother have no income. First we allocate \$284.10 for Henry's brother from the unearned income of \$600. This leaves \$315.90 in unearned income. Since the remaining parental income is both earned and unearned, we reduce the unearned income further by \$60, leaving \$255.90. We then reduce the \$1,900 of earned income by \$195 plus one-half the remainder, leaving \$852.50. From the total remaining income of \$1,108.40 we subtract \$852.30 (the Federal benefit rate for a couple), leaving \$256.10 to be deemed as Henry's unearned income. We then apply Henry's \$60 general income exclusion which reduces his countable income to \$196.10. We subtract that amount from the \$568.20 Federal benefit rate for an individual, leaving a benefit of \$372.10 for the quarter (\$124.04 each month).

Example 2. James and Tony are disabled children who live with their mother. The children have no income but their mother receives \$900 a quarter in unearned income. Since all of the mother's income is unearned, the amount we allocate for her needs is \$628.20 (the Federal benefit rate for an individual, \$568.20, plus the \$60 general income exclusion). After subtracting this allocation from her \$900, we divide the remaining \$271.80 equally between the two children (\$135.90 each) as unearned income. We then apply the \$60 general income exclusion leaving each child with \$75.90 countable income. Subtracting \$75.90 countable income from the \$568.20 Federal benefit rate for an individual gives each child a benefit of \$492.30 for the quarter.

§ 416.1156 How we deem income to you and your eligible child from your ineligible spouse.

If you and your eligible child live in the same household with your ineligible spouse, we deem your ineligible spouse's income first to you, and then we deem any remainder to your eligible child.

(a) *Determination of your ineligible spouse's income.* We first determine how much earned and unearned income your ineligible spouse has using the appropriate exclusions in § 416.1151(a).

(b) *Allocations for ineligible children.* We then deduct an allocation for each ineligible child in the household as described in § 416.1153(b).

(c) *Your SSI benefit.* We follow the rules in § 416.1153 to find out how much of your ineligible spouse's

income is deemed to you and the amount of your benefit.

(d) *Your eligible child's benefit.* (1) If you are eligible to receive an SSI benefit after your ineligible spouse's income has been deemed to you, we do not deem any income to your eligible child. We determine your child's benefit by subtracting only his or her own countable income from the Federal benefit rate for an eligible individual.

(2) If you are not eligible for an SSI benefit after your ineligible spouse's income has been deemed to you, we deem to your eligible child any of your spouse's income which was not used to reduce your benefit to zero. (For purposes of this section your SSI benefit includes any federally administered State supplement.) We then follow the rules in § 416.1155 (d) and (e) to determine the child's SSI benefit.

(e) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual and an eligible child in the same household. Therefore, the amounts of income used, the income exclusions described, and the allocation amounts shown are all quarterly amounts. The Federal benefit rates used are based on rates effective July 1, 1978.

Example 1. Mary, a blind individual, lives with her husband, John, and their disabled child, Peter. Mary and Peter have no income, but John is employed and earns \$1,700 per quarter. We determine Mary's eligibility first. Since John's income is more than one-half the Federal benefit rate for an eligible individual, we treat the entire \$1,700 as earned income available to John and Mary as a couple. Because they have no unearned income, we reduce the \$1,700 by the \$60 general income exclusion and then by the earned income exclusion of \$195 plus one-half the remainder. This leaves John and Mary with \$722.50 in countable income. Subtracting the \$722.50 countable income from the \$852.30 Federal benefit rate for a couple gives Mary a benefit of \$129.80. Since Mary is eligible for an SSI benefit, there is no income to be deemed to Peter. His benefit is \$568.20 (the Federal benefit rate for an individual) because he has no countable income.

Example 2. Al, a disabled individual, resides with his wife Dora and their disabled son, Jeff. Al and Jeff have no income but Dora is employed and earns \$2,500 a quarter. Since Dora's income is more than one-half the Federal benefit rate for an eligible individual, we treat the entire \$2,500 as earned income available to Al and Dora as a couple. We reduce this income by the \$60 general income exclusion and then by \$195 plus one-half the remainder (earned income exclusion), leaving \$1,122.50 in countable income. Al is ineligible because the countable income (\$1,122.50) exceeds the Federal benefit rate for a couple (\$852.30). Since Al is ineligible, we deem to Jeff \$270.20, the amount of income over and above the amount which causes Al to be ineligible (the difference between the countable income and the Federal benefit rate for a couple). We treat the income deemed to Jeff (\$270.20) as unearned income and we apply the \$60 general income exclusion reducing

Jeff's countable income to \$210.20. We subtract the countable income (\$210.20) from the Federal benefit rate for an individual (\$568.20) making Jeff eligible for a benefit of \$358 for the quarter.

§ 416.1157 When a change in status affects use of deeming rules.

(a) *When you are no longer living in the same household with spouse or parent.* If you and your ineligible spouse or parent stop living in the same household, we stop applying deeming rules with the first full month that one of you is absent, unless the absence is temporary. For example, if you leave the household in September with no intention of returning, the deeming rules do not apply to you beginning in October.

(1) A temporary absence, for purposes of deeming, occurs when you or your ineligible spouse or parent leave the household but intend to, and do, return in the same month or the month immediately following. If the absence is temporary, we continue to deem.

(2) If you are an eligible child who is away at school but comes home on some weekends or lengthy holidays and is still under parental control, we consider you temporarily absent from your parent's household. However, if you are not under parental control during the absence, we do not consider it temporary and do not deem parental income to you.

(b) *When you move into the same household with spouse or parent.* If you have not been subject to deeming rules and then move into a household with your ineligible spouse or parent, or if you marry an ineligible person, we begin to deem beginning with the month following the change. For example, if you marry in September, your spouse's income can begin to affect your SSI benefit in October.

(c) *When you are no longer a child.* If you are a child living with your parents, we stop deeming with the month following your attainment of age 18. For example, if you attain age 18 in June, the deeming rules do not apply to you beginning in July. However, if you are a student, we do not stop deeming until the month following your attainment of age 21. (You "attain" a certain age on the day before your birthday.)

(d) *When you are age 18-21 and become a student.* If you are between the ages of 18 and 21 but not a student, deeming rules do not apply even if you live with a parent. However, if you become a student during this period and continue to live with a parent, we begin to apply deeming rules in the month after you become a student. For example, if you become a student in September, the deeming rules apply to you beginning in October if you live with your parent(s).

§ 416.1158 How we deem income to you from your essential person.

(a) *Essential person's income.* If you have an essential person, we deem all of that person's income as described in § 416.1151(b) to be your own unearned income.

(b) *Your SSI benefit.* We apply the exclusions to which you are entitled under §§ 416.1112 and 416.1124 to your earned and unearned income (including any deemed to you). After combining the remaining amounts of countable income, we subtract the total from the Federal benefit rate for a qualified individual (see § 416.413) to determine your SSI benefit.

§ 416.1159 When we stop deeming income from an essential person.

If your countable income, including the income deemed to you from your essential person, causes you to be ineligible for an SSI payment, you are no longer considered to have an essential person and only your own countable income is deducted from the Federal benefit rate for an eligible individual. Other deeming rules may then apply.

(a) *Essential person is your spouse.* If the person who was your essential person is your ineligible spouse, we apply the deeming rules in § 416.1153 to determine your benefit.

(b) *Essential person is your parent.* If you are a child, and the person who was your essential person is your ineligible parent, we apply the deeming rules in § 416.1155 to determine your benefit.

ALTERNATIVE INCOME COUNTING RULES FOR CERTAIN BLIND INDIVIDUALS

§ 416.1170 General.

(a) *What the alternative is.* If you are blind and meet the requirements in § 416.1171, we use special rules to see how much countable income you have. We will use whichever of the following sets of rules results in the lower amount of countable income:

(1) The SSI income exclusions in §§ 416.112 and 416.1124; or

(2) The disregards that would have applied under the State plan for October 1972.

(b) *State plan.* As used in this subpart, "State plan for October 1972" means a State plan for providing assistance to the blind under title X or XVI (AABD) of the Social Security Act. That plan must have been approved under the provisions of 45 CFR Chapter II which were in effect for October 1972.

§ 416.1171 When alternative applies.

(a) *Eligibility for alternative.* You are eligible for use of the alternative income counting rules if—

(1) You were eligible for, and received, assistance for December 1973 under a State plan as in effect for October 1972;

(2) You have continued to live in the same State since December 1973;

(3) You were transferred to the SSI rolls in January 1974; and

(4) You have not been ineligible for an SSI benefit for any period of more than 6 consecutive months. (For purposes of this section, an SSI benefit means a Federal benefit only; it does not include any State supplementation.)

(b) *Living in the same State.* For purposes of this section, you have not continued to live in the same State since December 1973 if you have left it at any time with the intention of moving to another State. Unless there is some other evidence, we assume that—

(1) If you leave the State for 90 calendar days or less, the absence is temporary and you still live in that State; and

(2) If you leave the State for more than 90 calendar days, you are no longer living there.

APPENDIX—LIST OF TYPES OF INCOME PROVIDED BY FEDERAL LAWS OTHER THAN THE SOCIAL SECURITY ACT WHICH ARE EXCLUDED UNDER THE SSI PROGRAM

Many Federal statutes that provide assistance or benefits for certain individuals or groups of people specify that the assistance or benefit will not be considered in deciding eligibility for SSI. These statutes are intended to provide additional benefits without affecting the SSI payment. The following list gives the name of the Federal statute (where possible), the public law number, and the citation. Each item briefly describes what assistance is provided that will not reduce or eliminate an SSI payment. More detailed information is available from a social security office or by reference to the statutes.

We update this list periodically. However, when new Federal statutes of this kind are enacted, or existing statutes are changed, we apply the law currently in effect, even before this appendix is updated.

1. Agriculture Act of 1949, chapter 792, section 416, 63 Stat. 1058 (1949) and chapter 641, section 32, 49 Stat. 774 (1935). Value of Federally donated foods.

2. Alaska Native Claims Settlement Act, Pub. L. No. 92-203, section 21(a), 85 Stat. 713 (1971); 43 U.S.C. 1620(a). Revenues from the Alaska Native Fund.

3. Child Nutrition Act of 1966, Pub. L. No. 89-642, section 11(b), 80 Stat. 889 (1966); 42 U.S.C. 1780(b). Value of free or reduced price food for children in schools and institutions.

4. Comprehensive Employment and Training Act of 1973, Pub. L. No. 93-203, section 111(a), 87 Stat. 849 (1973); 29 U.S.C. 821(a); and section 356 as added by Pub. L. No. 95-93, 91 Stat. 649; 29 U.S.C. 895e. Allowances paid to a youth in certain training or educational programs are not considered the

youth's income. A youth's earnings are not considered income to the family.

5. Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, sections 404(g), 418, 87 Stat. 409, 413 (1973); 42 U.S.C. 5044(g), 5058. Compensation provided volunteers in the foster grandparents program and other similar programs.

6. Economic Opportunity Act of 1964, Pub. L. No. 93-644, section 5(d)(1), 88 Stat. 2291 (1975). Assistance provided under the Emergency Energy Conservation Services Program to prevent fuel cut-offs and promote energy efficiency.

7. Food Stamp Act of 1977, Pub. L. No. 95-113, section 1301, 91 Stat. 968 (1977); 7 U.S.C. 2017(b). Value of coupons.

8. Higher Education Amendments of 1968, Pub. L. No. 90-575, section 507, 82 Stat. 1063 (1968). Grants or loans to undergraduate students made or insured under programs administered by the Commissioner of Education.

9. Housing Authorization Act of 1976, Pub. L. No. 94-375, section 2(h), 90 Stat. 1068 (1976). Value of assistance paid under certain Federal Housing statutes.

10. Indian Tribes—Distribution of per capita Judgment Funds. Judgment funds paid to members of the Gros Ventre and Blackfeet Tribes, Pub. L. No. 92-254, section 4, 86 Stat. 65 (1972); 25 U.S.C. 1264. Grand River Band of Ottawa Indians, Pub. L. No. 94-540, section 6, 90 Stat. 2504 (1976). Yakima and Mescalero Indian minors, Pub. L. No. 95-433, 92 Stat. 1047 (1978); and certain tribes according to a plan of the Secretary of the Interior, Pub. L. No. 93-134, section 7, 87 Stat. 468 (1973); 25 U.S.C. 1407.

11. Indian Tribes—Receipts from land held in trust, Pub. L. No. 94-114, section 6, 89 Stat. 579 (1975). Receipts from lands held in trust by the Federal government and distributed to members of certain tribes.

12. Revenue Adjustment Act of 1975, Pub. L. No. 94-164, section 2(d), 89 Stat. 972 (1975), as amended. Earned income tax credits and refunds only if the individual received an SSI payment, a mandatory supplementary payment, or a Federally administered optional supplementary payment for the month before the month the tax credit or refund is received.

13. National School Lunch Act, section 13(h)(3), as added by Pub. L. No. 90-302, section 3, 82 Stat. 119 (1968); 42 U.S.C. 1761 (h)(3). Value of free or reduced price food for children in schools and institutions.

14. Older Americans Act of 1965, section 709, as added by Pub. L. No. 92-258, section 2, 86 Stat. 95 (1972); 42 U.S.C. 3045(h). Value of free or reduced price food provided for the elderly.

15. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, section 210, 84 Stat. 1902 (1971); 42 U.S.C. 4636. Payments made to persons displaced by Federal or federally assisted programs.

[FR Doc. 79-3437 Filed 1-31-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5030]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Oro Valley, Pima County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Oro Valley, Pima County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 680 West Calle Concordia, Oro Valley, Arizona. Send comments to: Honorable Steve Engle, Mayor, Town of Oro Valley, Town Hall, 680 West Calle Concordia, Oro Valley, Arizona 85704.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Oro Valley, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canada Del Oro Wash.	Lambert Lane-50 feet upstream from centerline.	5231

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3043 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5031]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Patagonia, Santa Cruz County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Patagonia, Santa Cruz County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Patagonia, Arizona. Send comments to: Honorable Virgil J. Smith, Mayor, Town of Patagonia, P.O. Box 515, Patagonia, Arizona 85624.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Patagonia, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sonoita Creek	Downstream Corporate Limits.	4026
	Confluence with Tributary E-50 feet upstream.	4031
	Confluence with Tributary D.	4046

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Confluence with Tributary B.	4050
	Confluence with Tributary A.	4057
	Sonoita Avenue—50 feet*.	4060
	Naugle Avenue (U.S. Highway 82)—at centerline.	4067
	Confluence with Harshaw Creek.	4073
	Upstream Corporate Limits.	4100
Tributary A.....	Confluence with Sonoita Creek.	4057
	Second Avenue—at centerline.	4062
	Corporate Limits	4078
Harshaw Creek.....	Confluence with Sonoita Creek.	4073
	Confluence with Redrock Creek.	4094
	Corporate Limits—100 feet downstream.	4108
Redrock Creek.....	Confluence with Harshaw Creek.	4094
	Corporate Limits	4106

* Upstream from centerline.

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3044 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5032]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Nogales, Santa Cruz County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Nogales, Santa Cruz County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Civic Building, 1018 Grand Avenue, Nogales, Arizona. Send comments to: Mr. Fidel A. Encisco, City Administrator, City of Nogales, Civic Building, 1018 Grand Avenue, Nogales, Arizona 85621.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Nogales, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128; and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nogales Wash	Corporate Limits—40 feet upstream.	3791
East Flood Plain.		
Nogales Wash	Corporate Limit.....	3793
West Flood Plain.		

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nogales Wash.....	Confluence with Falls Wash.	3789
	State Highway 82 Overpass—50 feet*.	3800
	Confluence with Ephriam Canyon Wash.	3803
	Confluence with Arroyo Boulevard Channel.	3822
Nogales Wash-Covered Floodway and Overland Flow East of Southern Pacific Railroad.	Park Avenue—at centerline.	3802
	International Street—at centerline.	3869
	International Boundary.	3870
Arroyo Boulevard Channel and Covered Floodway and Overland Flows West of Southern Pacific Railroad.	Confluence with Nogales Wash.	3822
	Southern Pacific Railroad—20 feet*.	3824
	Outlet of Covered Floodway.	3830
	Walnut Street—40 feet*.	3840
	Elm Street—at centerline.	3853
	Crawford Street—at centerline.	3862
	International Boundary.	3872
Ephriam Canyon Wash.	Confluence with Nogales Wash.	3803
	State Highway 89—40 feet*.	3809
	Bayze Avenue.....	3810
	Bautista Road.....	3839
	Walkway Bridge.....	3840
	Western Avenue—42 feet*.	3802
	Western Avenue Culvert—upstream side.	3804
	Corporate Limits.....	3979
Falls Wash.....	Confluence with Nogales Wash.	3799
	Confluence with State Highway 82 Tributary.	3799
	Morley Avenue—at centerline.	3800
	Plum Street—at centerline.	3843
	Walnut Street.....	3844
	Confluence with Arroyo Boulevard Channel—downstream end of Covered Floodway.	3872
	*Beginning of Covered Floodway.	3875

*Upstream from centerline.

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator,
[FR Doc. 79-3045 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5033]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Forrest City, St. Francis County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Forrest City, St. Francis County, Arkansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayor's Office, 224 North Rosser, Forrest City, Arkansas 72335. Send comments to: Mayor Conlee or Mr. Danny Ferguson, Administrative Assistant of the Mayor, P.O. Box 1074, Forrest City, Arkansas 72335.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for City of Forrest City, St. Francis County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
MD-1	Just upstream of U.S. Highway 70.	218
Lateral 1-E	Just downstream of U.S. Route 70.	230
Lateral 1-B	Just downstream of Arkansas Route 1.	266

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator,
[FR Doc. 79-3046 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5034]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lake Elsinore, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in

the City of Lake Elsinore, Riverside County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Manager, City Hall, Main Street, Lake Elsinore, California. Send comments to: Mr. John Del Bruegge, City Manager, City of Lake Elsinore, Drawer D, Lake Elsinore, California 92330.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Elsinore.....	At end of Chaney Street (extended).	1265
Elsinore Spillway Channel.	Limited Street*.....	1265
San Jacinto River.	Flint Street*.....	1270
	State Highway 71-100 Feet**.	1273
Temescal Wash	At Upstream Corporate Limits.	1313
	Atchinson, Topeka and Santa Fe Railroad*.	1258
Wasson Cayon Creek.	Chaney Street*.....	1266
	Mint Horn Avenue*.....	1275
	State Highway 71*.....	1289

*At centerline.
**Upstream of centerline.

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3047 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5035]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Fort Jones, Siskiyou County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Fort Jones, Siskiyou County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, East Street, Fort Jones, California. Send comments to: Honorable Mary Berry, Mayor, Town of Fort Jones, Post Office Box 40, Fort Jones, California 96032.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Fort Jones, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Moffett Creek.....	Diggles Street-100 feet upstream from centerline.	2731
	Butte Street-50 feet upstream from centerline.	2737

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3048 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5036]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of the Town of Los Altos Hills, Santa Clara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of the Town of Los Altos Hills, Santa Clara County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 26379 Fremont Road, Los Altos Hills, California. Send comments to: Mr. Robert Crowe, Town Administrator, City of the Town of Los Altos Hills, Town Hall, 26379 Fremont Road, Los Altos Hills, California 94022.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base (100-year) flood elevations for the City of the Town of Los Altos Hills, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Adobe Creek	Edith Road	174
	Burke Road	192
	O'Keefe Lane	264
	Foothill College Road	307
	El Monte Avenue	328
Barron Creek	Rhus Ridge Drive	379
	Francemont Drive	421
	Fremont Road (downstream crossing)	145
	Ortega Drive	172
	Fremont Road (upstream crossing)	205
Purissima Creek	La Paloma Road	220
	Todd Lane—20 feet upstream from centerline	245
	Purissima Road (downstream crossing)	252
Matadero Creek	Viscalna Road	303
	Purissima Road (upstream crossing)	332
	Old Page Mill Road	193
	Interstate 280	212
Arastradero Creek	Page Mill Road	254
	Hale Creek	221
	Dawnridge Drive	270
	Fremont Road	207
Concepcion Drainage	Alto Verde Lane	225
	Roble Veneno Lane	247

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3049 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50371]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of San Clemente, Orange County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of San Clemente, Orange County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Civic Center, 100 Avenida Presidio, San Clemente, California. Send comments to: Mr. Jerry Weeks, City Manager, City of San Clemente, City Hall, Civic Center, 100 Avenida Presidio, San Clemente, California 92672.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determi-

nations of base (100-year) flood elevations for the City of San Clemente, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Prima Deshecha Canada.	Avenida Vaquero (first crossing)—130 feet*	24	
	Calle Grande Vista	41	
	Interstate 5	91	
	Avenida Vaquero (second crossing)—160 feet**	92	
	Avenida Vaquero (second crossing)—200 feet*	104	
	Calle Nuevo—160 feet**	142	
	Calle Nuevo—100 feet*	154	
	Confluence with Prima Deshecha Canada Tributary.	157	
	Segunda Deshecha Canada.	Atchison, Topeka and Santa Fe Railroad-100 feet**	14
		Atchison, Topeka and Santa Fe Railroad-25 feet*	21
El Camino Real-75 feet*		24	
Calle de los Molinos-100 feet**		42	
Calle de los Molinos-275 feet*		50	
Interstate 5		66	
Avenida Pico		70	
Confluence with Segunda Deshecha Canada Tributary-200 feet upstream.		88	
Corporate Limits (first crossing).		119	
Corporate Limits (second crossing)-25 feet upstream.		143	
Segunda Deshecha Canada Tributary.	Confluence with Segunda Deshecha Canada.	87	
	Avenida Pico	87	

*Upstream from centerline
**Downstream from centerline

PROPOSED RULES

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3050 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5038]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Rocky Hill, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Rocky Hill, Hartford County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 699 Old Main Street, Rocky Hill, Connecticut. Send comments to: Honorable Paul T. Daukas, Mayor, Town of Rocky Hill, Town Hall, 699 Old Main Street, Rocky Hill, Connecticut 06067.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Rocky Hill, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Confluence with Dividend Brook.	29
	Upstream Corporate Limits.	29
Dividend Brook	Confluence with Connecticut River.	29
	Conrall Culvert—50 feet*.	29
	Conrall Culvert—50 feet**.	38
	Dividend Pond Dam—120 feet*.	38
	Dividend Pond Dam—25 feet**.	60
	Swamp Dam—50 feet* —	72
Swamp Dam—75 feet**.	81	
Main Street Culvert—25 feet downstream from outlet.	Main Street Culvert—25 feet upstream from inlet.	105
	Main Street Culvert—50 feet upstream from inlet.	115
	Brook Street—150 feet*.	116
Brook Street—100 feet**.	122	

*Downstream from centerline.

**Upstream from centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of

1978, P.L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3051 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5039]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the town of Oxford, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Building Department, Town Hall, Route 67, Oxford, Connecticut. Send comments to: Mr. William J. Stakum, First Selectmen, Town of Oxford, Town Hall, Route 67, Oxford, Connecticut 06483.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Oxford, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the

National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River	Confluence with Five Mile Brook	54
Five Mile Brook	State Route 34—at centerline	54
	East Hill Road—40 feet*	78
	Limit of Detailed Study (440 feet north of end of East Hill Road)—10 feet*	165
Eight Mile Brook	Loughlin Road—30 feet*	80
Little River	Downstream crossing of State Route 67—20 feet*	170
	Downstream crossing of State Route 67—60 feet*	175
	Dam (near Park Road)—20 feet**	193
	Dam (near Park Road)—5 feet*	201
	Sethden Road—25 feet*	275
	Old State Road No. 3—50 feet*	334
	Hogsback Road—70 feet*	417
	Towner Lane—75 feet**	470
	Towner Lane—10 feet*	476
	Christian Road—30 feet*	592
Riggs Street Brook	State Route 67—10 feet*	347
	School Access Road—30 feet*	380
	Riggs Street—10 feet*	473

*Upstream from centerline.
**Downstream from centerline.

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

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
IFR Doc. 79-3052 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5040]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Vernon, Tolland County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Vernon, Tolland County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 14 Park Place, Vernon, Connecticut. Send comments to: Mr. Frank J. McCoy, Mayor, Town of Vernon, P.O. Box 245, Vernon, Connecticut 06066.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Vernon, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-

448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hockanum River	Well Road—50 feet*	178
	Interstate 86—50 feet*	185
	Kelly Road—50 feet*	187
	Pleasant View Drive—30 feet*	198
	Farm Road #1—80 feet*	199
	Farm Road #2—50 feet*	204
	Dart Hill Road—140 feet*	211
	Farm Road #3—80 feet*	212
	Windsorville Road—50 feet*	214
	Union Street Bridge—30 feet*	240
	West Street Bridge—60 feet*	244
	West Main Street—70 feet*	246
	River Street—30 feet*	250
	Orchard Street—50 feet*	269
Tankerhoosen River	Vernon Avenue—50 feet*	315
	Brooklyn Street—20 feet*	481
	East Main Street—50 feet*	485
	Goffland Bridge—20 feet*	184
	State Highway 83—20 feet*	186
	Main Street—50 feet*	208
	Dobson Road—50 feet*	253
	Phoenix Street—40 feet*	258
	Tunnel Road—50 feet*	276
	Thrall Road—50 feet*	208
Ogden Brook	Worcester Street—50 feet*	210
	State Highway 83—50 feet*	219
	Center Road—50 feet*	316
	West Street—50 feet*	386

*Upstream from centerline

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3053 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5041]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Crescent City, Putnam County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Crescent City, Putnam County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 115 North Summit Street, Crescent City, Florida. Send comments to: Honorable Edward Preston, Mayor, City of Crescent City, City Hall, 115 North Summit Street, Crescent City, Florida 32012.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Crescent City, Florida, in accordance with section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Depth in feet above ground
Lake Stella.....	End of Lake Shore Drive.	41
	200 feet south of Huntington Highway at Lake Stella Drainage Outlet.	41
Crescent Lake.....	1020 feet east of the intersection of Summit Street and Myrtle Avenue.	7
	400 feet east of the intersection of Palmetto Avenue and Lake Street.	7

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3054 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5042]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Interlachen, Putnam County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Interlachen, Putnam County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Interlachen, Florida. Send comments to: Honorable Joseph C. Stock, Mayor, Town of Interlachen, Post Office Box 85, Interlachen, Florida 32048.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Interlachen, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gum Creek.....	Sleepy Hollow Drive-80 feet*	57
	River Street-60 feet*	62
	Gasline Crossing**	78
Chipco Lake.....	Along Shoreline.....	89
Lake Lagonda.....	Intersection of Bay Avenue and Lake Shore Drive.	80
Grassy Lake.....	Intersection of Rowell Avenue and Summer Street.	83

*Upstream from centerline
**At centerline

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3055 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50431]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lauderdale Lakes, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lauderdale Lakes, Broward County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures

that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 4300 NW 36th Street, Lauderdale Lakes, Florida. Send comments to: Honorable Howard Craft, Mayor, City of Lauderdale Lakes, City Hall, 4300 NW 36th Street, Lauderdale Lakes, Florida 33319.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lauderdale Lakes, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle River Canal.	U.S. Highway 441*	8
East Gate Canal....	At Intersection of U.S. Highway 441 and NW 29th Street.	8

*Centerline.

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3056 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50444]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Pomona Park, Putnam County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Pomona Park, Putnam County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Pomona Park, Florida. Send comments to: Honorable Willard F. Hazen, Mayor, Town of Pomona Park,

PROPOSED RULES

Post Office Box 518, Pomona Park, Florida 32081.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Pomona Park, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Depth, feet above ground
Lake Broward.....	1400 feet northeast of the intersection of Park Avenue and Lake Street.	42
	1300 feet north of the intersection of Broward Avenue and East Main Street.	42

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3057 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5045]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Bingham County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Bingham County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Bingham County Courthouse, Blackfoot, Idaho. Send comments to: Mr. Willard Wray, Chairman, Bingham County Commissioners, Bingham County Courthouse, Box 867, Blackfoot, Idaho.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Bingham County, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, above ground
Sand Creek.....	1000 feet northwest of intersection of Wolverine Road and Blithell Lane.	2

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snake River	U.S. Highway 20 Bridge—100 feet*.	4481
Aberdeen Wasteway.	Central Avenue—50 feet*.	4387
Twin Buttes Drainageway.	Wearrick Road—centerline.	4430
	600 feet north of intersection of Union Pacific Railroad and 800 West Street.	4450
Blackfoot River.....	U.S. Highway 91 Bridge—50 feet*.	4490

* Upstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3058 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5046]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Weippe, Clearwater County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Weippe, Clearwater County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Weippe, Idaho. Send comments to: Honorable Norman Steadman, Mayor, City of Weippe, City Hall, P.O. Box 146, Weippe, Idaho 83553.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Weippe, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jim Ford Creek	Pierce Street Bridge—50 feet*	2997
	Main Street Bridge—60 feet*	2998
Grasshopper Creek	8th Avenue Bridge—70 feet**	2993
	8th Avenue Bridge—50 feet*	2999

*Upstream from centerline.
**Downstream from centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.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: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3059 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5047]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Merrillville, Lake County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Merrillville, Lake County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain

qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Planning and Building Department, Merrillville, Town Hall, Merrillville, Indiana. Send comments to: Mr. Richard Waite, President of the Town Board, Merrillville Town Hall, 13 West 73rd Street, Merrillville, Indiana 46410.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Merrillville, Lake County, Indiana in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

PROPOSED RULES

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5048]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Patriot, Switzerland County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Switzerland County Planning Commission, Town Hall, Patriot, Indiana. Send comments to: Mr. Glenn Wells, Town Board President, Town of Patriot, Box 176, Patriot, Indiana 47038.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Patriot, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limit.	470
	Downstream corporate limit.	470

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3061 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5049]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Pike County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Pike County, Kentucky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deep River	Downstream Corporate Limits.	644
	Upstream Side Randolph Street.	655
	Upstream Side Grand Boulevard.	662
	Upstream Side Chessie System.	664
	Upstream Side Clay Street.	668
	Upstream Side Colorado Street.	672
	101st Avenue	675
	Turkey Creek	613
	Upstream Side 61st Avenue.	614
	Upstream Side State Route 53.	616
Meadowdale Lateral.	Upstream Side Harrison Street.	619
	Upstream Side Grand Trunk Western Railroad.	620
	Upstream Side State Route 55.	621
	Upstream Side Chessie System.	622
	Upstream Side Hendricks Street.	623
	Upstream Corporate Limits.	625
	West 64th Place	620
	Upstream Side 63rd Avenue.	624
	Upstream Side Grand Trunk Western Railroad.	625
	61st Avenue	625
Chapel Manor Lateral.	Grand Trunk Western Railroad.	618
	Upstream Side Private Drive.	625
	Upstream Side 68th Place.	625
	Upstream Side Chessie System.	633
	Upstream Side Private Garage.	637
	Upstream Side State Route 53.	640
	Upstream Side Delaware Place.	654

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3060 Filed 1-31-79; 8:45 am]

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Pike County Courthouse, Main Street, Pikeville, Kentucky 41501. Send comments to: Mr. Wayne T. Rutherford, Pike County Judge Executive, or Mr. Ron Clark, Pike County Planner, Pike County Courthouse, Main Street, Pikeville, Kentucky 41501.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the unincorporated areas of Pike County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tug Fork	400 feet downstream of the confluence of McCoy Branch.	658
	Approximately 650 feet upstream of Tate Road Bridge extended.	660

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	450 feet downstream of confluence of Buzzard Root Branch.	674
	250 feet downstream of the Norfolk and Western Railway.	695
	450 feet downstream of the confluence of Coon Branch.	700

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator,
[FR Doc. 79-3064 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5050]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Porter, Oxford County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Porter, Oxford County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Porter, Maine. Send comments

to: Mr. Paul Stacy, Chairman, Board of Selectmen, Town of Porter, Town Office, Porter, Maine 04047.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Porter, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ossipee River	State Route 25—50 feet*	363
	State Route 160—50 feet*	383
Mill Brook	Confluence with Ossipee River—20 feet*	382
	State Route 25 Bridge—30 feet*	404
Spectacle Ponds Brook.	State Route 160—40 feet*	369
	Pine Street—70 feet*	377

*Upstream from centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the

Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3065 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5051]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Sebec, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Sebec, Piscataquis County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Sebec, Maine. Send comments to: Mr. Dana Lovell, Chairman, Board of Selectmen, Town of Sebec, Town Office, RFD 2, Box 118, Sebec, Maine 04426.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Sebec, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National

Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Meadow Brook	Sebec Station Road.....	302
	Ladd Road	365
	(Downstream Crossing)	
	Ladd Road (Upstream Crossing)	412
	State Route 16—100 feet upstream from centerline.	468

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3066 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5052]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Carlisle, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Offices, Carlisle, Massachusetts.

Send comments to: Mr. Alfred F. Peckham, Chairman, Board of Selectmen, Town of Carlisle, Town Hall, Box N, Carlisle, Massachusetts 01741.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Carlisle, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Concord River	Bedford Street—30 feet*	120
Pages Brook	Road and Structure at Outlet of Greenough Road—30 feet*	119
	Maple Street—60 feet* ...	121
	Brook Street—50 feet* ...	125
	Unimproved Road—20 feet*	138
Pages Brook Branch	Brook Street—20 feet* ...	126
	Unimproved Road—60 feet*	138
Meadow River Branch	Gravel Road—20 feet* ...	175
	Dirt Road—60 feet* ...	185
	Curve Street—30 feet* ...	187
	Twin Concrete Spillway—100 feet*	189
Spencer Brook	Concord Street—30 feet*	159
	Russell Street—50 feet* ...	163

*Upstream from centerline

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-3067 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5053]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Georgetown, Essex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Georgetown, Essex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, 1 Library Street, Georgetown, Massachusetts. Send comments to: Mr. Joseph A. Soucy, Chairman, Board of Selectmen, Town of Georgetown, Town Hall, 1 Library Street, Georgetown, Massachusetts 01833.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Georgetown, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bullford Brook	Confluence with Penn Brook	81
	West Main Street*	81

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackman Brook	Parish Road*	18
	Jewett Street*	56
Parker River	Thurlow Street*	65
	Mill Street*	74
	Confluence with Penn Brook	75
	Pond Street—175 feet**	77
	Pond Street—50 feet***	83
	Balleys Lane*	85
Penn Brook	North Street*	75
	Summer Street*	78
	Confluence with Bullford Brook	81
	East Street—50 feet**	83
	State Highway 97 (Central Street)*	93

*At centerline.

**Downstream from centerline.

***Upstream from centerline.

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-3068 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5054]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Lakeville, Plymouth County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Bedford Street, Lakeville, Massachusetts. Send comments to: Mr. Richard Fickert, Chairman, Board of Selectmen, Town of Lakeville, Town Hall, Bedford Street, Lakeville, Massachusetts 02346.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Lakeville, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Pond River...	State Routes 18 and 105-50 feet*	59
Nemasket River.....	Bituminous Road-40 feet* Vaugh Street-90 feet*...	62

*Upstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3069 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5055]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Natick, Middlesex County, Massachusetts.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, 13 East Central Street, Natick, Massachusetts 01760. Send comments to: Mrs. Erica Ball, Chairman, Board of Selectmen, Town of Natick, Town Offices, 13 East Central Street, Natick, Massachusetts 01760.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Natick, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Charles River.....	South Natick Dam-75 feet* At Upstream Corporate Limits.	110 122
Davis Brook	Pilot Street-25 feet*..... Ernest Drive-25 feet*....	122 138
Beaver Dam Brook	State Route 135 (downstream crossing)** Tournament Road-20 feet* State Route 135 (upstream crossing)-25 feet*.	139 147 151
Bogle Brook.....	Oak Street**.....	133

*Upstream from centerline.

**At centerline.

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3070 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50561]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Waltham, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Waltham, Middlesex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of Public Works, City Hall, Main Street, Waltham, Massachusetts. Send comments to: Mayor Arthur J. Clark, City of Waltham, City Hall, Main Street, Waltham, Massachusetts 02154.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Waltham, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program reg-

ulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Charles River.....	Downstream Corporate Limits	22	
	Bleachery Dam-50 feet*	24	
	Elm Street	27	
	Moody Street Dam-50 feet**	28	
	Moody Street Dam-50 feet*	39	
Beaver Brook.....	Main Street	40	
	Boston and Maine Railroad (Second Crossing)-25 feet*	41	
	Boston and Maine Railroad (Fifth Crossing)-at centerline.	46	
	Beaver Street	51	
Hobbs Brook.....	Trapelo Road	78	
	Downstream Corporate Limits	137	
Chester Brook.....	Confluence with Beaver Brook	41	
	Confluence with Westchester Brook	45	
	Beaver Street	49	
	Stanley Road-50 feet*	102	
	Lexington Street Culvert Outlet-50 feet downstream	160	
	Lexington Street Culvert Inlet-200 feet upstream	191	
	Confluence with Hardy Pond	204	
	Confluence with Chester Brook	45	
	Lexington Street Culvert Inlet	48	
	Beacon Street Culvert Inlet	75	
Worcester Lane-at centerline.	75		
Stony Brook.....	Totten Pond Road-100 feet*	77	
	Confluence with Charles River	39	
	Weir at South Street-50 feet*	48	
	Stony Brook Reservoir Dam-75 feet**	48	
	Stony Brook Reservoir Dam-50 feet*	72	
	Boston and Maine Railroad (First Crossing)	84	
	Interstate 28 Interchange-185 feet*	89	
	Boston and Maine Railroad (Second Crossing)	92	
	West Chester Brook	Confluence with Chester Brook	45
		Lexington Street Culvert Inlet	48
Beacon Street Culvert Inlet		75	
Worcester Lane-at centerline.		75	

*Upstream from centerline
**Downstream from centerline.

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3071 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50571]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Westborough, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, West Main Street, Westborough, Massachusetts. Send comments to: Mr. Michael Berberian, Chairman, Board of Selectmen, Town of Westborough, West Main Street, Westborough, Massachusetts 01581.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Westborough, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lower Assabet River.	Maynard Street*.....	280
	George Nichols Dam*.....	312
Upper Assabet River.	Old Nourse Street—70 feet**.	332
	Nourse Street*.....	335
Rutters Brook.....	East Main Street—25 Feet**.	285
	Robin Road—35 feet**.....	291
Denny Brook Branch.	South Street—20 feet**.....	286
	High School Road*.....	306
Jackstraw Brook ...	Hopkinton Road—100 feet**.	285
	Morse Street—100 feet**	296
	Warren Street—20 feet**.	332
Picadilly Brook.....	Hopkinton Road—10 feet downstream of centerline.	298
	Hopkinton Road—30 feet**.	306
	Belknap Street—20 feet downstream of centerline.	357
	Belknap Street—100 feet**.	363
	Upton Road*.....	424

* At centerline
 ** Upstream from centerline

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
 Federal Insurance Administrator.
 [FR Doc. 79-3072 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5058]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Worcester, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, 455 Main Street, Worcester, Massachusetts. Send comments to: Honorable Thomas J. Early, Mayor, City of Worcester, City Hall, 455 Main Street, Worcester, Massachusetts 01608.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Worcester, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blackstone River...	Boston and Maine Railroad Bridge—100 feet*.	420
	Millbury Street Bridge—50 feet*.	427
	2nd Bridge upstream of Conrail Crossing—50 feet*.	442
Middle River.....	Millbury Street Bridge—50 feet*.	445
	Southbridge Street Bridge—40 feet*.	453
	St. Johns Cemetery Road Bridge—80 feet*.	461
	Webster Street Bridge—30 feet*.	470
Beaver Brook.....	Main Street Bridge—50 feet*.	470
	Park Avenue Bridge—50 feet*.	483
Kettle Brook (East).	Webster Street Bridge—50 feet*.	477
	Kettle Brook (West).	James Street Bridge—50 feet*.
Stafford Street—150 feet*.	Stafford Street—150 feet*.	549
	Weir Upstream of Building—10 feet**.	653
	Weir upstream of Building—30 feet*.	672
	Tatnuck Brook.....	Park Avenue Bridge—50 feet*.
June Street Bridge—30 feet*.	June Street Bridge—30 feet*.	520
	Pleasant Street Bridge—60 feet*.	585
	Dawson Road Bridge—100 feet*.	620
Curtis Ponds.....	Areas adjacent to shoreline.	474

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Leesville Pond.....	Areas adjacent to shoreline.	487
Indian Lake.....	Intersection of Sears Island Road and Doran Road.	543
	Areas adjacent to shoreline.	543
Flagg Street Pond.	Areas adjacent to shoreline.	567
Mill Brook Conduit (Ponding).	Intersection of Blackstone Street and Exchange Street.	468
	Intersection of Commercial Street and Thomas Street.	468
	Approximately 1000 feet west of the intersection of New Bond Street and West Boylston Street.	556
Weasel Brook (Ponding).	Area along Higgins Street approximately 2800 feet north of the intersection of Higgins Street and Brooks Street.	593

Source of flooding	Location	Depth in feet, above ground
Mill Brook Conduit.	Intersection of West Boylston Drive and Hill Place.	2
	Intersection of North Street and Grove Street.	2
Weasel Brook.....	Intersection of Greendale Avenue and West Boylston Street.	2
	Intersection of Assumption Avenue and West Boylston Street.	2

*Upstream from centerline.
**Downstream from centerline.

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3073 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4699]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determination for the Township of Flint, Genesee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Flint, Genesee County, Michigan. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 50197 on October 27, 1978, and in the *Swartz Creek-Flint Township News* published on or about October 26, 1978 and November 2, 1978, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100-year) elevations are available for review at the Township Hall, 1490 South Dye Road, Flint, Michigan.

SEND COMMENTS TO: Mr. Ray Flavin, Township Supervisor, Township of Flint, 1490 South Dye Road, Flint, Michigan 48504.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Flint, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain

qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)	
Flint River	At downstream corporate limit.	690	
	950 feet downstream of Hartshorn Drain confluence.	696	
	Just downstream of Ballenger Highway.	702	
	Swartz Creek	Just upstream of Ballenger Highway at downstream corporate limit.	737
		Just upstream of Interstate 75.	741
West Branch Swartz Creek.	Just upstream of Claude Road.	743	
	4,300 feet upstream of Claude Road.	746	
	730 feet downstream of Interstate 69.	751	
	Just downstream of Bristol Road.	752	
	4,100 feet downstream of Maple Avenue.	758	
	Just downstream of Maple Avenue.	761	
	At confluence with Swartz Creek.	751	
	Just downstream of Bristol Road.	752	
	Just upstream of Dye Road.	756	
	Just upstream of Golf Course dam.	758	
Hartshorn Drain...	1,550 feet downstream of Interstate 69.	761	
	Just downstream of Elms Road.	764	
	At confluence with Flint River.	696	
	980 feet downstream of Linden Road.	696	
	100 feet downstream of Linden Road.	703	
	100 feet upstream of Linden Road.	708	
	Upstream corporate limit.	709	
Carman Creek	Just upstream of Hemphill Road.	755	
	1,350 feet upstream of Hemphill Road.	756	
	Just downstream of Fenton Road.	759	
	Massmore Cronk Drain.	Just upstream of Elms Road.	740
Just upstream of Calkins Road.		750	
Just upstream of Yorkshire Road.		753	
Just upstream of West Court Street.		759	
150 feet upstream of Corunna Road.		761	
2,560 feet upstream of Corunna Road.		763	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

PROPOSED RULES

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3074 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50591]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Hall County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Hall County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at The Hall County Court House, Grand Island, Nebraska. Send comments to: Mr. Ben J. Camp Chairman of the County Board of Supervisors Hall County Nebraska Hall County Court House Grand Island, Nebraska 68801

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base (100-year) flood elevations for the Unincorporated Areas of Hall County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Channel Platte River.	At mouth.....	1,843
	1.2 miles upstream of mouth.	1,850
	790 feet downstream of County Road.	1,860
	500 feet upstream of Union Pacific Railroad.	1,873
	Just upstream of U.S. Route 34 and U.S. Route 281.	1,880
	Upstream side of Interstate 80.	1,885
	1.5 miles upstream of Interstate 80.	1,895
	Just upstream of Highway 11W and Highway R10W.	1,922
	3.5 miles downstream of State Route 2.	1,935
	2.0 miles downstream of State Route 2.	1,945
	0.2 mile downstream of State Route 2.	1,957
	260 feet upstream of State Route 2.	1,962
	3.2 miles upstream of State Route 2.	1,980
	2.4 miles downstream of western county boundary.	1,995
At western county boundary.	2,010	
South Channel Platte River.	0.4 mile downstream of confluence with Middle Channel Platte River.	1,842
	1.5 miles upstream of confluence with Middle Channel Platte River.	1,854
	Just downstream of County Road.	1,867

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Union Pacific Railroad.	1,879
	Upstream side of State Route 34 and State Route 281.	1,880
	2.0 miles upstream of State Route 34 and State Route 281.	1,895
	0.8 miles downstream of Highway R11W and highway R10W.	1,920
	1.6 miles upstream of Highway R11W and highway R10W.	1,935
	4.0 miles upstream of Highway R11W and Highway R10W.	1,950
	At divergence with Middle Channel Platte River.	1,991
Wood River.....	At Grand Island Extraterritorial Limits.	1,800
	5,550 feet upstream of Grand Island Extraterritorial Limits.	1,875
	2,700 feet downstream of County Road Bridge No. 1.	1,880
	Downstream side of County Road Bridge No. 2.	1,892
Silver Creek.....	Just upstream of County Road Bridge No. 1.	1,855
	Just upstream of U.S. Route 281.	1,858
	Just upstream of County Road Bridge No. 3.	1,870
	Just upstream of Burlington Northern Railroad.	1,876
	Just upstream of County road Bridge No. 6.	1,884
	Just upstream of County Road Bridge No. 7.	1,899
	Just upstream of U.S. Government Railroad.	1,893
	Just upstream of County Road Bridge No. 8.	1,895
Prairie Creek.....	2.0 miles upstream of County Road Bridge No. 8.	1,899
	Just upstream of Highway R10W and Highway R9W.	1,881
	Just downstream of County Road Bridge No. 1.	1,866
	Just upstream of County Road Bridge No. 1.	1,870
	Just downstream of County Road Bridge No. 3.	1,870
	Just upstream of County Road Bridge No. 3.	1,881
	Just downstream of County Road Bridge No. 4.	1,887
	Just upstream of County Road Bridge No. 4.	1,889
	Just upstream of County Road Bridge No. 5.	1,895
	Just upstream of County Road Bridge No. 8.	1,901
Moores Creek.....	Just upstream of County Road 1.86 miles downstream of U.S. Route 281.	1,940

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	950 feet downstream of U.S. Route 281.	1,954
	Just upstream of U.S. Route 281.	1,957
	2,100 feet upstream of U.S. Route 281.	1,958

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3075 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]
[Docket No. FI-50601]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Winslow, Dodge County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Winslow, Dodge County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Office, Winslow, Nebraska. Send comments to: Marion O. Nelson, Chairman of the Village Board, Village of Wins-

low, Village Office, Village of Winslow, Nebraska 68072.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Winslow, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elkhorn River.....	1.4 miles downstream of U.S. Highway 77.	1,213
	0.8 miles downstream of U.S. Highway 77.	1,215
	Just upstream of U.S. Highway 77.	1,216
	850 feet upstream of Highway 77 bridge.	1,218
	1,000 feet upstream of Burlington Northern Railroad.	1,220
	0.8 mile upstream of Burlington Northern Railroad.	1,222

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the

Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-3076 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50611]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Dover, Strafford County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Planning Office, City Hall, Dover, New Hampshire. Send comments to: Mr. Robert Steele, City Manager, City of Dover, City Hall, Central Avenue, Dover, New Hampshire 03820.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Dover, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the

PROPOSED RULES

National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cocheco River	Washington Street Footbridge—20 feet*	10
	Washington Street—40 feet*	12
	Walkway—40 feet*	13
	Central Avenue—20 feet*	44
	Chestnut Street—20 feet*	44
	Boston and Maine Railroad (Spur)—20 feet*	46
	Boston and Maine Railroad—20 feet*	47
	Fourth Street—50 feet*	47
	Whittier Street—20 feet*	48
	Bellamy River.....	Old Durham road—40 feet*
Bellamy Park Footbridge—30 feet*		75

* Upstream from centerline.

** Downstream from centerline.

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3077 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5062]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Peterborough, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD:

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, 1 Grove Street-Townhouse, Peterborough, New Hampshire 03458. Send comments to: Mr. Mark Wheeler, Chairman, Board of Selectmen, Town of Peterborough, 1 Grove Street-Townhouse, Peterborough, New Hampshire 03458.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Peterborough, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

quired. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Contoocook River .	Confluence with Otter ..	601
	Brook-20 feet upstream	694
	Confluence with Hogle.	
	Brook-30 feet upstream	701
	U.S. Route 202-40 feet* Main Street-40 feet*.	
	Main Street-30 feet*	724
	State Route 101-30 feet*	720
	Morrison Road-50 feet* ..	739
	Sharon Road-50 feet*	778
	Drury Road-60 feet*	787
Otter Brook	New Hampshire State.....	709
	Route 136-30 feet* Slap Road-30 feet*.	716
	Gulf Road-20 feet*	734
	Unnamed Road-20 feet*.	769
	Unnamed Cart Path-30 feet*.	790
Nubanusit Brook...	Grove Street Bridge-20 feet*.	723
	Historical Society Dam-20 feet*.	748
	Elm Street Bridge-30 feet*.	778
	Steel Road Bridge-20 feet*.	790
	Union Street Bridge-20 feet*.	851
	Wilder Street Bridge-20 feet*.	864

*Upstream from centerline.

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

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

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-3078 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5063]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Wilton, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Main Street, Wilton, New Hampshire. Send comments to: Mr. Richard Greeley, Chairman, Board of Selectmen, Town of Wilton, Town Office, Main Street, Wilton, New Hampshire 03086.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Wilton, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Souhegan River.....	Pine Valley Mill Dam-75 feet*	317	
	Pine Valley Mill Dam-100 feet*	328	
	Mill Street-25 feet**	345	
	Abbott Dam-50 feet**	357	
	State Routes 701 and 31-25 feet**	415	
	Isaac Frye Highway-25 feet*	455	
	At Confluence with Russell Hill Brook	513	
	Stony Brook.....	Highland Street Bridge-15 feet**	347
		At Confluence with Beaver Dam Brook	418
		Boston and Maine Railroad Bridge-25 feet**	428
Forest Road Culvert (Downstream crossing)-20 feet**		448	
Gravel Pit Road Bridge-25 feet**		483	
At Upstream Corporate Limits		540	
Gambol Brook.....		Greenville Road (State Route 31)-25 feet**	467
		Russel Hill Road-10 feet**	521
Mill Brook.....		At Breached and Abandoned Dam (950 feet upstream of confluence with Stony Brook)-10 feet*	457
		At Breached and Abandoned Dam (950 feet upstream of confluence with Stony Brook)-20 feet**	463
	Old Wilton Reservoir Dam-10 feet*	599	
	Old Wilton Reservoir Dam-10 feet**	611	
	Isaac Frye Highway Culvert-100 feet**	651	
	Frye Mill Road Bridge-10 feet**	680	
	Burton Highway Bridge (upstream crossing)-10 feet**	708	

*Downstream of centerline.
**Upstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the

Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
FIR Doc. 79-3079 Filed 1-31-79; 8:25 am

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5064]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Bellmawr, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Bellmawr, Camden County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 21 East Browning Road, Bellmawr, New Jersey. Send comments to: Honorable Joseph N. Petruzzi, Mayor, Borough of Bellmawr, Borough Hall, 21 East Browning Road, Bellmawr, New Jersey 08031.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Bellmawr, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat.

980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Big Timber Creek	Intersection of Buchanan Avenue and Creek Road.	10
	Crossing of Interstate Highway 295 at Big Timber Creek.	10

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3080 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50651]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Cedar Grove, Essex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Cedar Grove, Essex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Council Chambers, Municipal Building, 525 Pompton, Cedar Grove, New Jersey. Send comments to: Honorable Ronald San Filippo, Mayor, Township of Cedar Grove, Municipal Building, 525 Pompton, Cedar Grove, New Jersey 07009.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Cedar Grove, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second

layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taylor Brook	Bowden Road-10 feet*	293
	Spillway-60 feet*	357
Peckman River	Downstream crossing of Conrail-15 feet*	193
	Little Falls Road-10 feet*	210
	Pedestrian Crossing-40 feet*	230
	Pompton avenue-10 feet*	270
	Bradford Avenue-30 feet*	209
Peckman River Tributary.	Small Roadway-20 feet* (near confluence with Peckman River).	220
	Old Orchard Court-15 feet*	248

*Upstream of centerline.

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

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

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3081 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50661]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Verona, Essex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Verona, Essex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 600 Bloomfield Avenue, Verona, New Jersey. Send comments to: Honorable Jerome Greco, Mayor, Borough of Verona, Borough Hall, 600 Bloomfield Avenue, Verona, New Jersey 07044.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Verona, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Peckman River	Ozone Avenue—10 feet*	306
	Linden Avenue—80 feet*	329
	Bloomfield Avenue—30 feet*	338

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
At Upstream Corporate Limits.		352

*Upstream from centerline.

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

In accordance with Section 706(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

(FR Doc. 79-3082 Filed 1-31-79; 8:45 am)

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued By Indiana Air Pollution Control Board To Indiana-Kentucky Electric Corporation City Creek Generating Station

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Amendment to an Administrative Order issued by the Indiana Air Pollution Control Board to Indiana-Kentucky Electric Corporation (IKEC). The Amendment to the Order requires the company to bring air emissions from its fossil-fired steam electric generating plant in Madison, Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP) by July 1, 1979. Because the Amendment has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Amendment to the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regula-

tions covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Amendment as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, the Amendment to the Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: IKEC operates an electric generating plant at Madison, Indiana. The Amendment to the Order under consideration addresses emissions from five units at the facility, which are subject to APC-3 and APC-4R. The regulations limit the emissions of particulate matter, and are part of the federally approved Indiana State Implementation Plan. The Amendment to the Order requires final compliance with the regulation by July 1, 1979. The original State Order signed in 1973 called for the installation of an electrostatic precipitator by 1975. This is the third Amendment to this Order. This Amendment sets up a new compliance schedule and interim dates with July 1, 1979, as the final compliance date.

Because this Amendment to the Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve this Amendment to the Order only if it satisfies the appropriate requirements of this subsection.

If the Amendment to the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Amendment of the Order during the period the Amendment is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Amendment to the Order would also

constitute an addition to the Indiana SIP.

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

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

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

BEFORE THE AIR POLLUTION CONTROL BOARD
OF THE STATE OF INDIANA

In the Matter of Indiana-Kentucky Electric Corporation Madison, Indiana; Cause No. A-26; Amendment No. 3 to the Order Entered October 26, 1973; Findings of Fact

1. The State of Indiana Air Pollution Control Board (the Board) is an agency of the State of Indiana duly empowered pursuant to Indiana Code 13-1-1 and 13-7 to promulgate regulations related to the control of air pollution, to act on complaints of alleged air pollution, and to enter such orders and determinations as may be necessary to prevent or abate air pollution.

2. The Board has jurisdiction over both the subject matter and the parties to this action.

3. That pursuant to the provisions of IC 13-1-1 and IC 13-7-11-2, notice and service of same is waived by Respondent.

4. On October 26, 1973, the Air Pollution Control Board entered an Order in this case requiring Indiana-Kentucky Electric Corporation (IKEC) to take certain actions with respect to its fossil-fired steam electric generating plant located in Jefferson County, Indiana, known as the Clifty Creek Plant (the Plant). On October 2, 1974 and September 26, 1975, the Board issued amendments to the Order in certain particulars, requiring that Units 1-5 comply with APC-3 and APC-4R on the following dates:

First Unit—January 9, 1979
Second Unit—March 9, 1979
Third Unit—May 9, 1979
Fourth Unit—July 9, 1979
Fifth Unit—September 9, 1979

5. That on August 7, 1977, the President signed the Clean Air Act Amendments of 1977; which amendments provide that an existing enforcement order shall be void if it provides for the achieving of compliance with the applicable implementation plan beyond July 1, 1979, unless the Order is modified, before August 7, 1978, to achieve compliance prior to July 1, 1979 (Clean Air Act, Sec. 113(d)(12)).

6. That IKEC agreed to accelerate its schedule and bring the fourth and fifth units into compliance prior to July 1, 1979; however, IKEC cannot meet the compliance date contained in the State Implementation Plan.

7. That Units 1-5 at IKEC's Clifty Creek Plant are presently unable to comply with Indiana Air Pollution Control Board Regu-

lations APC 3 (as approved in the Indiana Implementation Plan) and APC 4R, the applicable portions of the Indiana State Implementation Plan.

8. That the schedule contained in this Order is the most expeditious and practicable one which the company can achieve and calls for the best practical control system available.

9. That the granting of this amendment, thereby effecting a Delayed Compliance Order, will result in a reduction in particulate emissions at a date earlier than that provided for in the Order entered October 26, 1975, as amended, and is therefore in the public interest.

10. That after a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable and that the terms of this Order comply with section 113(d) of the Clean Air Act.

Therefore, based upon and subject to the above Findings of Fact, the Air Pollution Control Board of the State of Indiana hereby orders:

1. That Paragraphs 4B and 4C of the Order entered October 26, 1973, as amended, be amended to require that final compliance be achieved with Regulations APC 3 (as approved in the Indiana Implementation Plan) and APC 4R and that proof of compliance be submitted to the Board according to the following schedule:

First Unit—January 9, 1979
Second Unit—March 9, 1979
Third Unit—May 9, 1979
Fourth Unit—June 30, 1979
Fifth Unit—June 30, 1979

2. Compliance test results and certification of compliance shall be submitted to the Board 60 days after completion of construction and tie-in of control equipment for the last unit. The Company shall notify the Board at least 10 days before any compliance test is conducted.

3. Nothing contained in this Order shall affect the responsibility of the Company to comply with other State or local regulations.

4. No later than 15 days after any date for compliance specified in the Order, the Company shall notify the Board in writing of its compliance, or noncompliance and reasons for noncompliance, with the requirement. If delay is anticipated in meeting any requirement of this Order, the Company shall immediately notify the Board in writing of the anticipated delay, reasons for the delay, and the estimated length of the delay.

5. During the period of this Order, until completion of the program set out in Paragraph 1, the Company shall use the best practicable system of emission reduction so as to maximize the reliability and efficiency of the existing controls at the Plant, minimize particulate matter emissions, avoid any imminent and substantial endangerment to the public health, and comply with the requirement of the applicable implementation plan to the extent it is able to do so.

6. The Company shall continue to operate the emission monitoring system in the vicinity of the Plant and report the data derived from the monitors to the Board on a quarterly basis. In-stack monitors shall be installed in accordance with the requirements of Regulation APC-8, as it applies to IKEC's Clifty Creek Plant.

7. The Company is notified that failure to achieve final compliance, as required under the Clean Air Act, may result in a requirement to pay a noncompliance penalty. In that event, the Company will be formally notified pursuant to Section 120(b)(3) of the Clean Air Act and any regulations promulgated under that Section.

8. All provisions of the Order entered on October 26, 1973, as amended, shall remain in effect except as specifically modified by this Order.

9. The Company hereby waives its right to file a petition for review of this Order under Section 307(b)(1) of the Clean Air Act.

10. This Order is effective upon its issuance.

Dated: September 6, 1978.

HARRY D. WILLIAMS,
Director, Air Pollution
Control Division.

Indiana-Kentucky Electric Corporation has reviewed this Order, consents to the terms and conditions of this Order, and believes it be a reasonable means by which its Clifty Creek Plant can achieve final compliance with Indiana Regulation APC-3 and APC-4R.

Dated: September 16, 1978,

RALPH D. DUNLEVY, Sr.,
Vice President, Indiana
Kentucky Electric Corporation.

[FR Doc. 79-3538 Filed 1-31-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1049-8]

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Formica Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Formica Corporation. The Order requires the company to bring air emissions from its laminate manufacturing plant in Evendale, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this

notice is to invite public comment on U.S. EPA's approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: Formica Corporation operates a laminate manufacturing plant at Evendale, Ohio. The Order under consideration addresses emissions from Boilers #3 and #4 at the facility, which are subject to OAC 3745-17-10 (formerly AP-3-11). The regulation limits the emissions of particulate matter, and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, through the installation of baghouses on Boilers #3 and #4 which shall exhaust into a stack.

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

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

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agen-

cy's final action on the Order in 40 CFR Part 65.

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

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

OHIO ENVIRONMENTAL PROTECTION AGENCY
Formica Corporation, Applicant.
Case No. 77-AP-054.

STIPULATION

The parties in the above matter hereby agree that the Stipulations and attached Orders which were filed by the parties on July 27, 1977, November 23, 1977, and May 5, 1978, are hereby withdrawn for any and all purposes:

The parties further agree that the Applicant hereby:

1. Withdraws its adjudication request in reference to the denial of Permit Application No. 1431150801 B002 relating to Formica's No. 4 B & W Traveling Grate Boiler and the denial of Permit Application No. 1431150801 B003 relating to Formica's No. 3 B & W Traveling Grate Boiler;

2. Waives its right to a hearing before the Ohio Environmental Protection Agency (OEPA) with respect to the Order of the Director, a copy of which is attached hereto;

3. Waives its right to contest the lawfulness or reasonableness of said Order before the Ohio Environmental Board of Review or any court of competent jurisdiction; but waives no other right.

Provided, however, that the above withdrawal and waivers will be void and of no effect if the Director fails to enter the said Order upon his Journal, or if the USEPA fails to approve the issuance of said order.

Respectfully submitted, William J. Brown, *Attorney General of Ohio*; by Robert E. Olwell, *Assistant Attorney General, Environmental Law Section*, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215, (614) 466-2766; Vincent B. Stamp, *Dinsmore, Shohl, Coates & Deupree, Attorney for Applicant*, 2100 Fountain Square, 511 Walnut Street, Cincinnati, Ohio 45202, (513) 621-6747.

OHIO ENVIRONMENTAL PROTECTION AGENCY
Formica Corporation, Applicant.
Case No. 77-AP-054

ORDER

Pursuant to Section 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et. seq., the Director of the Ohio Environmental Protection Agency (OEPA) (hereinafter "Director") hereby makes the following Findings of Fact and Issues the following orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

FINDINGS OF FACT

1. Formica owns and operates a laminate manufacturing plant in Evendale, Ohio.

2. On February 4, 1977, the Director issued proposed denials of Formica's applications for permits to operate listed below:

(a) Permit Application No 1431150801 B001 relating to Formica's No 5 Erie City Traveling Grate Boiler (hereinafter referred to as "No. 5 Boiler");

(b) Permit Application No 1431150801 B002 relating to Formica's No 4 B & W Traveling Grate Boiler (hereinafter referred to as "No. 4 Boiler"); and

(c) Permit Application No 1431150801 B003 relating to Formica's No 3 B & W Traveling Grate Boiler (hereinafter referred to as "No. 3 Boiler").

3. On March 3, 1977, Formica filed a timely request for an adjudication hearing to contest the Director's proposed denials of the permit applications referred to herein.

4. Applicant Formica Corporation had withdrawn its adjudication request with regard to the Director's proposed denials of the permit applications referred to herein.

5. Boilers 3, 4, and 5 are coal burning boilers with separate stacks, feeding systems, ash removal systems and controls. Each separate boiler attaches to a common steam duct which carries steam into Formica's manufacturing plant.

6. In addition to Boilers 3, 4, and 5, Formica currently has at its Evendale plant Boilers 1 and 2 which are gas burning boilers with separate stacks, feeding systems, and controls. Formica was issued an operating permit for Boiler 1 (Application No. 1431150801 B004) and Boiler 2 (Application No. 1431150801 B005) on January 25, 1974. The OEPA on May 13, 1977, issued a notification to Formica that Boilers 1 and 2 were being placed on the exempt registration list effective June 27, 1977, pursuant to OAC 3745-35-05(F).

7. On December 7, 1976, Formica applied to the Ohio EPA for and subsequently the OEPA issued to Formica a permit for the installation of phenolic treating machines including an oil burning incinerator for fume destruction with a waste heat steam recovery system (hereinafter referred to as "No. 6 Boiler"). This boiler will have a separate stack, feeding system, and separate controls from Boilers 1, 2, 3, 4 and 5. Boiler 6 will attach to the same steam duct referred to above.

8. Pursuant to presently applicable statutes, rules and regulations of the State of Ohio and U.S. EPA, particularly Ohio Administrative Code § 3645-17-10 (formerly AP 3-11), the applicable particulate emissions standard for each of the coal burning boilers 3, 4 and 5 is 0.164 lbs. per million BTU, and for oil burning boiler 6 is 0.151 lbs. per million BTU.

9. Boiler No. 5's particulate emission is 0.160 lbs. per million BTU and therefore is in compliance with applicable particulate emission standards of the State of Ohio and the U.S. EPA.

10. Boiler No. 3's particulate emission is 0.265 lbs. per million BTU and Boiler No. 4's particulate emission is 0.270 lbs. per million BTU. Formica Corporation is currently unable to comply with OAC 3745-17-10 regarding the particulate emission of Boilers No. 3 and No. 4.

11. Achievement of compliance with Ohio Administrative Code § 3745-17-10 by Formica Corporation as expeditiously as possible will require until July 1, 1979.

12. Compliance will be achieved by the installation on Boilers No. 3 and No. 4 of baghouses which shall exhaust into a stack. In this situation, it is feasible to install a continuous monitoring opacity meter on the stack and to conduct a stack test.

13. The Director's determination to issue the Orders set forth below is based on his consideration of reliable, probative, and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

ORDERS

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Section 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Except as hereinafter stated otherwise, Formica Corporation is hereby ordered to bring the particulate emissions from Boilers No. 3 and No. 4 into compliance with the currently applicable particulate emission standard under Ohio law of 0.164 lbs. per million BTU pursuant to the following compliance schedule:

(a) Engineering study to scope work and select control method: By 8/15/77

(b) Authorization of funds—finalization of equipment specifications and evaluation of bids: By 12/1/77

(c) Awarding of primary contracts: By 3/15/78

(d) Detailed engineering, delivery and erection on site: By 5/1/79

(e) Start-up and debug of system: By 6/1/79

(f) Compliance testing and achievement of compliance: By 7/1/79

The above compliance schedule constitutes achievement of compliance with OAC § 3745-17-10 by Formica Corporation as expeditiously as possible.

2. Applicant Formica Corporation is further ordered to submit quarterly progress reports for each source to the Ohio Environmental Protection Agency until such compliance has been achieved. Such reports shall include any steps taken to achieve compliance and the results of any testing. Such reports shall be sent to: Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio 45214.

3. Formica Corporation is hereby notified that, except as otherwise stated by law, it will be required to pay a noncompliance penalty under the Clean Air Act Amendments of 1977, Pub. L. No. 95-95, § 120, 91 Stat. 715, in the event Formica fails to achieve final compliance under the Order by July 1, 1979.

4. In the event of an amendment or modification of the Ohio implementation plan so as to allow for a particulate emission from either Boiler No. 3, Boiler No. 4 or Boiler No. 5 of a particulate emission greater than 0.164 lbs. per million BTU or for Boiler No. 6 of a particulate emission of greater than 0.151 lbs. per million BTU, Formica shall be allowed to comply with such greater emission standard in accordance with the compliance schedule referred to above.

5. Formica shall install an opacity meter on any stack into which Boilers No. 3 and No. 4 shall exhaust. The opacity meter shall be operational by July 1, 1979, and shall continuously monitor and record opacity.

6. Formica shall submit quarterly opacity monitoring reports to the OEPA. Said re-

ports shall include, as applicable, all opacity excursions in violation of OAC § 3745-17-07, the nature and cause of the excursions, and the remedial action taken in response to the excursions, or the fact that no excursions have occurred. Said reports shall be sent to: Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio 45214. All data resulting from the operation of the opacity meter shall be retained for at least two (2) years and shall be available upon request for inspection by appropriate personnel of the OEPA.

7. During the pendency of these Orders, Formica Corporation is ordered to: (a) properly use and maintain all emission reduction systems currently installed on any and all boilers, including all multiclones; and (b) during periods where boiler use is below capacity, to utilize to the greatest extent possible the boiler or boilers emitting the least amount of pollutants, considering, when necessary, the need to eliminate sanding dust and phenolic fumes.

8. Compliance with this Order relates only to compliance with emission regulation OAC 3745-17-10 and in no way excuses the applicant from complying with any and all applicable laws or regulations, including the requirement to obtain a permit to operate pursuant to OAC 3745-35-02. Further, the applicant shall comply with the requirements of the Ohio implementation plan during the pendency of these Orders insofar as the applicant is able to do so.

NED E. WILLIAMS, P.E.,
Director, Ohio Environmental
Protection Agency.

[FR Doc. 79-3539 Filed 1-31-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1050-11]

DELAYED COMPLIANCE ORDERS

Proposed Delayed Compliance Order for Defense Logistics Agency Defense Electronics Supply Center

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Defense Logistics Agency, Defense Electronics Supply Center (DESC). The Order requires the Company to bring four boilers in building 17 (the source) into compliance with 40 CFR 52.1881(b)(46)(vii), part of the federally promulgated Ohio State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time the proposed Order would establish an expeditious schedule requiring final compliance by June 30, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (the Act) for violation of the SIP regulation covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request public hearing on U.S. EPA proposed issuance of the Order.

DATES: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days' prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Ms. Louise C. Gross, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 253-2082.

SUPPLEMENTARY INFORMATION: DESC owns four boilers in Building 17 at Dayton, Ohio. The proposed Order addresses emissions from the boilers at this facility, which is subject to 40 CFR 52.1881(b)(46)(vii) of the Ohio Implementation Plan. The regulation limits the emissions of sulfur dioxide and is part of the federally promulgated Ohio State Implementation Plan. The Order requires final compliance with the regulation by June 30, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any

public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in §65.400 to reflect approval of the following order:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Department of Defense, Defense Logistics Agency, Defense Electronics Supply Center, Dayton, Ohio. Proceeding Under Section 113(d) of the Clean Air Act, as Amended; Order No. EPA-5-79-A

ORDER

The following ORDER is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereinafter referred to as the Act). Public notice, opportunity for public hearing and thirty days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act. This ORDER contains a schedule for compliance, interim control requirements and reporting requirements. Final compliance is required as expeditiously as practicable, but no later than June 30, 1979.

On November 25, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as the U.S. EPA), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to the Department of Defense, Defense Logistics Agency, Defense Electronics Supply Center in Dayton, Ohio (hereinafter referred to as DESC), upon a finding that the four boilers in Building 17 were in violation of the applicable Ohio Implementation Plan, as defined in Section 110(d) of the Act. The Notice cited DESC for violation of sulfur dioxide regulation 40 CFR 52.1881(b)(46)(vii), as demonstrated by DESC's Air Pollution Emissions Report, emission factor calculations and material contained in the Office of Federal Activities file. A copy of this Notice was sent to the State of Ohio.

After a thorough investigation of all relevant facts, it is determined that DESC is presently unable to comply with the Ohio Implementation Plan, that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the

terms of this ORDER comply with Section 113(d) of the Act. Therefore, it is hereby ORDERED that:

1. DESC shall achieve compliance with 40 CFR 52.1881(b)(46)(vii) at Building 17 by use of coal with a sulfur content of 0.7% in accordance with the following schedules:

A. Initiate bid process—has been commenced prior to the issuance of this ORDER.

B. Award contracts—has been commenced prior to the issuance of this ORDER.

C. Commence use of coal with a sulfur content of 0.7%—March 1, 1979.

D. Demonstrate compliance with 40 CFR 52.1881(b)(46)(vii) through use of coal with a sulfur content of 0.7%—June 30, 1979.

II. DESC shall achieve and demonstrate final compliance with 40 CFR 52.1881(b)(46)(vii) as specified in Paragraph I and IV by June 30, 1979.

III. Pursuant to Section 113(d)(7) of the Act, during the period in which this ORDER is in effect, DESC shall minimize sulfur dioxide emissions so that in no case shall the boilers' emission exceed the present emission level of 1.4 pounds of sulfur dioxide per million BTU of heat input. Such a limit is determined to be reasonable and is the best practicable interim system of emission reduction (taking into account the requirements with which the source must ultimately comply in Section I, above) for the period during which this ORDER is in effect.

IV. DESC shall submit reports to the U.S. EPA detailing progress made with respect to each requirement of this ORDER. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than June 30, 1979, DESC shall certify to the U.S. EPA that the four boilers in Building 17 are in final compliance with 40 CFR 52.1881(b)(46)(vii), as provided in Paragraph 1. Such compliance may be demonstrated through stack emission tests conducted pursuant to 40 C.F.R. Section 52.1882(a)(5) and (b)(5). In the alternative, compliance may be demonstrated through testing in accordance with ASTM Method D3176, as conducted by DESC's coal supplier at the mining site, pursuant to 43 F.R. 6646 (February 15, 1978).

V. All submissions and notifications to the U.S. EPA pursuant to this ORDER shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies shall also be sent to Supervisor, Abatement Unit, Regional Air Pollution Control Agency, 451 West Third Street, P.O. Box 972, Dayton, Ohio 45422.

VI. Nothing in this ORDER shall be construed so as to affect DESC's responsibility to comply with any other Federal, State, or local regulations.

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

VIII. Nothing in this ORDER shall be construed or asserted as prohibiting the revision of the sulfur dioxide regulation applicable to DESC, which revision would relax those standards. Nor shall anything in this ORDER be construed or asserted as preventing DESC from actively pursuing and obtaining a relaxation of the applicable sulfur dioxide emission standards. In the event that a relaxation of the sulfur dioxide emission standards is obtained from the

U.S. EPA, this ORDER will be effectively modified on the date such change is made effective.

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

X. This ORDER is effective upon FEDERAL REGISTER promulgation. It shall terminate upon a demonstration satisfactory to U.S. EPA that DESC has complied with all commitments and obligations under this ORDER, or upon a determination in accordance with Section 113(d)(8) of the Clean Air Act.

Date: _____

Administrator or Delegate.

DESC has reviewed this ORDER and believes it to be a reasonable means by which Building 17 can achieve final compliance with 40 CFR 52.1881(b)(46)(vii), as specified in Paragraph 1. DESC stipulates as to the correctness of all facts stated above and consents to the requirements and terms of this ORDER.

Date: _____

*Defense Logistics Agency,
Defense Electronics Supply Center.
[FR Doc. 79-3532 Filed 1-31-79; 8:45 am]*

[6560-01-M]

[40 CFR Part 65]

[FRL 1049-6]

DELAYED COMPLIANCE ORDER

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Sorg Paper Company

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Sorg Paper Company. The Order requires the Company to bring air emissions from its coal-fired boilers in Middletown, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the order and public comments received in response to this notice may be inspected or copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: Sorg Paper Company operates a facility at Middletown, Ohio. The Order under consideration addresses emissions from two coal-fired boilers at the facility, which are subject to Ohio Administrative Code 3745-17-07 and 3745-17-10. The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979 through the installation of a baghouse or high energy, wet scrubbers.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio State SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will pub-

lish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

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

Dated: January 23, 1979.

JOHN MCGUIRE,
Administrator.

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: the Sorg Paper Company, 901 Manchester Avenue, Middletown, Ohio 45042.

The Director of Environmental Protection (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (I) and (S) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

FINDINGS OF FACT

1. The Sorg Paper Company, (hereinafter "Sorg"), operates two (2) pulverized coal-fired boilers (hereinafter "boilers") which serve its facility located at 901 Manchester Avenue, Middletown, Ohio 45042. These boilers are identified in the original variance application received August 15, 1972 as follows:

Application No. 18/09/91/0043 B001: B&W 4 Drum Sterling, Pulverized Coal-Fired Boiler (Ohio 49545) 100 MMBTU/Hr. Max. Input Capacity.

Application No. 18/09/01/0043 B002: B&W 4 Drum Sterling, Pulverized Coal-Fired Boiler (Ohio 49544) 100 MMBTU/Hr. Max. Input Capacity.

2. In the course of operation of said boilers, air contaminants are emitted in violation of Rules 3745-17-07 and 3745-17-10 of the Ohio Administrative Code.

3. Sorg is unable to immediately comply with OAC 3745-17-07 and OAC 3745-17-10.

4. Potential emissions of particulates from Sorg are approximately 7,238 tons per year; therefore, Sorg constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC 3745-17-07 and OAC 3745-17-10 as expeditiously as practicable.

6. Implementation by Sorg of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. It is technically and economically unreasonable to require Sorg to install and operate a continuous opacity monitoring system on the boilers prior to achieving compliance with the Orders specified below, since Sorg is currently unable to comply with the requirements of OAC 3745-17-07 pertaining to visible emissions, no data would be produced which is not already known, and, therefore, no purpose would be served.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their re-

lation to benefits to the people of the State to be derived from such compliance.

ORDERS

WHEREUPON, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (I) and (S) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Sorg shall bring its boilers B001 and B002 located at 901 Manchester Avenue, Middletown, Ohio into compliance with OAC 3745-17-07 and OAC 3745-17-10 by installing a baghouse or high energy, wet scrubbers on these boilers no later than July 1, 1979.

2. Compliance with Order (1) above shall be achieved by Sorg in accordance with the following schedule on or before the dates specified:

Submit final control plans—September 20, 1978.

Award contracts—November 15, 1978.

Begin construction—April 15, 1979.

Complete construction—June 15, 1979.

Testing of Control Equipment (if determined necessary)—June 15, 1979.

Achieve final compliance with OAC 3745-17-07 and 3745-17-10—July 1, 1979.

3. Pending achievement of compliance with Order (1) above, Sorg shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC 3745-17-07 and OAC 3745-17-10 insofar as Sorg is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the clean air act, as amended. Such interim requirements shall include:

A. Sorg shall immediately use coal with an analysis of: Less than or equal to one (1) percent sulfur and greater than or equal to 13,500 BTU per pound of coal; or a comparable coal quality which will meet an emission rate of less than or equal to 1.40 pounds SO₂ per MMBTU input.

B. Sorg shall immediately institute a regular maintenance program to minimize emissions from the boilers.

C. Sorg shall immediately institute the following actions to minimize emissions from the boilers:

a. Maintain and operate the coal pulverizing mills to efficiently pulverize the coal to a 200 mesh or better.

b. Use fuel oil as a supplement for boiler start-up or emergency situations.

c. Minimize the impact of load swings by establishing and maintaining a program of communication and cooperation between production management and boiler management.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Sorg shall submit a progress report to the Southwestern Ohio Air Pollution Control Division, 901, Atkinson Square, Cincinnati, Ohio 45246. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also include

the facility's status of compliance with the interim control requirements in Order (3) above.

5. If Southwestern Ohio Air Pollution Control Division determines it is necessary, Sorg shall conduct emission tests on any or all boilers to verify compliance with Order (1) above. Such tests shall be conducted no later than the date specified in the compliance schedule in Order (2) above, in accordance with procedures approved by the Director. Notification of intent to test shall be provided to the Southwestern Ohio Air Pollution Control Division thirty (30) days prior to the testing date. The emission test report shall be submitted to Southwestern Ohio Air Pollution Control Division by July 15, 1979.

6. Sorg is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

NED E. WILLIAMS,
Director of Environmental Protection.

WAIVER

The Sorg Paper Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Sorg Paper Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Sorg Paper Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement, except for reasons beyond our control, of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

WILLIAM R. PICARD,
V.P. of Operations, Authorized Representative of The Sorg Paper Company.

[FR Doc. 79-3537 Filed 1-31-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LEASING,
GENERAL

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking implements the changes mandated in the Outer Continental Shelf Mineral Leasing program administered by the Secretary of the Interior by the

passage of the Outer Continental Shelf Lands Act Amendments of 1978. The proposed rulemaking also contains changes to make Part 3300 more readable as directed by Executive Order 12044. The subparts have also been rearranged to make the part easier to follow and understand.

DATE: Comments by April 2, 1979.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m.-4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

William Quinn (202) 334-8457, or
Abigail B. Miller (202) 343-6264, or
Robert B. Bruce (202) 343-8735.

SUPPLEMENTARY INFORMATION:

The passage of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1331 et seq.), mandated a number of changes in the Outer Continental Shelf programs, with special emphasis on the leasing program that is the responsibility of the Department of the Interior. This proposed rulemaking incorporates those mandated changes in Part 3300 of Title 43 of the Code of Federal Regulations. In view of the fact that the part is being rewritten, its language has been reviewed and clarified to make it more easily understood, as directed in Executive Order 12044. At the same time, the subparts of Part 3300 were rearranged into a more orderly format. This rearrangement was deemed necessary because Part 3300 has been amended in a piecemeal fashion over the last twenty or so years without adequate consideration of the appropriate order of the regulations. The revisions required by the passage of the Outer Continental Shelf Lands Act Amendments of 1978 and the consolidation of all parts of the program for the Outer Continental Shelf provided an opportunity to unify the provisions for the leasing program in Part 3300.

The leasing program regulations are being moved from subpart 3308 to subpart 3310 in the new rulemaking. Likewise, the joint bidding procedures that appear in section 3302.3 of the existing regulations are being renumbered as section 3316.3 in the proposed rulemaking. Even though the regulations for the OCS leasing program are being renumbered to be placed in this proposed rulemaking, the text of the regulation is not being published because it is not being substantively amended. Likewise, the text of the joint bidding regulation is not being substantively changed and, therefore, does not

appear in this proposed rulemaking. The provisions of both of these subparts will appear in full in the final rulemaking when it is published.

Most of the changes that are being made in the proposed rulemaking are minor and are in compliance with the requirement of the provisions of the Outer Continental Shelf Lands Act Amendments of 1978. Some of the changes that the proposed rules include are the mechanism for the employment of new bidding systems for mineral leases when they are developed; the requirement for greater cooperation by Federal agencies in the OCS program; and the enhancement of the roles of State and local governments in the OCS program, to name a few. Some of these matters are covered in existing regulations but the proposed rulemaking consolidates them into one document.

There are several specific changes made by the proposed rulemaking. Two changes that are considered important are the incorporating of new provisions of the Outer Continental Shelf Lands Act Amendments which allow the offering of leases for terms longer than five years and allow lease areas larger than the 5760-acre maximum set by the law prior to the amendments.

The proposed rulemaking includes other specific changes. Among them is an increase in the filing fee for an application for an assignment of a lease from \$10 to \$25. This increase is needed to cover the increased cost of handling the applications for transfer. A second specific change is an amendment relating to the effect of assignment of a portion of an oil and gas lease. Finally, a specific change has been made that drops the requirement for a minimum royalty payment for offshore oil and gas leases after discovery in favor of continued rental payments until actual production on the lease. Also included in the proposed rulemaking is the procedure for granting rights-of-way on the Outer Continental Shelf. The proposed rulemaking moves the OCS rights-of-way procedure from subpart 2883, where it is presently located in Title 43 to Part 3300. This placement is a more orderly arrangement of this subject and puts all rules dealing with the granting of land uses on the OCS in one place. The proposed rulemaking on OCS pipeline rights-of-way also includes changes mandated by the Outer Continental Shelf Lands Act Amendments of 1978. Other changes have been made to make the proposed rulemaking clearer and more easily understood and to clarify certain procedural conditions.

The filing fee and fee for assignment of a right-of-way grant have been changed from \$10 each to \$100 and

\$25, respectively. The rental has been changed from \$5 for each mile and \$50 for each accessory site to \$15 for each mile and \$75 for each accessory site. The required scale of maps accompanying a right-of-way grant application has been changed, as well. In addition, bonds are required for each OCS area in which a right-of-way grant is applied for, conditioned upon compliance with the terms and conditions of the right-of-way grant.

A major change contained in the proposed rulemaking is the provision making OCS right-of-way grants subject to cost recovery. Even though this is provided for in the proposed rulemaking, the Solicitor of the Department of the Interior is preparing an opinion as to whether cost recovery is applicable to the Outer Continental Shelf. If the opinion makes the determination that cost recovery is applicable to the Outer Continental Shelf, the final rulemaking may contain these provisions. If, however, the decision is that cost recovery is not applicable to the OCS, the cost recovery provisions will be deleted from the final rulemaking.

The principal authors of this proposed rulemaking are William J. Quinn, Division of Minerals Program Analysis, Edward J. Tennyson, Jr., Division of Mineral Resources, Abigail B. Miller, Division of Mineral Environment Assessment, all of the Bureau of Land Management, and Sandra E. Seim, staff assistant to the Assistant Secretary for Land and Water Resources, assisted by the staff of the Division of Legislation and Regulatory Management of the Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1331 et seq.), it is proposed to revise Part 3300, Group 3300, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

PART 3300—OUTER CONTINENTAL SHELF LEASING, GENERAL

Subpart 3300—Outer Continental Shelf Minerals Deposits, General

Sec.
3300.0-1 Purpose.

Sec.
3300.0-3 Authority.
3300.0-5 Definitions.
3300.1 Leasing diagrams.
3300.2 Information to States.
3300.3 Helium.
3300.4 Payment.

Subpart 3310—Leasing Program

3310.1 Receipt and consideration of nominations; public notice and participation.
3310.2 Review by State and local governments.
3310.3 Periodic consultation with interested parties.
3310.4 Consideration of Coastal Zone Management programs.

Subpart 3312—Reports from Federal Agencies

3312.1 General.

Subpart 3313—Call for Nominations and Comments

3313.1 Nominations of tracts.

Subpart 3314—Tract Selection

3314.1 General.
3314.2 Tract size.

Subpart 3315—Lease Sales

3315.1 General.
3315.2 Proposed notice of sale.
3315.3 Notice of sale.

Subpart 3316—Issuance of Leases

3316.1 Qualifications of lessees.
3316.2 Lease term.
3316.3 Joint bidding provisions.
3316.3-1 Definitions.
3316.3-2 Joint bidding requirements.
3316.3-3 Chargeability for production.
3316.3-4 Bids disqualified.
3316.4 Submission of bids.
3316.5 Award of lease.
3316.6 Lease form.
3316.7 Dating of leases.

Subpart 3317—Rentals and Royalties

3317.1 Rentals.
3317.2 Royalties.
3317.3 Minimum royalty.
3317.4 Effect of suspensions on royalty and rental.

Subpart 3318—Bonding

3318.1 Acceptable bonds.
3318.2 Form of bond.
3318.3 Additional bonds.

Subpart 3319—Assignments, Transfers, and Extensions

3319.1 Assignments of leases or interests in leases.
3319.2 Requirements for filing of transfers.
3319.3 Separate filings for assignments.
3319.4 Effect of assignment of a particular tract.
3319.5 Extension of lease by drilling or well reworking operations.
3319.6 Directional drilling.
3319.7 Compensatory payments as production.
3319.8 Effect of suspension on lease term.

Subpart 3320—Termination of Leases

3320.1 Relinquishment of leases or parts of leases.
3320.2 Cancellation of leases.

Subpart 3321—Section 6 Leases

3321.1 Effect of regulations on leases.
3321.2 Leases of other minerals.

Sec.
Subpart 3331—Studies*

3331.1 Environmental studies.

Subpart 3340—Grants of Pipeline Rights-of-way on the Outer Continental Shelf

3340.0-5 Definitions.
3340.1 Nature of grant.
3340.2 Application procedures.
3340.2-1 Application content.
3340.2-2 Approval action.
3340.2-3 Construction.
3340.4 Assignment of right-of-way grant.
3340.5 Relinquishment of right-of-way grant.
3340.6 Change of use.
3340.7 Bonding.
3340.8 Reimbursement of costs.

AUTHORITY: 43 U.S.C. 1331 et seq.

Subpart 3300—Outer Continental Shelf Mineral Deposits, General

§ 3300.0-1 Purpose.

The purpose of these regulations is to establish the procedures under which the Secretary of the Interior will exercise the authority granted to administer a leasing program for minerals and grant rights-of-way on the submerged lands of the Outer Continental Shelf.

§ 3300.0-3 Authority.

The Outer Continental Shelf Lands Act as amended, (43 U.S.C. § 1331 et seq.) authorizes the Secretary of the Interior to issue, on a competitive basis, leases for oil and gas, sulphur, geopressured-geothermal and associated resources, and other minerals in submerged lands of the Outer Continental Shelf. The act authorizes the Secretary of the Interior to grant rights-of-way through the submerged lands of the outer Continental Shelf.

§ 3300.0-5 Definitions.

As used in this part, the term:

(a) "Act" refers to the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. 1331 et seq.) as amended.

(b) "Director" means the Director, Bureau of Land Management.

(c) "OCS" means the Outer Continental Shelf, as that term is defined in 43 U.S.C. 1331(a).

(d) "Secretary" means the Secretary of the Interior.

(e) "Bureau" means the Bureau of Land Management.

(f) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches, which zone extends seaward to the outer limit of the United States territorial sea and extends inland from the

shore lines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States; pursuant to the authority of section 305(b)(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(b)(1));

(g) "Affected State" means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of this act, any State—

(1) the laws of which are declared, pursuant to section 4(a)(2) of this act, to be the law of the United States for the portion of the Outer Continental Shelf on which such activity is, or is proposed to be conducted;

(2) which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of this Act;

(3) which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the Outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) in which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities;

(h) "Marine environment" means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, conditions, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the Outer Continental Shelf;

(i) "Coastal environment" means the physical atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, conditions, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone;

(j) "Human environment" means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the Outer Continental Shelf;

(k) "Mineral" includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976.

(l) "Authorized officer" means any person authorized by law or by delegation of authority to or within the Bureau of Land Management to perform the duties described in this part.

§ 3300.1 Leasing diagrams.

(a) Any area of the OCS which has been appropriately platted as provided in paragraph (b) of this section, is subject to lease for any mineral not included in a subsisting lease issued under the act or meeting the requirements of subsection (a) of section 6 of the act. Before any lease is offered or issued an area may be (1) withdrawn from disposition pursuant to section 12(a) of the act, or (2) designated as an area or part of an area restricted from operation under section 12(d) of the act.

(b) The Bureau shall prepare leasing diagrams and official protraction diagrams of areas of the OCS. The areas included in each mineral lease shall be in accordance with the appropriate leasing diagram or official protraction diagram.

§ 3300.2 Information to States.

(a) The Director shall make available, on a regular basis, to affected States and, upon request, to any affected local government, an index which lists all relevant, actual or proposed programs, plans, reports, environmental statements, lease sale information and any similar type of relevant information including modifications, comments and revisions, prepared or obtained by the Director pursuant to the act. (See 30 CFR 252.5)

(b) Upon request, the Director shall transmit to affected States and local governments a copy of any information listed in the index which is subject to the control of the Bureau.

(c) Relative indications of interest on tracts nominated for a proposed sale shall be provided upon request as shall any comments timely filed in response to a call for nominations and comments for such a sale. However, no information transmitted shall identify any particular tract with the name of any particular party so as to

not compromise the competitive position of any participants in the nominating process.

(d) The Director shall make available data and information in accordance with the requirements of the Freedom of Information Act (5 U.S.C. 552), and regulations implementing the act, and of the regulations contained in Part 2 of this title (Records and Testimony). No data or information determined to be exempt from public disclosure under such acts and regulations shall be made available for public disclosure or provided to any affected State.

§ 3300.3 Helium.

(a) Each lease issued or continued under these regulations shall be subject to a reservation by the United States, under section 12(f) of the act, of the ownership of and the right to extract helium from all gas produced from the leased area.

(b) In case the United States elects to take the helium, the lessee shall deliver all gas containing helium, or the portion of gas desired, to the United States at any point on the leased area or at an onshore processing facility, in the manner required by the United States, for the extraction of helium in such plant or reduction works for that purpose as the United States may provide.

(c) The extraction of helium shall not cause a reduction in the value of the lessee's gas or any other loss for which he is not reasonably compensated, except for the value of the helium extracted. The United States shall have the right to erect, maintain and operate on the leased area any and all reduction works and other equipment necessary for the extraction of helium.

§ 3300.4 Payment.

(a) Payments of bonuses, first year's rental, other payments due upon lease issuance, filing charges, and fees and costs for grants of pipeline rights-of-way shall be made to the manager of the appropriate OCS field office. All payments shall be made by check, bank draft or money order payable to the Bureau of Land Management, unless otherwise directed by the Secretary.

(b) All other payments required by a lease or the regulations in this part shall be payable to the United States Geological Survey.

PROPOSED RULES

Subpart 3310—Leasing Program

§ 3310.1 Receipt and consideration of nominations; public notice and participation.

§ 3310.2 Review by State and local governments.

§ 3310.3 Periodic consultation with interested parties.

§ 3310.4 Consideration of coastal zone management program.

Subpart 3312—Reports From Federal Agencies

§ 3312.1 General.

For oil and gas sales shown in an approved leasing schedule and as the need arises for other mineral leasing, the Director shall request the Director, Geological Survey, to prepare a report describing the general geology and potential mineral resources of the area under consideration. The Director shall request other interested Federal agencies to prepare reports describing, to the extent known, any other valuable resources contained within the general area and the potential effect of mineral operations upon the resources or upon the total environment or other uses of the area.

Subpart 3313—Call for Nominations and Comments

§ 3313.1 Nominations of tracts.

(a) The Director may receive and consider tract nominations or requests describing areas and expressing an interest in leasing of minerals.

(b) In accordance with an approved program and schedule for the leasing of oil and gas, the Director shall issue Calls for Nominations and Comments on tracts for the leasing of such minerals in specified areas. Nominations and comments on tracts shall be addressed to the manager of the appropriate OCS office, with copies to the Director and to the Director and the Regional Conservation manager of the Geological Survey.

(c) The Director shall also request comments on tracts which should receive special concern and analysis.

Subpart 3314—Tract Selection

§ 3314.1 General.

The Director, in consultation with the Director, Geological Survey and other appropriate Federal agencies, shall recommend to the Secretary tracts for further environmental analysis and consideration for leasing. Comments received from States and local governments and interested parties in response to Calls for Nominations and Comments shall be considered in making recommendations. After tracts have been selected, the Director shall evaluate fully the po-

tential effect of leasing on the human, marine and coastal environments, utilizing, as appropriate, the views and recommendations of Federal agencies, State agencies, organizations, industries, and the general public. The Director may hold public hearings after appropriate notice.

§ 3314.2 Tract size.

A tract selected for leasing shall consist of a compact area not exceeding 5760 acres, unless the authorized officer finds that a larger area is necessary to comprise a reasonable economic production unit.

Subpart 3315—Lease Sales

§ 3315.1 General.

(a) The Director in consultation with appropriate Federal agencies shall develop lease stipulations and conditions. For oil and gas lease sales, appropriate proposed stipulations and conditions shall be contained in the proposed notice of lease sale as described in § 3315.2 of this title.

(b) A proposed notice of lease sale shall be submitted to the Secretary for approval. All comments and recommendations received and the Director's findings or actions thereon, shall also be forwarded to the Secretary.

§ 3315.2 Proposed notice of sale.

(a) Within 60 days after notice of a proposed lease sale, a Governor of any affected State or any local government in such State may submit recommendations to the Secretary regarding the size, timing or location of the proposed lease sale. Prior to submitting recommendations to the Secretary, any affected local government shall forward such recommendation to the Governor.

(b) The Secretary shall accept such recommendations of the Governor and may accept recommendations of any affected local government if he determines, after having provided the opportunity for consultation, that they provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State. The Secretary shall communicate to the Governor, in writing, the reasons for his determination to accept or reject such Governor's recommendations, or to implement any alternative means identified in consultation with the Governor to provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State.

§ 3315.3 Notice of sale.

(a) Upon approval of the Secretary, the Director shall publish the notice of lease sale in the FEDERAL REGISTER, as the official publication, and in other publications as may be desirable.

The publication in the FEDERAL REGISTER shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids shall be filed, and the place, date and hour at which bids shall be opened. The notice shall contain a description of the areas to be offered for lease and any stipulations, terms and conditions of the sale.

(b) Tracts shall be offered for lease by competitive sealed bidding under conditions specified in the notice of lease sale and in accordance with all applicable laws and regulations.

(c) The notice of lease sale shall contain a reference to the OCS lease form which shall be issued to successful bidders.

(d) With the approval of the Secretary, the Director may defer any part of the payment of the cash bonus according to a schedule announced at the time of the notice of lease sale. However, payment shall be made no later than 5 years after the date of the lease sale.

(e) In order to obtain statistical information to determine which bidding alternatives best accomplish the purposes and policies of the act, the Director may require each bidder to submit bids for any OCS area in accordance with more than one of the bidding systems described in section 8(a)(1) of the act. No more than 10 percent of the tracts offered each year shall contain such a requirement. Leases may be awarded using a bidding alternative selected at random for statistical purposes, if it is otherwise consistent with the purposes and policies of the act.

Subpart 3316—Issuance of Leases

§ 3316.1 Qualifications of lessees.

(a) In accordance with section 8 of the act, leases shall be awarded only to the highest responsible qualified bidder.

(b) Mineral leases issued pursuant to section 8 of the act may be held only by: (1) citizens and nationals of the United States, (2) aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20); (3) private, public or municipal corporations organized under the laws of the United States or of any State or of the District of Columbia or territory thereof, or (4) associations of such citizens, nationals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States.

§ 3316.2 Lease term.

(a) All oil and gas leases shall be issued for an initial period of five years, or not to exceed ten years where the Secretary finds that such longer period is necessary to encourage explo-

ration and development in areas because of unusually deep water or other unusually adverse conditions.

(b) An oil and gas lease shall continue after such initial period for as long as oil or gas is produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted. The term of an oil and gas lease is subject to extension as provided in § 3319.8 of this title.

(c) Sulphur leases shall be issued for a term not to exceed 10 years and so long thereafter as sulphur is produced from the leasehold in paying quantities, or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon.

(d) Other minerals leases shall be issued for such term as may be prescribed at the time of offering the leases in the notice of lease sale.

§ 3316.3 Joint Bidding Provisions.

§ 3316.3-1 Definitions.

§ 3316.3-2 Joint bidding requirements.

§ 3316.3-3 Chargeability for production.

§ 3316.3-4 Bids disqualified.

§ 3316.4 Submission of bids.

(a) A separate sealed bid shall be submitted for each lease unit bid upon as described in the notice of lease sale. A bid may not be submitted for less than an entire unit.

(b) Each bidder shall submit with the bid, a certified or cashier's check or bank draft on a solvent bank, or a money order or cash, or any other form of payment approved by the Secretary for one-fifth of the amount of the cash bonus.

(c) If the bidder is an individual a statement of citizenship shall accompany the bid.

(d) If the bidder is an association (including a partnership), the bid shall also be accompanied by a certified copy of the articles of association or appropriate reference to the record of the Bureau in which such a copy has already been filed, with a statement as to any subsequent amendments.

(e) If the bidder is a corporation, the following additional information shall be submitted with the bid:

(1) A certified copy of the articles of incorporation and a copy either of the minutes of the meeting of the board of directors or of the bylaws indicating that the person signing the bid has authority to do so, or,

(2) In lieu of such a copy, a certificate to that effect signed by the secretary or the assistant secretary of the corporation over the corporate seal, or appropriate reference to the records

submitted to the Bureau in connection with which such articles and authority have been previously furnished.

(f) Bidders should be aware of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

(g) In addition to the above, every joint bid submitted for any oil and gas lease shall be accompanied by a sworn statement by each joint bidder stating that the bid is not disqualified under § 3316.3-4(c) of this title.

(h) To verify the accuracy of any statement submitted pursuant to § 3316.3-2 of this title and paragraph (g) of this section, the Director may require the person submitting such information to: (1) submit no later than 30 days after receipt of the request by the Director, a detailed Report of Production which shall list, in barrels, the average daily production of crude oil, natural gas and liquefied petroleum products chargeable to the reporting person in accordance with § 3316.3-3 of this title for the prior production period, and (2) permit the inspection and copying by an official of the Department of the Interior of such documents, records of production of crude oil, natural gas and liquefied petroleum products, analyses and other material as are necessary to demonstrate the accuracy of any statement or information upon which any information in any Statement of Production or Report of Production was based or from which it was derived.

(i) No bid for a lease may be submitted if the Secretary finds, after notice and hearing, that the bidder is not meeting due diligence requirements on other leases.

§ 3316.5 Award of lease.

(a) Sealed bids received in response to the notice of lease sale shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids shall be accepted or rejected at that time.

(b) The United States reserves the right to reject any and all bids received for any tract, regardless of the amount offered.

(c) Awards of leases shall be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution.

(d) In the event the highest bids are tie bids, the tie bidders (unless they would be disqualified under § 3316.1(b) of this title, or disqualified under § 3316.3-4 of this title if their bids had been joint bids) may file with the Director, within 15 days after notification, an agreement to accept the lease jointly; otherwise all bids shall be rejected.

(e) Pursuant to section 8(c) of the act, the Attorney General may review the results of the lease sale prior to the acceptance of bids and issuance of leases.

(f) If the authorized officer fails to accept the highest bid for a lease within 60 days after the date on which the bids are opened, all bids for that lease shall be considered rejected.

(g) Notice of the authorized officer's action shall be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease shall be sent to the successful bidder who shall be required, not later than the 15th day after receipt thereof, to execute them, pay the first year's rental and balance of the bonus bid, and file a bond as required in § 3318.1 of this title. Deposits and any interest found due on rejected bids shall be returned.

(h) If the successful bidder fails to execute the lease within the prescribed time or otherwise comply with the applicable regulations the deposit shall be forfeited and disposed of as other receipts under the act.

(i) If, before the lease is executed on behalf of the United States, the land which would be subject to the lease is withdrawn or restricted from leasing, all payments made by the bidder shall be refunded.

(j) If the awarded lease is executed by an agent acting in behalf of the bidder, the lease shall be accompanied by evidence that the bidder authorized the agent to execute the lease. When three copies of the lease are executed and returned to the authorized officer, the lease shall be executed on behalf of the United States, and one fully executed copy shall be mailed to the successful bidder.

(k) No lease or permit shall be issued for any area within fifteen statute miles of the boundaries of the Point Reyes Wilderness in California unless the State of California allows exploration, development or production activities in the adjacent navigable waters of the State under section 11(h) of the act.

§ 3316.6 Lease form.

Oil and gas leases and leases for sulphur shall be issued on forms approved by the Director. Other mineral leases shall be issued on such forms as may be prescribed by the Secretary.

§ 3316.7 Dating of leases.

All leases issued under the regulations in this part shall be dated and become effective as of the first day of the month following the date leases are signed on behalf of the lessor. When prior written request is made, a lease may be dated and become effective as of the first day of the month within which it is so signed.

Subpart 3317—Rentals and Royalties

§ 3317.1 Rentals.

(a) An annual rental shall be due and payable, at the rate specified in the oil and gas lease, in advance of the first day of each lease year prior to production of oil or gas.

(b) The owner of any lease created by the assignment of a portion of a producing lease and on which assigned portion there is no production, actual or allocated, shall pay an annual rental for such assigned portion at the rate per acre specified in the lease. This rental shall be payable each lease year following the year in which the assignment became effective and prior to commencement of production on such segregated portion.

(c) Annual rental paid in any year shall be in addition to, and shall not be credited against, any royalties due from production.

(d) An annual rental on a lease for a mineral other than oil or gas, shall be due and payable in advance of the first day of each lease year prior to discovery in paying quantities, at a rate specified in the lease form.

§ 3317.2 Royalties.

(a) Royalties on oil and gas shall be at the rate specified in the lease, unless the Secretary, in order to promote increased production on the leased area through direct, secondary or tertiary recovery means, reduces or eliminates any royalty set forth in the lease.

(b) The royalty on sulphur shall be not less than 5 percent of the gross production or value of the sulphur at the wellhead.

§ 3317.3 Minimum royalty.

For leases which provide for minimum royalty payments, each lessee shall pay the minimum royalty specified in the lease at the end of each lease year beginning with the first lease year following a discovery on the lease.

§ 3317.4 Effect of suspensions on royalty and rental.

(a) If under the provisions of 30 CFR 250.12 (c), (d)(1), or (d)(4), the Director, Geological Survey, with respect to any lease, directs the suspension of both operations and production, or, with respect to a lease on which there is no producible well, directs the suspension of operations, no payment of rental or minimum royalty shall be required for or during the period of suspension.

(b) The lessee shall not be relieved of the obligation to pay rental, minimum royalty or royalty for or during the period of suspension if the Director, Geological Survey: (1) under the provisions of 30 CFR 250.12 (d)(1) ap-

proves, at the request of a lessee, the suspension of operations or production, or both, or (2) under the provisions of 30 CFR 250.12(d)(3) suspends any operation, including production.

(c) If the lease anniversary date falls within a period of suspension for which no rental or minimum royalty payments are required under paragraph (a) of this section, the prorated rentals or minimum royalties are due and payable as of the date the suspension period terminates. These amounts shall be computed and notice thereof given the lessee. The lessee shall pay the amount due within 30 days after receipt of such notice. The anniversary date of a lease shall not change by reason of any period of lease suspension or rental royalty relief resulting therefrom.

Subpart 3318—Bonding

§ 3318.1 Acceptable bonds.

(a) The successful bidder, prior to the issuance of an oil and gas or sulphur lease, shall furnish the authorized officer a corporate surety bond in the sum of \$50,000 conditioned on compliance with all the terms and conditions of the lease. Such bond shall not be required if the bidder already maintains or furnishes a bond in the sum of \$300,000 conditioned on compliance with the terms of oil and gas and sulphur leases held by the bidder on the OCS for the area in which the lease to be issued is situated.

(b) For the purposes of this section, there are four areas: (1) the Gulf of Mexico; (2) the area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; (3) the area offshore the Coast of Alaska; and (4) the area offshore the Atlantic Coast.

(c) A separate bond shall be required for each area. An operator's bond in the same amount may be substituted at any time for the lessee's bonds.

(d) The amount of bond coverage on leases for other minerals shall be determined by the Director at the time of the offer to lease and shall be stated in the notice of lease sale.

(e) If, as the result of a default, the surety on a Mineral Lease Bond makes payment to the United States of any indebtedness under a lease secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(f) A new bond in the amount of \$300,000 shall be posted within 6 months or such shorter period as the authorized officer may direct after a default. In lieu of the \$300,000 bond required in this paragraph, a separate bond for each lease may be filed within the time period authorized. Failure to post a new bond shall, at the discretion of the authorized offi-

cer, be the basis of cancellation of all leases covered by the defaulted bond.

§ 3318.2 Form of bond.

All bonds furnished by a lessee or operator shall be in a form approved by the Director.

§ 3318.3 Additional bonds.

The authorized officer may require additional security in the form of a supplemental bond or bonds or to increase the coverage of an existing bond if, after operations or production have begun, such additional security is deemed necessary.

Subpart 3319—Assignments, Transfers and Extensions

§ 3319.1 Assignment of leases or interests therein.

(a) Subject to the approval of the authorized officer, leases, or any undivided interest therein, may be assigned in whole, or as to any officially designated subdivision, to anyone qualified under § 3316.1(b) of this title to hold a lease. Prior to any such approval, the Secretary shall consult with and give due consideration to the views of the Attorney General.

(b) An assignment shall be void if it is made pursuant to any prelease agreement described in § 3316.3-4(c) of this title that would cause a bid to be disqualified.

(c) Any approved assignment shall be deemed to be effective on the first day of the lease month following its filing in the appropriate office of the Bureau, unless at the request of the parties, an earlier date is specified in the approval.

(d) The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

(e) The assignee shall be liable for all obligations under the lease subsequent to the effective date of an assignment, and shall comply with all regulations issued under the act.

§ 3319.2 Requirements for filing of transfers.

(a)(1) All instruments of transfer of a lease or of an interest therein as to any officially designated subdivision, including operating agreements, subleases and assignments of record interest, shall be filed in triplicate for approval within 90 days from the date of final execution. They shall include a statement over the transferee's own signature with respect to citizenship and qualifications similar to that required of a lessee and shall contain all of the terms and conditions agreed upon by the parties thereto. Carried working interests, overriding royalty interests or payments out of production may be created or transferred

without requirement for filing or approval.

(2) An application for approval of any instrument required to be filed shall be accompanied by a nonrefundable fee of \$25. An application not accompanied by payment of such fee shall not be accepted for filing.

(b) An attorney in fact, in behalf of the holder of a lease, operating agreement or sublease, shall furnish evidence of authority to execute the assignment or application for approval and the statement required by § 3316.4 of this title.

(c) Where an assignment creates a segregated lease, a bond shall be furnished in the amount prescribed in § 3318.1 of this title. Where an assignment creates separate leases, the assignee, if the assignment so provides and the surety consents, may become a joint principal on the bond with the assignor.

(d) An heir or devisee of a deceased holder of a lease, or any interest therein, shall be recognized as the lawful successor to such lease or interest, if evidence of statutes as an heir or devisee is furnished in the form of: (1) a certified copy of an appropriate order or decree of the court having jurisdiction of the distribution of the estate or, (2) if no court action is necessary, the statements of two disinterested parties having knowledge of the facts or a certified copy of the will.

(e) In addition to the requirements of paragraph (d) of this section, the heirs or devisees shall file statements that they are the persons named as successors to the estate with evidence of their qualifications as provided in § 3316.4 of this title.

(f) In the event an heir or devisee is unable to qualify to hold the lease or interest, the heir or devisee shall be recognized as the lawful successor of the deceased for a period of not to exceed 2 years from the date of death of the predecessor in interest.

(g) Each obligation under any lease and under the regulations in this part shall inure to the heirs, executors, administrators, successors, or assignees of the lessee.

(h) Where the proposed assignment or transfer is by a person who, at the time of acquisition of an interest in the lease, was on the List of Restricted Joint Bidders, and that assignment or transfer is of less than the entire interest of the assignor or transferor, to a person or persons on the same List of Restricted Joint Bidders, the assignor or transferor shall file a copy, prior to approval of the assignment, of all agreements applicable to the acquisition of that lease or a fractional interest.

§ 3319.3 Separate filings for assignments.

A separate instrument of assignment shall be filed for each lease. When transfers to the same person, association or corporation, involving more than one lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee shall be sufficient.

§ 3319.4 Effect of assignment of particular tract.

(a) When an assignment is made of all the record title to a portion of the acreage in a lease, the assigned and retained portions become segregated into separate and distinct leases. In such a case, the assignee becomes a lessee of the Government as to the segregated tract that is the subject of assignment, and is bound by the terms of the lease as though the lease had been obtained from the United States in the assignee's own name, and the assignment, after its approval, shall be the basis of a new record. Royalty, minimum royalty and rental provisions of the original lease shall apply separately to each segregated portion.

(b) In the case of an assignment of a portion of an oil and gas lease, each segregated lease shall continue in full force and effect for the primary term of the initial lease and so long thereafter as oil or gas is produced from that segregated portion of the leased area in paying quantities or drilling or well reworking operations as approved by the Secretary are conducted.

§ 3319.5 Extension of lease by drilling or well reworking operations.

The term of a lease shall be extended beyond the primary term so long as drilling or well reworking operations are approved by the Secretary according to the conditions set forth in 30 CFR 250.35.

§ 3319.6 Directional drilling.

In accordance with an approved exploration plan or development and production plan, a lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining land not covered by the lease. In such circumstances, drilling shall be considered to have commenced on the leased area when drilling is commenced on the adjacent or adjoining land for the purpose of directional drilling under the leased area through any directional well surfaced on adjacent or adjoining land. Production, drilling or reworking of any such directional well shall be considered production or drilling or reworking operations on the leased area for all purposes of the lease.

§ 3319.7 Compensatory payments as production.

If an oil and gas lessee makes compensatory payments as provided in 30 CFR 250.33 and if the lease is not being maintained in force by other production of oil or gas in paying quantities or by other approved drilling or reworking operations, such payments shall be considered as the equivalent of production in paying quantities for all purposes of the lease.

§ 3319.8 Effect of suspensions on lease term.

(a) If the Director, Geological Survey, directs the suspension of either operations or production, or both, under the provisions of 30 CFR 250.12 (c), (d)(1) or (d)(4) with respect to any lease in its primary term, the primary terms of the lease shall be extended by a period equivalent to the period of the suspension.

(b) If the Director, Geological Survey, orders or approves the suspension of either operations or production, or both, under the provision for 30 CFR 250.12(c), (d)(1), or (d)(4) with respect to any lease extended beyond its primary term, the term of the lease shall not be deemed to expire so long as the suspension remains in effect.

SUBPART 3320—TERMINATION OF LEASES

§ 3320.1 Relinquishment of leases or parts of leases.

A lease or any officially designated subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, with the appropriate OCS office of the Bureau. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and the surety to make payment of all accrued rentals and royalties and to abandon all wells and condition or remove all platforms and other facilities on the land to be relinquished to the satisfaction of the Director, Geological Survey.

§ 3320.2 Cancellation of leases.

(a) Any nonproducing lease issued under the act may be cancelled by the authorized officer whenever the lessee fails to comply with any provision of the act or lease or applicable regulations, if such failure to comply continues for 30 days after mailing of notice by registered letter to the lease owner at the owner's record post office address. Any such cancellation is subject to judicial review as provided in section 23(b) of the act.

(b) Producing leases issued under the act may be canceled for such failure only by judicial proceedings in the manner prescribed in section 5(d) of the act.

(c) Any lease issued under the act, whether producing or not, shall be canceled by the authorized officer upon proof that it was obtained by fraud or misrepresentation, and after notice and opportunity to be heard has been afforded to the lessee.

(d) Pursuant to section 5(a) of the act, the Secretary, may cancel a lease when: (1) continued activity pursuant to such lease would probably cause serious harm or damage to life, property, any mineral, national security or defense, or to the marine, coastal or human environment; (2) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and (3) the advantages of cancellation outweigh the advantages of continuing such lease or permit in force. Such consultation shall not occur unless and until operations shall have been under suspension or temporary prohibition.

SUBPART 3321—SECTION 6 LEASES

§ 3321.1 Effect of regulations on lease.

(a) All regulations in this part, insofar as they are applicable, shall supersede the provisions of any lease which is maintained under section 6(a) of the act. However, the provisions of a lease relating to area, minerals, rentals, royalties (subject to sections 6(a) (8) and (9) of the act), and term (subject to section 6(a)(10) of the act and, as to sulfur, subject to section 6(b)(2) of the act) shall continue in effect, and, in the event of any conflict or inconsistency, shall take precedence over these regulations.

(b) A lease maintained under section 6(a) of the act shall also be subject to all operating and conservation regulations applicable to the OCS. In addition, the regulations relating to geophysical and geological exploratory operations and to pipeline rights-of-way are applicable, to the extent that those regulations are not contrary to or inconsistent with the lease provisions relating to area, the minerals, rentals, royalties and term. The lessee shall comply with any provision of any State lease, the subject matter of which is not covered in the regulations in this part.

§ 3321.2 - Leases of other minerals.

The existence of a lease that meets the requirements of section 6(a) of the act shall not preclude the issuance of other leases of the same area for deposits of other minerals. However, no other lease of minerals shall authorize or permit the lessee thereunder unreasonably to interfere with or endanger operations under the existing lease. No sulphur leases shall be granted by the United States on any area while such area is included in a lease cover-

ing sulphur under section 6(b) of the act.

SUBPART 3331—STUDIES

§ 3331.1 Environmental studies.

(a) The Director shall conduct a study of any area or region included in any lease sale in order to establish information needed for assessment, management, and to the extent practicable, prediction of impacts on the human, marine and coastal environments which may be affected by OCS oil and gas activities in such area or region. To the extent practicable, information available or collected by the studies program shall be in a form that can be used in the decisionmaking process associated with a specific leasing action or with longer term OCS minerals management responsibilities.

(b) Studies shall be planned and carried out in cooperation with the affected States and interested parties and, to the extent possible, shall not duplicate studies done under other laws. Where appropriate, the Director shall, to the maximum extent practicable, enter into agreements with the National Oceanic and Atmospheric Administration in executing the environmental studies responsibilities. By agreement, the Director may also utilize services, personnel or facilities of any Federal, State or local government agency in the conduct of such study.

(c) Any study of an area or region required by paragraph (a) of this section for a lease sale shall be commenced not later than six months prior to holding a lease sale for that area. The Director may utilize information collected in any prior study. The Director may initiate studies for areas or regions not identified in the leasing program.

(d) After the leasing and developing of any area or region, the Director shall conduct such additional studies to establish additional information as is deemed necessary and shall monitor the human, marine and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with the results of studies conducted prior to OCS oil and gas development. This shall be done to identify any significant changes in the quality and productivity of such environments, to establish trends in the areas studied, and to design experiments identifying the causes of such changes. Findings from such studies shall be used, if appropriate, to recommend modifications in practices which are employed to mitigate the effects of OCS activities and to enhance the data/information base for impact prediction resulting from a single future sale action or cumulative actions.

Subpart 3340—Grants of Pipeline Rights-of-way on the Outer Continental Shelf

§ 3340.0-5 Definitions.

As used in this subpart, the term "right-of-way" includes the site on which the pipeline and associated structures are situated which shall not exceed 200 feet in width for pipelines unless safety and environmental factors during construction and operations require a greater width and shall be limited to the area reasonably necessary for pumping stations or other accessory structures. It does not include gathering lines and associated structures constructed for the purpose of conveying production for gathering, storage or treating of the production from a lease or leases.

§ 3340.1 Nature of grant.

(a) An applicant, by accepting a right-of-way grant, agrees and consents to:

(1) Comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste, the conservation of the natural resources of the OCS and the protection of correlative rights therein. Comply with all stipulations which the authorized officer attaches to the right-of-way grant for the purpose of assuring environmental protection, and the utilization of the best available and safest technologies, such as the safest reasonable pipeline burial techniques, which the Secretary determines to be economically feasible.

(2) Pay the United States or its lessees or right-of-way holders, as the case may be, the full value for all damages to the property of the United States or its said lessees or right-of-way holders, and to indemnify the United States against any and all liability for damages to life, person or property arising from the occupation and use of the area covered by the right-of-way grant. (3) Keep the authorized officer informed at all times of the applicant's address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. Agree that in the construction, operation and maintenance of the project, the holder shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin and shall require an identical provision in all subcontracts.

(4) Agree that the granting of the right-of-way shall be subject to the express conditions that the rights granted shall not prevent or interfere in any way with the management, administration of, or the granting, either

prior or subsequent to the right-of-way grant, of other rights by the United States. Moreover, the holder agrees to allow the occupancy and use by the United States or other rights-of-way holders of any part of the right-of-way grant not actually occupied or necessarily incident to its use for any necessary operations involved in the management, administration or the enjoyment of such other granted rights. Finally, the right-of-way shall be contained within the boundaries of any area designated for pipelines by the authorized officer.

(5) Pay the Bureau for the first calendar year or fraction thereof, and thereafter annually, in advance, an annual rental of \$15 for each statute mile or fraction thereof, traversed by the right-of-way and \$75 for each area applied for as a site for an accessory to the right-of-way, including, but not limited, to a platform. Payments may be on an annual basis, for a 5-year period or for multiples of the 5-year period.

(6) Upon abandonment, relinquishment, revocation or termination of the right-of-way grant, remove any platforms, structures or domes over valves which would present any hazard to navigation or fishing, and unless the requirement is waived in writing by the authorized officer, remove the pipe, taps and valves along the right-of-way. In order to secure a waiver of the removal of the pipe, taps or valves, the holder shall demonstrate to the satisfaction of the authorized officer, that abandonment of the pipeline, taps or valves in place shall not constitute an unreasonable hazard to navigation, fishing or the marine environment, that the line has been purged to remove materials that, if released, could be harmful to the marine environment, and that all open ends of the pipe have been plugged and buried to a minimum cover of three feet or such other depth as may be required by the authorized officer.

Any improvement required to be removed shall be removed by the holder within one year of the effective date of the relinquishment, revocation, termination or abandonment. All such structures or improvements not removed within the time provided herein, shall become the property of the United States but that shall not relieve the holder of liability for the cost of their removal or for restoration of the site. Any application for relinquishment of a right-of-way shall be filed in accordance with § 3340.5 of this title.

(7) Suspend operations of any pipeline for a period of time specified by the authorized officer upon a determination by the authorized officer that continued operation would result in serious, irreparable, or immediate harm

to life (including fish and other aquatic life), to property, or the marine, coastal or human environments.

(8) Construct, operate and maintain the project in such a manner so as not to pose an unreasonable obstruction to fishing and shipping operations.

(9) Furnish the authorized officer, within 30 days of request, all data as to maximum design capacity of the pipeline, average product quantity being moved as of the time of request and copies of all contracts for transportation existing at the time of request.

(10) Assure that such oil or gas pipelines shall either transport or purchase, at the option of the Secretary, oil or natural gas produced from said submerged lands in the vicinity of the pipeline without discrimination and in such proportionate amounts as the Federal Energy Regulatory Commission, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste.

(11) Provide open and nondiscriminatory access to the pipeline to both owner and nonowner shippers.

(12) Comply with the provisions of section 5(f)(1)(B) of the act, under which the Federal Energy Regulatory Commission may order an expansion of the throughput capacity of a pipeline which is authorized after September 18, 1978, and which is not located in the Gulf of Mexico or the Santa Barbara Channel.

(b) Failure to comply with the act, regulations or, any conditions prescribed by the Secretary as to the application for a pipeline and the survey, location and width of a pipeline shall be grounds for forfeiture of the grant in an appropriate judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 23 of the act.

(c) Any right-of-way granted under the provisions of this subpart shall be for so long as the pipeline is properly maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Temporary cessation or suspension shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipeline is permanently discontinued for any reason, the grant shall be subject to forfeiture.

§ 3340.2 Application procedures.

§ 3340.2-1 Applications.

(a) No special form of application is required. The application shall be filed in triplicate in the OCS office having jurisdiction of the lands covered by

the application. It shall specify that it is made pursuant to the act and these regulations and that the applicant agrees that if the right-of-way grant is approved, the grant shall be subject to the terms and conditions of the regulations in this part. It shall also state the primary purpose for which the right-of-way is to be used. If the right-of-way has been utilized prior to the time the application is made, the application shall state the date such utilization commenced and by whom, and the date applicant obtained control of the improvement. A nonrefundable filing fee of \$100 and the rental required herein under § 3340.1(a)(5) of this title, shall accompany the application. A separate application shall be filed for each right-of-way.

(b) Each copy of the application shall be accompanied by a map, showing the center line of the right-of-way, properly identified so that the right-of-way can be accurately located by a competent engineer. The map shall comply with the following requirements:

(1) The scale shall be at least 1:4,000, or such other scale as may be determined by the authorized officer.

(2) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true or grid meridian, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(3) The total distance and width of the right-of-way shall be given, and the diameter of the pipeline specified.

(4) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references, even though the right-of-way may have an onshore terminal point.

(5) Each copy of the map shall bear upon its face a signed certificate of the engineer who made the map that the right-of-way is accurately represented upon the map, and the design characteristics are in accordance with Department of Transportation regulations.

(c) Rights-of-way issued pursuant to section 5(e) of the act may be acquired or held only by citizens and nationals of the United States, aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. § 1101(a)(20), private, public or municipal corporations organized under the laws of the United States, the District of Columbia, or of any State, or territory thereof, or associations of such citizens, nationals, resident aliens or private, public or municipal corporation, States or political subdivision of States.

(d)(1) An individual applicant shall submit with the application a statement of citizenship or nationality. An applicant who is an alien lawfully admitted for permanent residence in the United States shall also submit with the application evidence of such status.

(2) An applicant that is a private corporation shall submit with its application, a certified copy of its charter or articles of incorporation, or, if a public or municipal corporation, a certified copy of the law under which it was organized and proof of its organization. The application shall also be accompanied by a certified copy of the resolution or bylaws of the corporation authorizing the submission of the application or a certificate of the secretary or an assistant secretary of the corporation over the corporate seal certifying that the person signing the application has authority to do so. Where an attorney-in-fact, on behalf of the right-of-way applicant, signs the application for approval, evidence of the authority of the attorney-in-fact to execute the application shall be furnished.

(3) If the applicant is an association (including a partnership), each individual unincorporated member of the association shall submit the information required by paragraph (d)(1) of this section, and each incorporated member of the association shall submit the information required by paragraph (d)(2) of this section. The application shall also be accompanied by a certified copy of the articles of association, and such other notarized statements and certified documents as may be necessary to demonstrate the authority of the persons seeking to act on behalf of the association.

(e)(1) An applicant shall show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than the applicant's own. The application shall contain a statement that a copy of the application has been delivered personally or by registered or certified mail to each lessee or right-of-way grant holder whose lease or right-of-way is so affected. When the statement is filed, no final action shall be taken on the right-of-way grant application until 30 days have elapsed after the date of service of such papers, in order to afford the parties concerned ample opportunity to comment on the granting of the right-of-way. A copy of the comments shall be filed with the authorized officer for his consideration.

(2) If the authorized officer determines that a change in the application as filed should be made based on the comments received, the authorized officer shall notify the applicant that an amended application shall be filed subject to changes which the authorized

officer stipulates. The authorized officer shall determine whether the applicant shall deliver copies of the amended application to other parties for comment pursuant to 3340.2-1 of this title. The authorized officer shall consider safety, environmental and economic factors in deciding whether or not to grant the right-of-way. The decision shall be in writing and shall state the reasons for the decision.

§ 3340.2-2 Approval action.

(a) If the application and other required information are found to be in compliance with the law and regulations, the right-of-way may be granted.

(b) In considering the application for a right-of-way, the authorized officer shall consider the potential effect of the pipeline on the human, marine and coastal environments, life, including aquatic life, property and mineral resources in the entire area during construction and operational phases. To aid in the evaluation and determinations, the authorized officer may request and consider views and recommendations of appropriate Federal agencies, may hold public meetings after appropriate notice, and may consult with State agencies, organizations, industries and individuals. The authorized officer may attach, as a condition to approval, special stipulations and conditions necessary to protect human, marine and coastal environments, life, including aquatic life, property and mineral resources, located on or adjacent to the proposed right-of-way.

(c) If the right-of-way as applied for crosses any area withdrawn from disposal or restricted from exploration and operation, it shall be rejected unless the Federal agency in charge of such withdrawn or restricted area gives its consent to the granting of the right-of-way. In such case the applicant, upon request filed within 30 days after receipt of the rejection notice, shall be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

(d) Should the proposed route of the right-of-way adjoin and subsequently cross any State submerged lands, the applicant shall submit to the authorized officer evidence that the State or States so affected have reviewed the application, and shall submit any comment received, including any recommendations to relocate the route, if such relocation is considered necessary. In the event of a State recommendation to relocate the proposed route, the authorized officer shall coordinate with the appropriate State officials all applications for right-of-way grants that pass from Federal to State submerged lands.

(e) If an application is for a grant for a right-of-way affecting any land or water use in the coastal zone of any State with a coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), then the application shall not be approved unless it is consistent with the approved coastal zone management program or the Secretary of Commerce makes a finding that the right-of-way will be consistent with the objectives or purposes of the Coastal Zone Management Act of 1972, or is necessary in the interest of national security. However, if the application is for a grant for a right-of-way that has been described in detail in an approved development and production plan, then the application may be approved without a further finding of consistency with any approved coastal zone management program or a further finding on the part of the Secretary of Commerce.

§ 3340.2-3 Construction.

(a) Failure to construct the pipeline within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which shall be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the authorized officer within 90 days after completion of construction of the pipeline. Such proof shall consist of drawings of the pipeline as built, in triplicate; a signed certificate of the engineer who made the drawings, that the pipeline is accurately represented; grid references for all turning points on the line; and other data as required by the authorized officer. If there is substantial deviation from the right-of-way as shown on the original map, the unused portion of the grant shall be relinquished and maps, in triplicate, of the location of the right-of-way as constructed shall be furnished to the authorized officer as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat shall be at the risk of the holder.

(b) Right-of-way grants shall be reviewed annually prior to commencement of construction of any pipeline. Any changes in conditions subsequent to the granting of a right-of-way but prior to commencement of construction may be grounds for a request to alter the grant by the authorized officer.

§ 3340.4 Assignment of right-of-way.

(a) Assignment may be made of a right-of-way grant in whole or of any lineal segment thereof, subject to the approval of the authorized officer. Any such proposed assignment shall be filed in triplicate, accompanied by

an application for approval in which the assignee shall make the showing required by §3340.2-1(c) of this title and agree to the terms and conditions prescribed in §3340.1(a) of this title.

(b) Any proposed assignment, in whole or in part of any right, title or interest in a right-of-way grant, shall be accompanied by the same showing of qualifications of the assignees as is required of an applicant, and shall be supported by a stipulation that the assignee agrees to comply with and to be bound by the terms and conditions of the right-of-way grant. No transfer shall be recognized unless and until it is first approved, in writing, by the authorized officer. A nonrefundable fee of \$25 shall accompany the application for the approval of an assignment.

§ 3340.5 Relinquishment of rights-of-way.

A right-of-way grant or a portion thereof may be surrendered by the record holder by filing a written relinquishment, in triplicate, with the authorized officer. A relinquishment shall take effect on the date it is filed subject to the satisfaction of all requirements for abandonment set by the authorized officer.

§ 3340.6 Change of use.

(a) A change may be made by the holder in the use of the pipeline or direction of flow from that specified in the approved permit only if prior approval is obtained from the Department of Transportation and the authorized officer. Application for such a change shall be filed not less than 15 working days in advance of the proposed change of use.

(b) Each application shall specify whether the change in use is to be temporary or permanent, and any technical changes necessary to accommodate the change in use.

(c) Each application shall demonstrate that the pipeline is physically and technically adaptable to the proposed change in use without adverse environmental effects.

§ 3340.7 Bonding.

(a) Prior to the issuance of a right-of-way grant the applicant shall furnish the authorized officer a corporate surety bond in the sum of \$300,000 conditioned on compliance with all the terms of the grant. Such bond shall not be required if the bidder already maintains or furnishes a bond in the sum of \$300,000 conditioned on compliance with the terms of all right-of-way grants held by the bidder on the OCS for the area in which the grant to be issued is situated.

(b) For the purposes of this section, there are four areas: (1) the Gulf of Mexico; (2) the area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; (3) the area offshore the Coast of Alaska;

and (4) the area offshore the Atlantic Coast.

(c) A separate bond shall be required for each area.

(d) If, as the result of a default, the surety on a Right-of-way Grant Bond makes payment to the Government of any indebtedness under a lease secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(e) A new bond in the amount of \$300,000 shall be posted within 6 months or such shorter period as the authorized officer may direct after a default. Failure to post a new bond shall, at the discretion of the authorized officer, be the basis of cancellation of all grants covered by the defaulted bond.

§ 3340.8 Reimbursement of costs.

The regulations contained in this subpart do not apply to State or local Governments, agencies or instrumentalities thereof, of agencies of the Federal Government, where the lands are to be used for governmental purposes. Applicants for right-of-way grants and necessary accessory structures under this subpart shall reimburse the United States for administrative costs incurred by the United States in processing applications, including the preparation of reports and statements pursuant to the National Environmental Policy Act (42 U.S.C. 4331-4347), before a right-of-way grant shall be issued under the regulations of this part. Reimbursement is also required of costs incurred by the United States on behalf of a potential applicant. Such reimbursement shall be in accordance with §2803.1-1 of this title. The regulations of this subpart are applicable to all non-exempt applications for right-of-way grants or permits incident to rights-of-way over the OCS pending on the effective date of these regulations.

DANIEL P. BEARD,
*Acting Assistant
Secretary of the Interior.*

JANUARY 29, 1979.

[FR Doc. 79-3482 Filed 1-31-79; 8:45 am]

[4310-84-M]

[43 CFR Part 3800]

PROPOSED MINING AND WILDERNESS
MANAGEMENT POLICY

Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meetings on proposed rules and management policy.

SUMMARY: This document announces meetings to be held in connection with proposed rules regarding mining on certain public lands, to protect their suitability for wilderness

during inventory and study, and draft interim management policy and guidelines for wilderness study areas during Bureau of Land Management's wilderness review. The proposed mining regulations were published in 44 FR 2623 as 43 CFR 3800. The draft interim management policy was published in 44 FR 2694. The intent of the meetings is to answer questions about the proposed rules and management policy and accept public comment on them.

DATES: Meetings will be held as follows: February 21, 1979, 7:30 p.m., Lakeview, Oregon; February 23, 1979, 7:30 p.m., Klamath Falls, Oregon; February 24, 1979, 10:00 a.m., Portland, Oregon, and 3:00 p.m., Prineville, Oregon; February 26, 1979, 7:30 p.m., Eugene, Oregon; February 27, 1979, 7:00 p.m., Burns, Oregon, 7:00 p.m., Medford, Oregon, and 7:30 p.m., Baker, Oregon; February 28, 1979, 7:00 p.m., Spokane, Washington, and 7:00 p.m., Ontario, Oregon.

Further written comments will be accepted by Director of the Bureau of Land Management until March 14, 1979.

ADDRESSES: February 21, 1979, BLM District Office Conference Room, 1000 S. 9th, Lakeview, Oregon; February 23, 1979, Klamath County Library, 126 S. 3rd St., Klamath Falls, Oregon; February 24, 1979, Bonneville Power Administration Auditorium, 1002 NE Holladay, Portland, Oregon, and Prineville City Hall, 400 E. 3rd Street, Prineville, Oregon; February 26, 1979, Harris Hall, 125 E. 8th Street, Eugene, Oregon; February 27, 1979, BLM District Office, 74 S. Alvord, Burns, Oregon, and Medford Chamber of Commerce, 304 S. Central, Medford, Oregon, and Baker Community Center, 2610 Grove Street, Baker, Oregon; February 28, 1979, Federal Building, Room 752, W. 920 Riverside, Spokane, Washington, and Room 10, Weese Building, Treasury Valley Community College, 650 College Boulevard, Ontario, Oregon.

Further comments should be addressed to Director (330) Bureau of Land Management, 1800 C. Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5600 at the above address.

FOR FURTHER INFORMATION,
CONTACT:

Bill Kell, Oregon State Office,
Bureau of Land Management, 729
NE Oregon Street, Portland,
Oregon, 97208 or phone (503) 231-
6276.

Dated: January 26, 1979.

HUGH SHERA,
*Acting State Director,
Oregon State Office.*

[FR Doc. 79-3385 Filed 1-31-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07-M]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

COORDINATION AND DELIVERY OF FEDERAL WATER AND SEWER PROGRAMS

Interagency Agreement

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) gives notice that an INTERAGENCY AGREEMENT TO IMPROVE THE COORDINATION AND DELIVERY OF FEDERAL WATER AND SEWER PROGRAMS has been entered into by the Farmers Home Administration (FmHA), Environmental Protection Agency (EPA), Department of Housing and Urban Development (DHUD), Community Services Administration (CSA), Council on Environmental Quality (CEQ), Department of Labor (DOL), and Economic Development Administration (EDA) in order to implement in the manner described below measures for coordination and streamlining the review and approval of water and sewer grants or loans to small, rural communities.

FOR FURTHER INFORMATION CONTACT:

Lonney H. Posey, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: This Agreement was entered into after several months of intensive work by members of an interagency task force composed of representatives from the above named agencies and the White House staff. The Agreement reflects several new initiatives by the administration to reduce overlapping and duplication in the delivery of Federal assistance to rural communities. The FmHA, EPA, DHUD, CSA, CEQ, DOL, and EDA intend to implement the policies and procedures outlined in the agreement notwithstanding any provisions of each agency's present regulations governing the affected programs which may be inconsistent with the goals and purposes of the agreement.

The text of the Interagency Agreement is as follows:

INTERAGENCY AGREEMENT TO IMPROVE THE COORDINATION AND DELIVERY OF FEDERAL WATER AND SEWER PROGRAMS

I. PURPOSE

The purpose of this interagency agreement is to improve planning of water and sewer projects for rural areas in the United States while yet allowing and promoting the continuation of agriculture and other rural land uses. Such planning should take into account the smaller service areas, fewer governmental entities and greater opportunities for innovative and alternative solutions present in rural areas. It should recognize that agriculture is the mainstay of many of these areas and encourage solutions that will not threaten farmland with urban sprawl or lengthy and costly capital facilities but will instead recycle nutrients and other resources back into agricultural operations. It should recognize the complementary nature of urban and rural concerns, and as such this agreement will further the coordination of national rural and urban policy.

The Federal agencies most active in providing grants or loans to small, rural communities for the development of water and sewer facilities are agreed that duplication and repetition of administrative and programmatic requirements are obstacles to achieving their respective program goals. They are also agreed that funds can be distributed more efficiently and better project selection can be achieved by coordinating and streamlining application procedures and project review or monitoring requirements. Finally, they are agreed that greater interagency coordination and more active programs of information and technical assistance will make more rural communities aware of the funding opportunities and other forms of assistance available to them for the development of water and sewer systems.

To achieve these goals, the Environmental Protection Agency (EPA), Farmers Home Administration (FmHA), Economic Development Administration (EDA), Department of Housing and Urban Development (HUD), and Community Services Administration (CSA) agree to implement in the manner described below measures for coordination and streamlining the review and approval of water and sewer grants or loans to small, rural communities.

II. ACTIONS

A. Rural communities, by nature of their size, density, and activity patterns, have different requirements for water and wastewater treatment facilities than urban communities. Alternatives to conventional treatment facilities that may have lower per capita capital and operating costs and require less sophisticated technology and skill to operate will be encouraged by EPA, FmHA, EDA, HUD, and CSA.

1. Information and technical assistance in the area of innovative and alternative tech-

nology and its applicability to a small community's needs will be disseminated. Specifically, the use of land treatment as an alternative technology to promote agricultural land uses will be emphasized. Similarly, technologies which will promote recreation-oriented development in rural areas will also be emphasized. Also, water conservation techniques and low cost on-site disposal methods will be promoted as solutions to rural water and sewer problems.

2. EPA will encourage the application of eligible projects for the 85 percent grant permitted for such projects under section 202(a)(2) of the Clean Water Act.

3. FmHA, EDA, HUD, and CSA will also, where appropriate, encourage such projects over more conventional solutions.

B. A regular exchange of information between all agencies involved in funding a project can be beneficial to applicants and agencies. EPA, FmHA, EDA, CSA, and HUD agree to meet periodically during each year using the Federal Regional Councils.

1. They will review the status of projects being jointly or concurrently funded, discuss future potential projects in common, and exchange information on current and new administrative or substantive procedures or requirements.

2. They will also review action items such as one-year priority or project lists to identify combined funding possibilities, existing project lists to identify overlapping projects or funding, and construction and inspection schedules to identify areas for coordination.

3. One of these meetings will take place at least 120 days before the beginning of a new fiscal year.

4. They will also encourage regular meetings between their respective State level agencies for similar purposes of coordination.

C. In addition to facilitating application and disbursement of funds for rural water and sewer projects, EPA, FmHA, EDA, HUD and CSA recognize the need for continued efforts to inform communities of the range of funding and other assistance available to them.

1. A manual describing how to obtain Federal grants for water and sewer facilities has been prepared and will be distributed by the agencies. The purpose of the manual will be to introduce communities to the opportunities for assistance available to them at an early stage and to allow communities to explore the potential applicability of these programs before they progress too far in development of a project on their own.

2. Joint training seminars for Federal field personnel, State agencies and other organizations involved in the delivery of water/sewer services will be held under the aegis of the Federal Regional Councils to inform participants of these steps to promote coordination and streamlining of delivery of funds, and to encourage other formal and informal efforts to achieve these goals.

D. The establishment of a universal data base for national wastewater disposal and

treatment needs to be used by EPA, FmHA, EDA, HUD and CSA.

1. A universal data base for wastewater treatment needs will facilitate the estimation of dollar needs for planning and construction of publicly-owned wastewater treatment facilities. The EPA biennial Needs Survey will be used as the initial data base for all agencies involved in funding rural facilities.

2. From the Needs Survey, EPA will, upon request and with assistance of the other agencies, separate data showing facilities that may be eligible for their programs. Agencies that request such data will reimburse EPA for the costs of listing, summarizing and reporting the data.

3. For future Needs Surveys, agencies may choose to work with EPA in developing criteria to record needs for facilities eligible for their programs that can be used in the collection of data. These agencies will share the costs for survey development, data collection and analyses and information dissemination based upon the number of added facilities and data elements included in the Needs Survey as a result of their eligibility determinations.

E. The A-95 process of review by clearinghouse agencies will be more efficiently used by communities and the funding agencies of EPA, CSA, FmHA, EDA and HUD.

1. When a notification of intent to apply for grant funds is submitted to the clearinghouse(s), it should also indicate at that time the intention to apply for joint or combined funding of the project at specified steps and identify the prospective assisting agencies.

2. When more than one agency is funding a project, the A-95 agency need conduct only one review of the actual project for each step which will meet the A-95 requirements for all agencies involved.

3. Federal agencies will promote the use of the A-95 process and the Water Quality Management Planning process under section 208 of the Clean Water Act as an added means of identifying projects that may be eligible for funding under their programs.

4. Federal agencies will encourage clearinghouses to use the A-95 process to evaluate the rural and urban impact of projects developed under the framework of this agreement.

F. A pilot demonstration program designed to improve coordination and upgrade the assistance provided to rural communities for water and sewer needs will be initiated by FmHA and EDA.

1. For purposes of this pilot program, the States of Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Louisiana and Texas will be involved. The program shall cover a six month period starting with the date of execution of this agreement and will apply to projects funded by FmHA and EDA together through loans, grants or a combination of these funding sources and/or in cases where advisory services to communities are provided by FmHA and EDA.

2. FmHA and EDA will, when appropriate during their initial consultation with local communities, involve the expertise and resources of EPA, of its State counterpart, and HUD. This involvement will include the use of EPA's Needs Survey where appropriate, and consideration of the consistency of the proposed project with an applicable approved 208 or ongoing 208 planning at the State or local level, as may be appropriate.

3. The funding sources and participation rates of the respective agencies for projects will be determined on a case-by-case basis based on the relative needs of the area and on the merits of the project to be assisted in accordance with existing FmHA and EDA rules and regulations and relevant agreements between the agencies.

4. The lead agency responsibility for a project will be determined on a project-by-project basis but will generally follow the principles set forth and agreed to by FmHA and EDA in existing memoranda of understanding.

5. The implementation of this demonstration program will cover both the project planning and selection phase as well as construction and monitoring phase.

6. FmHA and EDA will adopt and use a new project profile format which will provide a screening procedure for project selection. This profile will also identify the potential for use of CETA sponsored employees on the operation of the facility.

7. FmHA and EDA will use one application form.

8. FmHA and EDA will help control project costs by a) agreement to a fixed price or cost ceiling for engineering fees and b) requirements that any additional design work by the engineer required because of errors or omissions by the engineer shall be at no additional charge to the community.

9. FmHA and EDA will consolidate and streamline reporting and audit requirements associated with their programs where feasible.

10. The primary responsibility for implementation of this agreement will be at the field level between FmHA's District Directors and State Directors and EDA's Economic Development Representatives and Regional Directors.

11. FmHA and EDA will continue their cooperative efforts in the areas of construction monitoring and inspection, audits and disbursements. EPA and HUD will monitor the results of these efforts to determine the advisability of applying them to their own programs.

12. A summary of the procedures to be followed by FmHA and EDA in implementing this demonstration program is attached.

G. In the review of proposed water and wastewater projects the same criteria will be used by EPA, EDA, and FmHA to evaluate the financial impact of the proposed system upon the community.

1. A project shall be identified as a high-cost project when the projected debt service and operation and maintenance portions per average household user cost are:

- 1.5 percent—median household income is under \$6,000.
- 2.0 percent—median household income is \$6,000-\$10,000.
- 2.5 percent—median household income is over \$10,000.

2. In combined funding projects, the identification of a project as high-cost will be made by EPA in the review of facility plans if EPA is involved or else by FmHA if it is involved in latter stages. These agencies will inform the community and other participating agencies of this determination.

3. Agencies will work with the community to either change the scope or redesign the project to achieve lower user costs or until they are assured that the community is aware and willing to understand the costly project.

H. EPA and FmHA will coordinate with each other on the review of facility plans. These facility plans will also serve to the extent possible as the feasibility report required by FmHA in their grant or loan reviews. However, FmHA may under these provisions receive facility plans to review prior to receiving a formal application for their grant/loan program or even from communities in rural areas who will not be applying for any FmHA assistance. EDA and HUD may choose to review a facility plan and the EPA-FmHA comments on it as part of their project review and selection processes. The procedure to incorporate review by EPA and FmHA will be as follows:

1. Communities will be directed to contact FmHA during the development of their facility plan to receive informal comments before the plan is finalized and submitted for review.

2. The regional offices of EPA receive facility plans to review after review by the State water pollution control agency. A copy of all facility plans for communities with less than 10,000 population will, upon receipt by EPA regional office, be sent to the appropriate FmHA State office.

3. FmHA will review these facility plans in terms of:

- a. financial impact of the selected alternative upon the community;
- b. their experience with small alternative systems.

4. FmHA will review the plans within 30 days and will return their comments to the EPA regional office.

5. EPA will do the in-depth technical review of the facility plan as well as review for other EPA requirements such as cost-effectiveness, environmental effects and conformance with applicable approved 208 water quality management plans.

6. EPA will incorporate FmHA comments into its own review and when appropriate convey them to the community in the official EPA response to the facility plan.

7. For projects that are receiving funding from EPA and FmHA, EPA shall be determined the lead agency for assessing environmental impact and determining whether an environmental impact statement (EIS) under the provisions of the National Environmental Policy Act is required. If an EIS is required, it will be the responsibility of EPA to have one prepared.

8. This agreement will expedite the review of grant/loan applications by both agencies. However, review by FmHA under these provisions does not guarantee the approval of a grant or loan and does not preclude additional review by FmHA during formal review of an application. The review is for the purposes of assisting EPA and in no way does it assign responsibility for EPA funded projects to FmHA.

I. During the review of plans and specifications and of construction activities, communities are required to demonstrate or assure compliance with many Federal requirements. Where communities are using funds from more than one program that may have identical compliance requirements, there is no need to demonstrate compliance more than once. To fulfill the requirements of the National Environmental Policy Act of 1969, EPA, FmHA, EDA, HUD, and CSA agree to conduct a single environmental review process, as allowed in the regulations of the Council on Environmental Quality. The participating agencies agree to accept the demonstration or assurance of

compliance for the requirements of the following laws or executive orders when they apply in an identical manner to the programs of each agency as permissible by statute. When agency regulations differ in requirements for compliance, agencies will work together to ensure that all requirements are through individual or coordinated review as appropriate.

1. Uniform Relocation and Real Property Acquisition Policies Act of 1970;
2. Civil Rights Act of 1964; Civil Rights Act of 1968; Executive Order No. 11246;
3. Davis-Bacon Fair Labor Standards Act;
4. The Contract Work Hours Standards Act;
5. The Copeland (Anti-Kickback) Act;
6. The Hatch Act;
7. The Coastal Zone Management Act of 1972;
8. The Historical and Archaeological Data Preservation Act;
9. The National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 and regulations and guidelines issued thereunder;
10. The Wild and Scenic Rivers Act of 1968;
11. The Endangered Species Act of 1973;
12. The Clean Air Act;
13. Executive Order No. 11988 on floodplains management;
14. Executive Order No. 11990 on wetlands protection;
15. The National Historic Preservation Act of 1966 and Executive Order No. 11593;
16. The Safe Drinking Water Act of 1974.

III. IMPLEMENTATION

A. EPA, FmHA, EDA, HUD, CSA and DOL shall take a variety of actions to implement this agreement in the most direct manner.

1. Where agencies have adopted procedures to implement the Joint Funding Simplification Act, or OMB Circular A-111, they will seek out projects that will be suitable for such joint funding designation and use those procedures.

2. Other actions such as policy guidance to regional, district or field offices; interagency agreements between corresponding district, regional or field offices; and promulgation of additional procedures by Headquarters offices to support agreements contained herein will be taken as identified appropriate for each agency's program.

3. Where agency determinations and funding authority have been delegated to a State, the conditions of this agreement shall be reflected in that delegation and the State will assume the responsibilities of coordination and cooperation outlined within this agreement.

Douglas Costle, Administrator Environmental Protection Agency; Juanita M. Kreps, Secretary, Department of Commerce; Bob Bergland, Secretary, Department of Agriculture; Patricia Roberts Harris, Secretary, Department of Housing and Urban Development; Graciela Olivarez, Director, Community Services Administration; Ray Marshall, Secretary, Department of Labor.

Witness:

CHARLES WARREN,
Chairman, Council on
Environmental Quality.

IMPLEMENTING PROCEDURES FOR DEMONSTRATION PROGRAM FOR RURAL WATER AND SEWER ASSISTANCE

This section will briefly describe the procedures to be used by FmHA, EDA, EPA and HUD for assisting rural communities in identifying their water/sewer needs and funding projects to meet those needs. These general guidelines will be supplemented by more detailed procedures which the individual agencies will develop. The participating agencies feel that the following procedures will allow for a thorough examination of the overall opportunities and problems of rural communities from both a residential and economic development standpoint. This will include involvement between FmHA and EDA with the support and cooperation of HUD and EPA in the initial application stages and more effective use of the resources and expertise of all agencies to assist rural communities.

It was agreed that EDA and FmHA have the most administrative flexibility in terms of project selection and the most similarity in dealing with rural communities on water and sewer projects. The commonality of FmHA and EDA programs concerning rural communities is reinforced when one recognizes these two agencies have a 12-year history of working together to improve the economic, commercial and residential health of rural America. Therefore, although EPA and HUD provide substantial assistance to rural America, it was felt that FmHA and EDA should assume the lead role in working closely with rural communities in the initial stages of water and sewer construction assistance.

The implementation of these procedures will take place in the following demonstration area for initial testing purposes—Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Louisiana, and Texas. The demonstration effort shall cover a 6-month period beginning 15 days following the date of execution of the preceding agreement.

A. *Eligible Applicants:* The special procedures developed for joint assistance apply to projects proposed by entities which are eligible to receive funds under all agencies programs (initially for those States identified for the demonstration effort). Therefore, this initiative will apply only to local governments with jurisdictions of less than 10,000 population and only for water and sewer construction.

B. *Initial Inquiries:* Inquiries for funding assistance from either FmHA and EDA are first directed to the local Federal representative of those agencies. Upon receiving an inquiry from an applicant for a water or sewer project, the field representative of either agency will discuss the needs of the community; the purpose of proposed project as presently defined; the funding sources identified to date; and the relationship to the State EPA plans and requirements.

From this discussion with the local government official the Federal field representative will complete a Profile for Water and Sewer Assistance (Attachment 1). This form has been developed as a common FmHA/EDA form.

C. *Agency Review:* When a field representative from either agency has a completed profile, the representative will forward it to his/her counterpart in the other agencies and the Economic Development District.

Each agency will review the profile in accordance with their programmatic requirements and expertise, organization structure

and procedures. The resulting comments will set forth the views of the respective agencies on the proposed project including an opportunity to:

Offer advice on the scope of proposed project and its ability to meet all of a community's residential, economic development, and environmental needs, both present and future;

Determine the appropriate funding source or sources and define the dollar amounts; and

Suggests modifications and alterations to the proposal to better meet regional needs.

The review of the project profile by the various agencies will be completed within three weeks and if appropriate a preapplication conference scheduled.

D: *The Preapplication Conference For Jointly Funded Project:*

A. *Purposes:* The preapplication conference is an extremely important step in the process for it is here that the Federal agencies and the applicant meet together in order to discuss the project in detail. The result will be to define a specific facility which reflects the needs of the area in terms of its residential, commercial and economic development growth potential. This discussion will focus not only on the particular project but also the immediate and long-term needs of the community and may include such areas as use of waste disposal for agricultural purposes and expanded recreational opportunities. It is also important at this time to discuss the environmental factors associated with the proposed project. At least one week before the scheduled preapplication conference, EDA's environmental information form will be filled out and reviewed by the regional environmentalist from EDA who will also participate in the meeting if necessary. This involvement will not only provide for a more comprehensive discussion of the project, but also will allow for an early indication whether or not an Environmental Impact Statement will be necessary.

The participants of the preapplication conference may include:

Representatives of the proponent, e.g. the local government officials, the Architect/Engineer, and the attorney;

Representatives of the Federal agencies, EDA (including regional environmentalist as appropriate), FmHA, HUD and EPA; and Economic Development District staff where relevant.

During the conference, the following topics will be discussed: Scope of the project; financing; lead agency determination; and other appropriate items.

E. *Authorization of Application:* Unless there are any major problems identified, an application will be authorized during the preapplication conference. In order to reduce the time and steps involved the Preapplication form will not be used since the Profile review will obviate the need for that step.

The standard OMB Circular A-102 Application form for construction projects, as printed by FmHA, will be used by EDA and FmHA. The applicant will complete only one application for these two agencies.

However, because each agency has unique statutory requirements, supplemental information will be requested of the applicant by each agency as necessary.

The applicant will then submit a copy of the joint application to the A-95 clearinghouse for a single review.

Each agency will review and process the application and any additional materials, and within 60 days of receiving a complete application, make a final decision to approve or disapprove the project. The two agencies will notify each other of their decision prior to making official announcements.

F. Environmental Impact Statement: Once an application is authorized, but prior to its acceptance, the environmental review must be completed. If this review determines that an Environmental Impact Statement (EIS) is needed, the applicant will be notified. The application will not be accepted until the EIS is completed. The applicant will be made aware of any modifications to the project that may be necessary depending on the analysis and findings contained in the EIS.

G. Approval Announcement: It is important for the purposes of this demonstration program and for the participating agencies that the announcement of the project approval be coordinated. Therefore, the lead agency will prepare a joint press release to be approved by the other agency and coordinated by the respective Congressional liaison offices and public relations staff.

H. Project Construction and Monitoring: Once a project has been approved, it is incumbent upon both agencies to continue their cooperative efforts in the area of construction monitoring, audit reports and construction inspections. Therefore, procedures will be adopted to ensure that the appropriate post construction activities are coordinated and streamlined including reporting requirements and disbursement procedures.

Authority: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: January 24, 1979.

GORDON CAVANAUGH,
Administrator,

Farmers Home Administration.

[FR Doc. 79-3429 Filed 1-31-79; 8:45 am]

[3410-11-M]

Forest Service

**MODOC NATIONAL FOREST GRAZING
ADVISORY BOARD**

Meeting

The Modoc National Forest Grazing Advisory Board will meet at 1:00 p.m. February 22, 1979 in the Conference Room of the Supervisor's Office at 441 N. Main St. Alturas, California.

The purpose of this meeting is to establish a charter, secure recommendations for use of the range betterment fund, and grazing allotment plans.

The meeting will be open to the public. Persons who wish to attend should notify William E. Britton, Modoc Supervisor's Office; telephone 916-233-3521. Written statements will

be filed with the Board before or after the meeting.

KENNETH C. SCOGGIN,
Forest Supervisor.

JANUARY 22, 1979.

[FR Doc. 79-3374 Filed 1-31-79; 8:45 am]

[3410-11-M]

**UINTA NATIONAL FOREST GRAZING
ADVISORY BOARD**

Meeting

The Uinta National Forest Grazing Advisory Board will meet at 9:00 a.m. on Friday, March 30, 1979 at the Rodeway Inn at 1292 South University Avenue, Provo, Utah.

The purpose of this meeting is to elect officers, establish a charter, and secure recommendations concerning the development of allotment management plans and utilization of range betterment funds for the Uinta National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ward F. Savage, Uinta National Forest Supervisor's Office, P.O. Box 1428, Provo, Utah 84601; phone 801-377-5780. Written statements may be filed with the board before or after the meeting.

DON T. NEBEKER,
Forest Supervisor.

JANUARY 26, 1979.

[FR Doc. 79-3448 Filed 1-31-79; 8:45 am]

[3410-16-M]

Soil Conservation Service

KNOB CREEK WATERSHED PROJECT, TEXAS

Notice of Intent Not To File an Environmental Impact Statement for Deauthorization of Funding of the Knob Creek Watershed

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of funding of the Knob Creek Watershed project, Bell County, Texas.

The environmental assessment of this action indicates that deauthorization of funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact

statement is not needed for this action.

The project plan provided for accelerated technical assistance for application of land treatment measures and the installation of four floodwater retarding structures.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties by contacting Mr. George C. Marks, State Conservationist, P.O. Box 648, 101 South Main Street, Temple, Texas 76501; 817-774-1214. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests at the above address.

No administrative action on the proposal will be taken until April 2, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 USC 1001-1008.)

Dated: January 23, 1979.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Programs.

[FR Doc. 79-3392 Filed 1-31-79; 8:45 am]

[3410-16-M]

MIDDLE CREEK WATERSHED, PENNSYLVANIA

Notice of Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Middle Creek Watershed, Snyder County, Pennsylvania.

The environmental assessment of this federally-assisted action indicates that the action may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this action.

The action concerns a plan for watershed protection, flood prevention, municipal water supply, and recreation. The planned works of improvement include these features already installed: one floodwater retarding and recreational dam, some of the dam's recreation facilities and a portion of

the land treatment. Features yet to be installed include the remaining land treatment, one floodwater retarding and recreation dam, one floodwater retarding and municipal water dam, one floodway, one dike, and recreation facilities at two dams.

A draft environmental impact statement will be prepared for the remaining project features and circulated for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and U.S. Courthouse, 228 Walnut Street, Harrisburg, Pennsylvania 17108; telephone number 717-782-2202.

Dated: January 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566; 16 U.S.C. 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conservation
Service, U.S. Department of Agriculture.

[FR Doc. 79-3393 Filed 1-31-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 33320]

HOUSTON SERVICE INVESTIGATION

Hearing:

The hearing herein will be held on February 27, 1979, at 1875 Connecticut Avenue, N.W., Washington, D.C. 20428; in Room 1003, Hearing Room B at 10:00 a.m., to continue until the presentation of evidence is completed.

Dated at Washington, D.C., January 26, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-3525 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket 306991]

OAKLAND SERVICE CASE (ECONOMIC PHASE)

Hearing:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding will be held on Wednesday, February 21, 1979, at 10:00 a.m. (local time), in the Crystal Room, Oakland Hilton Hotel,

Hagenberger Road, Oakland, California.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 22, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 25, 1979.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 79-3527 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket 327091]

TUCSON-SAN DIEGO NONSTOP ROUTE INVESTIGATION

Reassignment of Proceeding.

This proceeding has been reassigned from Administrative Law Judge Thomas P. Sheehan to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., January 25, 1979.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 79-3526 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket Nos. 33703; 33744; 33934; 34437;
Order 79-1-1501]

BRANIFF AIRWAYS, INC., ET AL.

Order To Show Cause

JANUARY 24, 1979.

On October 17, 1978, Braniff Airways filed an application, accompanied by a motion for hearing, requesting us to amend its certificate for route 9 to include unrestricted nonstop authority between Dallas/Fort Worth, on the one hand, and Cincinnati and Indianapolis, on the other.

In support of its motion, it states that there is a need in both of these markets for price and service competition with American Airlines; the monopoly incumbent; it will offer new low fare options, including one-half Home Free fares; it will fill existing gaps in single carrier service from the southwest to Cincinnati and Indianapolis; it will operate two daily nonstop

¹Since 1974, American has decreased the number of nonstop flights in both markets despite market growth of 30 percent in Dallas/Fort Worth-Indianapolis and 7 percent in Dallas/Fort Worth-Cincinnati.

²Austin, Brownsville, Lubbock, Amarillo, Houston, and Honolulu.

flights between Dallas/Fort Worth and Indianapolis, and one daily non-stop flight between Dallas/Fort Worth and Cincinnati; and it will earn a net profit of \$360,000 in the Dallas/Fort Worth-Cincinnati market, and \$571,000 in the Dallas/Fort Worth-Indianapolis market.

The civic parties of Cincinnati and the Indianapolis Airport Authority³ filed answers supporting Braniff's application.

Allegheny Airlines, Ozark Air Lines, and Texas International Airlines (TXI) subsequently filed applications requesting the same authority, accompanied by motions to consolidate. No supporting data was filed.

On November 16, 1978, American filed an answer opposing Braniff's motion for hearing. It contends that since Braniff has recently received unused authority in sixty new markets and remains first in line for twenty-six additional markets under Section 401(d)(5), it is in no position to seek authority on an expedited basis in the Dallas/Fort Worth-Cincinnati/Indianapolis markets; Braniff has amended its dormant authority filings to delete nine Cincinnati markets and seven Indianapolis markets initially requested, making its continuing interest in serving Cincinnati and Indianapolis doubtful; and there are other matters more deserving of priority consideration than Braniff's application.

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to grant, on a Category II subsidy-ineligible basis, the Dallas/Fort Worth-Cincinnati/Indianapolis applications of Braniff, Allegheny, Ozark, TXI and any other fit, willing, and able applicant whose fitness, willingness, and ability can be established by officially noticeable data.⁴ Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

Under the Airline Deregulation Act of 1978, we must approve an applica-

³A motion for leave to file an otherwise unauthorized document accompanied the Indianapolis answer. We will grant it.

⁴Officially noticeable data consist of that material filed under Section 302.24(m) of our Procedural Regulations. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

On the basis of officially noticeable data, we find that Braniff, TXI, Allegheny and Ozark are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

tion for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide, if after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority but rather what the nature of its service would be if it decided to serve. We will give all existing and would-be applicants 15 days from the date of service of this order to supply data,⁵ in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such filings.

Upon review of all the facts and pleadings in this case, we have tentatively determined that there is no reason why we should not grant multiple permissive awards. Our tentative conclusions comport with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in section 102 which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.⁶ See our general conclusions

⁵They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

⁶Section 102(a) specifies as being in the public interest, among other things: "The placement of maximum reliance on competitive market forces and on actual and potential competition (a) to provide the needed air transportation system, and (b) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the vari-

ety, quality, and price of air transportation services." ⁷Therefore, American's argument that Braniff will not be able or willing to soon start service in the markets at issue here is irrelevant to our conclusion. Our tentative determination that it is consistent with the public convenience and necessity to award authority in the markets to all fit, willing and able applicants does not depend upon any findings concerning whether the carriers will or will not actually serve a market or continue serving it. We stress the benefits of potential competition and the threat of entry by authorized but non-operating carriers.

about the benefits of multiple permissive authority in *Improved Authority to Wichita Case, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicants, whether or not services are in fact operated. The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to award multiple operating authority to carriers that are fit, willing and able to provide service.⁷

Notwithstanding the foregoing tentative conclusions in support of multiple permissive authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to satellite airport questions, the degree of concentration within the industry and safety. Any

ety, quality, and price of air transportation services."

Notwithstanding the foregoing tentative conclusions in support of multiple permissive authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to satellite airport questions, the degree of concentration within the industry and safety. Any

party in this proceeding may explain in full why the authority that we oppose to grant should not issue. Such explanations should apply specifically to the applications in issue, and should be sufficiently detailed to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Finally, upon review of the environmental evaluation submitted by Braniff in its application, to which no answers have been filed, we find that our decision to award it authority does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of other applications, pending submission of environmental data.

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a proceeding that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections. We remind objectors that under the 1978 Act they have the burden of proving why the awards proposed here will not be consistent with the public convenience and necessity.

Accordingly, 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificate of public convenience and necessity of Braniff Airways for Route 9, Allegheny Airlines for Route 97, Ozark for Route 107, and TXI for Route 82 so as to authorize the carriers to engage in nonstop operations between Dallas/Fort Worth on the one hand, and Cincinnati and Indianapolis, on the other; and amending, to grant any of the authority in issue, the certificates of any other fit, willing and able applicants the fitness of which can be established by officially noticeable material;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, to file with us and serve upon all persons

listed in paragraph 7, no later than February 26, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers shall be due not later than March 8, 1979;

3. If timely and properly objections are filed, we will accord full consideration to the matters and issues raised by the objections before we take further action;⁸

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We grant the motions of Allegheny, TXI and Ozark to consolidate their applications in Dockets 33744, 34437 and 33934, respectively, with Braniff's application in Docket 33703;

6. We grant the motion of the Indianapolis Airport Authority for leave to file an otherwise unauthorized document;

7. We direct Allegheny, Ozark, TXI and any other applicant for the authority in issue to file the data set forth in footnote 5 no later than February 12, 1979; and

8. We will serve a copy of this order upon all persons named in the service list of Docket 33703 and upon Ozark Air Lines, Inc. and Texas International Airlines, Inc.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3530 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket Nos. 33527, 33615, 33923, 33901, 33665, 33826, 33659, 33890; Order 79-1-151]

FRONTIER AIRLINES ET AL.

Order To Show Cause

JANUARY 24, 1979.

On September 25, 1978, Frontier Airlines filed an application requesting that its certificate for Route 73 be amended to permit nonstop service between Denver and Los Angeles. Frontier prefers that its application be considered through show-cause procedures; however, it has no objection to having its application considered in a hearing.

In support of its request, Frontier alleges that its proposal will bring the benefits of three-carrier competition to the local Denver-Los Angeles market, besides improving service in

⁸Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideration.

several beyond-Denver markets on its system; that it will receive a gain over return and tax of \$3.2 million; and that diversion from other carriers will be insignificant.

An answer in support of Frontier's application has been filed by the North Dakota Aeronautics Commission. It contends that North Dakota passenger traffic to Los Angeles is strong and growing rapidly; Frontier's forecast of its percentage participation in North Dakota-Los Angeles markets is understated; and Frontier's application should be granted through show-cause procedures.

No objections have been filed in response to Frontier's proposal.

Several carriers have filed applications requesting similar or identical authority. American Airlines, Northwest Airlines and Ozark Air Lines seek authority identical to that requested by Frontier, and their applications are accompanied by motions to consolidate. These carriers have not filed supporting documentation. TWA, which already holds Denver-Los Angeles authority, seeks removal of a long-haul restriction. Western Airlines, besides requesting Denver-Los Angeles authority, seeks to go beyond the scope of Frontier's proposal.¹ Continental Air Lines requests consolidation of its application for Denver-San Francisco/Oakland/San Jose authority.²

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to grant, on a Category II subsidy-ineligible basis, the Los Angeles-Denver applications of Frontier, American, Northwest, Ozark and Western, and any other fit, willing and able applicant, whose fitness, willingness and ability can be established by officially noticeable data.³ Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

¹Western contends that its application for Dallas/Ft. Worth-Los Angeles authority filed in Docket 33306 should be consolidated into the instant proceeding to avoid the problem of carrier reliance on traffic flow from the same beyond points over Denver or Dallas/Ft. Worth.

²Frontier filed an answer opposing Continental's motion to consolidate.

³Officially noticeable data consist of that material filed under section 302.24(m) of our rules. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

On the basis of officially noticeable data, we find that Frontier, American, Northwest, Ozark, and Western are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide if, after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority, but rather what the nature of it would be if it decided to serve. We will give all existing and would-be applicants 15 days from the date of service of this order to supply data,⁴ in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such findings.

Our tentative conclusions comport with the letter and the spirit of the Airline Deregulation Act 1978, Pub. L. 95-504, particularly the declaration of policy set forth in section 102, which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.⁵ See our general conclusions about the

⁴They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets, if they instituted the proposed service, as well as a statement on the availability of the required fuel.

⁵Section 102(a) specifies the following as being in the public interest and, in accordance with the public convenience and necessity: "The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low price, and to determine the variety, quality and price of air transportation services."

benefits of multiple authority in *Improved Authority to Wichita Cases, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought in the Denver-Los Angeles market, whether or not services are in fact operated. The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Since demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to authorize multiple operating authority to carriers that are fit, willing and able to provide service.

Notwithstanding the foregoing tentative conclusion in support of multiple permissive authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted by air carriers, civic interests or other interested persons under the 1978 Act. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced. Other provisions suggest that Congress desires us to take into account factors which generally have not been utilized to justify the dismissal or denial of applications for operating authority. These include, but are not limited to, satellite airport questions, the degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we propose to grant should not issue. Such explanations should be sufficiently detailed to permit us to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Upon review of the environmental evaluation submitted by Frontier in its application, to which no answers have been filed, we find that our decision to award it authority does not constitute a major Federal action significantly

affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of other applications, pending submission of environmental data.

TWA, which already has nonstop authority in the Denver-Los Angeles market, has filed an application in Docket 33659 to modify condition 21 of its certificate. The modification would remove a long-haul restriction which requires flights serving Denver-Los Angeles to originate or terminate at Chicago or St. Louis or at a point east of these cities. We have tentatively concluded that it is consistent with the public convenience and necessity to grant its request. It is our established policy to remove operating restrictions unless there are affirmative reasons for retaining them. We are aware of none here. Moreover, since we are authorizing several carriers to provide new service in the market, TWA would be at a competitive disadvantage if we did not remove its restriction.⁶

Additionally, in Docket 33890, Hughes Airwest applied for an exemption to provide service in the Denver-Los Angeles market. By Order 78-12-120, December 15, 1978, we granted such an exemption to Airwest. Therefore, its request will be dismissed as moot.

Western seeks to consolidate its application for Los Angeles-Dallas/Ft. Worth authority in Docket 33665 with this proceeding. Los Angeles-Dallas/Ft. Worth authority is being adjudicated in a separate proceeding in Docket 33306. We will therefore deny Western's motion.

We will also deny Continental's request to consolidate its application for Denver-San Francisco/Oakland/San Jose authority in Docket 33826. That request will be considered in a separate order.

We will give interested persons 30 days following the service date of this order to show why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect such persons to support any objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts would be established in written pleadings. We will not entertain general, vague or unsupported objections.

⁶We also tentatively find that TWA is a citizen of the United States and is fit, willing and able to perform the air service proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

Accordingly: 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificates of public convenience and necessity of Frontier for Route 73, American for Route 4, Northwest for Route 3, Ozark for Route 107, Western for Route 19 and TWA for Route 2 so as to authorize the carriers to engage in unrestricted nonstop operations between Denver and Los Angeles; and amending, to grant the authority in issue, the certificates of any other fit, willing and able applicants, the fitness of which can be established by officially noticeable material;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set forth here, to file with us and serve upon all persons listed in paragraph 13, no later than February 26, 1979, a statement of objection together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers shall be due no later than March 8, 1979;

3. If timely and properly supported objections are filed, we will accord full consideration to the matters and issues raised by the objections before we take further action;⁷

4. In the event no objections are filed, we will deem all further procedural steps to have been waived, and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We grant the motion of Northwest to consolidate its application in Docket 33615;

6. We grant TWA's motion to consolidate its application in Docket 33659;

7. We grant American's motion to consolidate its application in Docket 33923;

8. We grant Ozark's motion to consolidate its application in Docket 33901;

9. We deny Western's motion to consolidate its application for Los Angeles-Dallas/Ft. Worth authority in Docket 33665;

10. We deny Continental's motion to consolidate its application in Docket 33826;

11. We direct American, Northwest, Ozark and Western to file the data in footnote 4 by February 12, 1979;

12. We dismiss Airwest's application in Docket 33890; and

13. We will serve this order upon American, Frontier, Continental, Hughes Airwest, Northwest, Ozark,

⁷Since provisions are made for the filing of objections to this order, we will not entertain petitions for reconsideration.

TWA, Western, and the North Dakota Aeronautics Commission.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3529 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket Nos. 23080-2; 26487; Order 79-1-169]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION AND TRANSATLANTIC, TRANSPACIFIC AND LATIN AMERICAN SERVICE MAIL RATES INVESTIGATION

Order Establishing Final Service Mail Rates

JANUARY 25, 1979.

Order 79-1-37, adopted by the Board on January 4, 1979, directed all interested persons to show cause why the service mail rates established by Orders 78-11-80 and 78-12-159 should not apply to mail transport services performed in relation to new air services authorized pursuant to Public Laws 95-163 and 95-504.

The time designated for filing of objection has expired and none was filed. All persons have therefore waived the right to a hearing and all procedural steps short of fixing a final rate.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 406, and 416 thereof; the Board's Procedural Regulations, 14 CFR Part 302; and the authority delegated by the Board in its Organizational Regulations, 14 CFR 385.16(g),

1. We make final the tentative findings and conclusions with respect to the rates set forth in Order 79-1-37;

2. We make all air carriers and air taxi operators covered by Order 79-1-37 and all applicants for air services covered by that order parties to the proceedings in Dockets 23080-2 and 26487;

3. We exempt air carriers, charter air carriers, all-cargo air carriers, intrastate air carriers, and air taxi operators now and hereafter covered by this order from the provisions of section 406 of the Federal Aviation Act of 1958, as amended, insofar as the enforcement of section 406 would prevent those carriers from continuing to receive compensation for the transportation of mail under contracts entered into with the Postal Service;

4. The fair and reasonable rates of compensation the Postmaster General shall pay for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, on and after the date of commencement of new air

services authorized pursuant to Public Laws 95-163 and 95-504,¹ are the rates established by Orders 78-11-80 and 78-12-159;

5. The Postmaster General shall pay all service mail rates fixed herein in their entirety; and

6. We shall serve this order on all parties to the proceedings in Dockets 23080-2 and 26487.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the service date of this order.

We shall make this order effective and an action of the Civil Aeronautics Board upon expiration of the above period unless a petition for review is filed or the Board decides to review this order on its own motion within such period.

We shall publish this order in the FEDERAL REGISTER.

By James L. Deegan, Associate Director, Pricing Bureau of Pricing and Domestic Aviation.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3528 Filed 1-31-79; 8:45 am]

[3510-04-M]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield Virginia 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

¹These rates shall be effective retroactively in the event such services were commenced prior to the issuance of this order.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information
Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street, SW, Washington, DC 20324.

Patent application 929,469: Microsphere Loading Device. Filed July 31, 1978.

Patent application 932,071: Head and Neck Impact Measurement System, Filed August 8, 1978.

Patent application 933,935: Grease Compositions. Filed August 15, 1978.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General service division/Federal Building, Agricultural Research Service, Hyattsville, Maryland. 20782.

Patent application 941,340: Precooked Fruits and Vegetables. Filed September 11, 1978.

Patent application 943,940: Microencapsulation Process. Filed August 17, 1978.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, DC 20545.

Patent application 729,640: Quaternary Metal Hydride. Filed October 5, 1976.

Patent application 773,360: Magneto-hydrodynamic Electrode. Filed March 1, 1977. Patent 4,081,522: Regeneration of Sulfated Metal Oxides and Carbonates. Filed October 7, 1976, patented March 28, 1978. Not available NTIS.

Patent 4,091,076: Method of Removing Sulfur Emissions from a Fluidized-Bed Combustion Process. Filed May 7, 1976, patented May 23, 1978. Not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Virginia 22217.

Patent application 633,928: Pulsed X-Ray Lithography. Filed August 15, 1978.

Patent application 838,778: Distributed Feedback Filter and Laser. Filed September 28, 1977.

Patent application 852,265: Combined Intrusion sensor Line. Filed November 21, 1977.

Patent application 853,722: Multiple Function CO₂ Valve. Filed November 21, 1977.

Patent application 873,200: Pressure Detector. Filed January 30, 1978.

Patent application 894,771: Corrosion Preventive Composition. Filed April 10, 1978.

Patent application 902,013: Cable Terminal-Ferrule Attaching Apparatus. Filed May 1, 1978.

Patent application 902,314: Fail-Safe Optical Repeater-Amplifier Assembly for Fiber Optic Systems. Filed May 3, 1978.

Patent application 903,296: Temperature Compensation Means. Filed May 5, 1978.

Patent application 909,311: In Situ Purification of Liquid Metal Current Collectors. Filed May 24, 1978.

Patent application 909,312: Method and Means for Injecting Hot Liquid when Pumping Cold Liquid. Filed May 24, 1978.

- Patent application 910,260: Antenna Feed for Scan-with-Compensation Tracking. Filed May 30, 1978.
- Patent application 922,620: Piezoelectric Polymer Rectangular Flexural Plate Hydrophone. Filed July 7, 1978.
- Patent application 922,954: A Self-Contained, Portable, Underwater Stud Welder. Filed July 10, 1978.
- Patent application 925,729: Banner Towing Adapter. Filed July 18, 1978.
- Patent application 926,700: Wide Angle Gimbal System. Filed July 21, 1978.
- Patent application 926,978: Apparatus and Method for Curing Adhesively Joined Fiber Optic Elements. Filed July 21, 1978.
- Patent application 929,068: Stripline Patch Antenna. Filed July 28, 1978.
- Patent application 929,371: Intelligent Automatic Gain Control Circuit. Filed July 31, 1978.
- Patent application 929,395: Water Cooled Bipolar Battery Apparatus. Filed July 31, 1978.
- Patent application 930,835: CCD Camera Interface Circuit. Filed August 3, 1978.
- Patent application 930,951: Analog to Digital Modulus Converter. Filed August 4, 1978.
- Patent application 932,248: Acoustic-Wave Convolvers Utilizing Diffused Waveguides and Beam Compression Techniques. Filed August 9, 1978.
- Patent application 932,592: A CW Scalable Donor-Acceptor Gas Transfer Laser. Filed August 10, 1978.
- Patent application 932,745: Getter Pump for Hydrogen Maser. Filed August 10, 1978.
- Patent application 933,300: False Target Warning System. Filed August 14, 1978.
- Patent application 933,304: Fiber Optic Light Launching Assembly. Filed August 14, 1978.
- Patent application 933,364: 3-Fluoro-3-Nitrooxetane. Filed August 14, 1978.
- Patent application 933,365: 2-Fluoro-2-Nitropropanediol. Filed August 14, 1978.
- Patent application 933,395: Method and Materials for Tuning the Center Frequency of Narrow Band Surface-Acoustic-Wave (SAW) Devices by Means of Dielectric Overlays. Filed August 14, 1978.
- Patent application 934,662: Angle Sensing System. Filed August 17, 1978.
- Patent application 934,777: Aircraft Orientation Determining Means. Filed August 18, 1978.
- Patent application 935,181: Time Delay Firing Device. Filed August 18, 1978.
- Patent application 935,185: Rigid Jointed Limbed Vehicle for Walking on Water with Flanged Feet. Filed August 17, 1978.
- Patent application 935,200: Simulated VLF/LF Noise Generator. Filed August 21, 1978.
- Patent application 935,203: Improved Laser System. Filed August 21, 1978.
- Patent application 936,146: A Reflex Tetrode for Producing an Efficient Unidirectional Ion Beam. Filed August 23, 1978.
- Patent application 936,289: Metal Dihalide Photodissociation Cyclic Laser. Filed August 23, 1978.
- Patent application 936,450: Apparatus and Method for Supporting Oceanographic Equipment at Selected Ocean Depths. Filed August 24, 1978.
- Patent application 937,659: Surface Acoustic Wave Tuning for Lasers. Filed August 28, 1978.
- Patent application 939,040: A 15.9 Micron Acetylene Laser. Filed September 1, 1978.
- Patent application 947,279: Charge Coupled Device Temperature Gradient and Moisture Regulator. Filed September 29, 1978.
- Patent 4,088,884: Wide Aperture Optical Communications Detector. Filed January 26, 1978, patented May 9, 1978. Not available NTIS.
- Patent 4,090,894: Moldable Ethylene/Vinyl Acetate Copolymer. Filed March 21, 1977, patented May 23, 1978. Not available NTIS.
- Patent 4,095,223: Four-Dimensional Isometric Radar Target Image Display. Filed April 8, 1977, patented June 13, 1978. Not available NTIS.
- Patent 4,097,317: Desensitizing Agent for Compositions Containing Crystalline High-Energy Nitrates or Nitrites. Filed March 25, 1977, patented June 27, 1978. Not available NTIS.
- Patent 4,098,096: High Strength, Non-Metallic Coupling. Filed May 25, 1977, patented July 4, 1978. Not available NTIS.
- Patent 4,098,627: Solvolytic Degradation of Pyrotechnic Materials Containing Cross-linked Polymers. Filed December 15, 1976, patented July 4, 1978. Not available NTIS.
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA, Code GP-2, Washington, DC 20546.
- Patent application 878,253: Coal Desulfurization. Filed February 16, 1978.
- Patent application 883,383: Optical Probe. Filed March 6, 1978.
- Patent application 934,576: Static Pressure Orifice System Testing and Apparatus. Filed August 17, 1978.
- Patent application 938,298: Microwave Integrated Circuit for Josephson Voltage Standards. Filed August 31, 1978.
- Patent application 943,088: Antenna Deployment Mechanism. Filed September 18, 1978.
- Patent application 945,041: Radar Target Remotely Sensing Hydrological Phenomena. Filed September 22, 1978.
- Patent application 946,991: Telescoping Columns. Filed September 29, 1978.
- Patent application 951,422: Micro-Fluid Exchange Coupling Apparatus. Filed October 16, 1978.
- Patent 3,527,724: Thermoplastic Rubber Comprising Ethylene-Vinyl Acetate Copolymer, Asphalt and Fluxing Oil. Filed October 24, 1966, patented September 8, 1970. Not available NTIS.
- Patent 3,573,470: Plural Output Optometric Sample Cell and Analysis System. Filed March 28, 1968, patented April 6, 1971. Not available NTIS.
- Patent 4,091,329: Logarithmic Circuit with Wide Dynamic Range. Filed February 16, 1977, patented May 23, 1978. Not available NTIS.
- Patent 4,094,758: Process for Preparing Higher Oxides of the Alkali and Alkaline Earth Metals. Filed January 19, 1977, patented June 13, 1978. Not available NTIS.
- Patent 4,097,194: Redundant Disc. Filed March 22, 1976, patented June 27, 1978. Not available NTIS.
- Patent 4,112,875: Hydrogen-Fueled Engine. Filed August 27, 1976, patented September 12, 1978. Not available NTIS.

[FR Doc. 79-3394 Filed 1-31-79; 8:45 am]

[3510-25-M]

**COMMITTEE FOR THE
IMPLEMENTATION OF TEXTILE
AGREEMENTS**

**CERTAIN COTTON AND MAN-MADE FIBER
TEXTILE PRODUCTS FROM HAITI**

Announcing Import Restraint Levels

JANUARY 29, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products from Haiti during the fifteen-month period which began on January 1, 1978, pursuant to a three-month extension of the bilateral textile agreement.

SUMMARY: On December 29, 1978, the Governments of the United States and Haiti exchanged letters agreeing to extend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement March 23, 1976, as amended, for three months, through March 31, 1979. The bilateral agreement, as amended and extended, establishes levels of restraint for cotton and man-made fiber textile products in Categories 337, 632, 634, 635, 636, 637, 641, 648, 649, and 651 during the fifteen-month period which began on January 1, 1978 and extends through March 31, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton and man-made fiber textile products in the foregoing categories, be limited to the designated fifteen-month levels of restraint.

(A detailed description of the textile 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 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), and January 2, 1979 (44 FR 94)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S. Department of Commerce, Washing-

ton, D.C. 20230 (202/377-5423).

ROBERT E. SHEPHERD,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Domestic
Business Development.

JANUARY 29, 1979.

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

To: Commissioner of Customs, Department
of the Treasury, Washington, D.C.
20229.

DEAR MR. COMMISSIONER: 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 March 23, 1976, as amended and extended, between the Governments of the United States and Haiti; 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, effective on February 5, 1979, and for the fifteen-month period beginning of January 1, 1978 and extending through March 31, 1979, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products, exported from Haiti in the following categories, in excess of the indicated fifteen-month levels of restraint:

Category	Fifteen-Month level of Restraint ¹
337.....	100,000 dozen.
632.....	1,902,174 dozen pairs.
634.....	21,186 dozen.
635.....	150,091 dozen.
636.....	127,173 dozen.
637.....	357,042 dozen.
641.....	402,432 dozen.
648.....	781,616 dozen.
649.....	977,624 dozen.
651.....	76,923 dozen.

¹The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of March 23, 1976, as amended and extended, between the Governments of the United States and Haiti which provide, in part, that: (1) the aggregate, group and specific limits will be increased 7 percent annually; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable categories limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the

bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile 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 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), and January 2, 1979 (44 FR 94).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti 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 letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Imple-
mentation of Textile Agreements,
and Deputy Assistant Secretary for
Domestic Business Development.

[FR Doc. 79-3443 Filed 1-31-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING
COMMISSION

PUBLICATION OF AND REQUEST FOR COM-
MENT ON PROPOSED RULE HAVING MAJOR
ECONOMIC SIGNIFICANCE

Amendment to New York Coffee & Sugar Ex-
change Rules Concerning Raw Sugar Spot
Prices

The Commodity Futures Trading Commission in accordance with Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, section 12, 92 Stat. 871 (1978), has determined that the following proposed rule changes submitted by the New York Coffee & Sugar Exchange, Inc., are of major economic significance and is, therefore, publishing these proposals for public comment.

NEW YORK COFFEE & SUGAR EXCHANGE,
Inc.

ATTENTION

The texts of the following proposed amendments are using ►◄ arrows to indicate additions and [] brackets to indicate deletions.

I. AMENDMENTS TO BY-LAWS AND RULES

A. AMEND SECTION 16(h) OF
THE BY-LAWS TO READ AS FOL-
LOWS:

(h) The following committees shall be appointed: Floor Committee, Membership Committee, Committee on Sugar, Business Conduct Committee, Committee on Coffee, Warehouse and License Committee, [Spot Domestic Sugar Quotation Committee, Spot World Sugar Quotation Committee,] Committee on Sugar Deliveries and a Pension Committee.

The Chairman of the Board shall also appoint a Chairman for each Committee and such Vice-Chairmen as may be desirable.

B. ADOPT A NEW SECTION 43 OF
THE BY-LAWS TO READ IN ITS
ENTIRETY AS FOLLOWS:

►The Exchange may from time to time determine and publish, in accordance with such rules and/or procedures as may be adopted by the Board of Managers, spot quotations or prices for domestic raw sugar and/or for world raw cane sugar.◄

C. DELETE BY-LAW SECTION 45
WHICH NOW READS AS FOLLOWS:

The Spot World Sugar Quotation Committee shall establish daily at 2:00 p.m. (half-days at 11:30 a.m.) the Spot Quotation of Raw Centrifugal Cane Sugar of 96 degrees average polarization deliverable on the Sugar Contract No. 11.

D. DELETE SUGAR TRADE RULE
12.26 WHICH NOW READS AS FOL-
LOWS:

The Spot Domestic Sugar Quotation Committee shall establish daily at 2:00 p.m. (half-days at 11:30 a.m.) the Spot Quotation (duty paid or duty free) in New York, Philadelphia, Baltimore and New Orleans of Centrifugal Sugar of 96 degrees average polarization and Standard Quality Range deliverable on the Exchange under Contract No. 12.

II. RESOLUTION

Whereas the Exchange has entered into a stipulation with the United States of America, consenting to the entry of a Final Judgment in the case of *United States of America v. New York Coffee and Sugar Exchange, Inc.*, 77 Civ. 5038, pending in the United States District Court for the Southern District of New York;

Whereas the proposed Final Judgment would enjoin the Exchange from determining and publishing spot quotations or prices for raw sugar except in accordance with the terms and conditions hereinafter set forth;

Whereas the Board is approving a new Section 43 of the By-Laws which will authorize the adoption of rules and/or procedures to determine and publish spot quotations or prices for raw sugar; and

Whereas the Board now wishes to adopt such procedures to be implemented as soon as reasonably practicable;

Now, therefore, be it resolved that, effective on the second Monday following the later of entry of said Final Judgment by the Court and receipt of approval of said new Section 43 and of the terms and conditions hereinafter set forth by the Commodity Futures Trading Commission, the Exchange shall determine and publish spot quotations or prices for raw sugar in accordance with the following terms and conditions:

1. Definitions.

As used in this Resolution:

(a) The term "applicable trading period" shall mean the period during the Exchange's trading day extending from 12:00 noon through the close of trading for that day.

(b) The term "commission house" shall mean a firm engaged in raw sugar futures trading, on a monetary commission basis, predominantly on behalf of its customers.

2. Definition of Spot Quotations or Prices.

(a) The Exchange shall determine and publish, each trading day, spot quotations or prices for domestic raw cane sugar and for world raw cane sugar.

(b) The domestic spot quotation or price shall reflect the estimated price per unit, C.I.F. duty paid, of raw cane sugar in quantities exceeding 4,500 tons to arrive in the United States at a port of entry north of Cape Hatteras during a period of not less than seven days nor more than sixty days after the day in question.

(c) The world spot quotation or price shall reflect the estimated price per unit, F.O.B. country of origin, of raw cane sugar in quantities exceeding 4,500 tons for shipment from North Brazil, Honduras, Trinidad, Dominican Republic, Guatemala, French Antilles, Jamaica, Mexico (East Coast).

3. Establishment and Use of Industry Rosters.

(a) In determining the domestic and world spot quotations or prices, the Exchange shall establish two rosters of individuals knowledgeable in raw sugar trading: one roster consisting of individuals knowledgeable in domestic raw sugar trading and the other consisting of individuals knowledgeable in world raw sugar trading. The individuals on each roster shall be divided into categories representing different segments of the sugar industry and shall include nonmembers as well as members of the Exchange.

(b) With respect to the domestic roster, there shall be five categories, as follows:

(i) Individuals associated with firms engaged in the growth of sugar cane and/or the production of raw sugar in the United States, including beet sugar growers and/or processors;

(ii) Individuals associated with raw sugar merchants or operators located in the United States, including foreign trade houses having offices, directly or through subsidiaries or affiliates, in the United States;

(iii) Individuals associated with sugar refineries located in the United States;

(iv) Individuals associated with industrial users of cane sugar located in the United States; and

(v) Individuals associated with commission houses located in the United States.

(c) With respect to the world roster, there shall be four categories, as follows:

(i) Individuals associated with raw sugar merchants or operators located in the United States, including foreign trade houses having offices, directly or through subsidiaries or affiliates, in the United States;

(ii) Individuals associated with sugar refineries located in the United States;

(iii) Individuals associated with industrial users of cane sugar located in the United States; and

(iv) Individuals associated with commission houses located in the United States.

(d) The Exchange shall approach the principal firms in each of the specified categories and invite them to submit the names of candidates to be included on the rosters. The appointments to each roster shall be made by the Chairman of the Board of Managers of the Exchange with the approval of the Board. An individual may be appointed to both the domestic and world rosters. However, no more than one individual from any firm shall be appointed to any roster, provided that an alternate may be appointed to serve in the absence of another individual from the same firm.

(e) The Exchange shall endeavor to place at least eight individuals (not including alternates) in each category of each roster, and in no event may any category of either roster consist of less than five individual (not including alternates). The names of the individuals, including alternates, selected by the Exchange and the firms with which they are associated will be retained in the Exchange's records subject to the inspection, upon request, of the Antitrust Division of the United States Department of Justice and/or of the Commodity Futures Trading Commission.

(f) On each trading day, an employee of the Exchange (the "Exchange Employee"), who is appointed for this purpose by the President, and who shall not be associated with any firm active at any level of the sugar industry, shall select by lot the names of five individuals from each roster. For the domestic roster, such employee

shall select the name of one individual from each of the five categories. For the world roster, such employee shall select the name of one individual from each of the four categories and the name of one additional individual from the entire roster at large. The same individual may not be selected, on any trading day, from both the domestic and world rosters.

(g) At some time during each trading day, after 1:00 p.m. but before the commencement of the closing calls in sugar futures, the Exchange Employee shall telephone each of the individuals (or their alternates) selected by lot from the domestic and world rosters.

(h) The Exchange Employee shall ask each individual selected from the domestic roster for two figures representing his expert opinion of that day's prevailing price differential between the price per unit, C.I.F. duty paid, of raw cane sugar in quantities exceeding 4,500 tons to arrive in the United States at a port of entry north of Cape Hatteras during a period of not less than seven days nor more than sixty days after the day in question and

(i) The price, per unit, of raw cane sugar under the domestic sugar futures contract for the nearest delivery month then trading on the Exchange for that contract, and

(ii) The price, per unit, of raw cane sugar under the world sugar futures contract for the nearest delivery month then trading on the Exchange for that contract.

(i) The Exchange Employee shall ask each individual selected from the world roster for a figure representing his expert opinion of that day's prevailing price differential between the price per unit, F.O.B. country of origin, of raw cane sugar in quantities exceeding 4,500 tons for shipment from the countries listed in Section 2(a) of this Resolution during a period within sixty days of the day in question and the price, per unit, of raw cane sugar under the world sugar futures contract for the nearest delivery month then trading on the Exchange for that contract.

(j) No individual selected from either roster shall be informed of the identities or figures of the other individuals selected on that day; nor shall such individual be informed of the average, range or nature of the figures provided by the other individuals selected on that day. The Exchange shall not publicly disclose this information except that the figures provided by such individuals shall be maintained by the Exchange for inspection, upon request, by the Antitrust Division of the United States Department of Justice and/or by the Commodity Futures Trading Commission.

(k) The nearest delivery month for the domestic and world futures contracts trading on the Exchange shall be the first one of the following delivery months that follows the day for which the spot quotation or price is being determined: March, May, July, September and (in the case of the world futures contract) October, or (in the case of the domestic futures contract) November; except that, beginning on the fifth from the last trading day for any of these delivery months, the next one of such months shall be regarded as the nearest delivery month trading on the Exchange. These delivery month designations may be changed, from time to time, by the Board of Managers of the Exchange in order to reflect prevailing market conditions.

4. Computation of Estimated Spot Quotation or Price.

As soon as practical after the close of the futures market on the day for which the spot quotations or prices are being determined, the Exchange Employee shall compute the domestic and world spot quotations or prices as follows:

(a) With respect to the domestic spot quotation or price, if more than 175 lots have traded on that day, during the applicable trading period, in the nearest delivery month of the domestic sugar futures contract then open for trading, the Exchange Employee shall take the figures received from the individuals selected from the domestic roster as to that day's prevailing differential above or below the price of such domestic futures contract, eliminate the highest and lowest figures, compute the average of the remaining figures, and add that average to or subtract that average from the weighted average price of all of that day's transactions on the Exchange, during that applicable trading period, in such contract. The resulting amount shall constitute the domestic spot quotation or price for such day.

(b) If that day's volume on the Exchange, during the applicable trading period, in the nearest delivery month of the domestic sugar futures contract, then open for trading does not exceed 175 lots, then the Exchange Employee shall take the figures received from the individuals selected from the domestic roster as to the differential prevailing above or below the price of the world futures sugar contract, eliminate the highest and lowest figures, compute the average of the remaining figures, and add that amount to or subtract it from the weighted average price of all of that day's transactions on the Exchange, during the applicable trading period, in the nearest delivery month of the world sugar futures contract then open for trading. The resulting amount shall constitute

the domestic spot quotation or price for such day.

(c) As used in this section, the figure "175 lots" does not include "AA" transactions (i.e., transactions against actuals) or straddle transactions traded on point differentials.

(d) With respect to the world spot quotation or price, the Exchange Employee shall take the figures received from the individuals selected from the world roster as to the prevailing differential, on the day for which the world spot quotation or price is being determined, above or below the price of the world sugar futures contract, eliminate the highest and lowest figures, compute the average of the remaining figures, and add that average to or subtract it from the weighted average price of all of such day's transactions on the Exchange, during the applicable trading period, in the nearest delivery month of the world sugar futures contract then open for trading. The resulting amount shall constitute the world spot quotation or price for such day.

5. Publication of Spot Quotations and Prices and Other Considerations.

(a) As soon as practical after their computation, but not later than the day on which they are computed, the Exchange shall make public the domestic and world raw sugar spot quotations or prices. In doing so, the Exchange shall preface any such quotation or price with the word "Estimated" and shall identify the day to which each quotation or price applies. At the same time, the Exchange shall also make public the weighted average prices of all of the transactions on the day to which the spot quotations or prices in question apply, during the applicable trading period, in the nearest delivery months of the domestic and world sugar futures contracts then open for trading, together with the total number of lots transacted on such day, during the applicable trading period, in each such contract.

(b) The Exchange shall instruct, in writing, each member of its domestic and world rosters not to, directly or indirectly, disclose or discuss his appointment or the figures which he submits to the Exchange employee with anyone associated with any other firm.

(c) The Exchange shall endeavor to replace a substantial number of the individuals on the domestic and world rosters every twenty-four months, and no individual may serve continuously on either roster for more than thirty-six months; and

Be it further resolved, that the officers of the Exchange be and they hereby are authorized to take such steps as they deem to be necessary or appropriate to implement the foregoing Resolution.

Any person interested in submitting written data, views, or arguments on these rules should send his comments within thirty days from the date of this publication to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C. on January 26, 1979.

GARY L. SEEVERS,
Acting Chairman.

[FR Doc. 79-3542 Filed 1-31-79; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

MONOAZO DYES

Availability of Draft Monograph

SUMMARY: This notice announces that the Consumer Product Safety Commission is making available a draft monograph on monoazo dyes to any member of the public on request at no cost. The draft monograph was prepared by Calculon Corporation under contract to the Commission. The Commission is not soliciting comments on the draft monograph but any comments received will be reviewed by the Commission staff in its evaluation of the draft monograph.

DATE: Comments should be received in the Office of the Secretary to the Commission no later than March 30, 1979.

ADDRESS: Draft monograph is available from and comments should be addressed to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

June Thompson, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6477).

SUPPLEMENTARY INFORMATION: In this notice, the Commission informs the public of the availability of a draft monograph on monoazo dyes prepared for the Commission by Calculon Corporation. The draft monograph was prepared at the request of the Commission staff to collect information on the presence of monoazo dyes in consumer products and any potential health consequences. The draft monograph identifies the monoazo dyes which may be used in consumer products, the product categories in which the dyes are found, and discusses the toxicity of these dyes.

The monograph is in draft form and has not been reviewed by the Commis-

sion staff for accuracy or completeness. The Commission has not yet made an assessment of any potential health risk posed by the presence of these dyes in consumer products.

The Commission is making the draft publicly available at this time because it has received an individual request for the document. The Commission wishes all interested persons to have the opportunity to review the document at the same time, and to make comments if they wish.

Dated: January 29, 1979.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc. 79-3472 Filed 1-3-79; 8:45 am]

[6355-01-M]

TOXICOLOGICAL ADVISORY BOARD

Invitation for Membership Application

AGENCY: Consumer Product Safety Commission.

ACTION: Invitation to apply for advisory committee membership.

SUMMARY: This notice invites applications for membership on the Commission's Toxicological Advisory Board, a new advisory committee which Congress authorized in recent legislation to provide scientific and technical advice to the Commission concerning the labeling of hazardous substances. This notice contains information on the function and composition of the Board; general criteria for selection of Board members; and procedures for making application or nomination of candidates for membership.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sadye E. Dunn, Office of the Secretary, Suite 300, 1111 18th Street, NW, Washington, DC 20207, 202-634-7700.

CLOSING DATE: March 19, 1979.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Authorization Act of 1978 (Public Law 95-631) amended the Federal Hazardous Substances Act (FHSA) to provide that the Commission shall establish a Toxicological Advisory Board to advise the Commission on precautionary labeling for hazardous substances subject to the FHSA, and on the exemption of certain substances from the labeling requirements under the FHSA. In carrying out its advisory functions, the Board is to review labeling requirements or guidelines issued under the FHSA and develop and submit to the Commission any recommendations the Board considers appropriate for revisions in la-

beling requirements or guidelines. In reviewing first-aid instructions and precautionary labels, the Board may consider individual chemicals as well as specific product combinations. The Board shall assist the Commission in developing first-aid labeling instructions that are safe, effective and reflect prevailing standards of medical practice. The Board shall generally devote its energies and resources to the labeling of hazardous products which pose the greatest risk of short-term, acute toxicity. Carcinogenic, mutagenic, or other chronic hazards are not within the jurisdiction of the Board. The Board shall meet at least two times a year and possibly more if needed.

The Federal Hazardous Substances Act, as amended, specifies that the Toxicological Advisory Board shall be composed of nine (9) members who are qualified by training and experience in one or more fields applicable to the duties of the Board, and at least three of the members shall be members of the American Board of Medical Toxicology. Toxicology, pharmacology, and medicine are particularly applicable to the Board's responsibilities. From those persons qualified by training and experience, the Commission will seek a balanced membership, including individuals representative of consumers, government, and industry. Membership of the Board shall be, insofar as possible, balanced in terms of geographic location, age, sex, and minorities. Members are appointed to a three-year term, and may be reappointed.

Persons interested in serving on the Board may apply for membership by submitting the information requested at the end of this notice by March 19, 1979. Persons wishing to nominate another individual to serve on the Board should submit the same information on the nominee and should include a statement that the person nominated has agreed to serve if selected by the Commission.

PRIVACY ACT NOTICE

In accordance with the requirements of "The Privacy Act of 1974" (Public Law 93-579), persons from whom personal information is collected by a Federal agency are to be advised of the authority which authorizes the solicitation of information, whether disclosure is mandatory or voluntary, the principal purpose for which the information is collected and the routine use to which it will be put, and the effects, if any, of not providing all or any part of the requested information. Accordingly, applicants for membership on the Consumer Product Safety Commission's Toxicological Advisory Board are advised of the following:

(1) The authority for collecting the requested information is Section 10 of the Consumer Product Safety Authorization Act of 1978 (Public Law 95-631) amending the Federal Hazardous Substances Act by adding Section 20 (15 U.S.C. 1278).

(2) The submission of applications for Board membership is on a voluntary basis.

(3) The purpose for which the requested information is collected, and the routine use to which it will be put, are to evaluate and select candidates for membership on the Board.

(4) The effect of not providing the requested information is to preclude the Commission from properly evaluating a candidate for membership on the Board.

APPLICATION FORMAT

(NOTE.—Submission of the information listed below will constitute an application. There is no separate application form. Resumes may be substituted for the recommended application format as long as they are accompanied by an attachment which completes all of the application format questions.)

1. Please specify application is for the Toxicological Advisory Board.
2. Name of applicant.
3. Home address and telephone number (include area code).
4. Employment affiliation:
 - a. Current position and description of duties;
 - b. Employer's name, address, and telephone number (include area code), and type of employing organization, e.g., health care, manufacturing, educational, governmental, public interest, retail, etc., including if self-employed;
 - c. Do you perform consulting work? If yes, specify kind of consulting work, for whom, and if paid or volunteer;
 - d. Are you involved in the performance of work under a contract or grant awarded by CPSC? If yes, specify contract title and number and describe your involvement.
5. Experience/Expertise: Specify and describe education, experience and extra-curricular activities related to the activities of the Toxicological Advisory Board. Check applicable area(s) and provide descriptive comments for each area checked:
 - _____ Hazardous substances
 - _____ Labeling instructions
 - _____ Toxicology
 - _____ Pharmacology
 - _____ Medicine
 - _____ Other relevant experience/expertise
6. Interest Questions:
 - a. Why are you interested in serving on the Advisory Board?
 - b. What contribution do you believe you can make?

c. Would you be able to attend at least two and possibly more two-day sessions annually in Washington, DC or another city? Travel expenses are reimbursable in accordance with Federal regulations.

7. Other affiliations: Without restating information given above, specify all affiliations, past and current, either paid or as a volunteer, that bear any relationship to the subject area of product safety or to membership on the Toxicological Advisory Board.

8. Signature of Applicant if self-application.

9. Signature of Person Making Nomination if application submitted by other than the applicant. Include statement that nominee has agreed to serve if selected.

Applications should be submitted not later than March 19, 1979, to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

JANUARY 29, 1979.

[FR Doc. 79-3473 Filed 1-31-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER79-1391]

APPALACHIAN POWER CO.

Notice of Filing

JANUARY 25, 1979.

Take notice that American Electric Power Service Corporation (AEP) on January 9, 1979, tendered for filing on behalf of its affiliate, Appalachian Power Company (Appalachian), Modification No. 8 dated December 1, 1978 to the Interconnection Agreement dated February 28, 1949 between Appalachian and Duke Power Company, designated Appalachian's Rate Schedule No. 18.

AEP states that Section 1 of Modification 8 provides for an increase in the Demand Charge for Short Term Power from \$0.60 to \$0.70 per kilowatt per week, and Section 2 provides for an increase in the transmission charge for third party Short Term Power transaction from \$0.15 to \$0.175 per kilowatt per week.

AEP further states that Section 3 Modification No. 8 provides for an increase in the Demand Charge for Limited Term Power from \$3.25 to \$3.75 per kilowatt per month, and Section 4 provides for an increase in the transmission charge for third party Limited Term Power transaction from \$0.65 to \$0.75 per kilowatt per month.

AEP requests an effective date of March 1, 1979, and therefore requests waiver of the Commission's notice requirements.

AEP indicates that since the use of Short Term Power and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from this modification for such period. AEP further indicates that Exhibit I which was included with the filing of this modification, demonstrates that the increase in revenues, which would have resulted had the modification in effect during the twelve month period ending August 1978, would have been \$146,660.80 (i.e., from \$4,789,723.40 to \$4,936,384.20).

Copies of the filing were served upon Duke Power Company, the Public Service Commission of West Virginia, the Virginia State Corporation Commission, the North Carolina Utilities Commission, and the South Carolina Public Service Commission, according to AEP.

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 February 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3323 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER77-5211]

ARIZONA PUBLIC SERVICE CO.

Notice of Extension of Time

JANUARY 19, 1979.

On January 15, 1979, Arizona Public Service Company filed a motion for extension of time for the filing of briefs on the initial decision issued in this proceeding on December 19, 1978. The motion states that the parties involved are engaged in preparation for a hearing in another rate proceeding pending before the Commission in Docket No. ER78-145 and that intervenors and Staff do not oppose the motion.

Upon consideration, notice is hereby given that an extension of time is granted to an including January 26, 1979 for the filing of briefs on exceptions. Briefs opposing exceptions shall be due on or before March 7, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3324 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-145]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Notice of Application

JANUARY 24, 1979.

Take notice that on January 8, 1979, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, (Applicants) filed in Docket No CP79-145 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that Columbia and Tennessee have the right, pursuant to a gas purchase agreement with Service Drilling Company, et al. (Service Drilling) which dedicates certain gas reserves in Eastern Oklahoma to a long term contract for delivery to the Ozark Gas Transmission System (Ozark), and Delhi Gas Pipeline Corporation (Delhi), a subsidiary of Texas Oil & Gas Company, has agreed to transport or cause to be transported thermally equivalent volumes of natural gas for Columbia's and Tennessee's accounts to Northern in Beaver County, Oklahoma, it is stated. It is indicated that Northern will connect its facilities with Delhi by installing minor facility additions pursuant to its current budget-type application pending before the Commission. Applicants state that Northern has executed gas purchase contracts with various producers for natural gas production in the Gulf Coast area and is able to cause the delivery of these volumes for the account of Columbia and/or for the account of Tennessee. Columbia and Tennessee are able to receive, or cause to be received, Northern's volumes in the Gulf Coast area with the existing pipeline facilities, it is said.

The application states the Delhi does not have connecting facilities between Eastern Oklahoma and Western Oklahoma and would rely upon Okla-

homa Natural Gas Company (ONG) to complete the deliveries of gas from Eastern Oklahoma to Western Oklahoma. (ONG) would receive the gas from Delhi at an existing receipt point and by displacement would make the gas available to Delhi in Western Oklahoma by a reduction in volumes which Delhi delivers to ONG, it is said. It is indicated that Delhi would deliver the gas which Columbia and Tennessee have purchased from Service Drilling to Northern in Beaver County. It is further indicated that Northern, under the terms of the agreement would accept, for Columbia's and Tennessee's account, all gas up to 30,000 Mcf of gas per day. Volumes in excess of 30,000 Mcf of gas per day would be accepted on a best efforts basis when mutually agreeable, it is said. The application states that Northern would return thermally equivalent volumes to Columbia and Tennessee at one or more of the delivery points contained in the agreement.

It is stated that Delhi would charge Columbia and Tennessee a total of 25.0 cents per Mcf to perform the proposed transportation service.

Applicants state that they would balance receipts and deliveries of gas monthly on a Btu basis. However, it is recognized that it may be physically impossible to stay in zero balance; therefore, any monthly Btu delivery imbalance would be carried forward and eliminated on a best efforts basis, as quickly as possible, it is said. Applicants indicate that any imbalance existing at the termination of the agreement would be corrected within 60 days.

The application states that the gas purchase agreement between Service Drilling and Columbia and Tennessee provides for a term of up to 3 years or until the Ozark system is placed in service, whichever is earlier, (Interim Period), at which time it would be extended for an additional term of 15 years provided that the Ozark system has been placed in service. The application further states that service for which authorization is herein sought would be terminated the earlier of (i) notification by Columbia or Tennessee that Ozark has accepted a certificate and that a specific date has been set to terminate the agreement, or (ii) the expiration of 3 years. The termination date to be specified in (i) shall not be less than 6 months nor more than 12 months from the date of notification.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 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 Regulation under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3325 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP71-68, et al.]

COLUMBIA LNG CORP., ET AL

Notice of Application for Rehearing and
Motion for Modification

JANUARY 24, 1979.

Take notice that on January 15, 1979, Columbia LNG Corporation, 20 Montchain Road, Wilmington, Delaware, 19807, Consolidated System LNG Corporation, 445 West Main Street, Clarksburg, West Virginia 26301, and Southern Energy Company, P.O. Box 2563, Birmingham, Alabama 35202 (hereinafter, collectively referred to as Applicants) filed in Docket No. CP71-68, et al.,¹ an "appli-

¹On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), P.L. No. 95-91, 91 Stat. 565 (August 4, 1978), and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission

cation for rehearing and motion for modification" of a Commission order issued in the aforementioned dockets on December 22, 1978, pursuant to sections 3 and 7(c) of the Natural Gas Act, which authorized Applicants to utilize one temporary substitute liquefied natural gas (LNG) cryogenic tanker, in order to seek authorization for use of three temporary substitute LNG tankers, all as more fully set forth in the "application for rehearing and motion for modification" which is on file with the Commission and open to public inspection.

On October 27, 1978, as supplemented on November 8, 1978, Applicants filed a "motion for clarification" of the Commission's Opinion Nos. 622, issued June 28, 1978 (47 FPC 1624) and 622-A, issued October 5, 1972 (48 FPC 723), in Docket Nos. CP71-68 et al., seeking temporary substitution of an LNG tanker for one of those previously authorized in Opinion Nos. 622 and 622-A.

By its Opinion Nos. 622 and 622-A, the Commission authorized Applicants to import LNG from Algeria for delivery to proposed LNG terminals at Cove Point, Maryland and Elba Island, near Savannah, Georgia. The Commission also approved the contractual arrangements between El Paso Algeria Corporation (El Paso Algeria), the supplier of LNG to petitioners, and Sonatrach, the supplier of LNG to El Paso Algeria, and the contractual arrangements between Applicants and El Paso Algeria, it is stated. It is further stated that these arrangements included the transport of the LNG from Algeria to the two LNG receiving terminals in the United States by nine LNG tankers, six of which were to be built in U.S. shipyards. In their "motion for clarification", Applicants stated that because of delays in the building of LNG tankers under construction in the United States, El Paso Algeria was unable to fulfill its shipping obligations under the contracts approved in Opinion Nos. 622 and 622-A. As a result, Applicants stated, El Paso Algeria proposed to utilize the *Larbi Ben M'Hidi*, which is owned by CNAN, the Algeria National Shipping Company, (which has chartered the vessel to Sonatrach). In their motion for clarification, Applicants sought authority for use of the ship for a period ending on December 31, 1979. In its order of December 22, 1978, the Commission treated Applicants' motion as a petition to amend their import and certificate authorizations and granted Applicants' amendment.

(FERC), which, as an independent commission within the Department of Energy was activated on October 1, 1977. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

In their "application for rehearing and motion for modification" filed on January 15, 1979, Applicants state that El Paso Algeria expects to charter a second Sonatrach ship, the *Mostefa Ben Boulaid*, and, if necessary, a third ship, the *Bachir Chihani*, from Sonatrach. Under the proposed arrangements between Sonatrach and El Paso Algeria, the charge for transportation of LNG by the *Ben Boulaid*, or any other LNG tanker utilized on a spot charter basis, would be the same rate as that charged for transportation in vessels constructed for and dedicated to the project, as provided in the LNG Sale Agreements between El Paso Algeria and its U.S. customers, it is stated. Applicants say that they here entered into an agreement with El Paso Algeria under which all costs of these substitute LNG tankers would not increase or decrease the delivered price of LNG.

Applicants request modification of the order of December 22, 1978, to "clarify" that the contracts approved in their certificate and import authorization include the use of the three substitute tankers in the manner proposed for use through the period ending December 31, 1979.

Any person desiring to be heard or to make any protest with reference to the proposal herein should on or before February 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3326 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-1661]

GEORGIA POWER CO.

Notice of Certification

JANUARY 19, 1979.

Take notice that on January 9, 1979, Presiding Administrative Law Judge Michel Levant certified the proposed settlement agreement submitted by Georgia Power Company. The Presiding Judge indicated that the settle-

ment agreement would resolve all issues affecting the partial requirements customers and that all parties were in full support of this agreement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before February 2, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3327 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-140]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

JANUARY 25, 1979.

Take notice that on January 2, 1979, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP79-140 an application pursuant to section 7(c) of the Natural Gas Act and §157.7(b) of the Commission's Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing February 1, 1979, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed gas-purchase facilities would not exceed \$700,000 with the cost of any single project not to exceed \$175,000. Applicant indicates it would initially finance the cost of constructing the proposed facilities from general funds of the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1979, file with the Feder-

al Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3328 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP77-604; CP77-658]

EL PASO NATURAL GAS CO. AND
TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

JANUARY 25, 1979.

Take notice that on January 4, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, and Transwestern Pipeline Company (Transwestern), P.O. Box 2521, Houston, Texas 77001, (Petitioners) filed in Docket Nos. CP77-604 and CP77-658, respectively, a joint petition to amend the order of February 13, 1978, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain facilities and the expansion of the specified area of interest under the ex-

isting exchange arrangement between Petitioners, and the exchange of gas from the expanded area, all as more fully set forth in the petition to amend of file with the Commission and open to public inspection.

It is indicated that pursuant to the order of February 13, 1978, as amended, in the instant dockets, El Paso and Transwestern, respectively, were authorized: (i) to transport and deliver natural gas on an exchange basis; (ii) to operate certain existing facilities necessary to facilitate the exchange of natural gas; and (iii) to exchange natural gas from future wells attached to either party's system in specified areas of interest, all pursuant to a gas exchange agreement dated February 8, 1977, between the parties.

It is stated that El Paso has advised Transwestern that it has acquired additional natural gas supplies outside the specified areas of interest, in Lipscomb County, Texas, which it desires to cause to be delivered to Transwestern under the existing exchange arrangement. It is further stated that El Paso would purchase the additional gas supplies (3,000 Mcf per day of additional natural gas) from Dorchester Exploration, Inc. (Dorchester) from the Kellin 205 No. 1 well in Lipscomb County, which gas is situated in close proximity to certain of Transwestern's existing gathering system facilities in Ochiltree County, Texas.

In order that El Paso may obtain such additional gas supplies, El Paso requests authorization to construct and operate 3.5 miles of 4½-inch O.D. pipeline, with appurtenances, including a 4½-inch O.D. standard orifice meter run, commencing at the wellhead of the Dorchester—Kellin 205 No. 1 well in the NM/4 of Section 205 and terminating at a point of interconnection with Transwestern's 6½-inch O.D. pipeline in the SW/4 of Section 322, all in Ochiltree County, Texas. Transwestern requests authorization to construct and operate a 4½-inch O.D. tap and valve assembly, with appurtenances, at a point on an existing 6½-inch O.D. pipeline in Ochiltree County. It is stated that the estimated total cost of the facilities including overhead and contingency, to be constructed by El Paso is \$175,000, which cost El Paso proposes to finance through the use of internally generated funds, and that the estimated total cost of the facilities to be constructed by Transwestern is \$9,000, which cost El Paso has agreed to reimburse Transwestern. Petitioners state that they have amended their existing exchange agreement by an amendment dated September 11, 1978, which amendment provides for the construction and operation of the proposed facilities.

Petitioners also request authorization to expand the specified areas of interest by the addition of Lipscomb County, to permit Petitioners to exchange quantities of natural gas acquired by either party in Lipscomb County, Texas, pursuant to the exchange agreement dated February 8, 1977.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3329 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-166, *et al.*]

GEORGIA POWER CO.

Notice Cancelling Notice

JANUARY 24, 1979.

On January 12, 1979, a notice of the certification to the Commission of the proposed settlement agreement in this proceeding was issued with a request for comments by January 26, 1979. A duplicative notice with a comment date of February 2, 1979, was issued on January 19, 1979.

The latter notice is hereby cancelled and notice is given that comments shall be filed on or before January 26, 1979, on the proposed settlement agreement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3330 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Project No. 2825]

INTERNATIONAL GENERATION AND
TRANSMISSION CO., INC.

Notice Denying Intervention

JANUARY 25, 1979.

On July 26, 1978, the Commission issued an order granting intervention

to four of the five organizations and individuals who had filed petitions to intervene in this proceeding. Action on the fifth petition to intervene—filed by attorneys for the city of Berlin, New Hampshire ("Berlin")—was deferred because the Secretary was seeking further information on the petition. This notice disposes of Berlin's petition.

Berlin filed its petition on May 30, 1978, after the deadline set by the public notice of the application. International Generation and Transmission Co., Inc.—the applicant in this proceeding—then challenged the authority of attorneys for Berlin to file the petition. The Secretary wrote to Berlin's attorneys on July 19, 1978, requiring information on several matters regarding the city's petition.¹ Of particular importance, the Secretary directed Berlin's attorneys, pursuant to section 1.16(a) of the Commission's General Rules ("Rules"),² to provide evidence of their authority to file the petition, an issue which had to be cleared up before action on the petition.

Berlin's attorneys did not respond to the Secretary's letter in the time prescribed, nor have they yet. In view of the length of time that has passed, action on the petition they filed should not be delayed any longer. Therefore, pursuant to §3.5(a)(5) of the Commission's Rules,³ the petition to intervene filed by attorneys for the city of Berlin is denied for failure to provide adequate proof of authority to file on Berlin's behalf. This denial is without prejudice to Berlin's right to file a new petition which fully complies with the Commission's Rules (including a showing of good cause for late filing) and conforms to the requirements of the Secretary's July 19, 1978 letter.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3331 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-143]

KANSAS CITY POWER & LIGHT CO.

Notice of Filing of Proposed Service Schedule

JANUARY 25, 1979.

Take notice that on January 11, 1979, Kansas City Power & Light Company (KCPL) tendered for filing a proposed Service Schedule G—MPA for System Participation Power Service between KCPL and the City of Marshall, Missouri. KCPL requests an effective date of June 1, 1978. The pro-

¹In addition, the petition did not specify upon whom service should be made.

²18 CFR 1.16(a) (1978).

³18 CFR 3.5(a)(5) (as amended August 14, 1978).

posed Service Schedule G-MPA adds System Participation Power to the Municipal Participation Agreement (KCPL's rate Schedule FPC No. 83).

KCPL states that the proposed rates are KCPL's rate and charges for similar service under schedules previously filed by KCPL with the Federal Energy 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3332 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP73-43 (PGA79-1) & RP77-58 (TT79-2)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

JANUARY 24, 1979.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on December 14, 1978, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Thirty Second Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1, that the revised

tariff sheets is proposed to be effective February 1, 1979; and that the filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

In addition, the filing also tracks certain transportation costs as allowed in FERC Docket No. RP77-58 (Settlement) as explained in the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3333 Filed 1-31-79; 8:45 am]

[6450-01-M]

MOBIL OIL CORP. ET AL.

[Docket Nos. G-11957, et al.]

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

JANUARY 23, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authori-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

zation to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft ³	Pressure base
G-11957, D, 12/18/78	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Spraberry Trend Field, Upton, County, Texas.	(?)	
	Texaco Inc., P.O. Box 62052, New Orleans, La. 70160.	Southern Natural Gas Company, Felice Bayou Field, Plaquemines Parish, Louisiana.	No known Physically recoverable reserves.	
G-16228, D, 12/11/78	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	United Gas Pipe Line Company, Ridge and N. Leroy Fields, Lafayette and Vermilion Parishes, Louisiana.	Leases expired by their own terms for lack of production.	
CI61-1446, C, 12/18/78	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Panhandle Eastern Pipe Line Company, Quigley Well No. 1, Sec. 245-T76N-R10E.C.M., Texas County, Oklahoma.	(?)	14.65
CI64-349, C, 1/5/79	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Colorado Interstate Gas Company, Certain acreage in the Wamsutter Field, Sweetwater County, Wyoming.	(?)	14.73
CI67-973, C, 12/27/78	Mobil Oil Corporation	Northwest Pipeline Corporation, F31-13G USA Well located in the Piceance Creek Field, Rio Blanco County, Colorado.	(?)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft ³	Pressure base
CI71-460, 12/18/78.....	Mobil Oil Corporation.....	Natural Gas Pipeline Company of America, W. C. R. R. Survey, A-412, Liberty County, Texas.	(²)	
CI74-425, C, 1/2/79.....	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Ca. 94120.	Natural Gas Pipeline Company of America, West Cameron Block 28 Field, Offshore Louisiana.	(²)	15.025
CI75-666, C, D, 12/11/78.....	Midlands Gas Corporation, P.O. Box 608, Hastings, Nebraska 68901.	Kansas-Nebraska Natural Gas Company, Inc., Certain acreage from the Bowdoin Field, Phillips and Valley Counties, Montana.	(²)(²)	15.025
CI76-586, C, 12/11/78.....	Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Southern Natural Gas Company, OCS G-3337, located in the southeast corner of South Pass Block 6, Offshore Louisiana.	(²)	15.025
CI77-250, C, 1/2/79.....	Pioneer Production Corporation (Non-operator), P.O. Box 2542, Amarillo, Texas 79189.	El Paso Natural Gas Company, Atoka formation of the Government AD #2 Well, La Huerta Field, Eddy County, New Mexico.	(²)	14.65
CI77-327, C, 1/2/79.....	Cities Service Company.....	El Paso Natural Gas Company, Government AD No. 2 Well, Sec. 27-21S-27E, Eddy County, New Mexico.	(²)	14.65
CI77-370, C, 12/28/78.....	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Ca. 90051.	El Paso Natural Gas Company, Government "AD" No. 2 Well, Sec. 27-T21S-R27E, Eddy County, New Mexico, limited to Atoka Formation.	(²)	14.73
CI77-711, C, 1/5/79.....	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, A portion of the Mosbacher-State Tract 162 No. 1 Well, Stephenson Point Field, Offshore Galveston County, Texas.	(¹)	14.65
CI77-772, C, 9/25/78.....	Atlantic Richfield Company, P.O. Box 2819, Dallas Texas 75221.	El Paso Natural Gas Company, University Block 12, Andrews County, Texas, limited from the surface of the earth to the base of the Yates Formation.	(²)	14.65
CI78-55, C, 11/22/78.....	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	El Paso Natural Gas Company, Federal "DC" No. 1 Well, Sec. 29-T20S-R28E, Eddy County, New Mexico, limited to the Atoka Formation.	(²)	14.73
CI78-1217, C, 12/19/78.....	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Colorado Interstate Gas Company, Burton "A" Well No. 2, NW/4 SE/4 of Sec. 6-T29S-R34W, Haskell County, Kansas.	(²)	14.65
CI79-2, A, 10/5/78.....	Napeco Inc., 122 South Michigan Avenue, Chicago, Illinois 60603.	Natural Gas Pipeline Company of America, J. R. Marmon No. 1 Well, Brazoria County, Texas.	< (²)	14.65
CI79-3, A, 10/5/78.....	Napeco Inc.....	Natural Gas Pipeline Company of America, J. R. Geissen No. 1 Well, Brazoria County, Texas.	(²)	14.65
CI79-173 (CI62-614), B, 12/11/78.	The Ballard & Cordell Corporation, Box 52151, Lafayette, La. 70505.	Michigan Wisconsin Pipe Line Company, E. R. Henry #2, Calcasieu Pass Field, Cameron Parish, Louisiana.		Producing horizon watered out and there are no remaining reserves in the well.
CI79-174, A, 12/11/78.....	Sabine Production Company, 1200 Mercantile Bank Bldg., Dallas Texas 75201.	El Paso Natural Gas Company, West Parkway Field, Eddy County, New Mexico.	(²)	14.73
CI79-175, A, 12/11/78.....	Sabine Production Company.....	Northern Natural Gas Company, S. E. Gage Field, Ellis County, Oklahoma.	(²)	14.73
CI79-176, A, 12/11/78.....	Sarkeys, Inc., 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Northern Natural Gas Company, S. E. Arnett Field, Ellis County, Oklahoma.	(²)	14.73
CI79-177, A, 12/11/78.....	Sarkeys, Inc., 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Michigan Wisconsin Pipe Line Company, SW El Reno Field, Canadian County, Oklahoma.	(²)	14.73
CI79-178, A, 12/11/78.....	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Transwestern Pipeline Company, Rio Pecos Field, Eddy County, New Mexico, limited to formations above the base of the Morrow Formation.	(²)	14.73
CI79-179, A, 12/11/78.....	Sabine Production Company, 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Transwestern Pipeline Company Cottonwood Creek Field, Eddy County, New Mexico.	(²)	14.73
CI79-180, A, 12/11/78.....	Sabine Production Company.....	United Gas Pipeline Company Carthage Field, Panola County, Texas.	(²)	14.73
CI79-181, A, 12/11/78.....	Sabine Production Company.....	Panhandle Eastern Pipe Line Company Avard Field, Woods County, Oklahoma.	(²)	14.73
CI79-182, A, 12/11/78.....	Sabine Production Company.....	El Paso Natural Gas Company Millman Field, Eddy County, New Mexico.	(²)	14.73
CI79-183, A, 12/11/78.....	Sabine Production Company.....	Florida Gas Transmission Company Oakvale Field, Jefferson Davis County, Mississippi.	(²)	14.73
CI79-184, A, 12/11/78.....	Sabine Production Company.....	Northern Natural Gas Company N.E. Peck Field, Ellis County, Oklahoma.	(²)	14.73
CI79-185, A, 12/11/78.....	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	Transwestern Pipeline Company Government "L" Well, Lea County, New Mexico, limited to Morrow Formation.	(²)	14.65
CI79-186, A, 12/14/78.....	Tenneco Oil Company P.O. Box 2511, Houston, Texas 77001.	Arkansas Louisiana Gas Company Robert English #1 Well, Centrahoma Field, Coal County, Oklahoma.	(²)	14.65
CI79-187, A, 12/14/78.....	Diamond Shamrock Corporation, (Succ. to The Shamrock Oil and Gas Corporation), P.O. Box 631, Amarillo, Texas 79173.	Truckline Gas Company Blocks A-327 and A-332, High Island Area, East Addition, South Extension, Offshore Texas.	(²)	14.65
CI79-188, A, 12/18/78.....	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company Certain acreage in the Bloomfield Field, San Juan County, New Mexico.	(²)	15.025
CI79-189, A, 12/18/78.....	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Northern Natural Gas Company, Certain acreage in the Oakdale Field, Woods County, Oklahoma, limited to Red Fork Formation.	(²)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft ³	Pressure base
CI79-190, B, 12/18/78	An-Son Corporation, 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Ark-la Gas Company, Star Field, Sec. 10-19N-10W, Blaine County, Oklahoma.	Well is dead and no longer capable of producing.	
CI79-191, A, 12/18/78	An-Son Corporation	Northern Natural Gas Company, Wildcat Field, Sec. 6-1N-24E2M, Beaver County, Oklahoma.	Productive horizon has watered out and will no longer produce.	
CI79-192, A, 12/18/78	Amoco Production Company, P.O. Box 50879, New Orleans, La. 70150.	Michigan Wisconsin Pipe Line Company, Certain acreage located in the High Island Block A-339 in the High Island Block A-340 Field, Offshore Texas.	(25)	15.025
CI79-193, A, 12/18/78	Amoco Production Company	Michigan Wisconsin Pipe Line Company, Certain acreage in the West Cameron Block 612 in High Island Block 330 Field, Offshore Texas.	(25)	15.025
CI79-194, A, 12/19/78	Sabine Production Company, 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Texas Eastern Transmission Corporation, Breton Sound Block 53 Field, State Offshore, Plaquemines Parish, Louisiana.	(25)	15.025
CI79-195, A, 12/11/78	Sabine Production Company	El Paso Natural Gas Company, Reydon Field, Roger Mills County, Oklahoma.	(27)	14.73
CI79-196, A, 12/21/78	Florida Gas Exploration Company, P.O. Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Unit 25-10 #1 Well, and Unit 30-II #1 Well, Oakvale Field, Jefferson Davis County, Mississippi.	(25)	15.025
CI79-197, B, 12/21/78	McDowell Oil Properties, Inc., Suite 110, 2215 West Lindsay, Norman, Okla. 73069.	Cities Service Gas Company, Wild Horse Field, Lincoln County, Oklahoma.	Uneconomical	
CI79-198, A, 12/22/78	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, Jule Walker Field, Jim Hogg County, Texas.	(27)	14.05
CI79-199, A, 12/26/78	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Colorado Interstate Gas Company, Fogarty Creek Field, Sublette County, Wyoming.	(2)	14.73
CI79-200, A, 12/21/78	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, South Pass Blocks 93 and 94, Offshore Louisiana.	(2)	15.025
CI79-201, A, 12/27/78	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Certain acreage in the Azalea (Devonian) Field, Midland County, Texas.	(20)	14.73
CI79-202, A, 12/27/78	Mobil Oil Corporation	El Paso Natural Gas Company, Certain acreage in the Burton Flat Field, Eddy County, New Mexico.	(21)	14.73
CI79-203, B, 12/26/78	Aztec Minerals, Inc. (Succ. to Associated Minerals, Inc.) 425 Second Street, Parkersburg, West Virginia.	Gas Transport, Inc., Wood County, West Virginia (10 Wells).	Contract primary term expired. Seller desires to sell the gas to another buyer.	
CI79-204, B, 12/18/78	Walter Duncan, et al., 1200-100 Park Ave. Bldg., Oklahoma City, Okla. 73102.	Getty Oil Company, Reinecke and Von Roeder Fields, Borden County, Texas.	(22)	
CI79-205, F, 1/2/79	Tenneco Oil Company (Succ. in Interest to Petro-Lewis Producing Company), P.O. Box 2511, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Hatcher #2, Northwest Anthon Field, Custer County, Oklahoma, limited to Springer Formation.	(23)	14.73
CI79-206, A, 12/28/78	Northwest Exploration Company, 315 East Second South, Salt Lake City, Utah 84111.	Northwest Pipeline Corporation, San Juan Basin (Undesignated Field), San Juan County, New Mexico.	(24)	15.025
CI79-207, B, 1/2/79	Premier Resources, Ltd., Suite 2100 First of Denver Plaza, 633-17th Street, Denver, Colorado 80202.	Michigan Wisconsin Pipeline Company, Sec. 25-T21N-R18W, Woodward County, Oklahoma.	Reservoir depletion and uneconomic operation.	
CI79-208, A, 1/3/79	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Texas Gas Transmission Corporation, South Marsh Island Area, Block 219, No. 75 Well and Vermillion Area Block 31, Offshore Louisiana.	(23)	14.73
CI79-209, A, 1/4/79	Helmerich & Payne, Inc., 1579 East 21st Street, Tulsa, Oklahoma 74114.	Michigan Wisconsin Pipe Line Company, South Cogar Field, Grady County, Oklahoma.	(2)	14.73
CI79-210, A, 1/8/79	Cabot Corporation, 1 Houston Center, Suite 1000, Houston, Texas 77002.	Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., South Marsh Island Block 257, Offshore Louisiana.	(24)	14.73

¹By Assignment of Oil, Gas and Mineral Lease, effective 2-27-78, Mobil assigned to John L. Cox, Small Producer in Docket No. CS 66-65, all of its right, title and interest in and to the certain non-producing acreage fully described in said assignment of oil, gas and mineral lease.

²Applicant is filing for Opinion 749 minimum rate.

³Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

⁴Applicant is filing under Gas Purchase Agreement, as amended, dated 1-15-67, amended by agreement dated 12-22-78.

⁵Being noticed to reflect change in the delivery point. By Amendment dated 10-1-78, Natural and Mobil changed the delivery point from Jefferson County, Texas to an existing point of inter-connection on Natural's and Mobil's pipelines in the W. C. R. R. Survey, A-412, Liberty County, Texas.

⁶Applicant is filing under Gas Purchase Contract dated 12-28-73, amended by amendatory agreement dated 9-25-78.

- ⁷Applicant is filing under Gas Purchase Contract dated 12-21-73, amended by amendments dated 9-1-76 and 9-13-78.
- ⁸The acreage to be deleted is presently shown as dedicated under the Midlands-Kansas-Nebraska gas purchase contract; however, Applicant does not, and did not, have the authority to dedicate such acreage.
- ⁹Applicant is filing under Gas Purchase Contract dated 1-24-77, amended by amendatory agreement dated 11-2-78.
- ¹⁰Applicant is filing for initial rate as specified in Section 271.402 of the Interim Regulations Implementing the Natural Gas Policy Act of 1978 (NGPA) for "Post-1974 gas".
- ¹¹Applicant is filing under Gas Purchase Contract dated 7-29-77, amended by Agreement of 11-8-78.
- ¹²Applicant is filing under Gas Purchase Contract dated 6-20-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-20-78.
- ¹³Applicant is filing under Gas Purchase Contract dated 9-15-78, and requests that the Certificate be issued *nunc pro tunc* as of 10-9-78.
- ¹⁴Applicant is filing under Gas Purchase Contract dated 5-26-78, and requests that the Certificate be issued *nunc pro tunc* as of 8-24-78.
- ¹⁵Applicant is filing under Gas Purchase Contract dated 4-17-78, and requests that the Certificate be issued *nunc pro tunc* as of 8-15-78.
- ¹⁶Applicant is filing under Gas Purchase Contract dated 4-1-78, and requests that the Certificate be issued *nunc pro tunc* as of 4-18-78.
- ¹⁷Applicant is filing under Gas Purchase Contract dated 7-24-78, and requests that the Certificate be issued *nunc pro tunc* as of 7-24-78.
- ¹⁸Applicant is filing under Gas Purchase Contract dated 7-7-78, and requests that the Certificate be issued *nunc pro tunc* as of 7-24-78.
- ¹⁹Applicant is filing under Gas Purchase Contract dated 6-12-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-12-78.
- ²⁰Applicant is filing under Gas Purchase Contract dated 8-2-78, amended by amendments dated 9-12-78 and 11-3-78, and requests that the Certificate be issued *nunc pro tunc* as of 8-2-78.
- ²¹Applicant is filing under Gas Purchase Contract dated 5-26-78, and requests that the Certificate be issued *nunc pro tunc* as of 8-22-78.
- ²²Applicant is filing under Gas Purchase Agreement dated 11-1-78.
- ²³Applicant is filing under Gas Purchase Contract dated 10-17-78.
- ²⁴Applicant is filing under Gas Purchase Contract dated 9-12-78.
- ²⁵Applicant is filing under Gas Purchase Contract dated 8-24-78.
- ²⁶Applicant is filing under Gas Purchase Contract dated 6-22-78.
- ²⁷Applicant is filing under Gas Purchase Contract dated 6-30-78 and requests that the Certificate be issued *nunc pro tunc* as of 6-30-78.
- ²⁸Applicant is filing under Amendatory Agreements dated 9-12-78 and 10-27-78 and will accept the rates prescribed by the Natural Gas Policy Act of 1978.
- ²⁹Applicant is filing under Gas Purchase Contract dated 8-14-78.
- ³⁰Applicant is willing to accept an initial rate pursuant to Opinion No. 749, Section 2.56 B(A) (2) (II) and would qualify for Section 104 price under the Natural Gas Policy Act of 1978.
- ³¹Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 211, Subpart C, Section 103(c) and Subpart D, Section 104.
- ³²Casinghead Gas Seller proposes to construct a new gas processing plant and deliver processed residue gas directly to El Paso Natural Gas Company at the tailgate of the new plant.
- ³³Partial Assignment of Oil and Gas Leases dated 5-31-78, between Petro-Lewis Producing Company, Assignor, and Tenneco Oil Company, Assignee. Applicant is filing under Gas Purchase Contract dated 6-1-74, between Michigan Wisconsin Pipe Line Company, Buyer, and Ladd Petroleum Corporation, *et al.*, Seller.
- ³⁴Applicant is filing under Gas Purchase Contract dated 12-4-78.
- ³⁵Applicant is filing for the applicable rate established under Section 104 (b)(1)(A) of the Natural Gas Policy Act of 1978.
- ³⁶Applicant is filing under Section 8 of the Gas Sales Contract dated 12-1-78.

Filing Code: A—Initial service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total succession, F—Partial succession.

[FR Doc. 79-3270 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.

Notice of Tariff Filing (Revision in Curtailment Plan)

JANUARY 19, 1979.

On January 15, 1979, Montana-Dakota Utilities Co. ("MDU"), 400 North Fourth Street, Bismarck, North Dakota 58501, filed pursuant to Section 4 of the Natural Gas Act a new tariff sheet as part of its FERC Gas Tariff, First Revised, Volume No. 1. MDU states that the new tariff sheet, entitled First Revised Sheet No. 56, increases from 4,000 to 7,500 the number of new residential and small commercial customers which MDU will be permitted to connect under its FERC curtailment plan, all as more fully set forth in MDU's filing which is on file with the Commission and open to public inspection.

In support of its filing, MDU urges that recent reserve additions, decreased usage per customer, declines in

industrial markets, and the needs of potential homebuyers justify and increase from the level of new attachments which has been permitted for the past two calendar years to the newly proposed level of 7,500 per year. MDU states that it does not propose any other changes in its currently effective FERC curtailment plan.

The proposed effective date of the new tariff sheet is February 15, 1979. MDU requests that any suspension of the effective date be limited to one day.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties

to the proceeding. Any 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3334 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Notice of Receipt of Report of Determination Process

JANUARY 26, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and Date

State of New Mexico Energy and Minerals Department, Oil Conservation Division—November 29, 1978.
 State of Louisiana Department of Conservation—November 29, 1978.
 Railroad Commission of Texas—November 30, 1978.
 West Virginia Department of Mines, Oil and Gas Division—November 30, 1978.
 Alabama State Oil and Gas Board—November 30, 1978.
 State Oil and Gas Board of Mississippi—November 30, 1978.
 Kansas State Corporation Commission Conservation Division—November 30, 1978.
 State of Michigan, Department of Natural Resources, Geological Survey Division—December 1, 1978.
 State of California Department of Conservation Division of Oil and Gas—December 4, 1978.
 Commonwealth of Virginia Department of Labor and Industry Division of Mines and Quarries—December 4, 1978.
 State of Wyoming Office of Oil and Gas Conservation Commission—December 4, 1978.
 State of Colorado Department of Natural Resources—December 5, 1978.
 State of Ohio Department of Natural Resources Division of Oil and Gas—December 6, 1978.
 State of Alaska Oil and Gas Conservation Commission—December 11, 1978.
 State of Arizona Oil and Gas Conservation Commission—December 14, 1978.
 State of Nebraska Oil and Gas Conservation Commission—December 15, 1978.
 State of Tennessee Oil and Gas Board—December 19, 1978.
 State of Indiana Department of Natural Resources—December 26, 1978.
 State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas—December 26, 1978.
 State of Florida Department of Natural Resources—January 3, 1979.
 State of North Dakota Geological Survey—January 4, 1979.
 State of Illinois, Department of Mines & Minerals, Oil and Gas Division—January 5, 1979.
 United States Department of Interior, Geological Survey—January 19, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3363 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22287
 Operator: Yates Petroleum Corporation
 Well Name: Blevins IK Com No. 1
 Field: Kennedy Farms Morrow
 County: Eddy
 Purchaser: El Paso Natural Gas Co.
 Volume: 32.360 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3342 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-08442
 Operator: Dugan Production Corp.
 Well Name: Claude Smith No. 1
 Field: Fulcher Kutz PC
 County: San Juan
 Purchaser: Gas Company of New Mexico
 Volume: 9.6 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR

275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3343 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05667
 Operator: Nancy Wilcox E. Qualls
 Well Name: C. P. State No. 1
 Field: Ballard PC
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Co.
 Volume: 6.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3344 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05236
 Operator: Nancy Wilcox E. Qualls
 Well Name: C. P. State #2
 Field: Ballard Pictured Cliffs
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Co.
 Volume: 6.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3345 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05252
 Operator: Nancy Wilcox E. Qualls
 Well Name: C. P. State No. 3
 Field: Ballard PC
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Co.
 Volume: 11.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3346 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05034
 Operator: Nancy Wilcox E. Qualls
 Well Name: C. P. State #4
 Field: Ballard PC
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Co.
 Volume: 4.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3347 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-06166
 Operator: Dugan Production Corp.
 Well Name: Farming B No. 1
 Field: Ballard PC
 County: San Juan
 Purchaser: El Paso Natural Gas Company
 Volume: 8.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR

275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3348 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-06769
 Operator: Dugan Production Corp.
 Well Name: Farming D No. 1
 Field: Blanco PC South
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 7.3 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3349 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 6, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 10 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-22533
 Operator: Consolidated Oil & Gas, Inc.
 Well Name: Hancock No. 1-A
 Field: Blanco Mesaverde
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 148.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3350 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-10264
 Operator: C. M. Paul
 Well Name: Harris #1
 Field: Basin Dakota
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 7.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3351 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-13141
 Operator: C. M. Paul
 Well Name: Johnson #1
 Field: Basin Dakota
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 3.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3352 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-10530
 Operator: C. M. Paul
 Well Name: La Rose #1
 Field: Basin Dakota
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 12.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR

275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N. E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3353 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-10686
 Operator: C.M. Paul
 Well Name: McCarty #1
 Field: Basin Dakota
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 7.2 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3354 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22249
 Operator: Yates Petroleum Corporation
 Well Name: Millman HD St. Com #2
 Field: Millman-Morrow, South
 County: Eddy
 Purchaser: El Paso Natural Gas Company
 Volume: 63.030 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3355 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22053
 Operator: Yates Petroleum Corporation
 Well Name: Pipkin HE Com No. 1
 Field: Eagle Creek Permo Penn Gas
 County: Eddy
 Purchaser: El Paso Natural Gas Company
 Volume: 30.750 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3356 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22492.
 Operator: Yates Petroleum Corporation
 Well Name: Rio Pecos GB Com No. 2
 Field: Und. Red Lake-Penn
 County: Eddy
 Purchaser: Transwestern Pipeline Company
 Volume: 2850.990 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3357 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-13140
 Operator: C. M. Paul
 Well Name: Standard Nickels #1
 Field: Basin Dakota
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 10.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR

275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or after February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3358 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22146
 Operator: Yates Petroleum Corporation
 Well Name: State HU Com #1
 Field: Millman-Strawn Gas
 County: Eddy
 Purchaser: El Paso Natural Gas Co.
 Volume: 358.610 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3359 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-08994
 Operator: Dugan Production Corp.
 Well Name: Stella Needs a Com #1
 Field: Basin DK
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 6.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3360 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-06055
 Operator: Dugan Production Corp.
 Well Name: Stevenson Boring No. 1
 Field: Gavilan PC
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Co.
 Volume: 5.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3361 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-23007
 Operator: Consolidated Oil & Gas, Inc.
 Well Name: Tafoya No. 1-A
 Field: Blanco Mesaverde
 County: San Juan
 Purchaser: El Paso Natural Gas Co.
 Volume: 146.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3362 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP77-378]

NORTHWEST PIPELINE CORP.

Notice of Petition To Amend

JANUARY 24, 1979.

Take notice that on January 9, 1979, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-378 a petition pursuant to section 7(c) of the Natural Gas Act to amend further the order of July 5, 1978, as amended, in the instant docket so as to authorize the sale of natural gas to Pacific Interstate Transmission Company (Pacific Interstate), on an as available basis, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests authorization to sell and deliver to Pacific Interstate volumes of natural gas which may be withdrawn from the Clay Basin Storage Field on an "as available" basis and which are surplus to the volumes of working gas in Clay Basin Storage

Field required to protect the requirements of Petitioner's on-system customers.

Petitioner states that in order to effectuate the aforementioned proposal, it and Pacific Interstate have entered into a third amendment, dated December 26, 1978, which amendment amends their previous agreement dated April 29, 1977, as amended October 21, 1977 and July 14, 1978, and provides for an augmentation to the present "as available" service to Pacific Interstate by Petitioner.

It is indicated that said amendment provides for the following types of "as available" service covering gas tendered by Petitioner to Pacific Interstate:

(a) *Type A.* Type A service would be under the April 29, 1977, contract, as amended on October 21, 1977, and July 14, 1978, ("an existing effective contract"). No changes are contemplated in such service which would for all purposes be considered to be the "first through the meter" when any gas is delivered to El Paso Natural Gas Company (El Paso) for Buyer's account pursuant to the existing effective contract.

(b) *Type B.* Type B service would be any gas which is tendered by Seller to Buyer as specifically coming from the Clay Basin Storage Field and which Buyer accepts. There shall be an additional charge for any gas tendered and accepted under Type B service.

Under the terms of the December 26, 1978, amendment on any day when as available gas is tendered by Petitioner to Pacific Interstate, Pacific Interstate is required to accept all tendered Type A service prior to Type B gas being served, it is stated. In no event can the combined service under Type A and Type B exceed 200 billion Btu's, it is said.

Petitioner indicates that the rate for the Type B service consists of the rate provided for the present Type A service plus 39.0 cents per Mcf for any gas actually withdrawn from the Clay Basin Field. Petitioner states that the 39.0 cents charge is a negotiated rate and represents approximately one-half of Petitioner's average cost of Clay Basin storage. The rate reflects that the Type B service is on an "as available" basis rather than on a firm basis, it is said. Petitioner proposes to flow through any revenues from Type B service to its customers through its purchase adjustment clause.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3335 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CS71-286]

O. C. YORK AND ROBERT S. BROWN, TRUSTEES UNDER SEPARATE TRUSTS FOR RICHARD STOLL SHANNON, III, *ET AL.* (FORMERLY O. C. YORK AND J. R. LORETT, JR., TRUSTEE UNDER SEPARATE TRUSTS FOR RICHARD STOLL SHANNON, III, *ET AL.*)

Notice of Redesignation

JANUARY 24, 1979.

By letter of December 13, 1978, Mr. Lawrence P. Terrell, has advised the Commission that due to the recent death of J. R. Loret, Jr., a former trustee of the above-captioned trusts, and the subsequent appointment, effective October 1, 1978, of Robert S. Brown as successor trustee, he is requesting that the certificate of public convenience and necessity issued by the Federal Power Commission on September 15, 1971, pursuant to section 7(c) of the Natural Gas Act, be redesignated, as set out in the above caption, to reflect a change in one of the trustees of the above-captioned trusts from J. R. Loret, Jr. to Robert S. Brown.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS71-286 to O. C. York and J. R. Loret, Jr., Trustee under separate trusts for Richard Stoll Shannon, III, *et al.*, is redesignated as that of O. C. York and Robert S. Brown, Trustees under separate trusts for Richard Stoll Shannon, III, *et al.*

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3336 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-148]

OHIO POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 25, 1979.

Take notice that American Electric Power Service Corporation (AEP) on January 12, 1979 tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power), proposed Modification No. 8 dated November 1, 1978 to the Interconnection Agreement dated December 1, 1963 between Ohio Power Company and Columbus and Southern Ohio Electric Company designated Ohio Power Rate Schedule FERC No. 32.

Section 1 of proposed Modification No. 8 provides for an increase in the demand charge for Short Term Power from \$0.60 to \$0.70 per kilowatt per week and Section 2 in the transmission charge for third party Short Term transaction from \$0.15 to 0.175/kW-week. Section 3 provides for an increase in the demand charge for Limited Term Power from \$3.25 to \$3.75 per kilowatt per month and Section 4 of proposed Modification No. 8 provides for an increase in the transmission charge for third party Limited Term transactions from \$0.65 per kilowatt per month to \$0.75 per kilowatt per month, both schedules proposed to become effective March 15, 1979.

AEP states that since the use of Short Term Power and Limited Term Power Service cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the proposed Modification. AEP's Exhibits which were included with the filing of this proposed Modification, demonstrate that the increase in revenues, which would have resulted had the proposed Modification been in effect during the twelve month period ending December 1978 would have been \$172,767.87 (i.e., from \$9,614,017.34 to \$9,786,785.21) for sales and \$35,000 (i.e., from \$1,098,839.87 to \$1,131,839.87) for purchases.

According to AEP, copies of the filing were served upon the Columbus and Southern Ohio Electric Company and Public Utilities Commission of Ohio.

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 N. 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 protest should be filed on or before February 12, 1979. Protests will be considered by the Commission in determining the appropriate action to

be taken. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3337 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-148]

OKLAHOMA NATURAL GAS CO.

Notice of Petition for Declaratory Order

JANUARY 19, 1979.

Take notice that on January 12, 1979, Oklahoma Natural Gas Company (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma, filed in Docket No. CP79-148 a petition pursuant to section 501 of the Natural Gas Policy Act of 1978 (NGPA) and § 1.7(c) of the Commission's Rules and Regulations (18 CFR 1.7(c)) for an order declaring Oklahoma Natural Gas Company to be an intrastate pipeline as defined in Section 2(16) of the NGPA, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Oklahoma Natural states that it is concerned that without such a clarification, it might be construed that it is a local distribution company as defined in Section 1(17) of the NGPA or that it is exempt from the Natural Gas Act (NGA) solely because of Section 1(c) of the NGA and that therefore Oklahoma Natural would not be an intrastate pipeline under the NGPA. If Oklahoma Natural is not an intrastate pipeline within the meaning of the NGPA, then Oklahoma Natural will not be able to (1) transport gas for interstate pipelines under Section 311(a) of the NGPA; (2) sell gas to the interstate pipeline market under Section 311(b) of the NGPA; or (3) make assignments of gas purchase contracts under Section 312 of the NGPA. Applicant states that it is not a local distribution company as that term is defined in the NGPA and that less than 1% of its utility sales is attributable to purchases from interstate pipelines.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing

to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3338 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RI79-21]

SHELL OIL CO.

Notice of Petition for Declaratory Order

JANUARY 19, 1979.

Take notice that on December 18, 1978, Shell Oil Company [Shell] filed a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) requesting that the Commission issue an order removing any uncertainty as to the maximum lawful rate which Shell is entitled to receive for certain wells drilled in the Federal Domain Offshore Louisiana, and also in state waters offshore and the swamp and marsh areas onshore Louisiana.

Shell requests that the Commission clarify whether the utilization of previously set surface casing strings in offshore drilling precludes the producer from attaining the vintage price which would otherwise be attributable to that well.

Shell further states that a similar condition exists in State waters and the swamp and marsh areas of Southern Louisiana, where drilling is performed from a fixed platform. Shell requests clarification as to whether such "milling out" operations are considered a new onshore well, provided that the new well is drilled outside of the existing proration unit.¹

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the 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 in-

tervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3339 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Project No. 459]

UNION ELECTRIC CO.

Notice of Application for Amendment of License

JANUARY 24, 1979.

Take notice that on December 11, 1978, Union Electric Company (Applicant) filed an application for amendment of license pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for its Osage Project No. 459. The project is located on the Osage River in Benton, Camden, Miller, and Morgan Counties, Missouri. Correspondence concerning the application should be sent to: Michael F. Barnes, Esq., Union Electric Co., P.O. Box 149, St. Louis, Missouri 63166.

The Applicant proposes to install a system of post-tensioned anchors to Bagnell Dam and the powerhouse in order to insure stability of the dam and powerhouse during passage of the probable maximum flood. Highway traffic across the dam will be one-way during construction which should last two years.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 5, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3340 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RP74-20, et al. (Interest Reimbursement)]

UNITED GAS PIPELINE CO.

Notice of Compilation of Restricted Service List

JANUARY 23, 1979.

The present service lists in *United Gas Pipeline Company*, Docket No. RP74-20, et al. contain in excess of 250 parties. Since many parties are not specifically interested in the Interest Reimbursement issue, it would be inefficient to require service of pleadings on all parties on the present service lists. A restricted service list for the Interest Reimbursement will, therefore, be developed.

All parties desiring to receive documents in the Interest Reimbursement proceeding shall file with the Secretary their name and mailing address on or before February 2, 1979. The Secretary will then compile a restricted service list for utilization in the Interest Reimbursement proceeding and serve it on those parties.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3341 Filed 1-31-79; 8:41 am]

[6450-01-M]

National Petroleum Council

OIL SUPPLY, DEMAND, AND LOGISTICS TASK GROUP AND THE COORDINATING SUBCOMMITTEE OF THE COMMITTEE ON REFINERY FLEXIBILITY

Meetings

Notice is hereby given that the Oil Supply, Demand, and Logistics Task Group and the Coordinating Subcommittee of the National Petroleum Council's Committee on Refinery Flexibility will meet at the National Petroleum Council (NPC) Headquarters, 1625 K Street, NW, Washington, DC, on Wednesday, February 7 and Friday, March 2, 1979 respectively.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

¹Alternatively if the well complies with the provisions of ordering paragraph (p) (Opinion No. 770-A, p. 196, slip opinion), it may qualify as a new onshore well within the meaning of Opinion 770-A although it is within an existing proration unit.

The tentative agendas of both the Task Group sessions are indicated below. Meetings will begin at 10:00 a.m.

Agenda for the February 7, 1979 meeting of the Oil Supply, Demand, and Logistics Task Group:

1. Introductory remarks.
2. Review decisions made at January 15, 1979 Coordinating Subcommittee meeting.
3. Discuss development of questionnaire on supply/demand projections.
4. Review progress of Task Group members in completing their assignments.
5. Discuss other pertinent matters relating to the overall assignment of the Task Group.

Agenda for the March 2, 1979 meeting of the Coordinating Subcommittee:

1. Introductory remarks by Warren B. Davis, Chairman.
2. Remarks by Frank A. Verrastro, Government Cochairman.
3. Discussion and review of the scope of the study.
4. Discussion and review of the progress of the Task Groups.
5. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Subcommittee and Task Group are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file written statements with either the Task Group or the Coordinating Subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Mr. Robert Long, U.S. Department of Energy, (202) 252-5629, prior to the meetings, and reasonable provisions will be made for their appearance on the agenda. Summary/minutes of the Task Group meetings and transcripts of the Subcommittee session will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Bldg., 1000 Independence Avenue, SW, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on January 24, 1979.

ALVIN L. ALM,
Assistant Secretary,
Policy and Evaluation.

[FR Doc. 79-3478 Filed 1-31-79; 8:45 am]

[6450-01-M]

Office of the Secretary

HIGH ENERGY PHYSICS ADVISORY PANEL

Renewal

Notice is hereby given that the High Energy Physics Advisory Panel (HEPAP) will be renewed as an advisory committee to the Department of Energy (DOE). HEPAP will continue to provide guidance and advice on a continuing basis to the Secretary of Energy through the Director of Energy Research on the national high energy physics research program. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463), the DOE Organization Act (P.L. 95-91), DOE policies and procedures, OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of the Federal Advisory Committee Act. The renewal is necessary and in the public interest.

This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Further information regarding this Panel may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C., on January 25, 1979.

JAMES R. SCHLESINGER,
Secretary.

[FR Doc. 79-3428 Filed 1-31-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

IOPP-180258; FRL 1049-31

ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE

Issuance of a Specific Exemption to Use Permethrin to Control *Heliothis* on Lettuce

The Environmental Protection Agency (EPA) has granted a specific exemption to the Arizona Commission of Agriculture and Horticulture (hereafter referred to as the "Applicant") to use Permethrin for the control of *Heliothis* on approximately 20,000 acres of lettuce in Arizona. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 168, 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.

According to the Applicant, *Heliothis virescens* and *H. zea* migrate from cotton to lettuce after the cotton is defoliated. In the past, growers plowed the cotton under after harvest. Now, however, the cotton is allowed to stay in the fields and thereby provides an optimum habitat for the pest. Because of a large population, the pest migrates to adjacent fields such as lettuce.

Heliothis infestations in 1977 doubled those of 1976, and the Applicant estimates that in 1978 they are 50% greater than in 1977. The Applicant advises that if any amount of *Heliothis* is present, the entire "pack" of lettuce (a truckload or railcar load) will be declared to be out of condition and will not be allowed to be sold, a 100% loss. It is estimated that 50% of the lettuce crop could be lost.

The Applicant claims that registered, available insecticides, such as acephate, methyl parathion, methomyl, and *Bacillus thuringiensis*, which are being used either individually or in combination, failed to control the pest on lettuce in 1977 and the first applications in 1978 have been ineffective.

The Applicant proposed to use Ambush and Pounce, which contain the active ingredient (a.i.) permethrin, at a rate of 0.2 pound a.i. per acre. A maximum of five applications using ground or air equipment were to be made at 5- to 7-day intervals per season with a 7-day pre-harvest interval.

EPA has determined that a residue level of 10 parts per million (ppm) permethrin on lettuce is adequate to protect the public health and the proposed use of permethrin is not expected to exceed this level.

As a result of this program, no unreasonable adverse effects would be expected to occur to either the environment and/or any non-target species. However, since permethrin is known to be highly toxic to aquatic vertebrates and invertebrates and to bees, appropriate conditions were imposed.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of *Heliothis* had occurred; (b) there was no effective pesticide presently registered and available for use to control this pest in Arizona; (c) there were no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems might result if *Heliothis* was not controlled; and (e) the time available for action to mitigate the problems posed was insufficient for a pesticide to be

registered for this use. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until December 31, 1978. The specific exemption was also subject to the following conditions:

1. The products Pounce and Ambush might be used at a dosage rate of 0.2 pounds a.i. per acre;
2. Applications were limited to 20,000 acres of lettuce in Arizona;
3. A maximum of five applications might be made per season at 5- to 7-day intervals with a 7-day pre-harvest interval;
4. Applications might be made by either ground or air equipment;
5. Only fields where registered alternatives had not been applied and control had been achieved might be treated;
6. The feeding of lettuce trimmings from treated fields to livestock was prohibited;
7. All applicable directions, restrictions, and precautions on the product label were to be followed;
8. Permethrin is extremely toxic to fish and aquatic invertebrates. It was to be applied with care in areas adjacent to any body of water. It was not to be applied when weather conditions favored run-off or drift. It was to be kept out of lakes, streams, and ponds. Care was to be taken to prevent contamination of water by the cleaning of equipment or disposing of wastes;
9. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It was not to be applied or allowed to drift to weeds in bloom on which an economically significant number of bees were actively foraging. Protective information was to be obtained from the State Cooperative Extension Service;
10. The EPA was to be immediately informed of any adverse effects resulting from the use of permethrin in connection with this exemption;
11. The Applicant was responsible for insuring that all the provisions of this specific exemption were met and must submit a report summarizing the results of this program by December 20, 1979; and
12. Lettuce with residue levels of permethrin not exceeding 10 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action.

STATUTORY AUTHORITY: 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: January 25, 1979.

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

[FR Doc. 79-3533 Filed 1-31-79; 8:45 am]

[6560-01-M]

[OPP-180262; FRL 1050-2]

FLORIDA DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES

Issuance of a Specific Exemption To Use
Permethrin To Control Vegetable Leafminers

The Environmental Protection Agency (EPA) has granted a specific

exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin on 750 acres of chrysanthemums to control vegetable leafminers in ten counties in Florida. This exemption was granted in accordance with, and is subject to, 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.

The vegetable leafminer, *Liriomyza sativae*, Blanchard, has periodically plagued various Florida crops, including flowers, since the late 1960's, reaching epidemic proportions in 1977. The leafminers damage flowers by depositing eggs directly into the leaf so that developing larvae tunnel through the leaf, removing much of its photosynthetic mesophyll layer. In flowers, damage occurs either directly to the petals, or to the photosynthetic leaf tissues, decreasing the plant's vigor. Leaves, and in many cases, whole branches of the plants, die. The mines left by these pests are also excellent points of entry for bacterial and fungal pathogens. In vegetable crops, this damaged foliage can be trimmed, but in the flower market, the Applicant stated, value is largely dependent on the quality of the foliage, so that damage can be quite detrimental to the crop's value.

According to the Applicant, none of the many registered pesticides for leafminer control on chrysanthemums is effective due to the leafminer's developed resistance. Various attempts at integrated pest management have been made by University of Florida personnel as well as by growers. According to the Applicant, however, chemical control is the only means available to reverse the epidemic populations of the pest.

The Applicant proposed to use Ambush, a product manufactured by ICI Americas, Inc., which contains the active ingredient (a.i.) permethrin. State-certified applicators would make ground applications in Broward, Dade, Glades, Hillsborough, Lee, Manatee, Martin, Palm Beach, Pinellas, and St. Lucie Counties. The Applicant claimed the entire flower industry, valued at \$25 million may be lost to the State, if an effective method of control is not made available.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of

vegetable leafminers on chrysanthemums has occurred; (b) resistance has developed to the pesticides presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the leafminer 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 31, 1979, to the extent and in the manner set forth in the application, subject to the following modifications and conditions:

1. The product Ambush, manufactured by ICI Americas, Inc., is authorized;
2. Ambush will be applied at a rate of 0.05 to 0.10 pound a.i. per acre;
3. Applications may be made in the counties named above to 550 acres of chrysanthemums grown for cuttings and 200 acres grown as propagative material. Applications will be made at five-day intervals or two applications may be made per week when leafminer infestations are high or irrigation necessitates additional applications. A maximum of 1,920 pounds a.i. is authorized;
4. All applications will be made with broadcast ground equipment;
5. All applications will be made by State-certified applicators;
6. All applicable directions, restrictions, and precautions on the product label must be followed;
7. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;
8. Permethrin is extremely toxic to fish and aquatic invertebrates. It must be kept out of lakes, streams, ponds, tidal marshes, and estuaries. Care must be taken to prevent contamination of water by cleaning of equipment or disposing of waste;
9. All personnel involved in the preparation and application of Ambush must wear protective clothing (long-sleeve shirts, full trousers, and non-permeable boots) and a respirator. During the mixing and loading operations, gloves and an apron must also be worn;
10. A 60-day crop rotation restriction shall be observed for food crops;
11. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the result of this program by January 31, 1980; and
12. The EPA shall be immediately informed of any adverse effects resulting from use of permethrin in connection with this exemption.

STATUTORY AUTHORITY: 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: January 26, 1979.

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

[FR Doc. 79-3540 Filed 1-31-79; 8:45 am]

[6560-01-M]

[IOPP-180218A; FRL 1050-3]

MINNESOTA DEPARTMENT OF AGRICULTURE

Amendment to Specific Exemption To Use
Asulox To Control Wild Oats, Buckwheat,
and Foxtails

On August 18, 1978 (43 FR 36681) the Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER which announced the granting of a specific exemption to the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use an asulox formulation (Asulox) to control wild oats, buckwheat, and foxtails on 26,720 acres of flax in northwest Minnesota. This exemption was granted in accordance with, and was 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.

The specific exemption imposed a 12-month rotation restriction for all crops but root crops which have an 18-month rotation restriction. The Applicant has advised that these restrictions are not practical since flax is generally rotated to grain crops within 12 months of Asulox application; adherence to the restriction would pose an economic hardship to the growers. The Applicant has requested that the crop rotation restriction be revised from 12 months to 10 months for grain crops.

EPA has determined from crop rotation data that there are no detectable residues of Asulox in the grain of grain crops rotated with treated flax fields 300 days (10 months) after treatment. Residues of Asulox, however, are present in the stems and leaves of grain crops. The requested crop rotation revision would still prevent illegal residues in the grain and a grazing and forage restriction would prevent the use of stems and leaves of grain crops which have residues of Asulox present.

After reviewing the request and other available information, EPA has determined that the proposed change in the crop rotation period should pose no additional hazard to the public health and environment. Accordingly, EPA has amended the specific exemption granted to the Applicant to use Asulox to control wild oats, buckwheat, and foxtails in flax. The specific exemption is subject to the following conditions:

1. Root crops may not be planted within 18 months of application of Asulox. Crops other than small grains may not be planted within 12 months of application. Flax fields may not be rotated to grain crops within 10 months of application. Fodder from grain crops rotated with treated flax fields may not be grazed or cut for forage; and
2. All other restrictions in the original exemption remain in force.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 26, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs

[FR Doc. 79-3541 Filed 1-31-79; 8:45 am]

[6560-01-M]

[IOPP-180251A (FRL 1049-2)]

OREGON DEPARTMENT OF
AGRICULTURE

Amendment to Specific Exemption To Use
Pydrin To Control Pear Psylla

On Thursday, January 4, 1979 (44 FR 1219), the Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER which announced the granting of a specific exemption to the Oregon Department of Agriculture to use a maximum of 18,800 pounds active ingredient of Pydrin on 23,500 acres of pear orchards to control the pear psylla. The specific exemption was granted in accordance with, and was subject to, provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

Since then, the Oregon Department of Agriculture has requested that the specific exemption be amended to include the use of Pydrin in pear orchards which are interplanted with apple trees and to permit applications of Pydrin in combination with water or a superior type oil. These two items had been inadvertently omitted in the original request.

After reviewing the application, EPA has determined to issue the amendment which will not significantly change the original request and which includes identical uses permitted in two other pear-producing States. Accordingly, the Oregon Department of Agriculture may use the pesticide noted above as indicated in the specific exemption issued on November 10, 1978 and subject to the additional following conditions:

1. Pear orchards that are interplanted with apple trees may be treated as specified in the original specific exemption, provided applications are made prior to the bloom stage of development of both apple and pear trees;

2. Spray mixture volumes of 3-20 gallons will be applied by aircraft and 3-400 gallons with ground equipment. Pydrin may be applied in combination with water or a superior type oil;

3. Pears and apples with residue levels of Pydrin that do not exceed 0.01 part per million may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

4. All other restrictions of the original specific exemption remain in force.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 25, 1979.

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

[FR Doc. 79-3534 Filed 1-31-79; 8:45 am]

[6560-01-M]

[IOPP-180261 (FRL 1049-4)]

TEXAS DEPARTMENT OF FOOD AND
AGRICULTURE

Issuance of Specific Exemption To Use Permethrin To Control Cabbage Loopers on Cabbage

The Environmental Protection Agency (EPA) has granted a specific exemption to the Texas Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Ambush and Pounce (permethrin) on 19,000 acres of cabbage in Texas. 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.

According to the Applicant, cabbage crops in the southern Texas area are suffering from heavy infestations of cabbage loopers for which the registered pesticides (methomyl, *Bacillus thuringiensis*, and methamidophos) have failed to provide adequate control. The Applicant proposed to use a maximum of 19,000 pounds of the active ingredient (a.i.) permethrin, at a rate of 0.1 a.i. in a minimum of 3 gallons of water per acre. A maximum of 6 applications may be made, unless a knowledgeable expert determines that additional applications are necessary to control heavy infestations, at which time 4 additional applications may be made. Applications will be made at 5-

to 7-day intervals with a 24-hour pre-harvest interval. Wrapper leaves will remain in the field. The Applicant claims that if this pesticide is not made available, losses to producers of up to \$600 per acre will result.

EPA has determined that residues of permethrin from the proposed use will not exceed 3 parts per million (ppm) in field trimmed cabbage, a level adequate to protect the public health. Permethrin is highly toxic to fish, bees, and birds; appropriate use restrictions have been imposed to prevent unreasonable ecological dangers. A further restriction prohibiting the feeding of wrapper leaves to livestock has also been imposed.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of cabbage loopers has occurred; (b) there is no effective pesticide presently registered and available for use to control the cabbage looper in Texas; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the cabbage looper 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 May 15, 1979. The specific exemption is also subject to the following conditions:

1. The product permethrin may be used at a dosage rate of 0.05 to 0.1 pound a.l. in a minimum of 3 gallons of water per acre;
2. A maximum of 19,000 acres may be treated;
3. A maximum of 6 applications are authorized; however, if a knowledgeable expert determines that additional applications are necessary to control heavy cabbage looper infestations, then 4 additional applications may be made. The EPA shall be notified of the circumstances which warranted the additional applications;
4. A 5-7 day application interval will be observed, with a 24-hour pre-harvest interval;
5. A residue level of 3 ppm permethrin on cabbage has been deemed adequate to protect the public health. Cabbage with residues of permethrin that do not exceed this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;
6. The use of cabbage trimmings from treated fields for livestock feed items is prohibited;
7. All applicable restrictions and precautions addressed on the label must be adhered to;

8. Permethrin is toxic to fish, birds, and other wildlife. It must be kept out of any body of water and may not be applied where runoff is likely to occur. It may not be applied when weather conditions favor drift from treated areas. Care must be taken not to contaminate water by cleaning of equipment or disposal of wastes;

9. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

10. The EPA shall be immediately informed of any adverse effects resulting from the use of this product; and

11. 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.

STATUTORY AUTHORITY: 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: January 25, 1979.

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

[FR Doc. 79-3535 Filed 1-31-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 3801]

NOTIFICATION LIST

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

DECEMBER 27, 1978.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
(New)	Sudbury, Ontario, N. 46°26'15" W. 81° 01' 45" (Correction to change list No. 368, supplementary data dated Nov. 9, 1977 correct).	10	DA-1.....	620 kHz U	III				Nov. 9, 1978.
CFLS	Levis, Quebec, N. 46°48'26" W. 71°08'37" (In operation on new frequency at new site).	1	DA-N ND-D-188.	920 kHz U	III				
CJLP	Disraeli, Quebec, N. 45°54'28" W. 71°20'33" (In operation).	1D/0.25N	ND-186.....	1230 kHz U	IV	200	120	425 Ave.	
CBSI-4	Wabush-Labrador City, Newfoundland, N. 52°55'50" W. 66°53'24" (Change of call sign from CDBF).	1D/0.25N	ND-190.....	1240 kHz U	IV	198	120	320 Ave.	
(New)	Yellowknife, North West Territories, N. 62°28'00" W. 114°18'10".	1	ND-182.....	1240 kHz U	IV	150	120	317	Dec. 27, 1979.
CJLS	Levis, Quebec, N. 46°47'50" W. 71°08'33" (Delete).	0.25	ND-184.....	1240 kHz U	IV	155	120	320 Ave.	

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CBGA-7	Ste. Anne des Monts, Quebec, N. 49°07'48", W. 66°27'46" (Change of call sign from CBGN).	1D/0.25N	ND-184.....	1340 kHz U	IV	150	120	295 Ave.	
CBGA-4	Causapsca, Quebec, N. 48°21'53", W. 67°14'17" (Change of call sign from CJBM).	1D/0.25N	ND-180.....	1450 kHz U	IV	170	120	275 Ave.	
CKAN	Newmarket, Ontario, N. 43°57'28", W. 79°26'53" (Correction of geographical co-ordinates).	10	DA-2.....	1480 kHz U	III				Oct. 23, 1978.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 79-3370 Filed 1-31-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Correction to Notice of Revocation

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FR, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR Part 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of \$30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, Pp. 953-955) wherein notice was given of the independent ocean freight forwarders who has failed to file with the Commission a surety bond in the amount of \$30,000 and whose licenses were revoked effective December 2, 1978. Erroneously, the following were among the licensees named:

All Ports Household Goods Forwarders, FMC-1562, 25-36 31st Street, Long Island City, NY 11102.
Thomas A. Farrelly Co., Inc., FMC-1677, 400 Post Road, Fairfield, CT 06430.
Herb E. Meyer & Co., Inc., FMC-398, 11223 South Hindry Avenue, Los Angeles, CA 90009.

The Commission's Notice of Revocation also erroneously reflected:

Malvar Cargo Service (Alberto Malvar, dba), FMC-1689, 7760 NW 71st Street, Miami, FL 33166.

The Notice of Revocation properly should have shown as revoked:

M. Malvar Freight Forwarding Service (Manual Malvar, dba), P.O. Box 829, Miami, FL 33144.

With the exception of M. Malvar Freight Forwarding Service (Manuel Malvar, dba), FMC-1362, all requirements for bonds were met by December 1, 1978, by the above named forwarders. Hence, notice is hereby given that FMC License Numbers 1562, 1677, 398 and 1689, have not been revoked.

Notice is also given that the Independent Ocean Freight Forwarder License No. 1362 of M. Malvar Freight Forwarding Service (Manuel Malvar, dba) was revoked on December 2, 1978 for failure to submit the \$30,000 bond.

Dated: January 25, 1979.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-3475 Filed 1-31-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

THE AVOCA CO.

Formation of Bank Holding Company

The Avoca Company, Avoca, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97 percent or more of the voting shares of Farmers State Bank, Avoca, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Feder-

al Reserve System, Washington, D.C. 20551, to be received no later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3403 Filed 1-31-79; 8:45 am]

[6210-01-M]

CUSHING BANCSHARES, INC.

Formation of Bank Holding Company

Cushing Bancshares, Inc., Cushing, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of The First National Bank of Cushing, Cushing, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specific

any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3402 Filed 2-1-79; 8:45 am]

[6210-01-M]

SECURITY NATIONAL OF NORMAN HOLDING CORP.

Formation of Bank Holding Company

Security National of Norman Holding Corporation, Norman, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring more than 80 percent, less directors' qualifying shares, of the voting shares of Security National Bank & Trust Company, Norman, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Security National of Norman Holding Corporation, Norman, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of J. H. Patten Company which will own 100 per cent of Patten Insurance Agency Inc., Norman, Oklahoma.

Applicant states that the proposed subsidiary would engage *de novo* in offering credit life insurance and credit accident and health insurance in connection with extensions of credit by its proposed subsidiary bank. This activity would be conducted at offices located at the Security National Bank & Trust Company, Norman, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dis-

pute, summarizing the evidence that would be presented at a hearing and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1979.

Board of Governors of the Federal Reserve System, January 24, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3400 Filed 1-31-79; 8:45 am]

[6210-01-M]

TRI COUNTY STATE BANK HOLDING CO., INC.

Formation of Bank Holding Company

Tri County State Bank Holding Company, Inc., Chamberlain, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84.7 percent of the voting shares of Tri County State Bank, Chamberlain, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3401 Filed 1-31-79; 8:45 am]

[6210-01-M]

AMERICAN STATE FINANCIAL CORP.

Acquisition of Bank

American State Financial Corporation, Lubbock, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire

100 percent of the voting shares (less directors' qualifying shares) of Liberty State Bank, Lubbock, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 17, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3405 Filed 1-31-79; 8:45 am]

[6210-01-M]

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Com-

ments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 22, 1979.

A. *Federal Reserve Bank of Richmond*, 100 North Ninth Street, Richmond, Virginia 23261:

F&M NATIONAL CORPORATION, Winchester, Virginia (consumer finance and insurance activities; Virginia): through its subsidiary, Peoples Credit Corporation, to arrange, make, or acquire loans and other extensions of credit such as would be made by a consumer finance company under a revolving loan plan, secured or unsecured, including loans under a revolving loan agreement secured by mortgages or deeds of trust on real property and security interests in personal property; to service such loans and extensions of credit; and to act as agent or broker for the sale of life and accident and health insurance directly related to its extensions of credit, and to engage in making of loans, acquiring or servicing such loans, and take such security as authorized by the Code of Virginia. These activities would be conducted from an office in Luray, Virginia, and the geographic areas to be served are Page County and portions of Warren County, Virginia.

B. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

MIDLAND CAPITAL CO., Oklahoma City, Oklahoma (mortgage banking activities; California): to engage in mortgage banking, through its subsidiary, Midland Mortgage Co., including origination and servicing of all types of residential and commercial mortgage loans. These activities would be conducted from an office in Apple Valley, California, and the geographic area to be served is southwest San Bernardino County, California.

C. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, January 24, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3406 Filed 1-31-79; 8:45 am]

[6210-01-M]

FENNIMORE BANCORPORATION, INC.

Proposed Acquisition of Fennimore Finance Co., Inc.

Fennimore Bancorporation, Inc., Fennimore, Wisconsin, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire

voting shares of Fennimore Finance Co., Inc., Fennimore, Wisconsin in connection with Applicant's acquisition of the First State Bank, Fennimore, Wisconsin. (See 44 FR 114) Notice of the application was published on November 8, 1978 in *The Fennimore Times*, a newspaper circulated in Fennimore, Wisconsin.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and credit accident and health insurance related to the extensions of credit by First State Bank, Fennimore, Wisconsin. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1979.

Board of Governors of the Federal Reserve System, January 25, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3407 Filed 1-31-79; 8:45 am]

[6210-01-M]

FIRST NATIONAL HOLDING CORP.

Proposed acquisition of First Grand Junction Industrial Bank, a De Novo Company

First National Holding Corp., Atlanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Gulf Finance Corp., voting shares of First Grand Junction Industrial Bank, Grand Junction, Colorado, a *de*

novi company. Notice of the application was published on August 30, 1978 in *The Daily Sentinel*, a newspaper circulated in Grand Junction, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of operating as an industrial bank and acting as broker or agent in the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit by the industrial loan bank. Such activities have been specified by the Board in § 225.4(a)(2) and (9)(ii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 22, 1979.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3408 Filed 1-31-79; 8:45 am]

[6210-01-M]

FIRST PENNSYLVANIA CORP.

Proposed Retention of Investors Loan Corp., Philadelphia, Pa., and Industrial Finance & Thrift Corp., New Orleans, La.

First Pennsylvania Corporation Inc., Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of

the Bank Holding Company Act (12 U.S.C. 1842(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain Investors Loan Corporation, Philadelphia, Pennsylvania, and Industrial Finance and Thrift Corporation, New Orleans, Louisiana. Notices of the application were published in newspapers of general circulation in the communities where offices of Investors Loan Corporation and Industrial Finance and Thrift Corporation, are located.

Applicant states that the proposed subsidiaries would engage in the activities of making and acquiring loans and other extensions of credit as would be made by a consumer finance company, selling credit life, accident, health, property and casualty insurance and reinsuring such credit insurance through their respective subsidiaries, Eastern Life Insurance Company and Tempco Life Insurance Company, both of Phoenix, Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1979.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3409 Filed 1-31-79; 8:45 am]

[6210-01-M]

THE WYOMING NATIONAL CORP.

Acquisition of Bank

The Wyoming National Corporation, Casper, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank of Glenrock, Glenrock, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3404 Filed 1-31-79; 8:45 am]

[6820-23-M]

**GENERAL SERVICES
ADMINISTRATION**

**REGIONAL PUBLIC ADVISORY PANEL ON
ARCHITECTURAL AND ENGINEERING SERVICES**

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, on February 20, 1979, from 9:30 a.m. to 4:15 p.m., in Room 2636 of the GSA Regional Office Building, Seventh and D Streets, SW, Washington, DC. The meeting will be devoted to the initial stage of the process for screening and evaluating prospective architect-engineer firms to furnish professional services required in connection with development of Design Services for the following project: Upgrade Electrical System and Miscellaneous HVAC, Plumbing and Fire Safety Improvements, Agriculture South Building, 14th & Independence Avenue, S.W., Washington, D.C., (GS-

03B-88317/89052). The meeting will be open to the public.

WALTER V. KALLAUR,
Regional Administrator.

JANUARY 23, 1979.

[FR Doc. 79-3395 Filed 1-31-79; 8:45 am]

[4110-84-M]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Services Administration

**ANNUAL REPORTS OF FEDERAL ADVISORY
COMMITTEES**

Notice of Filing

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

Interagency Committee on Emergency Medical Services

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Lee Shuck, Bureau of Medical Services, Health Services Administration, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436-6284.

Dated: January 24, 1979.

WILLIAM H. ASPDEN, Jr.,
*Associate Administrator for
Management.*

[FR Doc. 79-3396 Filed 1-31-79; 8:45 am]

[4110-84-M]

**ANNUAL REPORTS OF FEDERAL ADVISORY
COMMITTEES**

Notice of Filing

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Migrant Health.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue

SW., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Jaime L. Manzano, Bureau of Community Health Services, Health Services Administration, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1153.

Dated: January 24, 1979.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for
Management.

[FR Doc 79-3397 Filed 1-31-79; 8:45 am]

[4110-92-M]

Office of Human Development Services

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES INCLUDING CHILD DAY CARE SERVICES PURSUANT TO TITLE XX OF THE SOCIAL SECURITY ACT

Promulgation for Fiscal Year 1979—Revised

In FR Doc. 78-34120 published in the FEDERAL REGISTER at page 57348 on December 7, 1978, the Federal allotment limitations for social services expenditures pursuant to Title XX of the Social Security Act were promulgated based on the new amount of \$2,700,000,000 provided for the basic title XX program and the \$200,000,000 provided for child day care services. Subsequent to this promulgation, errors were discovered in the rounding techniques used for both the census data and dollar computations. These errors would have adversely affected a single State while benefiting most other States in excess of their entitlement. These errors were significant enough to require the recalculation of all limitations for Fiscal Year 1979. Accordingly, the promulgation contained in such document is rescinded and the promulgation, as revised, is set forth below in its entirety.

Promulgation is made of the Federal allotment for Fiscal Year 1979 for purposes of grants to States under Title XX of the Social Security Act, as amended pursuant to Section 2002(a)(2) (Public Law 95-600, dated November 6, 1978) of the Act which provided that the Federal allotment shall be determined and promulgated in accordance with said section.

For Fiscal Year 1979, the allotment limitations are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 646, February 1977) which was the most recent satisfactory data available from the Department of Commerce at the time the original allocations were made for Fiscal Year 1979 as to population of each State and of all States.

It is hereby promulgated, for purposes of grants to States for social services under title XX, that the Fed-

eral allotment of each of the 50 States and the District of Columbia for the Fiscal Year ending September 30, 1979, as determined pursuant to the Act and on the basis of said population data, shall be as set forth below:

State	Federal allotment
Total	\$2,700,000,000
Alabama	46,099,000
Alaska	4,205,000
Arizona	28,552,000
Arkansas	26,527,000
California	270,682,000
Colorado	32,489,000
Connecticut	39,208,000
Delaware	7,321,000
District of Columbia	8,630,000
Florida	105,921,000
Georgia	62,513,000
Hawaii	11,157,000
Idaho	10,452,000
Illinois	141,240,000
Indiana	68,689,000
Iowa	36,099,000
Kansas	29,056,000
Kentucky	43,116,000
Louisiana	48,313,000
Maine	13,459,000
Maryland	52,124,000
Massachusetts	73,067,000
Michigan	114,511,000
Minnesota	49,872,000
Mississippi	29,609,000
Missouri	60,093,000
Montana	9,471,000
Nebraska	19,534,000
Nevada	7,673,000
New Hampshire	10,339,000
New Jersey	92,273,000
New Mexico	11,691,000
New York	227,463,000
North Carolina	68,790,000
North Dakota	8,088,000
Ohio	134,460,000
Oklahoma	34,791,000
Oregon	29,295,000
Pennsylvania	149,202,000
Rhode Island	11,660,000
South Carolina	35,823,000
South Dakota	8,629,000
Tennessee	53,004,000
Texas	157,063,000
Utah	15,446,000
Vermont	5,987,000
Virginia	63,293,000
Washington	45,432,000
West Virginia	22,905,000
Wisconsin	57,973,000
Wyoming	4,906,000
Total	\$2,000,000,000

Alabama	3,415,000
Alaska	356,000
Arizona	2,115,000
Arkansas	1,965,000
California	20,051,000
Colorado	2,407,000
Connecticut	2,904,000
Delaware	542,000
District of Columbia	654,000
Florida	7,846,000
Georgia	4,631,000
Hawaii	827,000
Idaho	774,000
Illinois	10,452,000
Indiana	4,940,000
Iowa	2,674,000
Kansas	2,152,000
Kentucky	3,194,000
Louisiana	3,579,000
Maine	997,000
Maryland	3,861,000
Massachusetts	5,412,000
Michigan	8,482,000
Minnesota	3,694,000

State	Federal allotment
Mississippi	2,193,000
Missouri	4,452,000
Montana	702,000
Nebraska	1,447,000
Nevada	568,000
New Hampshire	766,000
New Jersey	6,835,000
New Mexico	1,088,000
New York	16,249,000
North Carolina	5,096,000
North Dakota	599,000
Ohio	9,980,000
Oklahoma	2,577,000
Oregon	2,170,000
Pennsylvania	11,052,000
Rhode Island	864,000
South Carolina	2,654,000
South Dakota	639,000
Tennessee	3,926,000
Texas	11,634,000
Utah	1,144,000
Vermont	444,000
Virginia	4,688,000
Washington	3,365,000
West Virginia	1,697,000
Wisconsin	4,294,000
Wyoming	363,000

Dated: January 9, 1979.

ERNEST L. OSBORNE,
Commissioner, Administration
for Public Services.

JANUARY 26, 1979.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development Services.

[FR Doc. 79-3434 Filed 1-31-79; 8:45 am]

[4110-83-M]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Application Announcement for Nursing Special Project Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for grants for fiscal year 1979 Nursing Special Project Grants are now being accepted under the authority of section 820(a) of the Public Service Act.

Section 820(a) of the Act provides that the Secretary of Health, Education, and Welfare may make grants to public and nonprofit private schools of nursing and other public or nonprofit private entities to meet the costs of special projects to:

(1) Assist in (A) Mergers between hospital training programs or between hospital training programs and academic institutions; or

(B) Other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

(2) (A) Plan, develop, or establish new nurse training programs or programs of research in nursing education; or

(B) Significantly improve curricula of schools of nursing (including cur-

riculums of pediatric nursing and geriatric nursing) or modify existing programs of nursing education;

(3) Increase nursing education opportunities for individuals from disadvantage backgrounds, as determined in accordance with criteria prescribed by the Secretary, by

(A) Identifying, recruiting, and selecting such individuals,

(B) Facilitating the entry of such individuals into schools of nursing,

(C) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

(D) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

(E) Paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

(F) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

(4) Provide continuing education for nurses;

(5) Provide appropriated retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(6) Help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

(7) Provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

(8) Assist in meeting the costs of developing short-term (not to exceed 6 months) in-service training programs for nurses aides and orderlies for nursing homes, which programs emphasize the special problems of geriatric patients and include training for monitoring the well-being and feeding and cleaning of the patients in nursing homes, emergency procedures, drug properties and interactions, and fire safety techniques.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer, Bureau of Health Man-

power, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6564.

Applications are reviewed three times each year. The next deadline for receipt of applications is March 1, 1979; the following deadlines are July 1, 1979, and November 1, 1979. Applications should be sent to the address given in the previous paragraph.

Should additional programmatic information be required, please contact: Nursing Education Branch, Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6681.

Dated: January 23, 1979.

HENRY A. FOLEY,
Administrator.

[FR Doc. 79-3398 Filed 1-31-79; 8:45 am]

[4110-83-M]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Application Announcement for Curriculum Development Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1979 Curriculum Development Grants will be accepted under the authority of section 788(d) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484). Application materials are expected to be available on or about March 1, 1979.

Section 788(d) authorizes the award of grants to any health profession, allied health profession, or nurse training institution, or any other public or nonprofit entity for health manpower projects. Grants will be awarded in fiscal year 1979 to support the development and implementation of curriculum in applied nutrition, geriatrics, and occupational and environmental health with support in occupational and environmental health limited to schools of medicine and osteopathy.

The overall purposes of these grants are to: (1) Support interdisciplinary educational programs in nutrition which will result in improved skills in primary care including the application of knowledge in nutrition in the promotion of health.

(2) Increase the awareness of future primary care physicians of the role that occupational and environmental

factors play in causing diseases and provide instruction in the diagnosis, treatment, and prevention of these diseases.

(3) Facilitate efforts to train future health care practitioners about the special health needs of the nation's growing elderly population and the most effective methods for meeting these needs.

While a maximum of three years of support may be requested, priority will be given to approved projects which will produce products, such as course syllabi, texts, and other instructional materials, during the first year of grant support which can be used by the grantee and other institutions.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6098.

To be considered for fiscal year 1979 funding, applications must be received by the Grants Management Officer, Bureau of Health Manpower, at the above address no later than April 23, 1979. Approximately \$4,500,000 is expected to be available for grants in fiscal year 1979 and will be allocated in the following manner:

Occupational and Environmental Health, \$1,000,000; Geriatrics, 2,000,000; Applied Nutrition, 1,500,000.

Additional programmatic information concerning grants in applied nutrition can be received from:

Chief, Interdisciplinary Programs, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration Center Building, Room 5-41, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6607.

Additional programmatic information concerning grants in geriatrics and occupational and environmental health can be received from:

Chief Multidisciplinary Systems, and Programs Branch, Division of Medicine, Bureau of Health Manpower, Health Resources Administration Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6436.

Dated: January 29, 1979.

HENRY A. FOLEY, Ph. D.,
Administrator.

[FR Doc. 79-3546 Filed 1-31-79; 8:45 am]

[4110-83-M]

HEALTH RESOURCES ADMINISTRATION

Health Systems Agency Application
Information

On October 19, 1978, notice was given of the availability of application materials in DHEW Regional Office IX for entities interested in applying for designation as the health systems agency (HSA) for California Health Service Area 11. This health systems agency will be responsible for health planning for the health service area and for the promotion of the development of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

The Notice requested a letter of intent from each entity interested in applying for designation by December 15, 1978, and an application by April 1, 1979. This Notice extends the deadline for receipt of applications to May 15, 1979. Applications may be submitted to DHEW Regional Office IX, 50 United Nations Plaza, San Francisco, California, 94102.

Dated: January 29, 1979.

HENRY A. FOLEY, Ph. D.,
Administrator.

[FR Doc. 79-3545 Filed 1-31-79; 8:45 am]

[4110-12-M]

Office of the Secretary

INTERNATIONAL AFFAIRS

Statement of Organization, Functions, and
Delegations of Authority

This notice amends Part A of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare, Office of the Secretary, by transferring the Office of International Affairs from the Office of Management Analysis and Systems (42 FR 36313, 7/14/77) to the immediate Office of the Secretary. The statement for the relocated office reads as follows:

AAC.00 Mission. Oversees the development, implementation, coordination, and evaluation of the international aspects of the Department's programs and activities. Advises the Secretary and the POCs on Administration, Secretarial, Departmental, and POC international initiatives, priorities, policies, and procedures. Represents the Secretary in international matters, and is the Department's central point of reference for international issues and questions.

AAC.10 Organization. The Office of International Affairs functions under a Director, who also serves as Special

Assistant to the Secretary for International Affairs, and reports directly to the Secretary.

AAC.20 Functions. The Office of International Affairs (OIA) provides staff support to the Secretary and leadership to the Department in the international area. Specifically, OIA:

1. Gives leadership and guidance to the POCs in the development and implementation of international policies and procedures to achieve HEW and U.S. Government goals.

2. Prepares policy papers on how HEW can best achieve its goals, and appropriately support and influence U.S. foreign policy goals.

3. Formulates strategies for applying HEW resources in the international sphere and for assessing the methods by which other countries attempt to meet their health, education, social services, and income maintenance needs.

4. Advises the Secretary and the POC heads on the most effective organization of staff in the international area.

5. Evaluates HEW's performance in international activities.

6. Represents the Secretary and the Department in discussions of international matters with representatives of the White House, Congress, the executive agencies, international organizations, and the private sector.

7. Maintains an overall view of POC international activities (planning, authorization, funding, organization, staff levels, and evaluation), and leads in HEW-wide coordination of these activities, to avoid gaps or overlaps and to ensure conformance with Departmental and U.S. Government policy.

8. Makes nominations to the Department of State of HEW personnel and members of the public to serve on official U.S. delegations to international conferences and organizations.

9. Works with the Department of State and other agencies in the preparation of official U.S. positions and policies vis a vis international organizations of interest to HEW, and in observance of international years and special events.

10. Does planning and briefing for the Secretary's personal participation in international activities, such as travel and receiving foreign visitors.

11. Chairs and provides staff support for the HEW Exchange Visitor Waiver Review Board, which considers applications for waivers of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program, and makes recommendations for waivers to the International Communication Agency on behalf of the Secretary.

12. Formulates and monitors international travel procedures.

13. Maintains a clearinghouse for selected summary information on HEW international activities, such as travel, research, resources, and HEW staff abroad.

Dated: January 8, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-3435 Filed 1-31-79; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

IRRIGATION OPERATION AND MAINTENANCE
CHARGESWater Charges and Related Information on the
Wapato Irrigation Project, Washington

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

On December 4, 1978, in 43 FR 56734, there was published a notice of proposed assessment rates and related provisions on the Wapato Irrigation Project for Calendar Year 1979 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of August 1, 1914, (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective March 5, 1979.

WAPATO IRRIGATION PROJECT—GENERAL
ADMINISTRATION

The Wapato Irrigation Project, which consists of the Ahtanum Unit, Toppenish-Simcoe Unit, and Wapato-Satus Unit within the Yakima Indian Reservation, Washington, is administered by the Bureau of Indian Affairs. The Project Engineer of the Wapato Irrigation Project is the officer-in-charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians,

Code of Federal Regulations (42 FR 30362, June 14, 1977).

IRRIGATION SEASON

Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 15 days when weather conditions and the necessity for doing maintenance work warrants doing so.

DELIVERY TO PATENT IN FEE LANDS

No water will be delivered to a patent in fee farm unit until all irrigation charges assessed against the land for construction, operation and maintenance, and all penalties that may have accrued, are paid.

DELIVERY TO INDIAN LANDS UNDER LEASE

No water will be delivered to trust Indian lands under lease until the lessee has paid the irrigation charges and any penalties assessed under these regulations, or in cases where the lease provides that the landowners pay the operation and maintenance charges from the lease rental, no water shall be delivered until the Superintendent of the Reservation has issued a certificate to the Project Engineer certifying that the lessee has complied fully with the terms of the lease.

DELIVERY TO INDIAN LANDS BEING FARMED BY INDIAN FARMERS

No water will be delivered to land operated by an Indian farmer until the charges fixed in these regulations are paid, or until the Superintendent of the Reservation has issued a certificate to the Project Engineer, certifying that the Indian will pay the charges through the Superintendent, or that the Indian is financially unable to pay the charges.

TIME OF PAYMENT

The charges fixed by these regulations shall become due April 1 of each year and are payable on or before that date. To all charges assessed against lands in patent in fee ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1 following the due date, there shall be added a penalty of 1½ percent for each month, or fraction thereof, from the due date until the charges are paid.

AHTANUM UNIT

CHARGES

The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1979 and subsequent years until further notice, is fixed at \$5.25 per acre per annum for land to which water can be delivered from the project works.

NOTICES

TOPPENISH-SIMCOE UNIT

CHARGES

The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1979 and subsequent years until further notice, is fixed at \$5.45 per acre per annum for land for which an application for water is approved by the Project Engineer.

WAPATO-SATUS UNIT

CHARGES

The basic operation and maintenance rate on assessable lands under the Wapato-Satus Unit is fixed for the Calendar Year 1979 and subsequent years until further notice as follows:

(1) Minimum charge for all tracts.....	\$17.00
(2) Basic rate upon all farm units or tracts for each assessable acre except Additional Works lands	\$17.00
(3) Rate per assessable acre for all lands with a storage water right, known as "B" lands, in addition to other charges per acre	\$1.80
(4) Basic rate upon all farm units or tracts for each assessable acre of Additional Works lands.....	\$17.90

ASSESSABLE LANDS

The assessable lands of the Wapato-Satus Unit are classified under these regulations as follows:

(a) All Indian trust (A or B) land designated as assessable by the Secretary of the Interior, except land which has never been cultivated if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased at this time for agricultural purposes.

(b) All Indian trust (A and B) land not designated as assessable by the Secretary of the Interior for which application for water is pending or on which assessments had been charged the preceding year.

(c) All patent in fee land covered by a water right contract, except on land that because of inadequate drainage is no longer productive. The adequacy of the drainage is determined by the Project Engineer.

(d) At the discretion of the Project Engineer and upon the payment of charges, patent in fee land for which an application for a water right or modification of a water right contract is pending.

W. D. BABBY,
Acting Area Director.

JANUARY 25, 1979.

[FR Doc. 79-3399 Filed 1-31-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[AA-6646-A]

ALASKA

Alaska Native Claims Selection

On September 10, 1974, and December 13, 1974, Natives of Akhiok, Inc., for the Native village of Akhiok, filed selection application AA-6646-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Akhiok area, including lands within the Kodiak National Wildlife Refuge (Public Land Order (PLO) 1634).

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

This decision approves approximately 441 acres of national wildlife refuge lands for conveyance to Natives of Akhiok, Inc., for a cumulative total of approximately 55,782 acres. This does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 441 acres, is considered proper for acquisition by Natives of Akhiok, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Lands within the Kodiak National Wildlife Refuge (PLO 1634)

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 36 S., R. 31 W.

Sec. 25 (fractional), excluding U.S. Survey 2508 and U.S. Survey 2371;

Sec. 36 (fractional), all.

Containing approximately 441 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)).

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Man-

agement of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (Supp. V, 1975), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;

3. Those rights for water pipeline purposes as have been granted to CWC Fisheries, Inc., its successors or assigns, by right-of-way A-053899, located in Sec. 25, T. 36 S., R. 31 W., Seward Meridian, under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

4. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (Supp. V, 1975)), that (a) the above described lands which are within the boundaries of the Kodiak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Natives of Akhiok, Inc. is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 57,089 acres, of this entitlement have been approved for conveyance. The remaining entitlement of approximately 12,031 acres will be conveyed at a later date.

The lands approved for conveyance in this decision are entirely within Kodiak National Wildlife Refuge. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region.

There are no Sec. 17(b) easements to be reserved in this conveyance.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks in the ANCHORAGE TIMES and in the KADIAK TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 5, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Natives of Akhiok, Inc., Ralph Eluska, Vice President, 5028 Mills, Anchorage, Alaska 99504.

Konlag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615.

SUE A. WOLF,
Chief, Branch of Adjudication.
(FR Doc. 79-3480 Filed 1-31-79; 8:45 am)

[4310-84-M]

ARIZONA, SAFFORD DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of

the Safford District Grazing Advisory Board will be held on March 6, 1979.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include:

(1) Election of a Vice-Chairman.
(2) Expenditure of range betterment and advisory board funds for range improvements.

(3) A review of the following as they relate to allotment management plans:

(a) District Wildlife Water Policy
(b) Wilderness Inventory
(c) The Range Lands Improvement Act

(d) Implementation of allotment management plans following completion of the Upper Gila-San Simon Environmental Statement and Range-land Management Program Document.

The meeting will be open to the public. Interested persons may make oral statements to the board, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546, by 4:15 p.m., March 2, 1979.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

GUY E. BAIER,
District Manager.

JANUARY 24, 1979.

[FR Doc. 79-3376 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 23734 S]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

JANUARY 26, 1979.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for approximately 0.136 miles of natural gas pipeline to collect and deliver gas into the North Douglas Creek Gathering System on the following public land:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO
COUNTY, COLO.

T. 1 S., R. 101 W.

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

The expansion of the above-named gathering system will enable the applicant to collect and deliver natural gas.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation*.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 79-3379 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 23734 t]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

JANUARY 24, 1979

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 10½" o.d. and 4½" o.d. natural gas pipeline for the North Douglas Creek Gathering System approximately 5.037 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 103 W.

Section 1: SW¼SW¼

Section 10: SE¼SE¼

Section 11: S¼NE¼, NW¼SE¼, E¼SW¼, SW¼SW¼

Section 12: W¼NW¼

Section 15: N¼NE¼, SW¼NE¼, SE¼NW¼, N¼SW¼, SW¼SW¼

Section 21: W¼NE¼

Section 30: NW¼SW¼

T. 2 S., R. 104 W.

Section 25: S¼S¼

Section 26: E¼SE¼

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation*.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team,
Branch of Adjudication.

[FR Doc 79-3380 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 25122 h, 24402 p]

NORTHWEST PIPELINE CORP.

R/W Applications for Pipeline

JANUARY 24, 1979

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a rights-of-way for 4½" o.d. and 6½" o.d. natural gas pipeline for the Foundation Creek and East Douglas Creek Gas Gathering Systems approximately 4.721 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 101 W.

Section 24: S¼SE¼, NE¼SE¼

Section 25: W¼NW¼, NE¼NW¼, NW¼NE¼

Section 26: N¼SE¼, SE¼NE¼

Section 35: NE¼NW¼

T. 2 S., R. 100 W.

Section 17: N¼SW¼, NW¼SE¼

Section 18: E¼SW¼, N¼SE¼, S¼NE¼

Section 19: NW¼SW¼, W¼NW¼, NE¼NW¼

T. 4 S., R. 102 W.

Section 23: SW¼NE¼

The above-named gathering systems will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation*.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team,
Branch of Adjudication.

[FR Doc 79-3381 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 25378-D]

NORTHWEST PIPELINE CORP.

Pipeline Application

JANUARY 25, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½ inch o.d. natural gas pipeline, approximately 0.120 miles long across the following public lands in Garfield County, Colorado:

T. 6S., R. 102 W., 6th P.M.

Section 11.

The proposed lateral pipeline will enable the applicant to convey natural gas from a wellhead in said Section 11 to their existing Calf Canyon Gathering System.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands

or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 79-3382 Filed 1-31-79; 8:45 am]

[4310-84-M]

IDAHO WILDERNESS INVENTORY

Meeting

Notice is hereby given that the Bureau of Land Management will hold a public informational meeting at the American Legion Hall in Challis, Idaho, February 8, 1979, from 3:00 p.m. to 7:00 p.m., for the purpose of providing the opportunity for public discussion and review of the proposed decision on the wilderness inventory conducted in the Donkey Hills area of the BLM Salmon District.

The proposed decision was published in the January 11, 1979, FEDERAL REGISTER.

For further information, contact Harry Finlayson, District Manager, Salmon District Office, BLM, P.O. Box 430, Salmon, Idaho 83467—Telephone: 208-756-2201.

Dated: January 25, 1979.

WILLIAM L. MATHEWS,
State Director,
Bureau of Land Management.

[FR Doc. 79-3383 Filed 1-31-79; 8:45 am]

[4310-84-M]

IDAHO, WILDERNESS POLICY

Public Meetings

Notice is hereby given that the following statewide public meeting will be held in Idaho to discuss the Draft Interim Management Policy and Guidelines and the proposed Surface Mining Regulations for wilderness study areas of the Bureau: February 13, 1979 at 5:00 P.M. in the Training Center Auditorium of the Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Idaho. Additional district workshops will be held by the Boise, Burley, Idaho Falls, Salmon, Shoshone and Coeur d'Alene Districts. Time and place of these workshops will be announced later.

The purpose of the statewide meeting is to inform the public, answer questions and accept written and oral comments on (1) Draft Interim Management Policy and Guidelines (published—FEDERAL REGISTER, Vol. 44, No. 9, Pages 2695 and following) and (2) Proposed Surface Mining Regulations (proposed rulemaking published—FEDERAL REGISTER, Vol. 44, No. 9, January 12, 1979, Pages 2623 and following). Written and oral comments on the two documents identifying public responses to the basic policy concepts reflected in the draft documents; public expressions about particular issues, concerns and recommended solutions related to how the general policies contained in these documents are applied to specific activities and uses; public concerns regarding the process and procedures for implementing the policies will be recorded to assure their use in the BLM decision making process.

Comments on the two draft documents will be accepted during the 60-day comment period which began January 12, 1979, and ends March 14, 1979.

For further information, contact William L. Mathews, State Director, Idaho State Office, Bureau of Land Management, Federal Building, 550 W. Fort Street, Box 042, Boise, Idaho 83724 (Telephone No. 208-384-1402). Copies of the two documents are available from the Idaho State and District Offices of the BLM.

Addresses: Bureau of Land Management, Idaho State Office, Federal Building, 550 W. Fort Street, Box 042, Boise, Idaho 83724; Bureau of Land Management, Boise District, 230 Collins Road, Boise, Idaho 83702; Bureau of Land Management, Burley District, Route 3, Box 1, Burley, Idaho 83318; Bureau of Land Management, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401; Bureau of Land Management, Salmon District, P.O. Box 430, Salmon, Idaho 83467; Bureau of Land Management, Shoshone District, P.O. Box 2-B, Shoshone, Idaho 83352; Bureau of Land Management, Coeur d'Alene District, P.O. Box 1889, Coeur d'Alene, Idaho 83814.

Dated: January 26, 1979.

WILLIAM L. MATHEWS,
Idaho State Director,
Bureau of Land Management.

[FR Doc. 79-3384 Filed 1-31-79; 8:45 am]

[4310-84-M]

INM 357881

NEW MEXICO

Application

JANUARY 22, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 14, E½SW¼

This pipeline will convey natural gas across 0.215 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will proceed with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107

FRED E. PADILLA,
Chief, Branch of Lands
and Mineral Operations.

[FR Doc. 79-3386 Filed 1-31-79; 8:45 am]

[4310-84-M]

PACIFIC OUTER CONTINENTAL SHELF

Availability of Official Protraction Diagram

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf.

ACTION: Availability of Official Protraction Diagram.

ADDRESS: 300 No. Los Angeles St., Los Angeles, CA 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant (FTS 798-7234).

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram approved on the date indicated, is available for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, CA. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

OUTER CONTINENTAL SHELF OFFICIAL
PROTRACTOR DIAGRAM

Description	Approval date
NL 10-10, Newport, Revised....	October 24, 1978

Copies of this diagram are for sale at two dollars (\$2.00) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 No. Los Angeles St., Rm. 7127, Los Angeles, CA 90012. Checks or money orders should be made payable to the Bureau of Land Management.

KEITH A. SHONE,
*Acting Manager, Pacific Outer
Continental Shelf Office.*

[FR Doc. 79-3377 Filed 1-31-79; 8:45 am]

[4310-84-M]

WILSON GLADES

Seasonal Closure to Vehicle Access

In cooperation with the California State Department of Fish and Game, and under the authority of 43 CFR, 8364.1-1, the Bureau of Land Management will institute a seasonal vehicle closure of the access road which leads to sensitive meadow environments in an area known as Wilson Glades. The road crosses private land to reach public lands at a point just east of Spring Valley Road, and west of Indian Valley Reservoir. A locked gate and sign will be located near the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 14 N., Range 7 W., Mount Diablo Base Meridian.

The seasonal vehicle closure of the access road, which was made after considerable damage had occurred to the meadow area by vehicles during the wet season, is being initiated to prevent further unnecessary destruction of plant life and wildlife habitat. In addition, trespass and vandalism of private property adjacent to the road closure have been a constant problem because the only access to public lands in this area is through private property, via a connecting private road.

The closure is consistent with the Indian Valley Reservoir Recreation Management Plan and will be effective from October 15 to May 15, 1979, and each year thereafter for the same period and until further notice.

Copies of a map showing the designated area are available at the Bureau of Land Management Office, 555 Leslie St., Ukiah, California 95482.

Dated: January 24, 1979.

DEAN STEPANEK,
District Manager.

[FR Doc. 79-3378 Filed 1-31-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

LAA-6986-A and AA-6986-CJ*

ALASKA

Alaska Native Claims Selection

On December 12, 1974, Cape Fox Corporation, for the Native village of Saxman, filed selection application AA-6986-A; and on December 16, 1974, filed selection application AA-6986-C under the provisions of section 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615 (Supp. V, 1975)), for the surface estate of lands located in the Tongass National Forest in the vicinity of Saxman and Ketchikan.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 16(b), aggregating approximately 4,982 acres is considered proper for acquisition by Cape Fox Corporation and is hereby approved for conveyance pursuant to section 14(b) of the Alaska Native Claims Settlement Act:

Mineral Survey 2190 A and B, Alaska, situated on unsurveyed public land, Ketchikan Mining District, Anchorage Land District, Alaska.

Containing 35,044 acres.

COPPER RIVER MERIDIAN, ALASKA (SURVEYED)

T. 74 S., R. 91 E.

Sec. 1, Lots 1, 2, 3, 4;

Sec. 2, Lots 1, 2, 3, 4, 5, 6, 7, 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 3, Lots 1, 2, 3, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 4, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,

W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 5, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 10, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 16, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,

NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing 3,125.00 acres.

COPPER RIVER MERIDIAN, ALASKA
(UNSURVEYED)

T. 74 S., R. 91 E.

Sec. 3, the portion of Lake Harriet Hunt

within Sec. 3;

Sec. 4, the portion of Lake Harriet Hunt

within Sec. 4;

Sec. 11, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 13, W $\frac{1}{2}$;

Sec. 14, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, E $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, excluding
Mineral Survey 2190;
Sec. 26, SE $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 36, N $\frac{1}{2}$ N $\frac{1}{2}$

Containing approximating 1,822 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1981 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the public easements, listed below, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-6986-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses permitted for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail: The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road: The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

100 Foot Proposed Road: The uses allowed on a one hundred (100) foot wide road easement are travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks. All roads in this category must be proposed for construction within a five-year period. If the road is not constructed the easement will be reduced to a twenty-five (25) foot wide trail and the uses will be consistent with the trail width. If after the road has been constructed a lesser width is sufficient to accommodate the road, the easement shall be reduced to a 60 foot wide easement.

One (1) Acre Site: The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATVs, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 11 D9) An easement for a proposed access trail twenty-five (25) feet in width from the north boundary of Sec. 2, T. 74 S., R. 91 E., Copper River Meridian, southerly to public lands in Sec. 11, T. 74 S., R. 91 E., Copper River Meridian. The trail will be located within the powerline easement EIN 35 L, G, where it traverses lands

in Sec. 2, T. 74 S., R. 91 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 12 D1, D9) A one (1) acre site easement upland of the mean high tide line in Sec. 11, T. 74 S., R. 91 E., Copper River Meridian, on the west shore of George Inlet. The uses allowed are those listed above for a one (1) acre site easement.

c. (EIN 17 C5, G) A two (2) acre site easement in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian, at the terminus of the existing road. The uses allowed are vehicle parking, and loading or unloading. Loading and unloading will be limited to 24 hours. This site will be relinquished as an easement in five years or less.

d. (EIN 20 G) An easement one hundred (100) feet in width for a proposed road from site easement EIN 17 C5, G in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

e. (EIN 23 D9) An easement for an existing access trail twenty-five (25) feet in width from trail easement EIN 11 D9, in Sec. 11, T. 74 S., R. 91 E., Copper River Meridian, easterly to site easement EIN 12 D1, D9 on the west shore of George Inlet. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 24 C5, G) An easement sixty (60) feet in width for an existing road from the end of road easement deed No. 5713 in Sec. 8, T. 74 S., R. 91 E., Copper River Meridian, northeasterly to its terminus in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

g. (EIN 35 L, G) An easement one hundred (100) feet in width for a proposed powerline from the selection boundary in Sec. 4, T. 74 S., R. 90 E., Copper River Meridian, northerly adjoining the existing road (highway easement deed No. 5713), to a point in Sec. 18, T. 74 S., R. 91 E., Copper River Meridian, thence easterly approximately 1.2 miles to a point in Sec. 17, T. 74 S., R. 91 E., Copper River Meridian, near the existing road right-of-way, thence southeasterly to a point near the White River in Sec. 21, T. 74 S., R. 91 E., Copper River Meridian, thence northeasterly generally following the White River to the selection boundary in Sec. 35, T. 73 S., R. 91 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the powerline facility.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Pursuant to Sec. 17(b)(2) of the Act, any valid existing right recognized by the Act shall continue to have whatever right of

access as is now provided for under existing law;

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k) (Suppl. V, 1975)), that, until December 18, 1983, the above-described lands, located within the boundaries of a national forest, shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality, no less stringent than such management practices on adjacent national forest lands;

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Suppl. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Pursuant to Sec. 16(b) of the Alaska Native Claims Settlement Act, Cape Fox Corporation is entitled to 23,040 acres of land. The corporation recently received patent to 3,763.01 acres. By a recent decision, 1,652.32 acres of surveyed land and approximately 355 acres of unsurveyed land were approved for conveyance. Together with the lands herein approved, the total of lands conveyed or approved for conveyance is 8,575.374 acres of surveyed land and approximately 2,177 acres of unsurveyed land. Patent to the surface estate of the surveyed land herein approved will be issued when this decision becomes final; interim conveyance will be issued for the unsurveyed lands and the lands requiring additional survey. Conveyance of the remaining entitlement to Cape Fox Corporation will be made at a later date. Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Cape Fox Corporation, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the KETCHIKAN DAILY NEWS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until 3-5-79, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information of the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served with a copy of the notice of appeal are:

Cape Fox Corporation, P.O. Box 8558, Ketchikan, Alaska 99901.
Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

JUDITH A. KAMMINS,
Chief, Division of
ANCSA Operations.

[FR Doc. 79-3481 Filed 1-31-79; 8:45 am]

[4310-84-M]

[F-14937-A]

ALASKA NATIVE CLAIMS SELECTION

On September 18, 1967, the State of Alaska filed community purposes grant selection application F-592, as amended, pursuant to Sec. 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(a) (1970)). This selection describes lands near the Native village of St. Mary's including a portion of T. 23 N., R. 76 W., Seward Meridian.

On November 18, 1974, St. Mary's Native Corporation filed selection application F-14937-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (Suppl. V, 1975)), for the surface estate of lands located in the St. Mary's area, including lands within the subject State selection.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act. Sec-

tion 12(a) further provides that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The lands described below were properly selected by St. Mary's Native Corporation in village selection application F-14937-A. Accordingly, State selection application F-592 is hereby rejected as to the following described lands:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 23 N., R. 76 W.
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-18407 Parcel A;
Sec. 14, all;
Sec. 23, excluding Native allotment F-16606 Parcel B;
Sec. 24, excluding Native allotments F-16606 Parcel B, F-18185 and F-18745 Parcel A;
Sec. 25, all;
Sec. 26, excluding U.S. Survey No. 2984, the Andreafsky River and Steamboat Slough;
Sec. 35, excluding the Andreafsky River and Steamboat Slough;
Sec. 36, excluding Steamboat Slough.
Containing approximately 5,605 acres.

The total amount of State selected lands rejected to permit conveyance to St. Mary's Native Corporation is approximately 5,605 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection application, as to those lands not rejected herein, will be taken at a later date.

As to the lands described below, the application submitted by St. Mary's Native Corporation, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 107,541 acres, is considered proper for acquisition by St. Mary's Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 24 N., R. 74 W.
Secs. 1 to 5, inclusive, all;
Sec. 6, excluding Native allotment F-18745 Parcel C
Secs. 7 to 36, inclusive, all.
Containing approximately 22,777 acres.

T. 25 N., R. 74 W.
Secs. 1 to 35, inclusive, all;
Sec. 36, excluding Native allotment F-17406.
Containing approximately 22,932 acres.

SEWARD MERIDIAN, ALASKA (SURVEYED)

T. 24 N., R. 75 W.
Sec. 1, all;
Secs. 2 and 3, excluding Native allotment F-031484 Parcel B;
Secs. 4 to 22, inclusive, all;
Sec. 23, excluding Native allotments F-18115 and F-18116 Parcel A;
Secs. 24 and 25, all;
Sec. 26, excluding Native allotment F-18116 Parcel A;
Secs. 27 to 32, inclusive, all;
Sec. 33, excluding Native allotment F-18117;
Secs. 34, 35 and 36, all.
Containing approximately 22,340 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 25 N., R. 75 W.
Secs. 1 to 36, inclusive, all.
Containing approximately 23,007 acres.

T. 23 N., R. 76 W.
Secs. 1 and 2, all;
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-18407 Parcel A;
Sec. 14, all;
Sec. 23, excluding Native allotment F-16606 Parcel B;
Sec. 24, excluding Native allotments F-16606 Parcel B, F-18185 and F-18745 Parcel A;
Sec. 25, all;
Sec. 26, excluding U.S. Survey No. 2984, the Andreafsky River and Steamboat Slough;
Sec. 35, excluding the Andreafsky River and Steamboat Slough;
Sec. 36, excluding Steamboat Slough.
Containing approximately 6,885 acres.

T. 24 N., R. 76 W.
Secs. 15 and 16, all;
Secs. 21 to 28, inclusive, all;
Secs. 32 to 36, inclusive, all.
Containing approximately 9,600 acres.
Aggregating approximately 107,541 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate, therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14937-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width for the Hamilton to Marshall route, from the western bank of Steamboat Slough in Sec. 34, T. 23 N., R. 76 W., Seward Meridian, through public lands to Pilot Station. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN 4 C3, D1) An easement one hundred (100) feet in width for an existing road

from St. Mary's Village westerly to the airport for access between these two points. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 7 C1, D1, L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the Andreafsky and East Fork Andreafsky Rivers through the village selection area and an easement on the entire bed of the non-navigable portion of these rivers through the selection area. Purpose is to provide for public use of waters having highly significant present recreational use.

d. (EIN 8 D9) A site easement upland of the ordinary high water mark in Sec. 33, T. 24 N., R. 75 W., Seward Meridian, on the right bank of the Andreafsky River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping and vehicle use.

e. (EIN 9 D9) A site easement upland of the ordinary high water mark in Sec. 35, T. 24 N., R. 74 W., Seward Meridian, on the left bank of the East Fork Andreafsky River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping and vehicle use.

f. (EIN 11 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 6, T. 24 N., R. 76 W., Seward Meridian, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN 12 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978 and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated November 15, 1978, between the Alaska State Director, Calista Corporation, and St. Mary's Native Corporation.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (Supp. V, 1975)), any valid existing right recognized by said act shall continue

to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. The terms and conditions of the agreement dated November 15, 1978, between the Alaska State Director, Calista Corporation and St. Mary's Native Corporation. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for St. Mary's Native Corporation, serialized F-14937-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

St. Mary's Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 107,541 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 7,649 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above will be granted to Calista Corporation at the same time conveyance is granted to St. Mary's Native Corporation for the surface estate and shall be subject to the same conditions as the surface conveyance.

The following inland water bodies within the lands described are considered navigable:

The Andrafsky River west of the village of St. Mary's Steamboat Slough

In accordance with Departmental regulation 43-CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in both in ANCHORAGE TIMES and THE TUNDRA DRUMS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510; with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed refused to

sign the return receipt shall have until March 5, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal there must be strict compliance with the regulations governing such appeal. Further information on the manner of an requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken, the parties to be served are:

St. Mary's Native Corporation, St. Mary's Alaska 99658.
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

JUDITH A. KAMMINS,
Chief, Division of
ANCESA Operations.

IFR Doc. 79-3457 Filed 1-31-79; 8:45 am

[3410-84-M]

CM-185371

MONTANA

Amendment to Pipeline Right-of-Way Okie
Pipe Line Company

JANUARY 23, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended, Okie Pipe Line Company has applied for an amendment to their right-of-way for a 4-inch oil pipeline across the following public lands:

PRINCIPAL MERIDIAN, MONTANA

T. 7 N., R. 59 E.,
Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 6 N., R. 60 E.,
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$; and
Sec. 24, S $\frac{1}{2}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 6 N., R. 61 E.,
Sec. 28; S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30; N $\frac{1}{2}$; and
Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The amendment consists of the addition of another 4-inch pipeline to be installed 8 feet from and parallel to their existing pipeline which crosses 4.24 miles of public lands located in Fallon County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the

District Manager, Bureau of Land Management, Box 940, Miles City, Montana 59301.

ROLAND F. LEE,
Chief, Branch of Lands and
Minerals Operations.

IFR Doc. 79-3451 Filed 1-31-79; 8:45 am

[4310-84-M]

IN-160951

NEVADA

Proposed Withdrawal and Opportunity for
Public Hearing

JANUARY 22, 1979.

The United States Army, Corps of Engineers, on behalf of the Department of the Air Force, filed application N-16095 on January 4, 1979, for the withdrawal of public lands described below from settlement, sale, location or entry under the public land laws, including the mining, mineral leasing and mineral materials disposal laws.

MOUNT DIABLO MERIDIAN

Tps. 1, 2, 3, and 4 S., R. 44 E.
Tps. 1, 2, 3, and 4 S., R. 45 E.
Tps. 1 and 2 S., R. 46 E.
Tps. 3 and 4 S., R. 46 E. (unsurveyed).
Tps. 1 and 2 S., R. 47 E.
Tps. 3 and 4 S., R. 47 E. (unsurveyed).
Tps. 1 and 2 S., R. 48 E.
Tps. 3 and 4 S., R. 48 E. (unsurveyed).
Tps. 1 and 2 S., R. 49 E.
Tps. 3, 4, 5, 6, and 7 S., R. 49 E. (unsurveyed).
T. 8 S., R. 49 E. (unsurveyed),
Secs. 1-11, incl., 14-23, incl., 26-35, incl.;
Secs. 12, 13, 24, 25, and 36, exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 9, 10, 11, and 12 S., R. 49 E. (unsurveyed),
Secs. 2-11, incl., 14-23, incl., 26-35, incl.;
Secs. 1, 12, 13, 24, 25, and 36, exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 1, 2, 3, 4, 5, 6, and 7 S., R. 50 E. (unsurveyed).
T. 8 S., R. 50 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 1, 2, 3, 4, 5, 6, and 7 S., R. 50 E. (unsurveyed).
T. 8 S., R. 50 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 3 and 4 S., R. 51 $\frac{1}{2}$ E. (unsurveyed).
Tps. 3, 4, 5, 6, and 7 S., R. 52 E. (unsurveyed).
T. 8 S., R. 52 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., 18, 19, 30, and 31, exclusive of those portions withdrawn by P.L.O. 805 and 2568.
Tps. 3 and 4 S., R. 53 E.
Tps. 5, 6, and 7 S., R. 53 E. (unsurveyed).
T. 8 S., R. 53 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., exclusive of those portions withdrawn by P.L.O. 805.

Tps. 3 and 4 S., R. 54 E.
 Secs. 4-9, incl., 16-21, incl., 28-33, incl.
 Tps. 5 and 6 S., R. 54 E. (unsurveyed).
 T. 7 S., R. 54 E. (unsurveyed),
 Secs. 1-34, incl.;
 Secs. 35 and 36, exclusive of those portions withdrawn by P.L.O. 1662.
 T. 8 S., R. 54 E. (unsurveyed),
 Secs. 3-6, incl.;
 Secs. 2, 35, 36, and 7-11 incl., exclusive of those portions withdrawn by P.L.O. 1662 and 805.
 Tps. 9, 10, 11, and 12 S., R. 54 E. (unsurveyed),
 Secs. 1, 12, 13, 24, 25, and 36;
 Secs. 2, 11, 14, 23, 26, and 35, exclusive of those portions withdrawn by P.L.O. 805.
 T. 13 S., R. 54 E. (unsurveyed),
 Secs. 10-15, incl., 22-27, incl., 34, 35, and 36;
 Secs. 9, 16, 21, 28, 33, exclusive of those portions withdrawn by P.L.O. 805.
 T. 14 S., R. 54 E. (unsurveyed),
 Secs. 1-3, incl., 10-15, incl., 22-27, incl., 34, 35, and 36;
 Secs. 4, 9, 16, 21, 28, and 33, exclusive of those portions withdrawn by P.L.O. 805.
 Tps. 5 and 6 S., R. 55 E. (unsurveyed),
 Secs. 2-11, incl., 14-23, incl., 26-35, incl.;
 T. 7 S., R. 55 E. (unsurveyed),
 Secs. 2-11, incl., 14-23, incl., 26-30, incl.;
 Secs. 31-35, incl., exclusive of those portions withdrawn by P.L.O. 1662.
 Secs. 36, S $\frac{1}{2}$, exclusive of those portions withdrawn by P.L.O. 1662.
 T. 8 S., R. 55 E. (unsurveyed),
 Secs. 31-36, incl., exclusive of those portions withdrawn by P.L.O. 1662.
 Tps. 9, 10, 11, 12, 13, and 14 S., R. 55 E. (unsurveyed).
 T. 7 S., R. 55 $\frac{1}{2}$ E. (unsurveyed),
 Secs. 31, 32, and 33, S $\frac{1}{2}$, exclusive of those portions withdrawn by P.L.O. 1662.
 T. 8 S., R. 55 $\frac{1}{2}$ E. (unsurveyed),
 Secs. 4, 9, 16, 21, 28, 31, 32, and 33, exclusive of those portions withdrawn by P.L.O. 1662.
 Tps. 9, 10, 11, 12, 13, and 14 S., R. 55 $\frac{1}{2}$ E. (unsurveyed).
 Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 56 E. (unsurveyed).
 T. 15 S., R. 56 E.
 T. 16 S., R. 56 E.
 Secs. 1 and 2;
 Sec. 3, lots 5, 6, 7, 8, 9, E $\frac{1}{2}$;
 Sec. 4, lots 5, 6, 7, 8;
 Sec. 5, lots 5, 6, 7, 8, 9, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 6, lots 8, 9, NE $\frac{1}{4}$, W $\frac{1}{2}$;
 Sec. 8, lot 1;
 Sec. 9, lot 1;
 Tracts 38, 39, 40, 41, 42 A and B.
 Tps. 8,9,10,11,12,13, and 14 S., R. 57 E. (unsurveyed).
 Tps. 8,9,10,11,12,13, and 14 S., R. 58 E. (unsurveyed).
 Tps. 8,9,10,11,12,13, and 14 S., R. 59 E. (unsurveyed).

The lands described above aggregate 2,945,725 acres more or less in Nye, Lincoln, and Clark Counties. Approximately 810,000 acres are within the Desert National Wildlife Range. The lands are delineated on maps designated 256-FP-1, 256-FP-3 and 389-FP-1, copies of which are on file in Case NO. N-16095, Nevada State Office, Bureau of Land Management.

The applicant proposes to continue using the lands within the Indian Springs Auxiliary Air Force Field and

bombing and gunnery ranges (Nellis AFB) for training combat aircrews and testing new or improved weapons systems.

The lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal, if effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the lands will not be affected by the temporary segregation. In accordance with section 204(b) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, the segregative effect of the withdrawal application will terminate 2 years from the date of this notice.

The Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and the related resources and undertake negotiations with the applicant agency to reduce the proposed withdrawal to the minimum essential for the applicant's needs and to provide for the maximum concurrent utilization of the lands.

Pursuant to section 204(h) of the Federal Land Policy and Management Act, an opportunity for a public hearing is hereby afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the Bureau of Land Management at the address shown below within 30 days from the date of publication notice. Upon determination by the State Director that a public hearing will be held, a notice will be published in the FEDERAL REGISTER, giving the time and place of such hearing.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 30 day period allowed.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, Reno, Nevada 89509.

WM J. MALENCIK,
 Chief,

Division of Technical Services.

[FR Doc. 79-3447 Filed 1-31-79; 8:45 am]

[4310-84]

[W-65946]

WYOMING

Application

JANUARY 24, 1970.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company of Salt Lake City, Utah filed an application for a right-of-way to construct a 10 $\frac{1}{2}$ inch O.D. transmission pipeline for the purpose of transporting gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 119 W.,
 Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 15 N., R. 120 W.,
 Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 16 N., R. 120 W.,
 Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The proposed pipeline will extend from a point of connection with an existing pipeline located in the NE $\frac{1}{4}$ of Section 18, T. 15 N., R. 120 W., to a point located in the NE $\frac{1}{4}$ of Section 19, T. 17 N., R. 119 W., all within Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

WILLIAM S. GILMER,
 Acting Chief, Branch of Lands
 and Minerals Operations.

[FR Doc. 79-3452 Filed 1-31-79; 8:45 am]

[4310-31-M]

Geological Survey

NATURAL GAS CATEGORY DETERMINATION

Delegation of Authority, Correction

In FR Doc. 79-2444, appearing on page 5024, in the issue for Wednesday, January 24, 1979, in the second column of page 5024, in the fourth line

from the top, "July 1, 1978" should be corrected to read "July 1, 1979."

[4310-03-M]

Office of the Secretary

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Proposed Illinois National Wild and Scenic River

Notice of Application for Inclusion in the National Wild and Scenic Rivers System as State Administered River Area.

This notice is to acknowledge that on November 6, 1978, the Secretary of the Interior received formal application from the Governor of Oregon to include the Illinois River, an Oregon Scenic Waterway, in the National Wild and Scenic River System under section 2(a)(ii) of Pub. L. 90-542, as amended by Section 761 of Pub. L. 95-625.

The segment of the Illinois River for which national designation has been requested is from its confluence with Deer Creek downstream to its confluence with the Rouge River, a total of 46 miles.

This same river segment plus an additional 4.4 miles has been studied by the U.S. Forest Service, found to qualify, and recommended for addition to the National System. On October 1, 1978, the President concurred with this recommendation and urged speedy congressional approval.

Before approving or disapproving an application for inclusion of a State river in the National System, the Secretary of the Interior is required under section 4(c) of the Act to circulate the proposal for review and comment by affected Federal agencies. That review was initiated on December 21, 1978.

Questions concerning this application may be addressed to the Heritage Conservation and Recreation Service, U.S. Department of the Interior, Federal Building, Room 990, 915 Second Avenue, Seattle, Washington 98174 (phone 20-442-4706) or 440 G Street, N.W., Washington, D.C. 20243 (phone 202-343-4793).

Dated: January 25, 1979.

CECIL D. ANDRUS,
Secretary.

[FR Doc. 79-3387 Filed 1-31-79; 8:45 am]

[4310-05-M]

Office of Surface Mining Reclamation and Enforcement

AVAILABILITY OF MINE PLAN

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Major Modification of Existing Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to §211.5(b) of Title 30, CFR Notice is hereby given that the Office of Surface Mining has received the following mine plan for a coal mining and reclamation operation on Federal coal lands:

LOCATION OF LANDS

Applicant—Northern Energy Resources Co.
Mine Property Name—Spring Creek Mine.
State—Montana.
County—Big Horn.
OSM Reference Number—MT-0012.
General Description of Affected Lands—
Federal Coal Lease #M-069782, Approx.
3482 Acres in T8B, R39E of the Montana
Principal Meridian.

This application is available for public review in the library of Region V Offices of the Office of Surface Mining, Room 270, Post Office Building, 1823 Stout Street, Denver, Colorado.

This Notice is issued at this time for the convenience of the public. The OSM has not yet determined whether the plan is adequate and may, during the course of its reviews, request additional information. Any additional information so obtained will also be available for public review. Prior to final decision on this mine plan, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to §211.5(c)(2) of Title 30, Code of Federal Regulations. Copies of the mining plan are also being sent to the offices of the Bureau of Land Management and the Geological Survey in Billings, Montana.

DATES: Comments on or objections to the plan should be received by the Region V Office no later than 30 days following the date of this announcement.

ADDRESSES: Comments should be sent to the Regional Director, Office of Surface Mining and Reclamation and Enforcement, Region V, 1823 Stout Street, Denver, Colorado 80202.

PAUL L. REEVES,
Deputy Director.

[FR Doc. 79-3558 Filed 1-31-79; 8:45 am]

[4410-09-M]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-11]

SUN KWOH-CHENG, M. D.]

Hearing

Notice is hereby given that on December 22, 1978, the Drug Enforcement Administration, Department of Justice, issued to Sun Kwoh-cheng,

M. D., Siren, Wisconsin, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's Certificate of Registration, AS4974730, issued to him pursuant to Section 303 of the Controlled Substances Act (Title 21, United States Code, Section 823).

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, February 6, 1979, in the Hearing Room, Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: January 25, 1979.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc. 79-3433 Filed 2-1-79; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT
AND CRIMINAL JUSTICE

Competitive Research Grant Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant solicitation to support a study of the movement of confined offenders between mental health and correctional facilities. The major objective of this research is to acquire greater understanding of incarcerated population sources and flows both within and between these two systems of confinement.

The solicitation requests submission of draft proposals rather than full, formal proposals. Full proposals will be requested from those applicants receiving favorable review by a peer review panel. In order to be considered, a draft proposal must be received by the National Institute no later than April 1, 1979. One grant will be awarded under this announcement. A maximum of \$250,000 will be awarded for a project with an expected duration of 24 months.

Additional information and copies of the solicitation may be obtained by contacting:

Lawrence A. Greenfeld, Corrections Division, Office of Research Programs, National Institute of Law Enforcement and Criminal Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9118.

Dated: January 19, 1979.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-3453 Filed 1-31-79; 8:45 am]

[4510-23-M]

MINIMUM WAGE STUDY COMMISSION

MEETING

JANUARY 29, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Commission meeting:

Name: Minimum Wage Study Commission.
Date: February 13, 1979.

Place: Room 550, 2000 K St. NW, Washington, DC. Persons desiring to attend will be admitted to the extent seating is available.
Time: 10 a.m.

PROPOSED AGENDA

1. Minutes of Preceding Meeting.
2. Plans for studies concerning the inflationary impact, if any, of increases in the minimum wage as prescribed by the Fair Labor Standards Act.
3. Wage distribution survey of farm labor.
4. Executive Session.

Next meeting of the Commission will be Tuesday, March 13, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, (202) 376-2450.

LOUIS E. MCCONNELL,
Executive Director.

[FR Doc. 79-3368 Filed 1-31-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE, PLANNING, AND DESIGN ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture, Planning, and Design Advisory Panel to the National Council on the Arts will be held February 22, 1979, from 9:00 a.m. to 5:30 p.m., and on February 23, 1979, from 9:00 a.m. to 5:30 p.m., in room 1130, Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the

Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

JANUARY 25, 1979.

[FR Doc 79-3454 Filed 1-31-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

Regarding the previous FEDERAL REGISTER notice (published on January 24, 1979, Volume 44, p. 5028) for the meeting of the Advisory Committee on Reactor Safeguards to be held on February 8-10, 1979, in Washington, D.C., a change in schedule for the items being discussed on Friday, February 9, 1979 has been made as follows.

FRIDAY, FEBRUARY 9, 1979

1:00 p.m.-2:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the reports of its Subcommittees on recent activities regarding Anticipated Transients Without Scram, Emergency Core Cooling Systems, and ACRS review of Licensee Event Reports.

2:30 p.m.-5:30 p.m.: Meeting with NRC Staff (Open)—The Committee will meet with members of the NRC Staff to hear reports on and to discuss recent operating experience and licensing actions. These matters will include matters related to operations at the Kewaunee Nuclear Station, the Duane Arnold Energy Center, and NRC activities related to the capability of nuclear power plants to shut down and remove decay heat using only safety grade equipment.

5:30 p.m.-6:30 p.m.: Executive Session (Open)—The Committee will discuss its proposed reports to the NRC on the Salem Nuclear Station and the Fluor Pioneer Inc. Standard Balance of Plant.

Portions of this session will be closed as required to discuss Proprietary Information related to these facilities and arrangements for physical security of these facilities.

Dated: January 29, 1979.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-3456 Filed 1-31-79; 8:45 am]

[7590-01-M]

IPRM-2-51

STATE OF NEW HAMPSHIRE
Extension of Comment Period

On November 30, 1978 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (43 FR 56110) a notice that a petition for rule making had been filed with the Commission by the State of New Hampshire. The petitioner requests the Nuclear Regulatory Commission to conduct a joint proceeding with the Council on Environmental Quality, Environmental Protection Agency, Secretary of the Army, Secretary of the Interior, Secretary of State, and Secretary of Transportation, to adopt rules designed to achieve efficiency in the granting or denial of all licenses required for the construction and operation of nuclear power facilities.

In view of a request from Debevoise and Liberman for additional comment time, the Commission is hereby extending the period for submitting written comments or suggestions concerning the petition for rule making to February 28, 1979. Any written submissions should be sent to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before February 28, 1979.

Copies of the petition and the comments are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records at the above address.

Dated at Washington, D.C., this 29th day of January 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-3455 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Dockets Nos. STN 50-592, STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL, (PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5)**Special Prehearing Conference**

JANUARY 26, 1979.

On May 8, 1978, the Nuclear Regulatory Commission published in the FEDERAL REGISTER a notice of a hearing to be held to consider the application for construction permits filed by Arizona Public Service Company on behalf of itself and ten joint applicants (43 FR 19727-29). Such permits would authorize construction of two pressurized water nuclear reactors designated as the Palo Verde Nuclear Generating Station, Units 4 and 5, each of which would be designed for operation at a core power level of 3,800 thermal megawatts, with a net electrical output of approximately 1,307 megawatts. The proposed facilities would be located in Maricopa County, Arizona, about 36 miles west of Phoenix.

That notice, among other things, provided that any person whose interest may be affected by the proceeding and who wishes to participate as a party in the proceeding may file a petition for leave to intervene. However, because at the time of that notice the Environmental Report required by the Commission's regulations had not been filed, petitioners were not required to raise environmental issues by the deadline established in the notice.

Thereafter, on December 8, 1978, the Atomic Safety and Licensing Board designated to preside in this proceeding published a supplemental notice of hearing which provided an opportunity for any person whose interest may be affected to file a petition for leave to intervene with regard to environmental issues (43 FR 57694-95).

In response to these notices, Mr. Larry Bard has filed a timely petition for leave to intervene. In addition, petitions for leave to participate in the proceeding pursuant to the "interested state" provision of 10 CFR § 2.715(c) have been filed by the California Energy Resources Conservation and Development Commission, the Arizona Atomic Energy Commission, the Public Utilities Commission of the State of California and the City of El Paso.

Please take notice that a special prehearing conference pursuant to the provisions of § 2.751a of the Commission's Rules of Practice (10 CFR 2.751a) will be held in this proceeding at 10:00 a.m., local time, on Wednesday, February 21, 1979, at the Mari-

copa County Board of Supervisors Auditorium, 205 West Jefferson Street, Phoenix, Arizona 85003. The purposes of this special prehearing conference are to (1) permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider the petition for intervention in the proceeding; and (4) establish, in consultation with all the parties and other participants, schedules for completing the public hearing process.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board.

It is so ordered.

Dated at Bethesda, Maryland, this 26th day of January, 1979.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 79-3461 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 40-3453]

ATLAS MINERALS CORP.**Availability of Final Environmental Statement for MOAB Uranium Mill**

Notice is hereby given that a Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the application for renewal of Source Material License No. SUA-917 for the Moab Uranium Mill located in Grand County near Moab, Utah, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The Final Statement is also being made available at the Utah State Clearinghouse, Utah State Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City 84114 and at the South-eastern Utah Association of Governments, P.O. Box 686, 109 S. Carbon Avenue, Price, Utah 84501.

The notice of availability of the Draft Environmental Statement for the Moab Uranium Mill and requests for comments from interested persons was published in the FEDERAL REGISTER on December 9, 1977 (42 FR 62222). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document no. NUREG-0453) may be purchased for \$9.00 a printed copy and \$3.00 for microfiche from the National Technical Informa-

tion Service, Springfield, Va. 22161, on or about February 7, 1979.

Dated at Silver Spring, Maryland, this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

ROSS A. SCARANO,
Section Leader, Uranium Mill
Licensing Section, Fuel Processing
and Fabrication
Branch, Division of Fuel Cycle
and Material Safety.

[FR Doc. 79-3462 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER & LIGHT CO., (SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 1, 2, 3 AND 4)**Continuation of Hearing**

On September 5, 1978 the Nuclear Regulatory Commission remanded to the Atomic Safety and Licensing Board for a further hearing the issue of whether Carolina Power and Light Company has the management capabilities to construct and operate the proposed Shearon Harris nuclear power facility without undue risk to the health and safety of the public. Please take notice that the evidentiary hearings on the remanded issue will commence on February 27, 1979 at 9:00 A.M. at the following location:

Federal Building, Courtroom No. 2, 7th Floor, 310 New Bern Avenue, Raleigh, North Carolina 27611.

If the hearings continue until March 6 and thereafter the place of hearing shall be, beginning March 6 at:

Federal Building, Grand Jury Room, Rm. 820, 310 New Bern Avenue, Raleigh, North Carolina 27611.

The public is invited to attend.

By order of the Board.

Dated at Bethesda, Maryland this 24th day of January, 1979.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc. 79-3463 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-255]

CONSUMERS POWER CO.**Issuance of Amendment to Provisional Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Provisional Operating License No. DPR-20, issued to

Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility), located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorizes changes to the requirements for reactor internals, vibration monitoring.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 25, 1977, as supplemented by letter dated March 23, 1978, (2) Amendment No. 45 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
*Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.*

[FR Doc. 79-3465 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional
Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for Operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment changes certain provisions in Section 6 of the Technical Specifications to reflect an organizational structure which conforms to the guidance of ANSI N18.7-1976 and to allow more efficient operation of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 27, 1978, and supplement thereto dated January 12, 1979, and (2) Amendment No. 46 to License No. DPR-20, including the Commission's Evaluation contained in the letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
*Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.*

[FR Doc. 79-3466 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. P-636-A]

FLORIDA POWER & LIGHT CO.

Withdrawal of Partial Application for
Construction Permits and Facility Licenses

On July 14, 1975, Florida Power & Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed one part of an application in connection with its plans to construct and operate two nuclear power reactors. The portion of the application filed contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

Notice of receipt of this partial application was published in the FEDERAL REGISTER on December 10, 1975, 40 FR 57518.

In a letter dated September 13, 1978, Florida Power & Light Company (FP&L) stated: (1) FP&L did not submit other parts of the application within thirty-six months as required by the Commission's regulations; (2) FP&L has no plans for completing the application or for proceeding with the project in the reasonably foreseeable future; and (3) the application should be deleted from the Commission's docket of pending applications.

The Atomic Safety and Licensing Board's Order dated October 26, 1978 approved withdrawal of the application without terms.

Accordingly, the Commission considers the partial application submitted by Florida Power & Light Company to be withdrawn.

Dated at Bethesda, Maryland this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
*Chief, Light Water Reactors
Branch No. 1, Division of Project Management.*

[FR Doc. 79-3467 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-482]

KANSAS GAS & ELECTRIC CO. (WOLF CREEK UNIT I)

Request for Enforcement Action To Revoke Construction Permit of Kansas Gas & Electric Co. for Wolf Creek Unit I

Notice is hereby given that by letter dated December 27, 1978, the Critical Mass Energy Project requested that the Commission revoke the construction permit of the Kansas Gas & Electric Company for Wolf Creek Unit I. The Critical Mass Energy Project requests revocation of the construction permit until the licensee takes appropriate remedial action for alleged deficiencies in the quality assurance and quality control mechanisms at the reactor site. They also requested the Commission to take appropriate enforcement action for an alleged delay in reporting deficiencies in the strength of concrete at the site to the Commission. They further requested the Commission to evaluate the capabilities of its Region IV inspection program.

The Commission has also received petitions from Wanda Christy, Marvin Dawson, Tom Wheeler, Janet Skiles, David McCullough, Kaye Yoder, Ferdinand H. Burmeister, Ivonne S. Burmeister and James E. Mason, on behalf of Kansans for Sensible Energy, all residents of Kansas, requesting the Commission to halt construction of Wolf Creek Unit I because of alleged deficiencies in the concrete in the reactor base mat.

Because of their similar nature, all of the above requests are being consolidated for consideration. They are being treated under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the requests within a reasonable time.

Copies of these requests are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the local public document room for the Wolf Creek plant located near Burlington, Kansas.

Dated at Bethesda, Maryland this 25th day of January, 1979.

For the Nuclear Regulatory Commission.

JOHN G. DAVIS,
*Acting Director, Office of
Inspection and Enforcement.*

[FR Doc. 79-3468 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL. (TROJAN NUCLEAR PLANT)

(Proposed Amendment to Facility Operating License NPF-1 To Permit Storage Pool Modification; Order

JANUARY 25, 1979.

Oral argument on the appeals of Susan M. Garrett (*pro se* and on behalf of the Coalition for Safe Power) and the State of Oregon from the October 5, 1978 initial decision of the Licensing Board in this license amendment proceeding will be heard at 9:30 a.m. on Thursday, February 15, 1979 in the United States Courthouse, 620 S.W. Main Street, Portland, Oregon. The specific courtroom has not as yet been assigned. That information can be obtained in the Clerk's Office (Room 606) by counsel and other representatives of the parties at 9 o'clock on the morning of the argument.

Ms. Garrett and Oregon will be heard first in that order; each is allotted 40 minutes for the presentation of argument. The licensee and the NRC staff will then be heard in that order; each of those parties is similarly allotted 40 minutes for argument. In preparing for argument, the parties may assume that the members of the Board will be fully familiar with the decision of the Licensing Board and the contents of the briefs filed in connection with the appeals.

The Secretary to this Board should be notified, by letter mailed no later than February 7, of the names of the counsel or other representative who will present argument on behalf of each party.

It is so Ordered.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 79-3469 Filed 1-31-79; 8:45 am]

[7590-01-M]

REGULATORY GUIDE**Notice of Withdrawal**

The Nuclear Regulatory Commission staff has withdrawn Regulatory Guide 3.36, "Nondestructive Examination of Tubular Products for Use in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants," which was issued for comment in August 1975. This guide applies the guidelines for the nondestructive examination of tubular products in Section III of the ASME Boiler and Pressure Vessel Code, suitably supplemented, to tubular products for use in safety-related structures, sys-

tems, and components of fuel reprocessing plants and plutonium processing and fuel fabrication plants. The ASME Code now includes requirements equivalent to the supplemental recommendations of this guide. In addition, the NRC staff believes that matters of this type, for which adequate rules are found in the ASME Code, are best dealt with by proper application of Code rules on a case-by-case basis.

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made such guides obsolete.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director, Office of
Standards Development.*

[FR Doc. 79-3471 Filed 1-31-79; 8:45 am]

[7590-01-M]

[License No. DPR-43; Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Increase Spent Fuel Storage Capacity; Order Convening Hearing

JANUARY 25, 1979.

In the matter of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (Kewaunee Nuclear Power Plant).

The Atomic Safety and Licensing Board on July 12, 1978, issued a "Notice of Hearing on Amendment to Facility Operating License" to consider the request of Wisconsin Public Service Corporation, et al., for an amendment to Facility Operating License No. DPR-43 which currently authorizes Licensees to possess, use and operate the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The proposed amendment would allow modification to the spent fuel storage pool to increase the spent fuel storage capacity at the Kewaunee facility in accordance with Licensees' application for amendment dated November 14, 1977.

¹43 FR 31077 (published July 19, 1978).

The Board has inquired of the parties and other participants concerning their readiness to proceed with the presentation of evidence and the earliest and most convenient day for convening the hearing in the subject proceeding. All have agreed that they have no schedule conflicts during the latter part of February or the early part of March.

Wherefore, it is ordered in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, and please take notice that an evidentiary hearing in this proceeding shall convene at 10:00 a.m., local time, Tuesday, March 13, 1979, at the Meeting Room of the Carlton Inn Motel, 1515 Memorial Drive, Two Rivers, Wisconsin 54241. The hearing shall be conducted continuously day to day until all evidence on matters outstanding has been received or until continued by further order of the Board.

Members of the public are invited to attend the hearing.

Dated at Bethesda, Maryland, this 25th day of January, 1979.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 79-3470 Filed 1-31-79; 8:45 am]

[4910-58-M]

**NATIONAL TRANSPORTATION
SAFETY BOARD**

[N-AR 79-5]

**ACCIDENT REPORT; SAFETY
RECOMMENDATIONS AND RESPONSES**

Availability

Railroad Accident Report.—The National Transportation Safety Board on January 22 released its formal report of investigation into the derailment of a St. Louis Southwestern Railway Company freight train at Lewisville, Ark., March 29, 1978.

The report, No. NTSB-RAR-78-8, indicates that the four locomotive units and 43 cars of freight train SRASK (the letter "K" in the train identification indicates the presence of hazardous material cars in the train consist) derailed when they entered an 8° curve in the wye (Y-shaped) track at the accident site. The body of the 13th car struck and ruptured the tank head of the 12th car, releasing vinyl chloride into the atmosphere. The vinyl chloride subsequently ignited and buildings within a 1,500-foot radius of the ruptured car were damaged. About 1,700 residents of Lewisville were evacuated. The engineer and two head brakemen were injured.

Property damage was estimated to be \$2,189,000.

The Safety Board has determined that the probable cause of this accident was the failure of the engineer and other crewmembers to slow train SRASK for the 10-mph speed restriction through the wye track as required by the railroad's general orders. As a result of the train's high speed and consequent emergency brake application, the high rail in the curve moved laterally, allowing the locomotive to derail, and subsequently turn over, and the following cars to derail. The release and ignition of vinyl chloride from the ruptured tank car caused extensive damage to the train equipment and the adjacent industrial plant and buildings.

As a result of its investigation of this accident, the Safety Board on December 29, 1978, forwarded a letter to the Federal Railroad Administration reiterating the following recommendations which were first issued to FRA on March 14, 1973, as a result of similar train accidents:

• • • in cooperation with the Association of American Railroads, develop a fail-safe device to stop a train in the event that the engineer becomes incapacitated by sickness or death, or falls asleep. Regulations should be promulgated to require installation, use, and maintenance of such a device. (R-73-8)

• • • include in its present investigation of the safety of locomotive-control compartments a study of environmental conditions that could distract crews from their duties or cause them to fall asleep at the controls. Regulations should be promulgated to correct any undesirable conditions disclosed. (R-73-9)

Railroad/Highway Accident Report.—Also made available on January 22 were copies of the report on the Safety Board's investigation of the accident which occurred in Plant City, Fla., on October 2, 1977, when a westbound Seaboard Coast Line/Amtrak passenger train struck a northbound pickup truck at a grade crossing after the pickup truck proceeded past the railroad crossing flashing signals onto the track and into the path of the train which was traveling at 70 mph. The 10 occupants of the pickup truck were killed; neither the crew of the train nor its 30 passengers were injured.

The report, No. NTSB-RHR-78-2, indicates that the Safety Board's determination of probable cause of this accident was the failure of the pickup truckdriver, who was under the influence of alcohol, to stop short of the railroad tracks in response to the warnings of an approaching train and an activated railroad crossing flashing signal.

As a result of this accident investigation, the Safety Board on December 27 issued recommendation H-78-71 to the Federal Highway Administration, the

Federal Railroad Administration, Amtrak, the Seaboard Coast Line Railroad Company, and the Florida Department of Transportation calling for cooperative corrective action to reduce the high frequency of railroad/highway grade crossing accidents along the 240 miles of track between Jacksonville and Tampa, Fla.

Goals of eight other Safety Board recommendations (Nos. H-78-72 through H-78-79, also issued December 27) include (1) a report to the Safety Board by the National Highway Traffic Safety Administration of the U.S. Department of Transportation on alcohol countermeasures it has found to be practical and effective; (2) effective and continuous programs of selective law enforcement and "Operation Lifesaver" grade crossing safety improvement efforts throughout Florida; (3) provisions for uniform warning times, over the full range of train speeds, in grade crossing improvement plans for Plant City and other Jacksonville-Tampa corridor crossings; and (4) specific improvements at the accident crossing site. (For the full text of these recommendations, see 44 FR 3795, January 18, 1979.)

Railroad Accident Reports, Brief Format.—The third issue of reports of 1977 railroad accidents was released by the Safety Board on January 23. The 154-page volume, report No. NTSB-RAB-78-4, contains in brief format the basic facts, conditions, circumstances, and probably cause(s) of 147 rail accidents. Each involved a fatality, a passenger train operation, or substantial property damage. "Railroad Accident Reports, Brief Format, Issue Number 3, 1977" may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

NOTE.—The brief reports in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 17 cents per page from printed matter, \$5 per page for black-and-white photographs, and \$4 per page for color photographs, plus postage. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20504.

SAFETY RECOMMENDATIONS

Marine: M-78-79 through 85.—On July 28, 1977, the French tankship SS SITALA, fully loaded with crude oil, collided with a fleet of moored marine construction vessels on the Mississippi River near New Orleans, La., after she suffered a steering gear malfunction. There were no deaths or injuries as a result of the accident, but property damage was estimated to be \$1,500,000. The Safety Board's analysis of the evidence developed in its in-

vestigation of this accident indicated that leaks had developed in the SITALA's hydraulic steering system because of inadequate maintenance. The loss of hydraulic oil from the system caused the steering gear to malfunction and direction control of the vessel was lost.

As a result of its investigation of this accident, the Safety Board on December 29, 1978, forwarded the following recommendations to the U.S. Coast Guard:

Amend the proposed steering standards for tankships to reduce the time allowed for alarms to alert the crew of a failure and to reduce the time allowed to restore steering control, and make these requirements applicable to all sea-going vessels entering U.S. navigable waters. (M-78-79)

Initiate action through the Inter-Governmental Maritime Consultative Organization to develop a program to insure that owners, operators, crewmen, and inspectors are made aware of the importance of a vessel's steering gear and the importance of proper maintenance of this equipment. (M-78-80)

Amend 46 CFR 58.25 and 33 CFR 164 to require that all vessels be equipped with test devices which will indicate whether the steering gear is operating properly and to require that operating parameters, test procedures, and maintenance records be made available to crewmembers and inspectors during inspections and tests, including those required by 46 CFR 35.20-10, 78.17-15, and 97.15-3, and by 33 CFR 164.25, so that proper evaluations can be made regarding the machinery's operation. (M-78-81)

Amend 33 CFR Part 164 to require that pilots review the maneuvering characteristics of the vessel, as discussed in 33 CFR 164.11(k), before they commence navigation of a vessel.

Determine which vessels entering U.S. waters are fitted with the same type steering gear installed on the SITALA. Require testing of the installed cast-iron differential controller foundation to determine if defects similar to those detected on the SITALA are present, and report the findings. (M-78-83)

Expand the foreign vessel boarding program with respect to steering gear inspections to determine the adequacy of current maintenance practices and report the findings. (M-78-84)

Expand the U.S. Government's effort through the Inter-Governmental Maritime Consultative Organization to obtain more comprehensive and more uniform annual surveys of merchant vessels of all types rather than just tankerships. (M-78-85)

Each of the above recommendations is designated "Class II, Priority Action." The recommendations will be reproduced in the Safety Board's formal investigation report which will be made available to the public in the near future. The report will provide factual information, analysis, conclusions, and the probable cause of the SITALA accident.

Railroad: R-79-1 and 2.—Two "Class I, Urgent Action" recommendations were issued January 19 to the Metropolitan Transportation of New York as the Safety Board continues its investi-

gation of the December 12 derailment of a New York City Transit Authority (NYCTA) subway train. Twenty-two persons were injured as a result of the accident.

Investigation indicates that, after making a station stop at 59th Street, the eight-car train continued southward to a point approximately 1,000 feet beyond the station where the sixth and seventh cars derailed. The derailed cars struck a concrete and steel wall, tearing out the side of the seventh car. Both wheels of the leading pair of wheels of the trailing truck of the sixth car were broken. The wheels were cracked through the rim and the plate, and into the hub. All of the wheels of the trailing truck appeared to have been damaged by excessive heat.

The Safety Board is concerned that other NYCTA rapid transit cars may have been operated with applied handbrakes and may have wheels that have been exposed to above normal heating. Therefore, the Board recommends that the Metropolitan Transportation Authority, with its oversight responsibility, require the NYCTA to:

Immediately inspect all NYCTA rapid transit cars to determine if their wheels have been subjected to above normal heat and remove from service any wheel that shows evidence of thermal damage. (R-79-1)

Immediately equip handbrakes on NYCTA rapid transit cars with a positive indicator so that an operator can determine if the brake is applied or fully released. (R-79-2)

SAFETY BOARD COMMENTS ON PROPOSED RULEMAKING

Highway.—The Safety Board has urged suspension of Federal rulemaking on highway design standards pending a scientific determination of the safety effects or proposed changes in the standards. The Board's position was made public on January 23 by issuance of Press Release SB 79-5. The press release covers the Board's comments forwarded January 5 to the Federal Highway Administration in response to FHWA's notice of proposed rulemaking, "Design Standards for Highways," Docket No. 78-10. The Board stated in that letter that it cannot support the proposal, which contains the same deficiencies that the Board cited in the prior advance notice (ANPRM Docket 77-4, "Geometric Design Guide for Resurfacing Restoration and Rehabilitation (RRR) of Highways and Streets"—1977—the Purple Book).

The Board's January 5 letter also expresses concern that FHWA, in the current rulemaking step, is proposing to lower design criteria, which admittedly will reduce safety on individual projects due to the lower criteria, without producing evidence for the public record to support the conten-

tion that overall safety will be enhanced because more highways might be improved. The Board recommends that FHWA, absent objective and reliable data, suspend rulemaking and immediately begin, in cooperation with State agencies and the National Highway Traffic Safety Administration, a comprehensive research effort to determine the safety effects of proposed highway design standards, clearly identifying procedures used to project levels of injury or death.

Meanwhile, the Board believes FHWA should approve proposed highway projects that do not meet existing standards "on an exception basis only . . . based on a thoroughly documented review and approval process to insure that public safety is not jeopardized."

RESPONSES TO SAFETY RECOMMENDATIONS

Highway: H-78-27 and 28.—On January 9 the Safety Board inquired of the Division of Motor Vehicles, Department of Law and Public Safety, State of New Jersey, as to their progress in implementing these recommendations. The recommendations were developed as a result of the Board's investigation of a collision involving a truck and an automobile at the intersection of U.S. Route 206 and County Road Route 616 near Vincentown, N.J., on July 6, 1977.

The recommendations asked the State of New Jersey to: Develop and implement a classified driver licensing system which conforms to the National Highway Traffic Safety Administration Highway Safety Program Standard No. 5, "Driver Licensing" (H-78-27); develop and implement regulations requiring employers to make preemployment investigations and inquiries into the driving record of each truckdriver it employs, requirements similar to those in 49 CFR 391.23 and 391.25 of the Federal Motor Carrier Safety Regulations (H-78-28). (See 43 FR 21520, May 18, 1978.)

In response to the Safety Board's inquiry, the New Jersey Division of Motor Vehicles on January 16 provided copies of pertinent correspondence exchanged last July with the Bureau of Motor Carrier Safety (BMCS), U.S. Department of Transportation. A letter of July 28 to BMCS stresses the Division's difficulty in accepting the Safety Board's findings and recommendations as reflected in the investigation report. With reference to the recommendations, the July 28 letter informs that during 1975 and 1976 a blue ribbon study commission was established by the Governor of New Jersey to review the State's licensing and driver improvement programs, and states, "This commission recommended that a classified licens-

ing program be established for operators of articulated vehicles, but despite testimony from NHTSA officials and a thorough review of existing literature, the commission was unable to find any evidence to support a category of licensing for operators of large single unit trucks."

Intermodal: I-78-9.—Letter of January 19 from the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, is in response to one of six recommendations issued to DOT last June 29 following the Safety Board's en banc hearing on the hazardous materials derailment problem. The recommendation called on DOT to develop and implement a safety plan for utilizing the best available safety analysis technology to determine regulatory actions needed to adequately control hazardous materials transportation risk. (See 43 FR 30149, July 13, 1978.)

In response, RSPA reports that the Materials Transportation Bureau (MTB) is reviewing all known technology in the field of risk and safety analysis and is now developing safety analyses in both regulatory and exemption activities of hazardous materials transportation. These analyses will include fault free models and will assist MTB in developing and changing regulations and will assist RSPA in allocating its resources to the most needed areas. RSPA notes that a substantial portion of this task has now been completed but several additional months will be required to develop a workable plan.

In the area of risk analysis RSPA reports monitoring the progress on all related ongoing contracts, among which is one with Arthur C. Little Company. That contract involves a risk analysis and assessment using a liquefied natural gas (LNG) facility in Massachusetts as its model. RSPA notes that this company is a major transporter of LNG in the Northeast, and, because of its proximity to a major city, RSPA believes that the risk analysis performed on this facility will be useful in developing a risk analysis plan in other areas of interest to MTB and the Safety Board.

RSPA's contract with ORI Incorporated is another example of ongoing work in risk analysis and assessment. This study will determine the risks associated with shipment of specific hazardous materials over air, highway, rail, and marine modes and will assist in formulating effective policies for the safe movement of such materials. Also, RSPA says this study will result in an independent risk assessment of shipping Class A explosives and liquid hydrogen via selected routes and modes. This assessment will be used to assist in (a) determining the adequacy of existing regulations in 49 CFR

Parts 100-179, (b) evaluating safety analyses submitted with exemption petitions; and (c) providing a means to compare the relative risks of air shipment versus those of other modes.

Also, RSPA reports having a contract study with Booz, Allen and Hamilton to produce an impact assessment of RSPA's proposed regulations for siting, design, and construction of new LNG facilities.

Railroad: R-78-32 and 33.—Letter of January 16 from the Federal Railroad Administration also relates to recommendations evolved from the Safety Board's proceedings into derailment and hazardous materials. The recommendations asked the Department of Transportation to regulate or fund a hazardous materials track improvement priority system to insure adequate protection of the public in urban corridors against accident risks (R-78-32), and to fund research on safety effects of heavier cars and trains on present track facilities, and safest positioning of hazardous materials tank cars and others in train consist and issue regulations resulting from the finding of this research (R-78-33). (See 43 FR 30149, July 13, 1978.)

FRA reports establishing the Hazard Analysis and Priority Determination System which will utilize statistical analysis to identify safety problems and attributing causes in component failures that can potentially create catastrophic accidents. This analysis will allow FRA to recognize early developing patterns leading up to a catastrophic accident. Also, FRA is conducting a 3-year accident (1975-1977) directed toward improving the movement of hazardous materials. The information gathered from past accident studies, in conjunction with population/traffic density data, will help to identify urban corridors which may qualify for track improvement funding under Title V (Railroad Rehabilitation and Improvement Financing) of the Railroad Revitalization and Regulatory Reform Act of 1976.

With reference to recommendation R-78-33, FRA states that it is currently utilizing the Train Operation Simulation Model to analyze train make-up and train handling procedures, in accordance with section 10 of the Federal Railroad Safety Authorization Act of 1978. This simulation will determine possible track locations, train consists and operating practices which are potentially hazardous. Results of the simulation model, FRA reports, are expected to be released in April 1979.

Railroad: R-78-34 through 36.—FRA's letter of January 15 addresses additional safety recommendations relating to transportation of hazardous materials, issued June 29, 1978. These

recommendations asked FRA to: Publish an annual program management report providing FRA's plans and programs to eliminate major accident causal factors (R-78-34); identify critical car component failure rates and assure that they are properly addressed either by regulation or emergency order and expand communication channels with the Association of American Railroads to facilitate this program (R-78-35); and evaluate and revise the State Participation Program to allow greater State flexibility and base evaluation of the program on the States' ability to adequately monitor railroad and hazardous materials safety (R-78-36). (See 43 FR 30149, July 13, 1978.)

FRA reports that on its behalf the Transportation Systems Center (TSC) in Cambridge, Mass., has a study to develop a statistical causal factors program which will be published annually. The causal factors of accidents, FRA says, will be clearly identified and will allow FRA to determine need for regulatory actions to safeguard travelers and the general public from dangers of hazardous materials releases from tank cars. FRA is awaiting the TSC proposals and recommendations. Also reported on is FRA's Hazard Analysis and Priority Determination System which will utilize statistical analysis to identify and isolate specific safety problems in critical car component failures. This means of analysis will grant FRA early recognition of developing patterns of component failures which contribute to and are responsible for catastrophic accidents.

In answer to R-78-36, FRA states that this recommendation is "neither valid nor is it necessary," and considers it to be closed. The State Participation Program, as legislated by Congress, does not provide funding or State participation in the enforcement of the hazardous materials (HM) regulations. However, FRA said, the legislation does provide for State participation in the enforcement of the Freight Car Safety Standards and the Track Standards, and the States are encouraged to adopt the HM regulations as their own. Many States have adopted these regulations. FRA believes that since the HM regulations affect all modes of transportation, it would not be in the public's best interest to devise a program to allow the States to enforce the HM regulations pertaining to the railroads only. FRA states that this is particularly true when accident experience is evaluated. FRA further states:

The recent serious derailments which caused the release of hazardous materials were not caused by faulty hazardous material packaging, marking, or labeling, or because of illegal transportation. The derail-

ments were caused by improperly maintained equipment and track. If the States desire a greater degree of compliance with our safety regulations so as to prevent accidents and releases of hazardous materials, they should increase their activity in the enforcement of FRA Track and Equipment Standards, as provided for under the States Participation Program. This increased surveillance will result in fewer train accidents and fewer accidental releases of hazardous materials.

NOTE—Single copies of the Safety Board's recommendation letters and responses thereto are available free of charge. Single copies of accident reports are also free, but stocks are limited. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 23, 1978.

[FR Doc. 79-3479 Filed 1-31-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

REQUEST FOR CLEARANCE

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 25, 1979 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington,

D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperative Service
Corn and Soybean Yield Research Study
Single-Time
Soybean & Corn Growers, 1,687 responses, 156 hours.
Office of Federal Statistical Policy & Standard, 673-7974

REVISIONS

VETERANS ADMINISTRATION

Request to Employer for Verification of Applicant's Employment and Earnings
FL 26-253
On Occasion
Employers, 8,000 responses; 1,333 hours.
Caywood, D. P., 395-6140.

OFFICE OF PERSONNEL MANAGEMENT AUTHORITY

Personal Qualifications Statement and Continuation Sheet for Personal Qualifications Statement
SF-171 & 171A
On occasion
Applicants for Federal positions 1,200,000 responses 1,100,000 hours; Marsha Traynham, 395-6140.

Amendment To Personal Qualifications Statement
SF-172

On Occasion
Applicant for Federal positions, 200,000 responses; 100,000 hours.
Marsha Traynham, 395-6140.

Job Qualification Statement
SF-173

On Occasion
Applicant for Federal positions, 200,000 responses; 200,000 hours.
Marsha Traynham, 395-6140.

VETERANS ADMINISTRATION

Report of Medical Examination for Disability Evaluation
21-2545
On Occasion
Veteran and Physician, 400,000 Responses; 100,000 hours.
Caywood, D. P., 395-6140.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service
Official export certificate for animal biological products
VS 14-17
On Occasion
Biologics establishments 220 responses; 55 hours.

Off. of Federal Statistical Policy & Standard, 673-7974.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Geological Survey
Production and Royalty Report (Federal-Land Mineral Leases)
9-368
Monthly
Mining leasees and operators, 1,500 responses; 750 hours.
Caywood, D. P., 395-6140.

DAVID R. LEUTHOLD,
*Budget and Management
Officer.*

[FR Doc. 79-3322 Filed 1-31-79; 8:45 am]

[3110-0-M]

AGENCY FORMS UNDER REVIEW

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., chap. 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Any repetitive reporting requirement or form that requires one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific

issues are raised to OMB about this form; such forms are identified in the list by an asterisk (*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer of office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202.

REVISIONS

Economics, statistics, and cooperatives service
* Potato stocks inquiry
Other (see SF-83),
Potato storage operators, 9,720 responses; 1,595 hours
Ellett, C. A., 395-5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—Albert H. Linden—566-9021.

NEW FORMS

Retail motor gasoline sales survey
EIA-132
Single-time
Retailers of gasoline, 9,000 responses; 2,250 hours
Hill, Jefferson B., 395-5867

EXTENSIONS

*Other remittance advice
ERA-95
On occasion
Petroleum importers, 400 responses; 200 hours
Hill, Jefferson B., 395-5867
Request for refund of oil import fees
ERA-96
On occasion
Petroleum importers, 120 responses; 480 hours
Hill, Jefferson B., 395-5867
*Survey of gallonage sales of gasoline
SG-1 and SG-1(birth)
Monthly
Retail gasoline service stations, 8,000 responses; 2,000 hours
Hill, Jefferson B. 395-5867

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488.

EXTENSIONS

Office of the Secretary
*Application for waiver of the two-year foreign residence requirement of the exchange visitor program
OS-4-79
On occasion
Responsible person at University Hospital, or other institutions, 100 responses; 50 hours
LaVerne V. Collins 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Phillip M. Oliver—523-6341.

REVISIONS

Employment Standards Administration
Applications for special certificates under FLSA
Requirements WH-2, 205, 222, 226, 227, 242, 247, 249, 373
On occasion
Firms employing homeworkers in restricted industries, 25,550 responses, 14,910 hours
Strasser, A., 395-5080

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—634-4070.

EXTENSIONS

Application for international travel grant and international travel report form NSF 192
On occasion
Recipients of NSF international travel awards, 1,706 responses; 1,283 hours
LaVerne V. Collins, 395-3214

NATIONAL TRANSPORTATION SAFETY
BOARD

Agency Clearance Officer—Frederick King, Chief—472-6177.

EXTENSIONS

*Passenger statement regarding aircraft accident
NTSB 6120.9
On occasion
Transportation accident, 2,400 responses; 1,200 hours
Geiger, Susan B. 395-5867
*Statement of witness
NTSB 6120.11
On occasion
Individuals who observe a transportation accident, 10,000 responses; 2,500 hours

Geiger, Susan B. 395-5867

STANLEY E. MORRIS,
Deputy Associate Director for
Regulatory Policy and Reports
Management.

[FR Doc. 79-3453 Filed 1-31-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area No. 1565]

CONNECTICUT

Declaration of Disaster Loan Area

Fairfield, New Haven and New London Counties and adjacent counties within the State of Connecticut constitute a disaster area because of physical damage resulting from heavy rainfall, melting snow and flooding which occurred on January 21, 1979. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 26, 1979, and for economic injury until the close of business on October 25, 1979, at: Small Business Administration, District Office, One Financial Plaza, Hartford Connecticut 06103, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: January 25, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-3389 Filed 1-31-79; 8:45 am]

[8025-01-M]

[Disaster Loan Area No. 1548, Amendment No. 1]

MICHIGAN

Declaration of Disaster Loan Area

The above number Declaration (See FR 58691), is amended by adding the following counties:

County	Natural disaster(s)	Dates
Allegan.....	Tornado.....	08/19/78
Gratiot.....	Drought.....	01/01/78-08/15/78
Kalkaska.....	Drought.....	06/15/78-08/23/78
Macomb.....	Hail Storm.....	07/26/78

and adjacent counties within the State of Michigan as a result of natural disasters as indicated. All other information remains the same; i.e., the termination date for the filing applications for physical damage is close of business on June 7, 1979, and for economic injury until the close of business on September 7, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 25, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-3390 Filed 1-31-79; 8:45 am]

[8025-01-M]

[Disaster Loan Area 1563]

TEXAS

Declaration of Disaster Loan Area

Dallas and Hunt Counties and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by ice storms which occurred on December 30-31, 1978. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 26, 1979, and for economic injury until the close of business on October 24, 1979, at:

Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 24, 1979.

HAROLD A. THEISTE,
Acting Administrator.

[FR Doc. 79-3388 Filed 1-31-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), P.L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twenty-sixth meeting of the Board for International Food and Agricultural Development (BIFAD) on February 22, 1979.

The purpose of this meeting is to: Receive and discuss the progress reports of the Joint Research Committee (JRC) and the Joint Committee for Agricultural Development (JCAD); discuss policy items; discuss the Agricultural Development Report; discuss status of the Country Development Strategy Statement Reports; discuss the BIFAD Annual Report for Congress; hear comments from Dr. D. C. Kimmel, North American Representative of the Food and Agriculture Orga-

nization of the United Nations; discuss A.I.D.'s response to policy recommendations by participants in the workshop on Women in Development; and to hear various other reports and activities.

The meeting will begin at 9:00 a.m. and adjourn at 4:00 p.m.; and will be held in Room 1107, State Department Building, 22nd and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Carl E. Ferguson, Acting Director, Office of Title XII Coordination and University Relations, Development Support Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-9054.

- Dated: January 22, 1979.

CARL E. FERGUSON,
AID Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc 79-3449 Filed 1-31-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

[Coast Guard CGD 79-006]

ADVISORY COMMITTEES

Applicants for Membership

The Coast Guard is seeking applicants who are interested in being appointed as a member on one of the following technical advisory committees:

1. CHEMICAL TRANSPORTATION ADVISORY COMMITTEE (CTAC)

CTAC advised the Coast Guard on rulemaking matters relating to the carriage of hazardous materials on vessels, the transfer of these materials between the vessels and shore, and waterfront facilities over which these materials move.

2. RULES OF THE ROAD ADVISORY COMMITTEE (RORAC)

RORAC provides advice and consultation to the Coast Guard with respect

to matters concerned with proposals affecting the Rules of the Road. Emphasis in the immediate future will be on revision and unification of the current pilot rules in conjunction with the Committee's past efforts to unify the present inland rules.

In order to acquire the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is particularly interested in receiving applicants from minorities, women, and public interest representatives. Selection will be based upon expertise in the subjects under consideration.

Each committee meets once or twice a year at a location selected by the sponsor. Members serve at their own expense and receive neither travel nor per diem allowances.

Interested persons should write to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590, prior to March 1, 1979 identifying which committee they wish to apply for. Supplemental information will then be forwarded. Appointments will be announced next summer effective 1 July 1979.

C. F. DEWOLF,
*Rear Admiral, U.S. Coast Guard,
Chairman, Marine Safety Council.*

JANUARY 29, 1979.

[FR Doc. 79-3485 Filed 1-31-79; 8:45 am]

[4910-60-M]

Materials Transportation Bureau

OFFICE OF HAZARDOUS MATERIALS REGULATION

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted December 1978. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
RENEWALS				
2051-X	DOT-E 2051	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 173.34(d), 173.304(a)(1), (2).	To ship certain non-flammable and non-poisonous refrigerant gases in non-DOT specification aluminum containers, complying with DOT specification 39 with certain exceptions. (modes 1, 2, 3, 4)
2136-X	DOT-E 2136	U.S. Department of Defense, Washington, D.C.	49 CFR 173.1, 173.3(a), 173.7(a), 174.3 174.10, 174.90(a), 174.104, 177.801, 177.802.	To ship radioactive materials with explosives in specially designed metal containers. (modes 1, 2)
2587-P	DOT-E 2587	Welding & Therapy Service, Inc., Louisville, Ky.; C & C Oxygen Co., Chattanooga, Tenn.	49 CFR 173.315(a)(1)	To become a party to Exemption 2587, (See Application No. 2587-X). (mode 1)
4039-X	DOT-E 4039	AIRCO Industrial Gases, Murray Hill, N.J.	49 CFR 173.316(a)	To ship flammable gas in a non-DOT specification vacuum insulated portable tank constructed and designed in accordance with Section VIII of the ASME Code. (mode 1)
4803-X	DOT-E 4803	Dow Chemical Co., Midland, Mich.	49 CFR 173.249, 173.272, 173.289.	To ship corrosive liquids in non-DOT specification cargo tank motor vehicle designed and constructed in accordance with DOT Specification MC-310, MC-311 or MC-312 with certain exceptions. (mode 1)
4850-P	DOT-E 4850	Pengo Industries, Inc., Fort Worth, Tex.	49 CFR 173.100(cc), 175.3	To become a party to Exemption 4850, (See Application No. 4850-X). (modes 1, 2, 4)
4884-X	DOT-E 4884	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302(a)(1), 175.3, 178.61.	To ship certain non-liquefied compressed gases in non-DOT specification steel cylinders complying with DOT Specification 4BW with certain exceptions. (modes 1, 2, 3, 4, 5)
4990-X	DOT-E 4990	Schenley Distillers, Inc., Cincinnati, Ohio.	49 CFR 173.125	To ship certain flammable liquids in an AAR Specification 206W tank car. (mode 2)
5038-X	DOT-E 5038	Western Electric, Lee's Summit, Mo.	49 CFR 173.135(a)(6), 173.136(a)(5).	To ship corrosive and flammable liquids in a non-DOT specification Type 304 stainless steel cylinder. (modes 1, 2)
5188-X	DOT-E 5188	U.S. Department of Defense, Washington, D.C.	49 CFR 173.395(c) (2), 173.398(c), 175.3.	To ship radioactive materials and non-liquefied compressed gases in special inside containers overpacked in a non-DOT metal drum. (modes 1, 2, 4)
5263-X	DOT-E 5263	Dow Corning Corp., Midland, Mich.	49 CFR 173.245(a)	To ship a corrosive liquid in a non-DOT specification stainless steel vessel. (mode 1)
5403-X	DOT-E 5403	Halliburton Services, Duncan, Okla.	49 CFR 173.245(a) (31), 173.263(a) (10), 178.343- 2(b), 178.343-5(b)(1), (b)(2)(i).	To ship certain corrosive materials in non-DOT specification cargo tanks, meeting the requirements of DOT Specification MC-312 with certain exceptions. (mode 1)
5736-P	DOT-E 5736	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.314(c)	To become a party to Exemption 5736, (See Application No. 5736-X). (mode 2, 3)
5792-X	DOT-E 5792	Publicker Industries, Inc., Philadelphia, Pa.; Stauffer Chemical Co., Westport, Conn.; El Paso Products Co., Odessa, Tex.	49 CFR 172.101, 173.314(c)	To ship a flammable liquefied compressed gas in an AAR proposed Specification 113D60W tank car. (mode 2)
5825-X	DOT-E 5825	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 172.101, 173.315(a)	To ship a flammable liquefied compressed gas in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 1)
5959-X	DOT-E 5959	El Paso Gas Products, Odessa, Tex.	49 CFR 172.101, 173.315(a)	To ship a liquefied flammable compressed gas in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 1)
6121-X	DOT-E 6121	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 179.220-19(c)	To ship a certain flammable liquid in DOT Specification 115A60W1 and 115A60W3 tank car tanks. (mode 2)
6126-P	DOT-E 6126	Hoffmann-La Roche Inc., Nutley, N.J.	49 CFR 173.253(a)	To become a party to Exemption 6126, (See Application No. 6126-X). (modes 1, 3)
6253-X	DOT-E 6253	Containertechnik, Hamburg, Germany.	49 CFR Part 173	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (modes 1, 2, 3)
6348-X	DOT-E 6348	Air Products and Chemicals, Inc., Allentown, Pa.; Union Carbide Corp., Tarrytown, N.Y.; Airco Industrial Gases, Murray Hill, N.J.	49 CFR 172.101, 173.315(a)	To ship certain flammable and non-flammable gases in a non-DOT specification insulated portable tanks.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
RENEWALS—Continued				
6392-P	DOT-E 6392	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.314(c)	To become a party to Exemption 6392. (See Application No. 6392-X). (mode 2)
8418-X	DOT-E 6418	Great Lakes Chemical Corp., Irvine, Calif.; Shell Oil Co., Houston, Tex.	49 CFR 173.357(b)	To ship Class B poisonous liquids in DOT Specification MC-303, MC-334, MC-306, or MC-307 steel cargo tanks. (mode 1)
6434-X	DOT-E 6434	Mobil Chemical Co., Richmond, Va.	49 CFR 173.377(i)(1)	To ship a Class B poisonous solid in non-DOT specification 5-ply paper bag. (modes 1, 2)
6536-P	DOT-E 6536	Chemetron Industrial Gases, Chicago, Ill.	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6536. (See Application No. 6536-X). (mode 1)
6554-P	DOT-E 6554	GPS Industries, Los Angeles, Calif.	49 CFR 173.154, 173.217	To become a party to Exemption 6554. (See Application No. 6554-X). (modes 1, 2, 3)
6602-X	DOT-E 6602	Great Lakes Chemical Corp., El Dorado, Ariz.	49 CFR 173.245(a), 173.314(c), 173.315(a)(1)	To ship certain corrosive liquids and non-flammable compressed gases in DOT Specification MC-331 tank motor vehicles, and DOT Specification 105A500W tank cars or 106A500W tanks. (modes 1, 2)
6651-X	DOT-E 6651	Enthone, Inc., West Haven, Conn.	49 CFR 173.28(h), (m)	To ship a certain Class B poisonous solid in DOT Specification 37A metal drums. (mode 1)
6927-X	DOT-E 6927	Dow Chemical Co., Midland, Mich.; Great Lakes Chemical Corp., West Lafayette, Ind.	49 CFR 173.353	To ship certain Class B poisonous liquids in a non-DOT specification portable tank. (modes 1, 3)
6962-X	DOT-E 6962	U.S. Department of Energy, Washington, D.C.	49 CFR 173.301(d)	To ship certain nonflammable compressed gases in a DOT Specification 3AA1800 or 3AA2000 cylinder integral to a leak transfer unit. (modes 1, 2)
7005-X	DOT-E 7005	Bignier Schmidt-Laurent, Paris, France; Lowaco, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620.	To ship certain flammable, corrosive, Class B poisonous and combustible liquids and ORM-A materials in non-DOT specification portable tanks. (modes 1, 2, 3)
7005-P	DOT-E 7005	Trafpak Limited, Aylesbury, England.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620.	To become a party to Exemption 7005. (See Application No. 7005-X). (modes 1, 2, 3)
7023-P	DOT-E 7023	Allied Chemical Corp., Morristown, N.J.	49 CFR Part 173	To become a party to Exemption 7023. (See Application No. 7023-X). (mode 1)
7046-X	DOT-E 7046	J. T. Baker Chemical Co., Phillipsburg, N.J.	49 CFR 178.340-5(c)	To ship certain corrosive liquids in glass lined cargo tanks complying with DOT Specification MC-312 with certain exceptions. (modes 1, 3)
7085-X	DOT-E 7085	California Seal Control Corp., San Pedro, Calif.	49 CFR 172.101, 173.86, 173.100, 173.51(a)(7).	To ship a Class C explosive in DOT Specification 12B fiberboard boxes. (modes 1, 2, 3)
7097-X	DOT-E 7097	Fuller System, Inc., Woburn, Mass.	49 CFR 173.377(f)	To ship certain Class B poisonous solids under the specification packaging exception and conditions specified. (mode 1)
7220-X	DOT-E 7220	Greif Brothers Corp., Union, N.J.	49 CFR Part 173, 178.19	To manufacture, mark and sell non-DOT specification polyethylene containers for shipment of certain corrosive liquids, flammable liquids and oxidizers. (modes 1, 2, 3)
7275-X	DOT-E 7275	Express Airways, Inc., Mojave, Calif.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.329(b); 49 CFR Part 107, Appendix B.	To transport shipments of certain Class A, B, and C explosives. (mode 4)
7285-X	DOT-E 7285	Ugine Kuhlmann, Paris, France.	49 CFR 173.315(a)	To ship certain nonflammable, liquefied gases in non-DOT specification portable tanks. (modes 1, 2, 3)
7493-X	DOT-E 7493	Hugonnet, S.A., Paris, France.	46 CFR 80.05-35; 49 CFR 173.119, 173.128(a), 173.129.	To ship certain hazardous materials in non-DOT specification insulated portable tanks. (modes 1, 2, 3)
7526-X	DOT-E 7526	Schering AG, Berlin, Germany.	49 CFR 173.134	To ship a pyrophoric liquid in a non-DOT specification portable tank. (modes 1, 3)
7538-X	DOT-E 7538	Southern Chemical Products Co., Macon, Ga.	49 CFR Part 173, Subpart F; 178.19.	To manufacture, mark and sell non-DOT specification reusable polyethylene containers for shipment of corrosive liquids. (modes 1, 2, 3)
7549-P	DOT-E 7549	Wallach-Gracer Export Corp., New York, N.Y.	49 CFR 172.245(a)	To become a party to Exemption 7549. (See Application No. 7549-X). (modes 1, 2, 3)
7568-X	DOT-E 7568	W. A. Murphy, Inc., El Monte, Calif.	49 CFR 176.415(c)(1)	To handle nitro carbo nitrate packed in paper bags, loaded in containers, at non-isolated facilities. (mode 3)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
RENEWALS—Continued				
7576-X	DOT-E 7576	Hugonnet S.A., Paris, France.	49 CFR 173.620(a), 173.630(b).	To ship ORM-A liquids in non-DOT specification portable tanks. (mode 3)
7590-X	DOT-E 7590	Smith's Transfer Corp., Staunton, Va.	49 CFR 177.841(e)	To transport Class B poisons in a special designed reusable overpack in the same vehicle with foodstuff (mode 1)
7654-P	DOT-E 7654	Mallinckrodt, Inc., St. Louis, Mo.	49 CFR 173.118(f)	To become a party to Exemption 7654. (See Application No. 7654-X). (modes 1, 2)
7683-X	DOT-E 7683	Lubbock Manufacturing Co., Lubbock, Tex.	49 CFR 173.315(a)(1), (c)(1).	To manufacture, mark and sell DOT Specification MC-331 cargo tanks for shipment of flammable gases. (mode 1)
7767-X	DOT-E 7767	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.304(a)(1), 175.3, 175.3, 178.47.	To manufacture, mark and sell non-DOT specification welded steel cylinders for shipment of nonflammable compressed gases. (mode 1, 2, 3, 4, 5)
7823-X	DOT-E 7823	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.246	To ship an oxidizer in a non-DOT specification welded stainless steel cylinder. (modes 1, 2, 3)
7894-P	DOT-E 7894	Container Corporation of America, Chicago, Ill.; Packaging Corporation of America, Evanston, Ill.	49 CFR 173.186	To become a party to Exemption 7894. (See Application No. 7894-X). (modes 1, 2)
7896-X	DOT-E 7896	Monsanto Co., St. Louis, Mo	49 CFR 173.245, 173.374	To ship certain hazardous materials in a non-DOT specification portable tank. (modes 1, 2, 3)
7922-X	DOT-E 7922	Allied Chemical Corp., Mount Clemens, Mich.	49 CFR 173.302(a)(1), 178.65	To ship certain nonflammable compressed gases in non-DOT specification steel vessel inflator assembly. (mode 1)
7924-P	DOT-E 7924	Exxon Enterprises, Inc., Branchburg, N.J.	49 CFR 173.206, 175.3	To become a party to Exemption 7924. (See Application No. 7924-X). (modes 1, 2, 3, 4, 5)
7936-X	DOT-E 7936	Olin Corp., Stamford, Conn.	49 CFR 173.217(a)(3), 178.224-1.	To ship a certain oxidizer in a DOT Specification 21C250 fiber drum. (modes 1, 2)
7990-P	DOT-E 7990	FMC Corp., Philadelphia, Pa.; Georgia-Pacific Corp., Newport Beach, Calif.	49 CFR 173.217(a)	To become a party to Exemption 7990. (See Application No. 7990-N). (mode 1)
8012-P	DOT-E 8012	Transcontainer Leasing, S.A., Geneva, Switzerland.	49 CFR 173.266	To become a party to Exemption 8012. (See Application No. 8012-N). (modes 1, 2, 3)
NEW EXEMPTIONS				
8050-N	DOT-E 8050	Xmas Corp., Tulsa, Okla.	49 CFR 173.306(b)(4)	To ship a nonflammable, nonliquefied compressed gas in x-ray machines. (modes 1, 2, 3, 4, 5)
8053-N	DOT-E 8053	Eastman Kodak Co., Rochester, N.Y.	49 CFR 173.148(a), 175.3	To ship a certain flammable liquid in DOT Specification 12B fiberboard boxes. (modes 1, 2, 4)
8063-N	DOT-E 8063	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)	To manufacture, mark and sell DOT Specification 4L cylinders for shipment of certain nonflammable gases. (mode 1)
8082-N	DOT-E 8082	Arctic Foundations, Inc., Anchorage, Alaska.	49 CFR 172.101, 175.3, 175.30, 173.315.	To ship a nonflammable, liquefied gas in a non-DOT specification insulated portable tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 4)
8083-N	DOT-E 8083	Farrell Lines Inc., New York, N.Y.	49 CFR 172.101 (Column 7(c) only).	To ship quantities of carbon disulfide (or carbon disulfide) and nickel carbonyl aboard vessels also carrying explosives. (mode 3)
8090-N	DOT-E 8090	Goodyear Tire and Rubber Co., Akron, Ohio.	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To ship compressed natural gas in DOT Specification 3AAX2400 cylinders made of 4130X steel. (mode 1)
8119-N	DOT-E 8119	BJ-Hughes, Inc., Midland, Tex.	49 CFR 173.119(d), 173.245(a)(31), 173.263(a)(10), 173.343-5(b)(2)(1).	To ship certain corrosive and flammable liquids in non-DOT specification cargo tanks. (mode 1)
EMERGENCY EXEMPTIONS Applications Received and Granted				
EE8116-N	DOT-E 8116	U.S. Environmental Protection Agency, Washington, D.C.	49 CFR 100-199	To ship small quantities of liquid hazardous materials in glass ampules overpacked in multiple packagings. (modes 1, 2, 3, 4, 5)
EE8118-N	DOT-E 8118	Magna Corp., Houston, Tex.	49 CFR 173.119(b); 46 CFR 64.9.	To ship certain flammable liquids in a marine portable tank. (modes 1, 3)

DENIALS

5107-P Request by Montana Sulphur & Chemical Co., Billings, Mont.—To become a party to Exemption 5107 for shipment of hydrogen sulfide in certain DOT Specification 105A600W tank car tanks, denied December 13, 1978.

6616-P Request by J & J Fire Safety Corp., Seaford, L.I., N.Y.—To become a party to Exemption 6616 for shipment of nonflammable compressed gases in non-DOT specification pressure vessels, denied December 7, 1978 as being unnecessary.

6616-P Request by Acousti Engineering Co., Atlanta, Ga.—To become a party to Exemption 6616 for shipment of nonflammable compressed gases in non-DOT specification pressure vessels, denied December 7, 1978 as being unnecessary.

7905-N Request by Applied Equipment Co., Van Nuys, Calif.—For reconsideration of denial of application to ship certain nonflammable gases in non-DOT specification welded high-pressure cylinders made of PH 15-TMo corrosion-resistant (CRES) steel, denied December 14, 1978.

8007-N Request by Lameyer Corp., Palm Beach, Fla.—For reconsideration of denial of application to manufacture, mark and sell non-DOT specification steel cylinders for shipment of compressed air, denied December 8, 1978.

8036-N Request by Lear Siegler, Inc., Anaheim, Calif.—To ship compressed air in non-DOT specification coiled steel tubing apparatus, denied December 20, 1978.

8069-N Request by Michlin Chemical Corp., Detroit, Mich.—To ship ammonium hydroxide in overpack complying with Specification 6D without embossment, with a 2T inside container, denied December 18, 1978.

EE8142-N Request by General American Transportation Corp., Chicago, Ill.—For an emergency exemption from the December 31, 1978, compliance deadline for retrofitting DOT Specification 112 and 114 tank cars, denied December 22, 1978.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials
Regulation, Materials Transportation Bureau.

[FR Doc. 79-3157 Filed 1-31-79; 8:45 am]

[4910-59-M]

National Highway Traffic Safety
Administration

CALENDAR OF MEETINGS OPEN TO THE
PUBLIC

Change

Reference is made to the NHTSA
Calendar of Meetings Open to the

Public, published in the FEDERAL REGISTER Monday, January 8, 1979. This change modifies the dates and sites of the Regional Child Restraint Workshops as published on January 8 and adds a meeting in which the public may be interested.

The information on the Child Restraint Workshops, to include the new dates and sites is as follows:

March-June 1979 *Regional Child Restraint Workshops* (City locations below).

Purpose: To assist interested organizations to inform parents of the importance of using restraint systems when their children are riding in automobiles. Ten meetings are scheduled as follows: March 21-22 Atlanta; April 23-24 Philadelphia; April 26-27 Newark, NJ; May 14-15 San Antonio; May 17-18 Kansas City, MO; June 4-5 Denver; June 7-8 Chicago; June 21-22 Seattle; June 25-26 Berkeley, CA.

Coordinator: W. Burleigh Seaver, Office of Traffic Safety Programs (NTS-14), 202-426-2180.

The additional meeting is as follows:

April 22-26, 1979 *Conference to Review NHTSA's Proposed 5-Year Traffic Safety Research, Development and Demonstration Plan*. Dulles Marriott Hotel (near the Dulles Airport) Reston, Virginia.

Purpose: The Transportation Research Board (TRB) of the National Academy of Sciences will sponsor and coordinate a conference to review and critique NHTSA's proposed Research, Development and Demonstration Traffic Safety Plan for 1980-1984. This plan is concerned with the research authorized by Section 403, U.S. Code, Title 23: Highways. The objective of the conference is to formulate an organized response from the traffic safety community on the proposed NHTSA plan. TRB will invite approximately 120 representatives of the U.S. traffic safety community to the conference. The conference will also be open to the public for observation. Although direct public participation in the conference may not be possible because of time limitations, public comment on the plan is desired by NHTSA. The proposed plan and information on where and when comments can be submitted directly to NHTSA will be published in the FEDERAL REGISTER at a later date.

Coordinators: Questions concerning the conference should be addressed to: Attn: James K. Williams, Transportation Safety Coordinator, The Transportation Research Board, 2101 Constitution Avenue, NW., Washington, D.C. 20418, 202-389-6466.

Questions concerning the Plan and submission of public comments should be addressed to: Attn: Joseph Delahanty, National Highway Traffic Safety Administration, Office of Plans and Programs (NPP-30), 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1570.

Issued in Washington, D.C. on January 24, 1979.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-3158 Filed 1-31-79; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda.

SUMMARY: The Semiannual Agenda, required by the Secretary of the Treasury in order to implement the President's Executive Order 12044 concerning improving government regulations, provides notice to the public of the Comptroller of the Currency's regulatory actions since May 22, 1978, including projects initiated or acted upon since that date.

ADDRESS: Public comments are invited, and may be directed to Alan Herlands, Director of Regulations Analysis, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Comments on specific projects may also be directed to knowledgeable officials identified in connection with projects set forth below.

FOR FURTHER INFORMATION CONTACT:

Alan Herlands, Director of Regulations Analysis, 202-447-1177.

SUPPLEMENTARY INFORMATION: On May 24, 1978, the Department of the Treasury published for public comment a draft report for implementation of Executive Order 12044 and a List of Existing Regulations Selected for Initial Review (43 FR 22319). On November 8, 1978, the Department of the Treasury published a final report for implementation (43 FR 52120). The Treasury directive adopted requires each bureau to publish a semiannual agenda. February 1 and August 1 were selected by the Comptroller of the Currency for the publishing of a Semiannual Agenda.

The principal functions of the Comptroller of the Currency are the chartering, examining, supervising and regulating of national banking associations.

Actions taken by the Comptroller since May, 1978 in initiating the

review or issuance of regulations are set forth below.

INVESTMENT SECURITIES REGULATION

[12 CFR Part 1]

A final rule, advance notice of proposed rulemaking, and request for comments were published in the FEDERAL REGISTER on January 3, 1979 (44 FR 762).

This action concerns 12 CFR 1.9, which provides that a national bank may request the Comptroller to rule on the applicability of 12 CFR Part 1 or paragraph Seventh of 12 USC 24 to any security which it holds, or desires to deal in, underwrite, or purchase for its own account.

12 CFR Part 1, beginning at § 1.105, contains those investment rulings issued by the Comptroller since 1962. A number of the rulings have been published in the past which, while important to the requesting bank were not of significant general interest to the banking industry as a whole. It was for this reason that the Comptroller pledged, in furtherance of the President's Executive Order 12044 on improving government regulations, to review the entire 12 CFR Part 1. The purpose of the review was to simplify and clarify the regulation where possible and to reduce the number of rulings where they were found to be duplicative or unnecessary.

As a result of the review process, the Comptroller decided that for this year, only those rulings which have general significant interest will be published in the FEDERAL REGISTER and codified in the Code of Federal Regulations.

It should also be noted that the Comptroller has under consideration a proposal which would discontinue the publication of individual rulings, although such rulings would continue to be issued in letter form in response to bank requests. Instead of publication and codification, the Comptroller would make such rulings available to the public in the same manner as is afforded other significant letters issued by the Comptroller and his staff. In this way the rulings would be obtainable by private reporting services which are widely used by banks and bank counsel. In the event that this proposal is adopted, it is also expected that Part 1 would be revised by developing from the existing individual rulings a general set of principles applicable to bank investment activities. Although any specific revisions to Part 1 would first be published for comment in the FEDERAL REGISTER, the Comptroller has invited interested parties to submit any preliminary comments on the contemplated approach to Mr. John E. Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219.

12 CFR Part 1 was amended by changing the subheading immediately preceding § 1.105 to read "Eligibility of Securities for Purchase, Dealing in an Underwriting; Limitations on Holdings" and by adding twelve new subsections (1.469 through 1.480) containing individual investment rulings.

For further information, contact Mr. Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

OFFICE ORGANIZATION

[12 CFR Part 4.1a]

This regulation describes the office organization and delegations of authority within the Office of the Comptroller of the Currency. An amendment will be issued to incorporate into the regulation recent organizational changes to provide current and accurate information to the public.

For further information, contact Mr. Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

LENDING LIMITS APPLICABLE TO FOREIGN GOVERNMENTAL ENTITIES

[Proposed 12 CFR Part 7.1330]

On January 12, 1978 the Comptroller proposed (43 FR 1800) a new interpretive ruling to clarify the statutory (12 USC 84) national bank lending limits with respect to loans to foreign governments, their agencies and instrumentalities. This action was required as a result of the increased level of international lending by national banks, which in turn led to an increase in the number of questions concerning the proper interpretation of the statute.

For further information, contact William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

LOANS SECURED BY REAL ESTATE

[12 CFR Part 7, Subpart B]

On February 16, 1978, the Comptroller published for comment (43 FR 6801) a proposed amendment to 12 CFR, Part 7 to revise selected interpretive rulings relating to loans by national banks which are secured by real estate. The revisions were necessary in order to conform the rulings with the governing statute under which national banks may make real estate loans (12 USC 371, as amended).

On September 25, 1978, the Comptroller announced that as a result of the suggestions made in the comments and after further study, the Comptroller has decided to (1) adopt in final form those rulings which were slightly

altered or left unchanged from the February proposal (43 FR 43289) and (2) repropose for comment those rulings which were substantially changed from the February proposals or which were not specifically addressed in the February proposal (43 FR 43310).

Amendments adopted are listed below.

Section	Title	Action
7.2000	Real estate loans	Revised
7.2005	Loans secured by real estate mortgages of others.	Revised
7.2100	Conditions upon which national banks may make real estate loans.	Deleted
7.2120	Participation in real estate loans.	Revised
7.2125	Amortization of real estate loans.	Revised
7.2145	Real estate loans insured or guaranteed.	Revised
7.2150	Loans in excess of appraised value.	Revised
7.2155	Maximum aggregate of real estate loans.	Revised
7.2170	Purchase at premium or discount.	Deleted
7.2190	Demand and short-term real estate and construction loans.	Revised
7.2200	Real estate loans secured by leaseholds.	Revised
7.2410	Construction loans held beyond the permissible period.	Revised
7.2600	Loans on forest tracts	Revised

The Comptroller also proposed several amendments, with a comment period expiring November 24, 1978. Comments were to be addressed to Mr. John E. Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219. No final action has yet been taken on these proposed amendments, which are listed below.

Section	Title	Proposed action
7.2010	Loan-to-value ratios	Add
7.2015	Land acquisition and development loans.	Add
7.2020	Improved real estate	Delete
7.2040	First liens	Revise
7.2400	Construction loans	Revise
7.2700	Nonconforming loans	Add

For further information, contact Mr. Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

TRUST DEPARTMENT REPORTS

[12 CFR Part 9]

Rescission of two national bank trust department reporting requirements was published in the FEDERAL REGISTER on June 2, 1978 (43 FR 23990). The Comptroller's regulation 12 CFR Part 9 was amended by rescinding sections 9.101, 9.102, 9.103 and 9.104.

On November 29, 1977, the Comptroller published for comment a proposed amendment (42 FR 65204) which would have rescinded two reporting requirements applicable to national banks so as not to duplicate new reporting requirements being issued by the Securities and Exchange Commission (SEC) and covering essentially the same subject matter. These two reporting requirements had been required of all national banks which held in their trust departments equity securities having an aggregate market value of \$75,000,000 or more. The first report was an annual report of holdings, as of December 31 of the previous year, listing all issues of which the bank holds 10,000 shares or more. The second report was a quarterly report of transaction whereby each affected bank had to file a report of all transactions in equity securities in excess of 10,000 shares or having a market value of \$500,000 or more, which occurred during the preceding quarter.

In 1975, the SEC was given authority to require similar reports from all institutional investors, including national banks. (§ 13(f) of the Securities Exchange Act of 1934.) The law also required agencies having similar reporting requirements to take steps to ensure that unnecessary duplication and reporting burdens were not imposed. The SEC has approved final rules which require the filing of annual and quarterly reports of holdings by all institutional investors.

The Comptroller determined that because of the similarity between the reports required by this Office and the reports required by the SEC, and in light of Presidential and Congressional directives to reduce unnecessary duplication and reporting burdens, the annual report requirement of 12 CFR 9.102(a) and the quarterly report requirement of 12 CFR 9.102(b) with the final quarterly report due no later than October 30, 1978, should be eliminated.

For further information, contact Mr. Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW, Washington, D.C. 20219, 202-447-1731.

SECURITIES EXCHANGE ACT DISCLOSURE RULES

[12 CFR Part 11]

On January 19, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to revise certain sections of the Securities Exchange Act Disclosure Rules, 12 CFR Part 11. Items 1 through 5 of the approved work plan are set forth below.

1. This project concerns proposed additions to the Comptroller's existing

regulation (12 CFR 11) promulgated under the Securities Exchange Act of 1934 ("1934 Act"). Part 11 prescribes the public disclosures and filing requirements by national banks which have a class of security registered on a national securities exchange or which have a class of equity security held of record by five hundred or more persons and total assets exceeding \$1 million, and persons associated with such banks.

The additions to Part 11 will cover the following general areas:

- a. Beneficial Ownership of Securities;
- b. Corporate Governance;
- c. Management Remuneration; and
- d. Accounting Matters

The proposed amendments will be coordinated with proposals by the Federal Deposit Insurance Corporation and the Federal Reserve Board.

2. The Securities and Exchange Commission ("SEC") has recently amended the disclosure requirements for companies other than banks. The Federal securities laws mandate the issuance of substantially similar regulations by the Comptroller unless the Comptroller finds that substantially similar regulations are not necessary or appropriate in the public interest or for the protection of investors, and publishes such findings with detailed reasons in the FEDERAL REGISTER.

3. The primary statutory basis for the regulation is Section 12(l) of the 1934 Act, 15 USC 78l(l).

4. A knowledgeable official is Frederick R. Medero, Director, Securities Disclosure Division, (202) 447-1954.

5. A regulatory analysis will not be prepared. It does not appear that the amendments will exceed the criteria requiring a regulatory analysis. In addition, this regulatory action flows directly from Section 12(l) of the 1934 Act.

Following earlier SEC changes to its regulations under the 1934 Act, the Comptroller published proposed changes for comment in the FEDERAL REGISTER on March 13, 1978 (43 FR 10371; see correction of comment period published March 16, 1978, 43 FR 10938) and adopted changes on December 28, 1978 (43 FR 60537), concerning (1) confidential treatment, (2) dissemination of proxy information to beneficial owners by issuers through intermediary recordholders, (3) preliminary proxy materials, (4) shareholder proposals, and (5) tender offers. These changes are effective January 29, 1979.

For further information, contact Frederick R. Medero, Director, Securities Disclosure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1954.

RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS EFFECTED FOR CUSTOMERS

[Proposed 12 CFR Part 12]

Revised proposals were published by the Comptroller on November 1, 1978 (43 FR 50917). Comments were to be directed to Mr. Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, to be received by December 18, 1978.

On February 7, 1978, the Comptroller published for comment in the FEDERAL REGISTER (43 FR 5004) proposed amendments that would require national banks to establish uniform procedures and records relating to the handling of securities transactions for trust department accounts and for customers. The proposed amendments were in part an outgrowth of the recommendations of the Securities and Exchange Commission's Final Report on Bank Securities Activities. Interested persons were also given the opportunity to consider whether and to what extent regulations should be promulgated concerning: (1) Best execution of securities transactions and (2) personnel training and competency requirements. The original comment period ended March 31, 1978, but was extended to May 1, 1978. Similar proposals were also published for comment by the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation.

The Comptroller received over 200 comment letters with a substantial number setting forth significant criticisms of the proposed amendments. As a result of consideration of and in response to the comment letters the Comptroller determined to revise the proposed amendments and to republish them for additional comment in a new part, 12 CFR Part 12, entitled, "Recordkeeping and Confirmation Requirements for Certain Transactions Effected by National Banks." The Comptroller at this time is taking no further action regarding the promulgation of regulations concerning the best execution of securities transactions and personnel training and competency requirements. The latter subject is still under consideration, however, and additional comments were requested from interested parties. Information as to estimated costs of implementation of the proposed amendment was also requested.

For further information, contact Mr. Dean Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza S.W., Washington, D.C. 20219, 202-447-1731.

STOCK DIVIDEND RULES

[12 CFR Part 14]

On December 12, 1978, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to review the existing regulation governing stock dividends which may be issued by national banks. Items 1 through 5 of the approved work plan are set forth below.

1. This project concerns the Comptroller's existing regulation (12 CFR 14.3) of stock dividends which may be issued by national banks.

2. This regulation has been the subject of meaningful criticism and requests for review by affected national banks, primarily those located in the State of Montana.

3. The primary statutory basis for the regulation is 12 USC 57.

4. A knowledgeable official on this subject is Robert S. Child, Chief, Capital Increase Branch, 447-1593.

5. A regulatory analysis will not be prepared. The present regulation has had a very limited impact on national banks, and the alternative courses of action to be considered will have similarly limited impact.

For further information, contact Mr. Robert S. Child, Chief, Capital Increase Branch, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1593.

CHANGES IN BANK CONTROL RULES

[12 CFR Part 15]

On January 22, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to revise the existing regulation governing changes in bank control. The existing regulation requires that certain reports be filed after a change in control occurs. The Change in Bank Control Act of 1978 (Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) requires that individuals seeking to acquire control of a bank give the regulator advance notice, and the regulator may disapprove the acquisition. Items 1 through 5 of the approved work plan are set forth below.

(1) This project concerns the Comptroller's revision of 12 CFR Part 15 in light of the Change in Bank Control Act of 1978. The revision is being coordinated with proposals by the Federal Deposit Insurance Corporation and the Federal Reserve Board.

(2) The Change in Bank Control Act of 1978 authorizes the Federal banking agencies to issue regulations to carry out the provisions of the Act. This revision will replace the existing Part 15, which has been effectively superseded by the Act.

The Act provides that individuals proposing to acquire control of an insured bank must provide advance notice to the appropriate Federal banking agency, and that the agency may disapprove the acquisition of control.

(3) The primary statutory basis for the rule is 12 USC 1817(j)(13).

(4) A knowledgeable official on the subject is James V. Elliott, Director, Bank Organization and Structure Division, (202) 447-1184.

(5) A regulatory analysis will not be prepared. It does not appear that the effects of the revision will exceed the criteria requiring a regulatory analysis. In addition, this regulatory action flows directly from the Change in Bank Control Act.

For further information, contact Mr. James V. Elliott, Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1184.

OFFERING CIRCULAR REGULATION

[12 CFR Part 16]

On January 5, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to review the existing regulation governing the use of offering circulars by national banks offering to sell securities to the public. Items 1 through 5 of the approved work plan are set forth below.

1. This project concerns the Comptroller's existing regulation (12 CFR 16) requiring the use of offering circulars by national banks offering to sell securities to the public.

2. The reasons for considering a review of this regulation are that the regulation has been subject to meaningful criticism from affected national banks because it involves a task which must be factored into the capital formation process, and because parts of the regulation require clarification.

3. The primary statutory basis for the regulation is 12 USC 57.

4. A knowledgeable official on this subject is Frederick R. Medero, Director, Securities Disclosure Division, (202) 447-1954.

5. Upon approval of the work plan, the Comptroller's Research and Economic Programs Department will examine (a) the potential cost savings relating to possible changes in the regulation; and (b) the potential increase in bank capital which may be raised should the regulation be amended.

If these preliminary studies indicate that the effects may exceed the minimum criteria for a regulatory analysis, one will be prepared. It is presently anticipated that the effects will not exceed the minimum criteria.

For further information, contact Mr. Frederick R. Medero, Director, Securi-

ties Disclosure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1954.

RULES OF PRACTICE: HEARINGS

[12 CFR Part 19]

On December 7, 1978, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to amend the regulations governing certain hearings held by the Comptroller. Information corresponding to items 1 through 5 of the approved work plan is set forth below.

The recently enacted Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630) changes and expands the Comptroller's regulatory powers in several respects: (1) bank-related individuals are brought within the scope of the Comptroller's cease-and-desist authority under 12 USC 1818; (2) the Comptroller can, after opportunity for a hearing, assess civil money penalties against banks and individuals that violate certain provisions of law; and (3) the Comptroller can hold hearings with a view to suspension or removal from office of a bank officer or director who has evidenced personal dishonesty or has committed a breach of trust. These statutory changes should be incorporated into an amended version of the Comptroller's rules of practice and procedure contained in 12 CFR 19. In addition, the Comptroller will propose to incorporate in the 12 CFR 19 revision procedures to govern securities law hearings, as authorized by 15 USC 781(i) and 78w, and rules relating to investigations authorized by 12 USC 1820(c).

The principal drafter of the 12 CFR 19 revision will be Staff Attorney William Glidden. It does not appear necessary to prepare a "regulatory analysis" because the revised regulation will merely prescribe rules of practice that govern the Comptroller's administrative actions where a national bank or bank-related individual is a party. There will not be any substantial cost imposed upon the banking industry.

For further information, contact Mr. William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

PROCEDURES AND STANDARDS APPLICABLE TO SUSPENSIONS AND PROHIBITIONS, WHERE A FELONY IS CHARGED

[12 CFR Part 24]

A final regulation was published by the Comptroller on May 22, 1978 (43 FR 21868). This regulation will be reconsidered in connection with the project to amend 12 CFR Part 19, Rules of Practice: Hearings, discussed above.

The procedures and standards set forth in this rule are applicable to proceedings by the Comptroller to suspend and/or prohibit from participation any officer or director or other person participating in the affairs of a national bank, where such person is charged with a felony involving dishonesty or breach of trust. This rule is also intended to make available to such persons a hearing where they may present such facts as will aid the Comptroller in determining whether any existing suspension and/or prohibition order should continue in effect.

Substantially identical regulations were adopted by the Federal Deposit Insurance Corporation on November 14, 1977 (42 FR 59491) and by the Federal Home Loan Bank Board on March 14, 1978 (43 FR 10546).

The Comptroller's proposed regulations for the procedures and standards applicable to suspension and prohibitions of directors and officers of national banks were published in the FEDERAL REGISTER for comment on January 24, 1978 (43 FR 3368), and three formal comments were received in response to the proposed regulations. Two bank trade associations wrote to express their support for the proposed regulations, with one recommending a technical addition to the regulations. The third commentator, a national bank, also expressed its support for the proposed regulations, but recommended that the word "shall" in § 24.1 be changed to "May" in order to make it clear that the Comptroller will have discretion in determining whether to suspend a director or officer of a national bank even when the standards set forth in the rule have been met. For this reason, the recommended change was adopted in the final rule.

Based on further staff review of the proposed regulations, certain grammatical and organizational changes were made in order to clarify the regulation. In addition, time limit were placed on the filing of a petition for a hearing and on the submission of a written argument in the event the hearing is waived. Also, the fact that the records and transcripts of any proceeding brought under this regulation may be released to other government agencies was set forth. Further, the rule made clear that all hearing witnesses must testify under oath, contrary to the proposed regulation which would have made sworn testimony optional. This last change reflected the staff's belief that the quality of evidence offered would be enhanced without significantly affecting the informal character of the hearing.

For further information, contact Mr. Robert S. Pasley, Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1989.

COMMUNITY REINVESTMENT ACT REGULATIONS

[12 CFR Part 25; 12 CFR Part 5]

On October 12, 1978, the Comptroller published final regulations to implement the Community Reinvestment Act of 1977 (43 FR 47144, 43 FR 47156).

These regulations implement the Community Reinvestment Act of 1977, and are intended to encourage regulated financial institutions to fulfill their continuing and affirmative obligation to help meet the credit needs of their communities, including low- and moderate-income neighborhoods, consistent with safe and sound operation of such institutions. The regulations provide that the Comptroller will assess national banks' records in doing so, and take those records into account when evaluating certain applications by those banks.

On page 29918 of the FEDERAL REGISTER of July 11, 1978, the Comptroller of the Currency, Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") proposed regulations to implement the Community Reinvestment Act of 1977 ("the CRA"). It is the purpose of the CRA, which was enacted as Title VIII of the Housing and Community Development Act of 1977 (Pub. L. 95-128), to require that, in connection with their examination of institutions under their jurisdiction, the Agencies encourage each institution to help meet the credit needs of its local community. The CRA further requires the Agencies to assess each institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution, and to take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger or acquisition of bank or savings institution shares or assets. The Agencies received numerous comments regarding the proposed regulations and revised the regulations after considering the concerns of the commenters.

The Agencies' final regulations are identical in their substantive provisions, but contain technical and procedural variations.

The sections of the Comptroller's new regulation are as follows:

Sec.

- 25.1 Authority.
- 25.2 Purpose.
- 25.3 Delineation of community.
- 25.4 Community Reinvestment Act statement.

Sec.

- 25.5 Files of public comments and recent CRA statements.
- 25.6 Public notice.
- 25.7 Assessing the record of performance.
- 25.8 Effect on applications.

INTERPRETATIONS

- .101 National banks performing limited services.

In connection with this regulation, the Comptroller also amended the regulations governing applications procedures and opportunities to be heard, 12 CFR Part 5.

This rule revised procedures of the Comptroller for applications for charters, branches, mergers, and relocations. The changes were prompted by the Community Reinvestment Act of 1977 and regulations issued pursuant to the Act and by suggestions received during the comment period following publication of the proposed regulations to implement the CRA. The goal of these changes is to improve the opportunity for public participation in the decision process on the affected applications listed above.

Each of the Agencies adopted changes to its regulations governing the treatment of these applications so that the Agencies' procedures are substantially similar. For each agency, these changes will facilitate public involvement in the decision-making process and increase the level of communication between the Agencies, the institutions, and the public.

These amendments were issued in final form, to take effect on November 6, 1978 and apply to applications filed on or after that date. However, the Comptroller and the other Agencies have undertaken to review the regulations' effectiveness as they gain experience in operating under them. The Agencies will also accept and consider written comments for 6 months from the effective date of the regulations. Comments may be submitted to Alan Herlands, Director, Regulations Analysis, Office of the Comptroller of the Currency, Washington, D.C. 20219.

On December 7, 1978, the Comptroller and other Agencies published (43 FR 57259) a proposed amendment to the Community Reinvestment Act regulation which would reflect an amendment to that law contained in the Financial Institutions Regulatory and Interest Rate Control Act of 1978 which relates to financial institutions whose business predominantly consists of serving the needs of military personnel who are not located within a defined geographic area.

This proposed regulatory amendment would allow qualified institutions to delineate a "military community" of nonlocal depositors in addition to a local community or communities; these would comprise their

"entire community" under the regulation.

Institutions were requested to comply with the proposed regulation during the comment period.

Comments were to be received by January 8, 1979 and directed to Theodore E. Allison, Secretary to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, referring to FRB Docket No. R-0192.

For further information, contact Ms. Jo Ann D. Barefoot, Deputy Comptroller for Customer and Community Programs, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-0934.

MANAGEMENT INTERLOCKS REGULATION

[Proposed 12 CFR Part 26]

On January 22, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to issue a new regulation concerning management interlocks between depository institutions. Items 1 through 5 of the approved work plan are set forth below.

(1) This project concerns the Comptroller's promulgation of 12 CFR Part 26 to implement the Depository Institution Management Interlocks Act (the "Act"), Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. (Pub. L. 95-630). The proposed regulation is being coordinated with substantially similar proposals by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration.

(2) The Act authorizes those Federal agencies to issue regulations to implement its prohibitions and to permit service otherwise prohibited under the Act. The Act prohibits management official interlocks between (a) depository institutions with assets of less than \$20,000,000 which are located in the same standard metropolitan statistical area or the same or an adjacent city, town or village; and (b) without regard to location, institutions with total assets exceeding \$1,000,000,000 and non-affiliated institutions with total assets exceeding \$500,000,000 or their affiliates.

(3) The primary statutory basis for the proposed regulation is Section 209 of the Act.

(4) A knowledgeable official on the subject is David W. Roderer, Attorney, Legal Advisory Services Division, (202) 447-1880.

(5) A regulatory analysis will not be prepared. It does not appear that the effects of the regulation will exceed criteria requiring a regulatory analy-

sis. In addition, this regulatory action flows directly from the Act.

For further information, contact David W. Roderer, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

FOREIGN BANKS OPERATING IN THE UNITED STATES

On December 7, 1978, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to draft new regulations under the International Banking Act of 1978 (Pub. L. 95-369). Information corresponding to items 1 through 5 of the approved work plan is set forth below.

The Comptroller's Office has responsibility under the recently enacted International Banking Act (the "IBA") to charter and supervise the activities of federal branches and agencies operated by foreign banks in the United States. Sections 4(b) and 13(a) of the IBA authorize the Comptroller to prescribe rules and regulations to carry out the provisions and purposes of the Act. The Comptroller intends to publish a new regulation in Title 12 of the Code of Federal Regulations to govern the activities of federal branches and agencies.

The principal drafter of the regulation will be Staff Attorney William Glidden. The major policy decision to be made concerns the extent to which reporting requirements and various other privileges and responsibilities of federal branches and agencies should be covered in detail in the new regulation. It is anticipated that the regulation will cover in general terms such items, as branch and agency application procedures, capitalization, reserve and insurance requirements, and the applicability of the national banking law to these institutions. We do not believe that the regulation will have major economic consequences for the general economy or the U.S. banking industry and so are not preparing a regulatory analysis. Detailed instructions, forms and guidelines will be developed as appropriate, apart from the new regulation to insure effective supervision of the federal presence of foreign banks.

For further information, contact Mr. William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

Dated: January 26, 1979.

JOHN G. HELMANN,
Comptroller of the Currency, by
Direction of the Secretary of
the Treasury.

[FR Doc. 79-3310 Filed 1-31-79; 8:45 am]

[4810-22-M]

Customs Service

[T.D. 79-34]

PORTLAND HYDRAULIC CEMENT FROM CANADA

Antidumping Duties

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

ACTION: Determination on American manufacturer's petition; notice of desire to contest, filed pursuant to section 516(c), Tariff Act of 1930, as amended.

SUMMARY: This notice is to advise the public that the Customs Service has denied an American manufacturer's petition requesting that antidumping duties be assessed with regard to importations of Portland hydraulic cement from Canada and has received notification of the manufacturer's desire to contest such determination.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Steven P. Kersner, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20220 (202-566-2938).

SUPPLEMENTARY INFORMATION:

On October 30, 1978, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(a)), from counsel acting on behalf of the Flintkote Company, Glen Falls Cement Division, alleging that an affirmative determination of injury or threat thereof should be made regarding importations of Portland hydraulic cement from Canada, and that antidumping duties should be assessed against such importations.

A notice of petition filed by an American manufacturer, producer or wholesaler was published in the FEDERAL REGISTER on December 12, 1978 (43 FR 58129) with respect to the above-mentioned entries from Canada and interested persons were afforded an opportunity to make written submissions. By letter dated January 12, 1979, the petitioner was notified that:

The Customs Service is foreclosed from investigating allegations as to injury or examining any conclusions of the International Trade Commission made within the scope of its statutory authority under section 201 of the Antidumping Act of 1921, as amended (19 U.S.C. 160). It is our opinion that the negative determination of injury, having been made, must be considered valid in the absence of a decision of the Customs Court to the contrary, and therefore is binding upon us. Accordingly, the decision not to

assess antidumping duties was correct and your petition must be denied.

Notification was received by the Customs Service on that same date, January 12, 1979, of that American manufacturers' desire to contest in the United States Customs Court the failure of the Service to assess antidumping duties.

In accordance with the provisions of section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and §175.24, Customs Regulations (19 CFR 175.24), notice is hereby given that the Commissioner of Customs has decided that antidumping duties should not be assessed in this matter and that a domestic producer has given notice, as contemplated by section 516, that it desires to contest such determination.

G. R. DICKERSON,
*Acting Commissioner
of Customs.*

Approved: January 26, 1979.

ROBERT H. MUNDHEIM,
*General Counsel
of the Treasury.*

[FR Doc. 79-3458 Filed 1-31-79; 8:45 am]

[4810-25-M]

Office of the Secretary

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Executive Order 12044, "Improving Government Regulations," and the Treasury Department directive implementing that Executive Order, the Office of the Secretary has prepared and is publishing for public information a listing of its one significant regulation under review.

FOR FURTHERMATION CONTACT:

Steven L. Skancke, Deputy Executive Secretary, Department of the Treasury, Washington, D.C. 20220 (202) 566-2269.

1. Description/Justification: Treasury regulations issued in response to the Freedom of Information Act (31 CFR Part 1, Subpart A) and the Privacy Act of 1974 (31 CFR Part 1, Subpart C) are under review for revision and updating. Revision is necessary to clarify and simplify existing Treasury regulations implementing these Acts. A regulatory analysis will not be necessary.

2. Statutory Basis: 5 U.S.C. 552 and 5 U.S.C. 552a.

3. Knowledgeable Official: Linda K. Zannetti, Departmental Disclosure Officer, (202) 566-5573.

Dated: January 30, 1979.

By direction of the Secretary.

STEVEN L. SKANCKE,
Deputy Executive Secretary.

[FR Doc. 79-3569 Filed 1-31-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

ADVISORY COMMITTEES

Charter Renewals

In accordance with section 14 of the Federal Advisory Committee Act (Pub. L. 92-463), the Veterans Administration announces the renewal of two advisory committees: Administrator's Education and Rehabilitation Advisory Committee, effective January 12, 1979, and Special Medical Advisory Group, effective January 15, 1979.

New charters for these committees have been filed in accordance with sections 9 and 14 of Pub. L. 92-463.

Dated: January 26, 1979.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 79-3474 Filed 1-31-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volume
No. 4]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

JANUARY 9, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *FEDERAL REGISTER*. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the *Rules of Practice* which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant

should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after February 1, 1979.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, of the United States Code and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the

issue being raised by a protestant; that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930 (1978) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

H. G. HOMME, Jr.,
Secretary.

MC1335 (Sub-2F), filed December 15, 1978. Applicant: MOTEK TRANSPORT, INC., a New Jersey corporation, 345 Main St., P.O. Box 123, Harleysville, PA 19438. Representative: D. L. Cain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except in bulk), from Pitman, NJ, to Erie, PA, and points in NY. (Hearing site: Philadelphia, PA.)

MC1335 (Sub-3F), filed December 19, 1978. Applicant: MOTEK TRANSPORT, INC., a New Jersey corporation, 345 Main St., P.O. Box 123, Harleysville, PA 19438. Representative: D. L. Cain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastics*, from Eddystone, PA, to points in NY. (Hearing site: Philadelphia, PA.)

MC4966 (Sub-22F), filed August 1, 1978. Applicant: JONES TRANSFER COMPANY, a corporation, 300 Jones Ave., Monroe, MI 48161. Representative: Thomas M. Hummer, P.O. Box 717, Monroe, MI 48161. To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Toledo and Youngstown, OH, from Toledo over Interstate Hwy 280 to junction Interstate Hwys 80/90, then over Interstate Hwy 80 to Youngstown, and return over the same route, serving intermediate and off-route points in Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Summit, Columbiana, Carroll, Mahoning, and Stark Counties, (2)(a) between junction Interstate Hwy 80 and Interstate Hwy 77 and Canton, OH, over Interstate Hwy 77, (b) between junction Interstate Hwy 80 and Interstate Hwy 71 and junction Interstate Hwy 77 and Interstate Hwy 80, from junction Interstate Hwy 80 and Interstate Hwy 71, over Interstate Hwy 71 to Cleveland, OH, then over Interstate Hwy 77 to junction Interstate Hwy 80, and return over the same route, serving intermediate and off-route points in Holmes, Tuscarawas, Wayne, and Harrison Counties, (3) between Toledo and Cincinnati, OH, (a) over Interstate Hwy 75, (b) from Toledo, OH, over U.S. Hwy 23 to Columbus, OH, then over Interstate Hwy 71 to Cincinnati, OH, and return over the same route, serving intermediate and off-route points in Brown, Butler, Clermont, Clinton, Hamilton, Montgomery, Preble, Warren, Clark, Champaign, Delaware, Fairfield, Fayette, Knox, Licking, Madison, Marion, Morrow, Perry, Pickway, Ross, and Union Counties, (4) Between Toledo and Van Wert, OH, from Toledo over Interstate Hwy 475 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Van Wert, and return over the same route, serving intermediate and off-route points in Allen, Auglaize, Defiance, Henry, Mercer, Paulding, Putnam, and Van Wert Counties. CONDITIONS: (1) The regular-route authority granted here shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority. (2) Applicant must request, in writing, the imposition of restrictions on its underlying irregular-route authority precluding service between any two points authorized to be served here pursuant to regular-route authority. (Hearing site: Detroit, MI, or Toledo, OH.)

NOTE.—The purpose of this application is to convert a portion of applicant's existing irregular-route authority to regular-route authority.

MC 11207 (Sub-457F), filed October 26, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201.

Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plywood, paneling, gypsum board, composition board, and molding*, for the facilities of the Pan American Gyro-Tex Company, at or near Jasper, FL, to points in AL, AR, FL, GA, IN, IL, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV; and (2) *materials* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction, (Hearing site: Jacksonville, FL, or Birmingham, AL.)

MC 25798 (Sub-348F), filed December 18, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at Joplin and Carthage, MO, to points in AR, CO, IA, KS, NE, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 25798 (Sub-349F), filed December 21, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in the United States (except AK, HI, and FL), to points in FL. (Hearing site: Tampa, FL.)

MC 26396 (Sub-211F), filed October 30, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028 Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, from points in Wheatland County, MT, to points in AR, CO, IL, IN, IA, KS, MO, NE, OH, and WY. (Hearing site: Billings, MT.)

MC 27817 (Sub-145F), filed August 31, 1978. Applicant: H.C. GABLER, INC., R.D. #3, P.O. Box 220, Cham-

bersburg, PA 17201. Representative: Christian v. Graf, 407 North Front St., Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and pet foods*, from the facilities of Allied Mills, Inc., at or near (a) Everson and (b) Pittsburgh, PA, to points in CT, DE, MD, MA, MI, NC, NJ, NY, OH, RI, SC, VA, and DC; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 29886 (Sub-358F), filed October 27, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave. Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *turbines, turbine parts, and turbo-generators*, from Wellsville, NY, to points in AR, LA, MS, OK, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 44927 (Sub-4F), filed October 23, 1978. Applicant: RAMS EXPRESS, d.b.a. PRO EXPRESS, a California corporation, 2910 Ross St., Los Angeles, CA 90058. Representative: Wyman C. Knapp, 1800 United California Bank Bldg., 707 Wilshire Boulevard, Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectioneries*, from Los Angeles, CA, to Beaumont, Mentone, and Yucaipa, CA, points in Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties, CA, those in that portion of Riverside County, CA, bounded by a line beginning at Beaumont on the north by Interstate Hwy 10, then westerly along Interstate Hwy 10 to the San Bernardino-Riverside County line at Calimesa, then westerly along the Riverside County line to its intersection with California Hwy 31, then southerly and westerly along the Riverside County line to its intersection with the Riverside-Orange County line, then southerly along the Riverside-Orange County line to its intersection with the Riverside-San Diego County line, then easterly along the Riverside County line to its intersection with Interstate Hwy 15, then northerly along Interstate Hwy 15 and Interstate Temporary Hwy 15E through Perris and March Air Force Base to its intersection with California Hwy 60 on the eastern boundary of Riverside, then easterly on California Hwy 60 to point of beginning, and those in that portion of San Bernardino County, CA, bounded by a line beginning on the north at

the intersection of California Hwys 30 and 106, then westerly along California Hwy 30 to its intersection with California Hwy 83, then southerly along California Hwy 83 to California Hwy 66, then westerly along California Hwy 66 to the San Bernardino-Los Angeles County line, then southerly along the San Bernardino County line, then northerly and easterly along said county line to its intersection with California Hwy 31, then northerly and easterly along the San Bernardino County line to its intersection with Interstate Hwy 10, then northwesterly along Interstate Hwy 10 to its intersection with California Hwy 106, then northerly along California Hwy 106 to point of beginning, restricted to the transportation of traffic having a prior movement by rail or motor carrier and originating at Tacoma, WA. (Hearing site: Los Angeles, CA.)

MC 59367 (Sub-130F), filed October 30, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of John Morrell & Co., at (a) Estherville, IA, to points in AL, AZ, CA, CO, FL, GA, IN, KS, MI, MN, MO, MS, NV, NC, OH, OK, SC, TN, and TX, (b) Sioux Falls, SD, to points in AZ, FL, GA, IL, IN, IA, MI, NC, OH, OK, SC, TX, and those points in CA in and south of San Luis Obispo, Kern, and Bernardino Counties, (c) Worthington, MN, to points in AZ, CA, FL, GA, IN, IL, IA, MI, MO, NV, OH, OK, TN, TX, and WI, and (d) Sioux City, IA, to points in AZ, CA, FL, GA, IL, IN, MI, NV, NC, OK, SC, TN, and TX, restricted in (a), (b), (c), and (d) above to the transportation of traffic originating at the named origins, and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 63417 (Sub-178F), filed October 27, 1978. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel containers*, from Canton, MS, to Houston, TX, and points in Dallas and Tarrant Counties,

TX. (Hearing site: Roanoke, VA, or Chicago, IL.)

MC 69116 (Sub-209F), filed October 30, 1978. Applicant: SPECTOR INDUSTRIES, INC., d/b/a SPECTOR FREIGHT SYSTEM, A Delaware Corporation, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company, at Sterling and Rock Falls, IL, to points in AL, AR, DE, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, NH, NY, OH, OK, PA, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 73688 (Sub-81F), filed December 11, 1978. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, TN 38107. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles and dry kiln equipment*, from Memphis, TN, to points in AL. (Hearing site: Memphis, TN.)

MC 78947 (Sub-19F), filed October 2, 1978. Applicant: ELLIOTT BROS. TRUCK LINE, INC., Dysart, IA 52224. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of metal tool and utility boxes, tool chests, medical cabinets, benches, and shelves, (except commodities in bulk), between points in the United States (except AK, AZ, CA, HI, ID, NV, OR, UT, AND WA), restricted to the transportation of traffic originating at or destined to the facilities of Waterloo Industries, Inc. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 80653 (Sub-12F), filed November 28, 1978. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 115 Croydon, PA 19020. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Weirton Steel Division, National Steel Corp., (1) at or near Steubenville, OH, to New York, NY, points in NJ, and those in PA on and east of a line beginning at U.S. Hwy 220 at the PA-MD State line and extending north to junction U.S. Hwy 15, and then north along U.S. Hwy 15

to the PA-NY State line, and (2) at Wierton, WV, to points in NY and NJ. (Hearing site: Washington, DC.)

MC 87103 (Sub-27F), filed November 27, 1978. Applicant: MILLER TRANSPORT AND RIGGING CO., a corporation, P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Böcko (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *equipment, materials, and supplies* (except commodities in bulk), between Pittsburgh, PA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 93393 (Sub-21F), filed November 17, 1978. Applicant: NIGHTWAY TRANSPORTATION CO., INC., 2000 North Broadway, Muncie, IN 47303. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *edible tallow, shortening, cooking oils, and margarine*, from the facilities of Swift & Company, at or near Bradley, IL, to points in IN, MI, OH, and KY. (Hearing site: Chicago, IL.)

MC 101053 (Sub-11F), filed November 24, 1978. Applicant: DRY BULK TRANSPORT, INC., R.D. #4, Marietta, OH 45750. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime*, in bulk, from Maysville, KY, and Porterfield, OH, to points in IL, IN, OH, PA, WV, and MI. (Hearing site: Columbus, OH.)

MC 102616 (Sub-967F), filed October 26, 1978. Applicant: COASTAL TANK LINES, INC., A Delaware Corporation, 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Robinson, IL, to points in Lake and Porter Counties, IN. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 104683 (Sub-46F), filed November 27, 1978. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, from points in MS, to points in AL, AR, FL, GA, LA, and TN. (Hearing site: Jackson, MS.)

NOTE.—The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date thereof.

MC 107515 (Sub-1194F), filed December 11, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, 5th Floor, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Saluto Foods, Inc., at or near Montgomery and Fort Payne, AL, to points in AR, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, ND, OK, SD, TX, UT, WI, and WY. (Hearing site: South Bend, IN, or Grand Rapids, MI.)

NOTE.—Dual operations may be involved.

MC 107515 (Sub-1195F), filed December 11, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, 5th Floor—Lenox Towers South, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fruit juices and fruit juice products*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Orchard Grove Co., at or near Lansing, MI, to points in IL, IN, KY, MN, OH, and WI. (Hearing site: Lansing, MI.)

NOTE.—Dual operations may be involved.

MC 109397 (Sub-430F), filed October 19, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *source, special nuclear and by-product materials, radioactive materials, related radioactive equipment, component parts, and associated materials*, between points in AZ, CA, CO, ID, NM, NV, OR, TX, UT, WA, and WY, on the one hand, and, on the other points in the United States (except AK and HI). NOTE: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date thereof. (Hearing site: Houston, TX, or Washington, D.C.)

MC 109633 (Sub-38F), filed November 24, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of printed matter, (except commodities in bulk), between Chicago, IL, Indianapolis, IN, Versailles and Lexington, KY, Taunton, MA, Ossining, NY, and Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 109633 (Sub-40F), filed November 24, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and feed business houses, (1) between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, and OH, and (2) between Battle Creek, MI, and Lancaster and Sharonville, OH, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, PA, RI, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 109649 (Sub-26F), filed December 18, 1978. Applicant: L. P. TRANSPORTATION, INC., Main and Cross Streets, Chester, NY 10918. Representative: Roy A. Jacobs, 550 Mamaronck Ave., Harrison, NY 10528. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, VA, WV, and DC. CONDITION: Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: New York, NY.)

MC 110012 (Sub-50F), filed November 21, 1978. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from the facilities of Residential Wood Furniture Group, Division of Sperry-Hutchinson Co., at or near Richmond and Ken-

bridge, VA, to Morristown, TN. (Hearing Site: Washington, DC.)

MC 111545 (Sub-267F), filed December 21, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in MD, MI, OH, PA, NY, and NH, to points in the United States (including AK but excluding HI). (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 111545 (Sub-268F), filed December 21, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in MN and WI, to points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.)

MC 112713 (Sub-228F), filed November 27, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from points in PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: Pittsburgh, PA.)

MC 113119 (Sub-13F), filed November 28, 1978. Applicant: C.S.I., INC., doing business as CONTRACT SERVICE, INC., P.O. Box 281, Colmar, PA 18915. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos cement pipe, pipe couplings, pipe fittings and pipe accessories*, from the facilities of CertainTeed Corporation, at Ambler, PA, to points in AL, FL, GA, IL, IN, KY, MI, MS, NC, OH, SC, TN, WV, and WI. (Hearing site: Washington, DC.)

MC 113382 (Sub-22F), filed November 20, 1978. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tires, tubes, batteries, and wheels*, from points in the United States (except AK, HI, and NE), to the facilities of T. O. Haas Tire Company, Inc., at Lincoln, NE, under contract with T.O. Haas Tire Company, Inc., of Lincoln, NE. (Hearing Site: Lincoln, NE.)

MC 114273 (Sub-450F), filed August 9, 1978, previously notice in the FEDERAL REGISTER issue of October 3, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *adhesives* (except in bulk), in vehicles equipped with mechanical heating or refrigeration, from Camden, NJ, to points in IL, IN, IA, KS, MN, MO, NE, ND, SD, OK, and WI. **CONDITION:** The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—This republication includes ND as a destination point.

MC 115276 (Sub-6F), filed October 26, 1978. Applicant: CHARLES O. INGMIRE, INC., Box 518, Indiana, PA 15701. Representative: John A. Pillar, 205 Ross Street, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and petroleum products and petroleum byproducts (except commodities in bulk), and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (except commodities in bulk), between points in MD, NY, OH, PA, and WV, on the one hand, and, on the other, points in CT, DE, MA, ME, NY, NJ, RI, and VT. (Hearing site: Pittsburgh, PA, or Washington DC.)

MC 115826 (Sub-355F), filed October 16, 1978. Applicant: W.J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative:

Howard Gore (same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs, fats, oils, restaurant supplies, and restaurant furniture and fixtures* (except commodities in bulk), and (2) *commodities* otherwise exempt from economic regulation under 45 U.S.C. 10526(a)(6), when moving in mixed loads with the commodities named in (1) above (except commodities in bulk), between Carpinteria, CA, Florence, KY, restricted to the transportation of traffic moving between the facilities of Sambo's Restaurants, Inc. (Hearing site: Denver, CO.)

MC 115826 (Sub-358F), filed October 25, 1978. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs, groceries (except foodstuffs) and cleaning compounds*, from the facilities of CFS Continental, Inc., at or near Chicago, IL, to points in AZ, CA, CO, FL, GA, IA, IN, MI, MN, MO, MT, ND, NJ, NM, OH, PA, TX, and WA. (Hearing site: Denver, CO.)

MC 115826 (Sub-362F), filed October 30, 1978. Applicant: W. J. DIGBY, INC., a Nevada corporation, 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by drug stores, variety stores, and food stores, (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture of the commodities in (1) above (except commodities in bulk), between St. Paul, MN, on the one hand, and, on the other, points in GA. (Hearing site: Denver, CO.)

MC 116063 (Sub-157F), filed November 28, 1978. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vegetable oils*, in bulk, in tank vehicles, between Lorenzo, IL, on the one hand, and, on the other points in AL, FL, GA, IN, IA, KS, KY, MI, MN, MO, NJ, NY, NC, SC, OH, PA, TN, VA, WV, and WI. (Hearing site: Fort Worth or Dallas, TX.)

MC 116763 (Sub-458F), filed November 27, 1978. Applicant: CARL SUBLER TRUCKING, INC., North

West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper, paper products, and woodpulp*, from the facilities of International Paper Company, at or near Camden and Pine Bluff, AR, Bastrop and Springhill, LA, Natchez and Redwood, MS, and South Texarkana, TX to those points in the United States in and east of MN, IA, MO, TN, AL, and FL, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk in tank vehicles), in the reverse direction. (Hearing site: Mobile, AL.)

MC 116763 (Sub-459F), filed November 27, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper, paper products, and woodpulp*, from the facilities of International Paper Company, at or near Mobile, AL, Moss Point, MS, and Georgetown, SC, to those points in the United States in and east of MN, IA, MO, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk in tank vehicles), in the reverse direction. (Hearing site: Mobile, AL.)

MC 117686 (Sub-223F), filed October 26, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *suspended meat*, from Gonzales, LA, to points in IA, IL, KS, MN, MO, NE, and WI. (Hearing site: New Orleans, LA, or Miami, FL.)

MC 117883 (Sub-236F), filed November 28, 1978. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household cleaning and sanitation articles and supplies, cooking bags, spray starch, and synthetic nutritional and dietary foods*, (1) from the facilities of the Drackett Company, at Urbana, OH, to points in CT, DE, MD, MA, MI, NJ, NY, PA, RI, VA, WV, and DC, and (2) from the facilities of the Drackett Company, at Dayton, OH, to points in CT, DE, IL, IA, KS, MD, MA, MI, MN,

MO, NE, NJ, NY, PA, RI, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Columbus, OH, or Washington, DC.)

MC 118159 (Sub-306F), filed December 19, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., A Louisiana corporation, P.O. Box 51366 Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ground clay*, from the facilities of Waverly Mineral Products Company, in Thomas County, GA, to points in AL, AR, CT, DE, FL, GA, KS, KY, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Atlanta, GA.)

MC 118838 (Sub-38F), filed December 11, 1978. Applicant: GABOR TRUCKING, INC., RR#4, Box 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fiberglass reinforced concrete slabs*, from the facilities of Modulars, Inc., at or near Hamilton, OH, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin and further restricted against the transportation of commodities which because of size or weight require the use of special equipment. (Hearing site: Minneapolis, MN, or Columbus, OH.)

MC 119656 (Sub-50F), filed October 27, 1978. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of printed matter, (except commodities in bulk), between the facilities of Rand McNally & Company, (a) at Indianapolis and Hammond, IN, on the one hand, and, on the other, points in IL, KY, OH, and TN, (b) at Lexington and Versailles, KY, on the one hand, and, on the other, points in IL, IN, OH, and TN, (c) at Chicago, Downers Grove, Skokie, and Naperville, IL, on the one hand, and, on the other, points in IN, KY, OH, and TN, and (d) at Nashville, TN, on the one hand, and, on the

other, points in IL, IN, KY, and OH. (Hearing site: Chicago, IL.)

MC 12355 (Sub-190F), filed December 11, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles*, from Oswego, NY, to points in IL, IN, MI, NJ, OH, PA, WV, and those in WI on and south of U.S. Hwy 10. (Hearing site: Columbus, OH.)

MC 123407 (Sub-507F), filed October 23, 1978. Applicant: SAWYER TRANSPORT INC., a Minnesota corporation, South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufactures and distributors of cellulose materials and products, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Diversified Insulation, Inc. (Hearing site: Minneapolis, MN.)

MC 123407 (Sub-510F), filed October 30, 1978. Applicant: SAWYER TRANSPORT, INC., a Minnesota corporation, South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hardboard*, from the facilities of Abitibi Corporation, at Alpena, MI, to the facilities of Abitibi Corporation, in Lucas County, OH. (Hearing site: Chicago, IL.)

MC 124078 (Sub-910F), filed December 13, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *monochloroacetic acid*, in bulk, in tank vehicles, from Hopewell, VA, to the facilities of Fallek-Lankro Corp., at or near Tuscaloosa, AL. (Hearing site: Birmingham, AL.)

MC 125433 (Sub-174F), filed November 24, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber conveyor belting*, from Newcastle, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125777 (Sub-234F), filed October 30, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ferro alloys*, in dump vehicles, from Calvert City, KY, to points in AL, AR, CT, DE, FL, GA, KS, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OK, RI, SC, TN, TX, VT, WV, and those in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, OH. (Hearing site: Chicago, IL.)

MC 126305 (Sub-100F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *perlite board*, from the facilities of Johns-Mansville Corp., at Natchez, MS, to points in KY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-101F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials* (except commodities in bulk), from the facilities of The Celotex Corporation, in Marion County, SC, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-102F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk),

from the facilities of The Celotex Corporation, at or near Elizabethtown, KY, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-103F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Texarkana, TX, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-104F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Deposit, NY, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-105F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Pennsauken, NJ, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 127303 (Sub-49F), filed November 24, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To oper-

ate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel & Wire Company, at or near Sterling and Rock Falls, IL, to points in AL, IA, IN, KY, GA, KS, LA, MS, MO, MI, AR, MN, ND, SD, NE, OK, and TX. (Hearing site: Chicago, IL.)

MC 127539 (Sub-71F), filed December 13, 1978. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave. E., Tacoma, WA 98424. Representative: Michael D. Duppenhaler, 211 S. Washington St., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *log products and materials, equipment and supplies* used in the erection and installation of log products, and (2) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) formerly section 203(b)(6)) of the Interstate Commerce Act when moving in mixed loads with the commodities in (1) above, from Tacoma, WA, to points in AZ, CA, NV, and OR. (Hearing site: Seattle, WA.)

MC 128822 (Sub-6F), filed November 20, 1978. Applicant: RITTER & SMITH TRUCKING INC., 1910 Halethorpe Farm Road, Baltimore, MD 21227. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Armco Inc., at Halethorpe, MD, to points in KY, ME, NH, MA, NC, OH, RI, and VT, and (2) from the facilities of Armco Inc., at Middletown, OH, Ashland, KY, and Summit, KY, to the facilities of Armco Inc., at Halethorpe, MD, under contract with Armco Inc., of Middletown, OH. (Hearing site: Washington, DC.)

MC 129387 (Sub-84F), filed October 30, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in the United States (except AK, HI, and KS), restricted to the transportation

of traffic originating at the named origin. (Hearing site: Wichita, KS.)

MC 129643 (Sub-15F), filed November 4, 1978. Applicant: GEORGE SMITH, d.b.a. GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg MB Canada R2W 1K5. Representative: George Smith (same address as applicant). To operate as a *common carrier*, by motor vehicle, in foreign commerce only over irregular routes, transporting *processed frozen potato products*, from points in OR and WA, to the ports of entry on the International Boundary line between the United States and Canada at or near Eastport, ID. (Hearing site: Fargo, ND.)

MC 133689 (Sub-246F), filed December 4, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and equipment and supplies* used in the manufacture and distribution of plastic articles, (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA, on the one hand, and, on the other, the facilities of Mobil Chemical Company, at Lowell, MA, Stratford, CT, Washington, NJ, Frankfort, Joliet, Springfield, Jacksonville, and Chicago, IL, Canton, Cleveland, and Alliance, OH, Grand Rapids and Detroit, MI, Madison, WI, Springfield, MA, Minneapolis, MN, and in Wayne, Monroe, and Ontario Counties, NY, and Newton, Fulton, Rockdale, and De Kalb Counties, GA, restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Company named above. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-281F), filed October 26, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery and cough drops*, from the facilities of Luden's Inc., at or near Reading, PA, to points in CO, IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, TN, and WI. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-282F), filed October 27, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or

foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Emporia and Wichita, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: St. Paul, MN, or Omaha, NE.)

MC 135197 (Sub-17F), filed October 25, 1978. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, MO 63461. Representative: Robert Leeser (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed and feed ingredients*, (except commodities in bulk), from Chattanooga, TN, to points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, OK, PA, SD, TX, and WI. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 135797 (Sub-156F), filed October 30, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and feed business houses, between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, and OH. (Hearing site: St. Louis, MO.)

MC 135797 (Sub-157F), filed October 30, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of canned foodstuffs, (except commodities in bulk), between the facilities of Allen Canning Company, (a) at Moorhead, MS, and (b) in Benton and Crawford Counties, AR, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named shipper facilities. (Hearing site: Kansas City, MO.)

MC 136228 (Sub-36F), filed December 18, 1978. Applicant: LUISI TRUCK LINES, INC., a Washington corporation, P.O. Box H, Milton-

Freewater, OR 97862. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen fruits and frozen vegetables*, between Milton-Freewater, OR, and Walla Walla, WA. CONDITION: Issuance of a certificate is subject to the prior or coincidental cancellation, at applicant's written request, of the outstanding permit in MC 136531 (Sub-6), issued September 28, 1978. (Hearing site: Milton-Freewater, OR.)

NOTES.—(1) The purpose of this application is to convert contract carrier authority to common carrier authority. (2) Dual operations may be involved in this proceeding.

MC 136315 (Sub-48F), filed December 11, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glue extenders*, in containers, from Memphis, TN, to the facilities of Georgia-Pacific Corporation, at Louisville and Taylorsville, MS. (Hearing site: Jackson, MS, or Memphis, TN.)

NOTE.—Dual operations may be involved.

MC 138157 (Sub-98F), filed October 24, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dehydrated noodles and dehydrated soup*, from the facilities of Nissin Foods (USA) Company, Inc., in Gardena, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are involved.

MC 138157 (Sub-99F), filed October 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheels and parts* for wheels, from the facilities of Keystone Products, Inc., at Ontario, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX.

(Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Dual operations are involved.

MC 138415 (Sub-19F), filed October 30, 1978. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, IN 46571. Representative: Michael M. Yoder, Box 157, Topeka, IN 46571. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canoes*, from the facilities of The Coleman Company, Inc., at Wichita, KS, to points in the United States (except AK and HI), under contract with The Coleman Company, Inc., of Wichita, KS. (Hearing site: Chicago, IL, or Indianapolis, IN.)

NOTE.—Dual operations may be involved.

MC 138469 (Sub-95F), filed November 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *loose steel stampings, steel doors, steel frames, wood frames, thresholds, weather stripping, and glass door light inserts*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Johnson Sheet Metal Works, Inc., at or near Richmond, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 138666 (Sub-5F), filed October 24, 1978. Applicant: TREKAMERICA, INC., A New York Corporation, P.O. Box 9023, Lester, PA 19113. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers, and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than 14 passengers (excluding the driver and escort) in one vehicle at one time, in special operations, in one-way and round-trip tours, between New York, NY, Miami, FL, Houston, TX, Los Angeles and San Francisco, CA, Seattle, WA, and Anchorage, AK, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Philadelphia, PA.)

MC 138762 (Sub-31F), filed November 16, 1978. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Richard H. Streeter, 1729 H Street NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in

foreign commerce only over irregular routes, transporting *wood preservative*, in bulk, in tank vehicles, from Memphis, TN, to ports of entry on the International Boundary line between the United States and Canada, at points in MI.

NOTE.—Dual operations are at issue in this proceeding. (Hearing Site: Washington, DC.)

MC 139495 (Sub-394F), filed October 16, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dublin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from points in CA to points in the United States (except AK and HI). (Hearing site: San Jose or San Francisco, CA.)

MC 140262 (Sub-7F), filed November 20, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *barite ore*, in bulk, from mines and processing facilities, at or near Springdale, WA, to Florin, CA. (Hearing Site: San Francisco or Bakersfield, CA.)

MC 140262 (Sub-8F), filed November 20, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gold and silver ore*, in bulk, from the facilities of the Lucky Chance Mining Company, Inc., and the Monte Cristo Mine, at or near Mammoth Lakes, CA, to the facilities of Asarco, Inc., at or near Tacoma, WA. (Hearing Site: San Francisco, CA, or Sparks, NV.)

MC 140262 (Sub-9F), filed November 20, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, between points in CA, on the one hand, and, on the other, points in OR, WA, and ID. (Hearing Site: San Francisco, CA, or Seattle, WA.)

MC 140615 (Sub-32F), filed December 18, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116,

Wisconsin Rapids, WI 54494. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *plastic materials*, (except commodities in bulk), from South Brunswick and FINDERNE, NJ, to points in IA, MN, SD, and WI. (Hearing site: Philadelphia, PA, or Madison, WI.)

MC 140829 (Sub-157F), filed December 18, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey Corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Co., at or near Rockfalls and Sterling, IL, to points in CO, IA, KS, MN, MS, MO, NE, OK, SD, and TX.

NOTE.—Dual operations may be at issue in this proceeding. (Hearing site: Washington, DC.)

MC 140829 (Sub-158F), filed December 19, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey Corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese*, from the facilities of Newman Grove Creamery Co., at or near Newman Grove, NE, to points in CT, IL, KS, MI, MN, NJ, OH, and PA.

NOTE.—Dual operations may be at issue in this proceeding. (Hearing site: Washington, DC.)

MC 141925 (Sub-4F), filed December 11, 1978. Applicant: KOHN BEVERAGE, INC., D/B/A KOHN TRANSPORT, 4850 Southway, S.W., Canton, OH 44706. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. To operate as a *Contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by printers, from the facilities of Danner Press Corporation, at or near Canton, OH, to Detroit, MI, Erie, PA, and Syracuse, Rochester, and Buffalo, NY, under contract with Danner Press Corporation, of Canton, OH. (Hearing site: Columbus, OH.)

MC 142516 (Sub-21F), filed October 24, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhe-*

sives (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and sale of adhesives, (except commodities in bulk), from Bloomfield, NJ, and Chicago, IL, to points in the United States (except AK and HI), under contract with Roman Adhesives, Inc., of Bloomfield, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 142559 (Sub-76F), filed December 13, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *scales, power transmission machinery, motors, controls, elevators, escalators, and industrial components*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, restricted in (1) and (2) above, against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment, (a) between Cleveland, OH, and Lawrenceburg, KY, on the one hand, and, on the other, Mishawaka, IN, Greenville and Spartanburg, SC, Rogersville, TN, and points in CA, GA, KS, MA, NE, NV, NJ, NY, NC, OR, PA, TX, and WA, (b) from Mishawaka, IN, to Greenville, SC, and (3) from Columbiana, OH, to points in GA. NOTE: Dual operations may be at issue in this proceeding. (Hearing site: Columbus, OH.)

MC 142559 (Sub-77F), filed December 13, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), (a) between Holyoke, MA, Mattoon, IL, Salt Lake City, UT, and Grapevine, TX, and (b) between Holyoke, MA, on the one hand, and, on the other, points in FL, GA, NC, and SC. NOTE: Dual operations may be at issue in this proceeding. (Hearing site: Columbus, OH.)

MC 142715 (Sub-21F), filed December 4, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank, South St. Paul, MN 55101. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular

routes, transporting *metal containers, composite containers, and container ends*, from the facilities of Central States Can Co., At Massillon, OH, to points in IL, IN, IA, MI, MN, MO, NE, and WI. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 142843 (Sub-2F), filed November 28, 1978. Applicant: HOLMAN TRANSPORTATION, INC., P.O. Box 31, Dodge City, KS 67801. Representative: Clyde N. Christey, Kansas Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, from the facilities of Chevron Chemical Company, at or near Friend, KS, to points in CO, NE, OK, TX, and WY. (Hearing site: Kansas City, MO.)

MC 143267 (Sub-38F), filed October 26, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Peter A. Greene, 900 17th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel & Wire Company, at Sterling and Rock Falls, IL, to points in IN, MI (except the Upper Peninsula), OH, PA, and WV. (Hearing site: Washington, DC, or Cleveland, OH.)

MC 143503 (Sub-17F), filed November 24, 1978. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furnishings*, from the facilities of Town and Country Fine Furniture, Inc., at or near Concordville, PA, to points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Harford, and Cecil Counties, MD, New Castle, Kent, and Sussex Counties, DE, and Warren, Morris, Essex, Hunterdon, Somerset, Burlington, Union, Monmouth, Middlesex, Mercer, Ocean, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, NJ. (Hearing site: Philadelphia, PA, or Wilmington, DE.)

MC 143775 (Sub-44F), filed December 11, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85302. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *batteries*, (2) *rubber tires and tubes*, and (3) *accessories* for

the commodities in (1) and (2) above, (a) from Little Rock, AR, Hanford, Los Angeles, Palo Alto, and Santa Fe Springs, CA, Phoenix, AZ, Cumberland, MD, Jackson, MS, Great Falls, MT, Akron, OH, and Des Moines, IA, to points in NV, NM, and WY, (b) from Little Rock, AR, Hanford, Los Angeles, Palo Alto, and Santa Fe Springs, CA, Cumberland, MD, Jackson, MS, Great Falls, MT, Akron, OH, and Des Moines, IA, to points in AZ, and (c) from Little Rock, AR, Phoenix, AZ, Cumberland, MD, Jackson, MS, Great Falls, MT, Akron, OH, and Des Moines, IA, to Santa Ana, CA. NOTE: Dual operations may be involved. (Hearing site: Phoenix, AZ, or Washington, DC.)

MC 143868 (Sub-4F), filed December 18, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tyler, Suite H, South El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic sheets and plastic sheeting*, from Long Beach, CA, to Tupelo, MS, Hickory, NC, Morristown, TN, and South Boston, VA, to points in IL, IN, MA, MI, NJ, NY, OH, PA, and WI, under contract with Formosa Plastics Group (USA), Inc., of Long Beach, CA. (Hearing site: Los Angeles, CA.)

MC 143868 (Sub-5F), filed December 21, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tyler, Suite H, South El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural pesticides*, from Los Angeles, CA, to points in AL, AR, AZ, FL, GA, KY, LA, MI, MN, MS, MO, NC, OK, SC, TN, TX, VA, and WI; and (2) *ingredients for agricultural pesticides*, from Henderson, NV, Kingsport, TN, Niagara Falls, NY, and North Charleston, SC, to Los Angeles, CA, under contract with Amvac Chemical Corporation, of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 143995 (Sub-10F), filed December 18, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 W. River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise*, as is dealt in by grocery and feed business houses, between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, and OH, under contract with Ralston Purina

Company, of St. Louis, MO. (Hearing site; St. Louis, MO.)

MC 144162 (Sub-5F), filed November 22, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 17734 (Sierra Hwy, Canyon County, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., No. 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shoes*, from the facilities of National Shoes/J. Baker, Inc., at Hyde Park, MA, to Columbus, OH, and Sunnyvale, Citrus Heights, San Jose, and Sacramento, CA, under contract with National Shoes/J. Baker, Inc., of Hyde Park, MA. (Hearing Site: Los Angeles, CA.)

MC 144186 (Sub-1F), filed October 25, 1978. Applicant: SUPERIOR TRANSFER, INC., 2669 Merchant Drive, Baltimore, MD 21230. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, MD, and Chicago, IL. (Hearing site: Washington, DC.)

MC 144203 (Sub-3F), filed November 27, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour and middlings*, from the facilities of ConAgra, Inc., at or near Decatur, AL, to points in FL, GA, KY, IL, IN, MS, TN, and WV, under contract with ConAgra, Inc., of Omaha, NE. (Hearing site: Omaha, NE.)

NOTE.—Dual operations may be involved.

MC 144203 (Sub-4F), filed November 27, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sweeteners*, in bulk, from the facilities of Industrial Sugars, Inc., a subsidiary of Borden, Inc., at or near St. Louis, MO, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the production and distribution of sweeteners, in the reverse direction, under contract with Industrial Sugars, Inc., a subsidiary of Borden, Inc., of St. Louis, MO. CON-

DITION: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. §11343(a) formerly section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: St. Louis, MO.)

NOTE.—Dual operations may be involved.

MC 144363 (Sub-5F), filed November 27, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail stores (except foodstuffs and commodities in bulk), from Los Angeles, CA, to the facilities of Modern Merchandising, Inc., at points in AZ, CO, ID, OR, UT, WA, and WY, under contract with Modern Merchandising, Inc., of Minnetonka, MN. (Hearing site: Minneapolis, MN, or Omaha, NE.)

NOTE.—Dual operations may be involved.

MC 144408 (Sub-2F), filed December 7, 1978. Applicant: DICK HUIZENGA, d/b/a DICK HUIZENGA TRUCKING, 2882 Pomona Blvd., Pomona, CA 91766. Representative: Dick Hulzenga (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed*, in bulk, from Serape, AZ, to points in Los Angeles, Orange, and San Bernardino Counties, CA, under contract with Spreckels Sugar Division of Amstar Corporation, of San Francisco, CA. (Hearing site: Los Angeles or San Diego, CA.)

MC 144622 (Sub-28F), filed November 20, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *copper tubing*, from Wynne, AR, to points in AZ, CO, CA, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144636 (Sub-2F), filed October 23, 1978. Applicant: VICTOR & SON TRUCKING, INC., 223 N. Erie, Pomona, CA 91768. Representative: Milton W. Flack, 4311 Wilshire Blvd #300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fruit juices and fruit juice concentrate*, (except commodities in bulk),

in vehicles equipped with mechanical refrigeration, from the facilities of Sunkist Growers, Inc., Orange Products Division, at Ontario, CA, to Shrewsbury, MA, Baltimore, MD, Greensboro and New Bern, NC, and Yongstown and Cincinnati, OH, Atlanta, GA, Montgomery, AL, Detroit, MI, New Orleans, LA, Dallas and Houston, TX, St. Louis, MO, St. Paul, MN, Davenport, IA, Richmond, Va, and Moline, IL, under contract with Green Spot CO., of South Pasadena, CA. (Hearing site: Los Angeles, CA.)

MC 144692 (Sub-3F), filed November 20, 1978. Applicant: GARY L. MANN, DOING BUSINESS AS, G. L. MANN TRUCKING, 551 East 18th Street, Hastings, MN 55033. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum coke*, in bulk, from Pine Bend, MN, to points in WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144827 (Sub-10F), filed October 26, 1978. Applicant: DELTA MOTOR FREIGHT, INC. 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *appliances and parts* for appliances, from Mansfield, OH, Murray, KY, Springfield and Nashville, TN, and Dalton, GA, to points in AZ, CA, and those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Memphis, TN.)

MC 144872 (Sub-3F), filed November 20, 1978. Applicant: RICE TRUCK LINES, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refined uranium ore*, in containers, from the facilities of Western Nuclear, Inc., at or near Wellpint, WA, to Metropolis, IL, and Gore, OK, under contract with Western Nuclear, Inc., of Lakewood, CO. (Hearing site: Great Falls, MT.)

NOTE.—Dual operations are at issue in this proceeding.

MC 145089 (Sub-2F), filed December 1, 1978. Applicant: PORTER BROTHERS, INC., Rt. 40, Box 53, Brownsville, OH 43721 Representative: Jerry B. Sellman, 50 West Broad St., Colum-

bus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *oil and gas well tubular goods and oil and gas well supplies*, (except commodities in bulk), between points in Muskingum County, OH; on the one hand, and, on the other, points in PA and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145103 (Sub-4F), previously published as MC 109501 (Sub-16F), filed July 27, 1978, previously noticed in the FEDERAL REGISTER issue of October 12, 1978. Applicant: CALHOUN TRANSPORTATION, INC., 319 Jacet Road, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by plumbing, building and industrial supply houses between the facilities of ITT Grinnell Corporation and ITT Grinnell Valve Company, Inc., at Elmira, NY, Columbia, East Hempfield Township, and Wrightsville, PA, Warren, OH, Clito, GA, Henderson, TN, Princeton, KY, Temple, TX, and Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI), under contracts with ITT Grinnell Corporation and ITT Grinnell Valve Company, Inc., both of New York, NY.

NOTE.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Providence, RI.)

NOTE.—This republication is to correct MC number.

MC 145290 (Sub-1F), filed January 4, 1979. Applicant: Jim C. Fleming, Jr., P.O. Box 244, Ashland, VA 23005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wooden pallets and parts* for pallets, from Apple Grove, VA, to points in CT, DE, GFA, MD, MA, MI, NH, NJ, NY, NC, OH, PA, SC, WV, and DC, under contract with Dominion Pallet, Inc., of Mineral, VA. (Hearing site: Washington, DC or Hanover, VA.)

MC 145466 (Sub-2F), filed October 25, 1978. Applicant: BERYL WILLITS, 1145 33 Avenue, Greeley, CO 80631. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hides and pelts*, (1) from points in CO to points in CA, TX, and

those ports of entry on the International Boundary line between the United States and Canada at or near Champlain, NY, and (2) from points in NE to points in CO, under contract with Chillewich Corporation, of Denver, CO. (Hearing site: Denver, CO.)

MC 145473 (Sub-1F), filed November 27, 1978. Applicant: GEORGE B. LAWRENCE trading as GEORGE LAWRENCE TRUCKING, P.O. Box 113, Gatesville, NC 27938. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points, in Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans Counties, NC, to points in DE, MD, VA, and DC. (Hearing site: Raleigh, NC.)

MC 145525 (Sub-1F), filed December 22, 1978. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44144. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Warren, OH, and Fairmont, WV, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Alcan Aluminum Corporation, of Cleveland, OH. (Hearing site: Cleveland, OH.)

MC 145636F, filed October 24, 1978. Applicant: BOB BRINK INCORPORATED, 165 Stueben Street, Winona, MN 55987. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crane attachments and prestressed concrete slabs and forms*, from Rosemount, MN, to points in IA, NE, ND, SD, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 145779F, filed November 29, 1978. Applicant: OIL SERVICE COMPANY, INC., Rt. 3, Petty Lane, Columbia, TN 38401. Representative: Edward C. Blank II, P.O. Box 1004, Columbia, TN 38401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid industrial lubricating products, liquid industrial thinning products, liquid industrial dissolving products, corrugated waste materials, and paper waste materials*,

in bulk, between points in AL, AR, GA, IL, IN, KY, NC, OH, LA, MI, MS, PA, and TN. CONDITIONS: (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) shall maintain separate accounts and records for each operation; and (3) shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Nashville or Memphis, TN.)

MC 145783 (Sub-1F), filed November 24, 1978. Applicant: ALPHINE TRANSPORTATION CO., INC., 191 Tenafly Road, Tenafly, NJ 07670. Representative: Roanld I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *urethane foam products and commodities* used in the manufacture of urethane foam products, (except commodities in bulk), between New York, NY, and Hackensack, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under contracts with (a) Mercury Foam Corporation of New Jersey, of Hackensack, NJ, and (b) Mercury Foam Corporation, of Brooklyn, NY. (Hearing site: New York, NY.)

MC 145813F, filed November 28, 1978. Applicant: POINTS WEST TRUCKING, INC., P.O. Box 55085, Valencia, CA 91355. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper products*, from points in Suffolk County, NY, to points in CA, OR, WA, AZ, NV, ID, and UT. (Hearing site: New York, NY.)

NOTE.—Dual operations may be involved.

MC 145855 (Sub-1F), filed December 11, 1978. Applicant: JOHN RAY TRUCKING CO., INC., P.O. Box 206, Eastaboga, AL 36260. Representative: John W. Cooper, 200 Woodward Building, 1927 1st Avenue, North, Birmingham, AL 35203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, pipe fittings, and accessories*, from Anniston and Birmingham, AL, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of pipe, in the reverse direction, under contract with Union Foundry Company, of Anniston, AL. (Hearing site: Birmingham, AL.)

MC 145928F, filed December 12, 1978. Applicant: PANTEGO DISTRIBUTING CO., INC., P.O. Box 176, Pantego, NC 27860. Representative:

Peter A. Greene, 900 17th Street, NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, and wood pulp*, from the facilities of Weyerhaeuser Co., Inc., in NC, to points in CT, FL, ME, NH, NJ, NY, RI, VT, and the facilities of Weyerhaeuser Co., Inc., at Seymour, IN. (Hearing site: Washington, DC.)

MC 145929F, filed December 12, 1978. Applicant: NORTHWESTERN CONSTRUCTION, INC., 3812 Spensard Rd., Anchorage, AK 99503. Representative: Leo C. Franey, 918-16th St. NW, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except household goods as defined by the Commission and commodities in bulk), between points in AK within 50 miles of the United States Post Office at Deadhorse, AK, in seasonal operations extending from July 1 to October 15, restricted to the transportation of traffic having a prior or subsequent movement by water, under contract with Arctic Marine Freighters, of Seattle, WA. **CONDITIONS:** (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) Shall maintain separate accounts and records for each operation; and (3) Shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Washington, DC, or Seattle, WA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 107583 (Sub-61F), filed November 28, 1978. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, NY 11354. Representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, NY 12701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, between John F. Kennedy International Airport and LaGuardia Airport, NY, McGuire Air Force Base, Fort Dix, NJ, and Newark International Airport, Newark, NJ, and Philadelphia International Airport, Philadelphia, PA. (Hearing site: Newark, NJ, or Philadelphia, PA.)

[FR Doc. 79-3245 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Permanent Authority Decisions Volume No. 5]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

JANUARY 16, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *FEDERAL REGISTER*. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the *Rules of Practice* which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after February 1, 1979.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the

Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and

Liberman (Board Member Boyle not participating).

H. G. HOMME, Jr.,
Secretary.

MC 217 (Sub-21F), filed October 30, 1978. Applicant: POINT TRANSFER, INC., 5075 Navarre Rd., SW, P.O. Box 1441, Sta. C, Canton, OH 44708. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *precast building components and prefabricated building modules*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and erection of the commodities in (1) above, between the facilities of Forest City Dillon Precast Systems, Inc., in Summit County, OH, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH.)

MC 1459 (Sub-10F), filed November 9, 1978. Applicant: ROYAL MOTOR EXPRESS, INC., 240 Harmon Ave., Lebanon, OH 47036. Representative: Richard H. Brandon, P.O. Box 97, Dublin, OH 43017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, PA, SC, TN, VA, WV, WI, and DC, under contract(s) with Standard Oil Company of Ohio, Cleveland, OH, solely for the benefit of itself and its wholly-owned subsidiaries BP Oil Incorporated; Boron Oil Company, Division of BP Oil, Inc.; Mountaineer Carbon Company; Sohio Petroleum Company; Sohio Pipeline Company; and the Vistron Corporation and its following divisions: Agricultural Chemical Division, Champion Molded Plastics Division, Filon-Silmar Division, Industrial Chemical Division, Pro Brush Division, and Sohigro Services Division. **CONDITION:** Prior or coincidental cancellation, at carrier's written request, of its authority in MC 1459 (Sub-No. 7), issued July 19, 1976. (Hearing site: Columbus, OH.)

MC 4941 (Sub-42F), filed November 13, 1978. Applicant: QUINN FREIGHT LINES, INC., 1093 N. Montello St., Brockton, MA 02403. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials, equipment,*

and supplies used in the manufacture, installation, and distribution of building materials, between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 7698 (Sub-12F), filed December 18, 1978. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rock salt*, in packages, from Retsof, NY to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC. (Hearing site: Scranton, PA.)

MC 25798 (Sub-350F), filed December 27, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., A North Carolina Corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Hammermill Paper Co., at (a) Erie and Lock Haven, PA, and (b) Oswego, NY, to points in AL, GA, IA, MS, and SC. (Hearing site: Washington, DC.)

MC 26396 (Sub-212F), filed October 31, 1978. Applicant: POPELKA TRUCKING CO., INC., d/b/a THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Sharon L. Hamlett (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, and posts*, from points in Lawrence County, SD, to points in CO, IA, MI, MN, MT, NE, ND, UT, WI, and WY. (Hearing site: Billings, MT, or Rapid City, SD.)

MC 30844 (Sub-633F), filed October 30, 1978. Applicant: Kroblin Refrigerated Xpress, Inc., P.O. Box 50704, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores, (except foodstuffs and commodities in bulk), from points in AL, FL, GA, NC, PA, SC, TN, VA, and WV, to Indianapolis, IN. (Hearing site: Chicago, IL.)

MC 35628 (Sub-406F), filed December 5, 1978. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, A Corporation, 134 Grandville Avenue, SW,

Grand Rapids, MI 49503. Representative: Michael R. Zell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champaign, Clark, Coles, DeWitt, Douglas, Edgar, Ford, Iroquois, Macon, McLean, Piatt, and Vermillion Counties, IL, as off-route points in connection with carrier's presently authorized regular-route service between Danville, Peoria, and Springfield, IL. (Hearing site: Peoria or Springfield, IL.)

NOTE:—The purpose of this application is to substitute applicant's single-line service for a discontinued joint-line service and to eliminate St. Louis, MO, as a gateway to this portion of Illinois.

MC 41404 (Sub-153F), filed November 1, 1978. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Martin, TN 38237. Representative: Mark L. Horne (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture of frozen foods (except commodities in bulk), between facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, SC, VA, and WI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 52704 (Sub-187F), filed November 1, 1978. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *molded rubber products, and molded rubber and plastic combined products*, from the facilities of Entek Corporation of America, at or near Irving, TX, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, VA, WV, and DC, and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities in (1) above, (except commodities in bulk), from points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, VA, WV, and DC, to the facilities of Entek Corpora-

tion of America, at or near Irving, TX. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-188F), filed November 1, 1978. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers, plastic containers, and accessories* for containers (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Brockway Glass Company, Inc., at or near Ada and Muskogee, OK, on the one hand, and, on the other, points in AL, GA, LA, MS, and TN. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-189F), filed November 1, 1978. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs and canned pet foods*, from Gulfport, MS, to points in AL, FL, GA, KY, LA, and TN. (Hearing site: Atlanta, GA.)

MC 55896 (Sub-97F), filed October 19, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those points in OH on, south, and west of a line beginning at the IN-OH State line and extending along U.S. Hwy 30 to junction U.S. Hwy 23, and then along U.S. Hwy 23 to the OH-KY State line, on the one hand, and, on the other, Chicago, IL, restricted to the transportation of traffic having a prior or subsequent movement (a) by rail or (b) in rail TOFC service on freight forwarders bills of lading. (Hearing site: Chicago, IL, or Toledo, OH.)

NOTE.—Applicant states that this application involves the elimination of the Toledo, OH, gateway.

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an

affidavit indicating why such approval is unnecessary.

MC 55896 (Sub-98F), filed October 26, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hartford City, IN, and Cincinnati, OH, restricted to the transportation of traffic having a prior or subsequent movement (a) by rail or (b) in rail TOFC service on freight forwarders bills of lading. (Hearing site: Chicago, IL, or Toledo, OH.)

NOTE.—Applicant states that this application involves the elimination of the Toledo, OH, gateway.

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 61231 (Sub-133F), filed November 15, 1978. Applicant: EASTER ENTERPRISES INC., d/b/a ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50309. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *asbestos cement pipe, couplings, and fittings*, and (2) *accessories* used in the installation of the commodities named in (1) above, (except commodities in bulk), from the facilities of Certain-Teed Corp., at Hillsboro, TX, to points in AR, AZ, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, MN, ND, OH, OK, SD, WA, WI, and WY. (Hearing site: Dallas, TX or Chicago, IL.)

MC 66101 (Sub-6F), filed November 9, 1978. Applicant: AFT SERVICES, INC., 303 South St., Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Emery Air Freight Corp., at (a) Stewart Field, Newburgh, NY, and (b) Monticello Airport, Monticello, NY, on the one hand, and, on the other, Newark,

NJ, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Newark, NJ, or New York, NY.)

MC 78228 (Sub-101F), filed December 26, 1978. Applicant: J. MILLER EXPRESS, INC., an Ohio corporation, 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg. Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between McKeesport, PA, on the one hand, and, on the other, points in IL, IN, MI, KY, MD, NJ, and PA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 85934 (Sub-85F), filed November 2, 1978. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies used in the installation of gypsum wallboard*, from the facilities of Rapid Systems Co., at or near Cleveland, OH, to points in MI, IN, and IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 94201 (Sub-166F), filed October 26, 1978. Applicant: BOWMAN TRANSPORTATION INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *precipitator panels, sound control panels, insulation systems, liquid storage tank panels, lagging products, fabricated boiler accessories, fabricated steel components, and fabricated aluminum components*, from the facilities of Romef, Inc., at or near Solon, OH, to points in Fayette County, TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 94201 (Sub-168F), filed November 9, 1978. Applicant: BOWMAN TRANSPORTATION, INC., an Alabama corporation, P.O. Box 17744, 1500 Cedar Grove Rd., Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Brand-Rex

Company, a division of Akzona, Inc., at or near Willimantic, CT, as an off-route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Washington, DC.)

MC 95694 (Sub-6F), filed October 5, 1978. Applicant: DIAMOND TOURS, INC., a Delaware corporation, 201 F Street, NE., Washington, DC 20002. Representative: Manuel J. Davis, 1701 K Street, NW #706, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Washington, DC, and, extending to points in MD, VA, PA, NY, DE, NJ, ME, VT, NH, RI, MA, WV, SC, NC, GA, TN, KY, OH, IN, IL, MI, and CT. (Hearing site: Washington, DC.)

MC 96881 (Sub-23F), filed October 30, 1978. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Ave., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Smith, AR, and Tulsa, OK: from Fort Smith over U.S. Hwy 64 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, and return over the same route, serving no intermediate points. (Hearing site: Fort Smith, AR, or Tulsa, OK.)

MC 103051 (Sub-461F), filed November 13, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., a Georgia corporation, 934-44th Ave., North Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sugar*, in bulk, in tank vehicles, from Chalmette and New Orleans, LA, to points in AL, AR, FL, GA, IL, MS, MO, TN, and TX. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 103051 (Sub-462F), filed November 13, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., a Georgia corporation, 934-44th Ave., North Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petro-*

leum and petroleum products, in bulk, in tank vehicles, from Memphis, TN, to points in AL, AR, LA, MS, MO, and TN. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 106674 (Sub-352F), filed October 30, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *clay and clay products*, from Paris, TN, to those points in the United States in and east of MN, IA, MO, AR, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of clay and clay products, from those points in the United States in and east of MN, IA, MO, AR, and TX, to Paris, TN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107403 (Sub-1149F), filed December 4, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coke*, in bulk, in dump vehicles, from Ashland, KY, to points in IL, IN, MI, NY, NC, OH, PA, VA, WV, and TN. (Hearing site: Washington, DC.)

MC 108341 (Sub-121F), filed November 13, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal tanks*, and *aircraft refueler units*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of General Steel Tank Co., at or near Birmingham, AL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 108341 (Sub-122F), filed November 13, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Republic Steel Corporation, at or near Gadsden, AL, to those points in the United States in

and east of MN, IA, MO, AR, and LA. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 108341 (Sub-124F), filed November 15, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cranes, contractors' equipment, and construction equipment*, and (2) *parts and accessories* for the commodities named in (1) above, between those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 109397 (Sub-429F), filed October 25, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *radioactive materials, radioactivity equipment, and component parts and materials* for radioactivity equipment, between points in FL, IL, LA, MT, ND, and SD, on the one hand, and, on the other, points in OK. **CONDITION:** The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date of the certificate. (Hearing site: Oklahoma City, OK, or Washington, DC.)

SUPPLEMENTAL ORDER

MC 110325 (Sub-88F), filed August 21, 1978, previously noticed in the FR issue of October 5, 1978. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), (5) between Houston and Orange, TX: (a) over Interstate Hwy 10, and (b) over U.S. Hwy 90, (11) between San Antonio and Brownsville, TX: over U.S. Hwy 281, serving all intermediate points and all off-route points in Hidalgo, Willacy, Cameron Nueces, and San Patricio Counties, TX, (12) between junction U.S. Hwys 281 and 59, and Brownsville, from junction U.S. Hwys 281 and 59, over U.S. Hwy 59 to junction Interstate Hwy 37, then over Interstate Hwy 37

to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route, serving all intermediate points and all off-route points in Hidalgo, Willacy, Cameron, Nueces, and San Patricio Counties, TX. This republication amends the territory in parts (5), (11), and (12). All other parts to this application remain as previously published.

MC 110563 (Sub-255F), filed November 28, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery products*, from Boston, Cambridge, and Mansfield, MA, and North Grosvenordale, CT, to points in CO, IL, IN, IA, KY, KS, MI, MN, MO, NE, OH, PA, and WI. (Hearing site: Boston, MA, or Washington, DC.)

MC 110683 (Sub-133F), filed November 30, 1978. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth St., N.W. Suite 502, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Huntsville and Gadsden, AL, over U.S. Hwy 431, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations. (Hearing site: Washington, DC.)

MC 113271 (Sub-48F), filed November 9, 1978. Applicant: CHEMICAL TRANSPORT, a corporation, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sulphuric acid*, in bulk, in tank vehicles, from Grace and Pocatello, ID, to points in ID, WY, and UT. (Hearing site: Great Falls, MT.)

MC 113651 (Sub-295F), filed November 14, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distrib-*

uted by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, CT, DE, FL, GA, LA, MD, MA, NE, NJ, NY, NC, PA, RI, SC, TN, VA, VT, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Wichita, KS.)

MC 113651 (Sub-297F), filed November 13, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from the facilities of Atalanta Corp., at or near (a) Jersey City, NJ, (b) New York, NY, and (c) Philadelphia, PA, to Chicago, IL, Burlington, IA, and points in OH, MI, MN, IN, and WI. (Hearing site: New York, NY, or Washington, D.C.)

MC 114211 (Sub-385F), filed November 15, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal buildings*, complete, knocked down, or in sections, and *parts and accessories* for metal buildings, from Oklahoma City, OK, to those points in the United States in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI). (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 114211 (Sub-386F), filed November 13, 1978. Applicant: WARREN TRANSPORT, INC., A Nebraska Corporation, P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from Belk, AL, to points in MN, IA, MO, WI, IL, MI, IN, OH, and KY. (Hearing site: Little Rock, AR.)

MC 114457 (Sub-448F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials*, (except commodities in bulk), from Sedalia, MO, to points in

AL, FL, GA, LA, MS, and SC. (Hearing site: Pittsburgh, PA, or St. Louis, MO.)

MC 114457 (Sub-449F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office furniture, fabrics, lighting fixtures, partitions, and dividers*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of E. F. Hauserman Company, at (a) Marked Tree, AR, (b) Cleveland, OH, and (c) Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or St. Paul, MN.)

MC 114457 (Sub-450F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murrefreesboro and Nashville, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA (except TN), restricted to the transportation traffic originating at or destined to the named facilities. (Hearing site: St. Paul, MN, or Milwaukee, WI.)

MC 114457 (Sub-451F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesive cement, tackless strips, and carpet accessories*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Taylor Industries, at Conyers, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 114457 (Sub-452F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same ad-

dress as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesive cement, tackless strips, and carpet accessories*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Taylor Industries, at Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 114457 (Sub-453F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and container ends*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of containers, (except commodities in bulk), from the facilities of Crown, Cork & Seal Company, Inc., at (a) Baltimore and Fruitland, MD, (b) Lawrence, MA, (c) North Bergen, NJ, (d) Philadelphia, PA, and (e) Winchester, VA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia, PA, or St. Paul, MN.)

MC 114457 (Sub-454F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *traffic control products and pavement marking compounds*, and (b) *materials, equipment, and supplies* used in the installation of the commodities in (1)(a) above, from the facilities of Pave Mark Corporation, in Cobb County, GA, to points in CT, DE, KY, LA, MD, MA, OK, NJ, NC, RI, TN, TX, VA, WV, and DC; and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), from points in LA, MO, MS, NC, OH, TX, and WV, to the facilities of Pave Mark Corporation, in Cobb County, GA. (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 114457 (Sub-455F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz, U.S.A., Division of H.J. Heinz Company, at or near Pittsburgh, PA, to points in MN, MO, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 115826 (Sub-363F), filed November 1, 1978. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *floor coverings*, and (2) *materials, equipment, and supplies* used in the installation of floor coverings, from Madison, IL, and Lancaster and east Hempfield Township, PA, to points in AZ, CA, NV, and OR. (Hearing site: Denver, CO.)

MC 115904 (Sub-132F), filed October 30, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mineral products*, in bags, from the facilities of Industrial Mineral Ventures, Inc., in Nye County, NV, to points in AR, AZ, CO, ID, IL, IA, KS, LA, MN, MO, MS, MT, NE, NM, ND, OK, OR, TN, SD, TX, UT, WA, WI, and WY. (Hearing site: Washington, DC.)

MC 117574 (Sub-318F), filed August 7, 1978, and previously noticed in FEDERAL REGISTER issue of October 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *tractors* (except truck tractors), (2) *attachments and parts* for tractors, in mixed loads with tractors, (3) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) and (2) above, and (4) *equipment* designed for use with the commodities in (1) and (2) above, between the facilities used by International Harvester Company in Harrison County, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at or destined to the facilities used by International Har-

vester Company in Harrison County, MS. This republication adds the words "(1) and" to the commodity description in part (4), and eliminates a duplication in part (2). (Hearing site: Chicago, IL, or Washington, DC.)

MC 118318 (Sub-40F), filed December 20, 1978. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Bosie, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, from the facilities of Boyle Midway, Division of American Home Products Corporation, at or near Los Angeles, CA, to points in Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele, Utah, and Weber Counties, UT. (Hearing site: Boise, ID, or Spokane, WA.)

MC 119441 (Sub-47F), filed November 13, 1978. Applicant: BAKER HIGHWAY EXPRESS, INC., 555 Commercial Parkway, P.O. Box 506, Dover, OH 44622. Representative: Richard H. Brandon, 220 West Bridge St., P.O. Box 97, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick building products and clay building products* (except commodities in bulk), from Sugar Creek, OH, to points in AR, KS, ME, VT, NH, OK, SC, TX, and LA. (Hearing site: Columbus, OH.)

MC 119628 (Sub-4F), filed December 29, 1978. Applicant: GARMARC TRANSPORTATION CO., INC., 10 Independence Street, Rochester, NY 14611. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Rochester, NY, to Miami, FL, under continuing contract(s) with Rochester Independent Packer, Inc., and Double B Packing Corp., both of Rochester, NY. (Hearing site: Rochester, NY.)

MC 119641 (Sub-151F), filed October 30, 1978. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Aiki E. Scopellitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, construction equipment, lawn products, and leisure products

dealers, between points in the United States (except AK and HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119656 (Sub-51F), filed November 1, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods* (except frozen), (1) from the facilities of Joan of Arc Company, Inc., at or near Hoopston and Princeville, IL, to points in IN, KY, MI, OH, and WI, and (2) from the facilities of Joan of Arc Company Inc., at or near Mayville, WI, to points in IL, IN, KY, OH, and MI. (Hearing site: Chicago, IL.)

MC 119741 (Sub-120F), filed November 13, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., an Illinois corporation, 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Huron Dressed Beef, Inc., at Huron, SD, to points in IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI. (Hearing site: Minneapolis, MN.)

MC 119741 (Sub-121F), filed November 13, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., an Illinois corporation, 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Westward Industries, Inc., at Wichita, KS, to points in IL, MN NY, OH, and PA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Wichita, KS.)

MC 119789 (Sub-534F), filed December 19, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from Pecos, TX,

to points in the United States (except AK, HI, and TX). (Hearing site: Dallas, TX.)

MC 119988 (Sub-179F), filed December 15, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *seedstuffs* (except in bulk), from points in Tulsa and Rogers Counties, OK, to points in TX. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 120761 (Sub-48F), filed November 3, 1978. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *concrete roofing tile*, from the facilities of Monier Company, at Duncanville, TX, to points in the United States (except AK and HI); and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, between the plantsite of Monier Company, at Duncanville, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 121664 (Sub-42F), filed October 30, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corporation at (a) Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (b) Beechbottom, Benwood, Follansbee, and Wheeling, WV, and (c) Allentown and Monessen, PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, VA, and TX. (Hearing site: Birmingham, AL, or Pittsburgh, PA.)

MC 121664 (Sub-43F), filed November 1, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK

LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from Greenville and Madison, GA, to points in IL, IN, OH, MI, KY, TN, AL, AR, MO, FL, MS, LA, TX, MD, NC, SC, VA, and WV. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-44F), filed November 1, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, hydrants, and castings*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of (a) McWane Pipe Company, in Jefferson County, AL, and (b) Union Foundry, in Calhoun County, AL, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham or Anniston, AL.)

MC 121664 (Sub-45F), filed November 1, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel sheets and steel coils*, from the facilities of Feralloy Corporation—Southern Division, in Jefferson County, AL, to points in AR, AL, GA, FL, LA, MS, KY, NC, SC, VA, TN, WV, MO, TX, IN, IL, and OH. (Hearing site: Birmingham or Montgomery, AL.)

MC 123819 (Sub-73F), filed December 13, 1978. Applicant: ACE FREIGHT LINE, INC., P. O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bags*, from Crawley, LA, Jackson, MS, and Memphis, TN, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in FL, IL, LA, MS, SC, TX, and VA, to Crawley, LA, Jackson, MS, and Mem-

phis, TN. (Hearing site: Memphis, TN.)

MC 124078 (Sub-912F), filed December 15, 1978. Applicant: SCHWERMANN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P. O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from the facilities of Hercules Cement Co., at Stockertown, PA, to points in CT, MD, MA, NJ, NY, and VA. (Hearing site: Washington, DC.)

MC 124078 (Sub-913F), filed December 15, 1978. Applicant: SCHWERMANN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P. O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime and mortar cement*, from Knowles and Eden, WI, to points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 124078 (Sub-914F), filed December 15, 1978. Applicant: SCHWERMANN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P. O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fly ash*, in bulk, from the facilities of the Central Illinois Public Service Company, at or near Grand Tower, IL, to Cape Girardeau, MO. (Hearing site: Nashville, TN.)

MC 124078 (Sub-915F), filed December 18, 1978. Applicant: SCHWERMANN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fly ash*, in bulk, (1) from the facilities of Georgia Power Plant Wansley, at or near Roopville, GA, to points in GA, LA, NC, and SC, and (2) from the facilities of Savannah Electric and Power Company, Wentworth Station, at Port Wentworth, GA, to points in AL, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 124711 (Sub-70F), filed November 13, 1978. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS, 67042. Representative: Rufus Lawson, 2400 N.W. 23rd St., Oklahoma City, OK 73107. To operate as a *common carrier*, by motor vehicle,

in interstate or foreign commerce, over irregular routes, transporting *sulphuric acid*, in bulk, in tank vehicles, from Tulsa, OK, to points in KS, NE, TX, AR, and LA. (Hearing site: Tulsa, OK, or Kansas City, MO.)

MC 124896 (Sub-75F), filed November 2, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralston Sts., P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Buitoni Foods Corporation, at or near S. Hackensack, NJ, to points in AL, FL, GA, MD, NC, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 124988 (Sub-8F), filed December 27, 1978. Applicant: TRUCK SERVICE COMPANY, An Oklahoma Corporation, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except foam), and *lavatory fixtures*, from the facilities of E. I. du Pont de Nemours & Company, at or near Buffalo, NY, to points in CA, NV, and WA, under continuing contract(s) with E. I. du Pont de Nemours & Company, of Wilmington, DE. (Hearing site: Philadelphia, PA.)

MC 125254 (Sub-51F), filed October 30, 1978. Applicant: MORGAN TRUCKING CO., A CORPORATION, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs* (except commodities in bulk), from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in KS, MN, MO, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations. (Hearing site: Pittsburgh, PA.)

MC 125433 (Sub-175F), filed November 28, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting (1) *building, building sections, and building panels*, (2) *prefabricated metal structural components*, and (3) *parts and accessories* used in the manufacture and installation of the commodities named in (1) and (2) above, from the facilities of American Buildings Company, at or near Carson City, NV, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-176F), filed November 28, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *ovens*, and (2) *fittings and accessories for ovens*, from the facilities of National Equipment Corporation at or near (a) Denver, CO, (b) Kansas City, MO, and (c) Tulsa, OK, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Salt Lake City, UT, or Denver, CO.)

MC 125433 (Sub-180F), filed December 4, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *conveyors*, (2) *filtering equipment*, (3) *parts and accessories* for the commodities in (1) and (2) above, (4) *cotton feeders*, (5) *coal breakers and feeders*, and (6) *under carriages and parts for mobile homes*, from the facilities of Continental Conveyor Corporation, at or near Sherman, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 126139 (Sub-4F), filed December 7, 1978. Applicant: AARON SMITH TRUCKING COMPANY, INC., P.O. Box 153, Dudley, NC 28333. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs*, from the facilities of Bruce Foods Corporation, at Wilson, NC, to points in AL, AZ, CA, FL, OR, UT, and WA, and points in GA south of U.S. Hwy 78. (Hearing site: Raleigh, NC.)

MC 126196 (Sub-73F), filed November 1, 1978. Applicant: BLACHOWSKE TRUCK LINE, INC., R.R. 1, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *limestone and phosphatic feed supplements*, from Alden, IA, to points in IL and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 126421 (Sub-9F), filed November 12, 1978. Applicant: GYPSUM TRANSPORT, INC., A Delaware Corporation, East Highway 80, P.O. Box 2679, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of building materials (except commodities in bulk), between Shreveport, LA, on the one hand, and, on the other, points in OK, NM, and TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 126473 (Sub-34F), filed December 4, 1978. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, and (2) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, and foodstuffs), (a) from the facilities of Geo. A. Hormel & Co., at or near Austin, MN, Fremont, NE, and Ft. Dodge, IA, and the facilities of Shenson Meat Co., Coast Packing Co., Inc., and Geo. A. Hormel & Co., at Omaha, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN, and (b) from the facilities of Geo. A. Hormel & Co., at or near Ottumwa, IA, to points in AL, NC, and SC. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 126736 (Sub-108F), filed November 1, 1978. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum lubricating and processing oils*, in bulk, in tank vehicles, from Jacksonville, FL, to points in TN. (Hearing site: Jacksonville, FL.)

MC 126884 (Sub-60F), filed November 2, 1978. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 611 Church

Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned food products*, from the facilities of Campbell Soup Co., at or near Napoleon, OH, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NJ, NY, PA, and WI. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 127303 (Sub-50F), filed December 4, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed, and materials and supplies* used in the manufacture and distribution of animal feed, (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near (a) Columbus, OH, and (b) Hutchinson, KS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL.)

MC 127478 (Sub-11F), filed December 18, 1978. Applicant: WILLIAM M. HAYES, d/b/a HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd. Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from the facilities of Kitchens of Sara Lee, at New Hampton, IA, to points in FL. (Hearing site: Atlanta, GA, or New Hampton, IA.)

MC 127579 (Sub-15F), filed December 13, 1978. Applicant: HAULMARK TRANSFER, INC., A Delaware Corporation, 1100 N. Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrapping paper, woodpulp board, woodpulp, and scrap paper*, from the facilities of The Chesapeake Corp. of VA, at West Point, VA, to points in CT, DE, IL, IN, MD, MA, MI, NE, NJ, NY, OH, PA, RI, WV, and DC. (Hearing site: Washington, DC.)

MC 127651 (Sub-40F), filed November 13, 1978. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fiberboard*, from Marinette,

WI, to Adrian, MI. (Hearing site: Milwaukee, WI, or Detroit, MI.)

MC 128007 (Sub-130F), filed October 30, 1978. Applicant: HOFER, INC., 20th and Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles*, from Chicago, IL, to points in AR, CO, KS, MO, NE, OK, and TX. (Hearing site: Kansas City, MO, or Wichita, KS.)

MC 128273 (Sub-326F), filed December 4, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *unfrozen foodstuffs* (except commodities in bulk, in tank vehicles), from points in FL, to points in the United States (except AK, HI, and FL). (Hearing site: Orlando or Tampa, FL.)

MC 128878 (Sub-43 F), filed December 18, 1978. Applicant: SERVICE TRUCK LINE, INC., 1902 Claiborne Avenue, P.O. Box 3904, Shreveport, LA 71103. Representative: C. Wade Shemwell (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between Shreveport, LA, on the one hand, and, on the other, points in AR, MS, OK, and TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 133133 (Sub-20F), filed December 4, 1978. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, OH 45202. Representative: Norbert B. Flick, 715 Executive Building, Cincinnati, OH 45202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, from Louisville, KY, to points in IL, IN, MI, MO, OH, TN, and WV. (Hearing site: Cincinnati, OH, or Indianapolis, IN.)

Norz.—Dual operations are involved in this proceeding.

MC 133928 (Sub-20F), filed December 27, 1978. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress Street, Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign com-

merce, over irregular routes, transporting *wood fiberboard*, from the facilities of Masonite Corporation, in Orange County, CA, to points in AZ, CA, CO, NV, NM, and UT, under continuing contract(s) with Masonite Corporation, of Chicago, IL. (Hearing site: Los Angeles, CA, or Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 134134 (Sub-32F), filed October 30, 1978. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum plate and aluminum sheet*, from the facilities of Ekco Products, Inc., at Clayton, NJ, to Wheeling, IL, and Omaha, NE, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: New York, NY, or Omaha, NE.)

MC 1234477 (Sub-275F), filed October 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *matches and woodware*, from Cloquet, MN, to points in the United States (except AK, CA, and HI). (Hearing site: St. Paul, MN.)

MC 135078 (Sub-37F), filed December 28, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center P.O. Box 19251, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail department stores and mail order houses (except foodstuffs, plumbing fixtures, plumbing supplies, and commodities in bulk), (a) from Boston, MA, and New York, NY, to Vandalia, IL; and Kansas City, MO, and (b) from Vandalia, IL, to Kansas City, MO. NOTE: Dual operations are involved in this proceeding. (Hearing site: Kansas City, MO.)

MC 136848 (Sub-22F), filed December 21, 1978. Applicant: JAMES BRUCE LEE & STANLEY LEE, a Partnership, d/b/a/ LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd Street, South Holland, IL 60473. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign com-

merce, over irregular routes, transporting *magazines, magazine parts, printed paper, and printed inserts*, (except newsprint and carbonized articles), from the facilities of City National Printing Co., at Pontiac, IL, to Jonesboro and Little Rock, AR, Old Saybrook, CT, Atlanta, GA, Yorktown, IN, Kansas City and Lawrence, KS, Detroit, MI, Oakland, CA, Minneapolis, MN, St. Louis, MO, Carlstadt and Hackensack, NJ, Akron and Cleveland, OH, Philadelphia, PA, Dallas, TX, Springfield, VA, Elkhorn, Madison, and Pewaukee, WI, and points in Nassau, Suffolk, Queens, and Kings Counties, NY, under continuing contract with City National Printing Co., of Pontiac, IL. (Hearing site: Chicago, IL.)

MC 138741 (Sub-63F), filed November 13, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum wallboard, and materials used in the installation of gypsum wallboard*, from Grand Rapids, MI, to points in IL, IN, KY, OH, and WI, and (2) *materials, equipment, and supplies used in the manufacture and installation of gypsum wallboard*, from Cleveland, OH, to points in IL, IN, and MI. (Hearing site: Grand Rapids, MI.)

MC 139248 (Sub-3F), filed December 18, 1978. Applicant: CONTRACT CARRIERS, INC., 1006 East 11th Ellensburg, WA 98926. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat-byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Toppenish, WA, to points in OR and ID. NOTE: Dual operations are involved in this proceeding. (Hearing site: Seattle, WA.)

MC 139458 (Sub-3F), filed December 27, 1978. Applicant: RICHNER, INC., Colorado Highway 160 South, P.O. Box 1488, Durango, CO 81301. Representative: J. Albert Sebald, 1700 Western Federal Bldg., Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in bulk, from the facilities of Arness-McGriffin Coal Company, at or near Durango, CO, to points in Rio Grande County, CO, restricted to the transportation of traffic having

a subsequent movement by rail. (Hearing site: Denver, CO, or Albuquerque, NM.)

MC 139906 (Sub-16F), filed August 7, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 W. 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plumbing supplies*, from the facilities of Norris Industries, Plumbing fixtures Division, at or near City of Industry, CA, to points in CO, ID, MT, OK, OR, TX, UT, WA, and WY. NOTE: Dual operations are involved in this proceeding. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

MC 140086 (Sub-2F), filed November 1, 1978. Applicant: DE LARIA TRANSPORT, INC., 327 8th Ave., N. W., New Brighton, MN 55112. Representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crude coffee oil*, in bulk, in tank vehicles, from Gonvick, MN, to Ripon, CA. (Hearing site: Minneapolis or St. Paul, MN.)

MC 140118 (Sub-15F), filed December 18, 1978. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *costume jewelry*, and (2) *materials, equipment, and supplies used in the manufacture and distribution of costume jewelry*, between Newark, NY, on the one hand, and, on the other, points in MA, NH, and RI, under continuing contract(s) which C. H. Stuart, Inc., of Newark, NY. (Hearing site: Rochester or Syracuse, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 140118 (Sub-16F), filed December 18, 1978. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers*, (a) from points in NJ and WV to points in CT, MA, NY, and PA, (b) from points in PA to points in CT, MA, and NY, and (c) from Brockport, NY, to New York, NY, points in Nassau, Suffolk, and Westchester Counties, NY, and points in CT, MA, and PA; and (2) *plastic pallets*, from

points in MA to points in NJ and NY, under continuing contract(s) in both (1) and (2) above with Empire State Bottle Co. of Syracuse, Inc., of Syracuse, NY. (Hearing site: Syracuse or Rochester, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 140134 (Sub-9F), filed November 2, 1978. Applicant: Caldarulo Trading Co., a corporation, 2840 South Ashland Avenue, Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionary and dessert preparations*, (except commodities in bulk), from Chicago, IL, to points in CA, AZ, NM, UT, CO, NV, WY, ID, OR, WA, MT, OH, PA, NY, WV, VA, MD, DE, NJ, CT, MA, and DC, under continuing contract(s) with Leaf Confectionary, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 140768 (Sub-28F), filed December 13, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *molded wood pulp products*, from Macon, GA, and Griffith, IN, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture, packaging, and distribution of molded pulp products (except commodities in bulk), from points in the United States (except AK and HI), to Macon, GA, and Griffith, IN. (Hearing site: New York, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 140768 (Sub-29F), filed December 21, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *pet foods*, from the facilities of Sunshine Mills, Inc., at or near Red Bay, AL, and Tupelo, MS, to points in AL, FL, GA, IL, IN, IA, KS, KY, MD, MI, MS, NJ, NY, NC, OK, OH, PA, SC, TN, TX, VA, and WV. (Hearing site: New York, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 141124 (Sub-32F), filed October 30, 1978. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 50

West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *paper and paper products*, from Philadelphia, PA, and Fort Edward and Albany, NY, to points in MI, SC, NC, WI, OH, IN, IL, and KY, and (b) materials, equipment, and supplies used in the manufacture or distribution of paper and paper products, (except commodities in bulk), points named in (1) above, the origins named in (1) above. (Hearing site: Philadelphia, PA, or Columbus, OH.)

MC 141187 (Sub-4F), filed October 30, 1978. Applicant: BLUFF CITY TRANSPORTATION, INC., 2877 Farrisview Blvd., Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cast iron pipe fittings and rough iron castings*, from Clito, GA, to points in the United States (except AK and HI); (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), from the destinations in (1) above, to the origin in (1) above; (3) *iron pipe fittings, iron pipe hangers, and wrought iron pipe*, from Henderson, TN, to points in the United States (except AK and HI); (4) *materials, equipment, and supplies* used in the manufacture and distribution of iron pipe, (except commodities in bulk, and those which because of size or weight require the use of special equipment), from the destinations in (3) above, to the origin in (3) above; (5) *iron pipe fittings, iron pipe, and steel pipe*, from Princeton, KY, to points in the United States (except AK and HI); and (6) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (5) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), from the destinations in (5) above, to the origin in (5) above, all of the operations in (1) through (6) above, to be performed under continuing contract(s) with ITT Grinnell Corporation, of Providence, RI. (Hearing site: Memphis or Nashville, TN.)

MC 141718 (Sub-1F), filed December 22, 1978. Applicant: E. W. MERRITT, Route 2, Box 224 (Canal Road), P.O. Box 1274, Brunswick, GA 31520. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular

routes, transporting *dry agricultural insecticides*, from Brunswick, GA, to the facilities of Union Carbide Corporation, at or near Woodbine, GA, restricted to the transportation of traffic having an immediately prior movement by rail. (Hearing site: Jacksonville, FL.)

MC 141804 (Sub-120F), filed July 31, 1978, and previously noticed in the FEDERAL REGISTER, issue of October 31, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada Corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers of health products, beauty products, personal care products, cleaning products, and purifying products, (except commodities in bulk, in tank vehicles), (a) from Hayward, CA, and Norman, OK, to Atlanta, GA, Dallas, TX, Lynhurst, NJ, and Chicago, IL, (b) between Hayward, CA, and Norman, OK, and (c) from points in the United States (except AK and HI), to the facilities of Shaklee Corp., at or near (a) Hayward, CA, and (b) Norman, OK, restricted (1) in (a) and (b) above to the transportation of traffic originating at or destined to the facilities of the Shaklee Corp., at or near the named points, and (2) in (c) above to the transportation of traffic destined to the named destination facilities. NOTE: this republication adds "cleaning products and purifying products" to the commodity description. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142888 (Sub-7F), filed December 26, 1978. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Robert T. Lawley, 300 Relsch Bldg., Springfield, IL 62701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from the facilities of Midland Glass Co., Inc., at Terre Haute, IN, to Goodfield and Pekin, IL, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL.)

MC 143059 (Sub-39F), filed December 18, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel building parts*, from the facilities of Engineered Components, Inc., at or near Stafford, TX, to points

in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Louisville, KY or Washington, DC.)

MC 143289 (Sub-7F), filed December 18, 1978. Applicant: BERNARD SHAPIRO AND DAVID KUYKENDALL, a partnership, doing business as FEDERATED TRANSPORT SYSTEMS, 800 S. McGarry St., Los Angeles, CA 90021. Representative: Lucy Kennard Bell, 9701 Wilshire Blvd.—Suite 829, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesive cement, boot and shoe findings, fireproofed, oiled and waterproofed fabric, pyroxylin and rubber processed fabric, friction fabric, rubber bands, insulating tape, friction tape, and electrical tape*, and (2) *plastic articles, in containers*, from Canton, MA, to Tucson, AZ, Chicago, IL, and St. Louis, MO, and to points in CA, under continuing contract(s) with Plymouth Rubber Company, Inc., of Canton, MA. (Hearing site: Los Angeles, CA.)

MC 143436 (Sub-16F), filed October 25, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Rd., Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery houses, retail and chain department stores, and drug stores, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Warner-Lambert Corp., at or near Elk Grove Village, IL, to points in IN, restricted to the transportation of traffic origination at the named origin facilities and destined to the named destinations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 143941 (Sub-2F), filed November 6, 1978. Applicant: UTILITIES INTERSTATE SERVICE, INC., 6899 Cherry Ave., Long Beach, CA 90803. Representative: Harold H. Turner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical cable, electrical wire, cable reels, wire reels, and plastic pipe*, and (2) *materials* used in the manufacture of the commodities named in (1) above, between the facilities used by Anaconda Company, Wine and Cable Division at Orange, Long Beach, and Los Angeles, CA, on the one hand, and, on the other, points in WA and OR. (Hearing site: Los Angeles or San Francisco, CA.)

MC 143988 (Sub-6F), filed December 19, 1978. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, 2995 Sanbrook, P.O. Box 98170, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *snack foods and confectioneries*, from the facilities of ITT Continental Baking Co., Wonder Snack Foods Division, at or near Memphis, TN, to Denver, CO, and to points in CA, OR, WA, and UT. (Hearing site: Memphis, TN.)

MC 144144 (Sub-1F), filed November 1, 1978. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, IL 62832. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gas grills, playground equipment, revolving chairs, gymnasium apparatus, scooters, and children's table sets*, from the facilities of Turco Manufacturing Corporation, at or near DuQuoin, Murphysboro, and Herrin, IL, to Louisville, KY, Fort Wayne and Indianapolis, IN, and Cleveland and Cincinnati, OH, under continuing contract(s) with Turco Manufacturing Corporation, of DuQuoin, IL. (Hearing site: Chicago, IL.)

MC 144298 (Sub-6F), filed December 21, 1978. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Fred Sanders, Inc., at or near Detroit, MI, to points in the United States (except AK, AZ, CA, FL, HI, ID, MI, NV, OR, UT, and WA), under continuing contract(s) with Fred Sanders, Inc., of Detroit, MI. (Hearing site: Detroit, MI.)

MC 144428 (Sub-4F), filed December 26, 1978. Applicant: TRUCKADYNE, INC., A Delaware Corporation, Route 16, Mendon, MA 01756. Representative: S. L. Watts, TDS, Inc., 1050 Waltham Street, Lexington, MA 02173. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles* used in the horticultural business and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of

Lockwood Products, Inc., at (a) Leominster, MA, and (b) Toledo, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Lockwood Products, Inc., of Cambridge, MA. (Hearing site: Springfield or Boston, MA.)

MC 144625 (Sub-2F), filed December 15, 1978. Applicant: CLOVERLEAF TRANSPORTATION, INC., 14 Kerri Lane, Spring Valley, NY 10977. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between Clifton, NJ, on the one hand, and, on the other, points in NY, CT, PA, NH, and VT, under continuing contract(s) with Globe Products Company, Inc., of Clifton, NJ. (Hearing site: New York, NY.)

MC 144765 (Sub-1F), filed December 10, 1978. Applicant: WATERVILLE CASCADE TRUCKING, INC., P.O. Box 1686, Wenatchee, WA 98801. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture of boats, from points in CA, CT, FL, IL, IN, GA, MA, MI, MN, MS, MO, NY, OH, OK, PA, SC, TN, VA, and WI, to the facilities of Bayliner Marine Corporation, at or near Arlington, WA, Pipestone, MN, and Valdosta, GA, under continuing contract(s) with Bayliner Marine Corporation, of Seattle, WA. (Hearing site: Seattle, WA.)

MC 144878 (Sub-1F), filed December 19, 1978. Applicant: LESTER ELLIOTT, JR., d/b/a ELLIOTT TRUCK SERVICE, Box 92, Greenfield, IA 50849. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass*, from Greenfield, IA, and Bayport and Minneapolis, MN, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass, (except commodities in bulk), from points in the United States (except AK and HI), to the origins in (1) above, under continuing contract(s) in both (1) and (2) above with Cardinal Insulated Glass Co., of Greenfield, IA. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 145178 (Sub-1F), filed December 26, 1978. Applicant: CHARLES INKS, d/b/a CHARLES INKS TRUCKING,

12400 Cypress, Space 37, Chino, CA 91710. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except commodities in bulk), from Bay City, Beaumont, and Houston, TX, and Lake Charles, LA, to points in Los Angeles and Orange Counties, CA, under continuing contract(s) with C.B.M. Enterprises, of Santa Fe Springs, CA. (Hearing site: Los Angeles, CA.)

MC 145333 (Sub-1F), filed December 1, 1978. Applicant: SCHOEN-FOR, INC., d/b/a M.A.C. TRUCKING, 3658 S. Nova Road & Herbert Street, Port Orange, FL 32019. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flakeboard*, from Savannah, GA, and Tampa, Port Everglades, Miami, and Port Manatee, FL, to Port Orange, FL. (Hearing site: Jacksonville or Miami, FL.)

MC 145441 (Sub-2F), filed November 6, 1978. Applicant: A.C.B. TRUCKING, INC., Interstate Hwy 40-Prothro Junction, P.O. Box 5130, North Little Rock, AR 72119. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass products, between Columbus, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 145703F, filed November 6, 1978. Applicant: FRL TRANSPORTATION, INC., 96 Doty Street, Fond du Lac, WI 54935. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hides, leather, and shoes*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution, of the commodities in (1) above between Fond du Lac, WI, Taunton, MA, Milwaukee, WI, South St. Paul, MN, and Coldwater, MI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with (a) M. T. Shaw, Inc., (b) Thru-Blu, Inc., (c) Fred Rueping Leather Company, (d) Rueping-East, Inc., and (e) Rueping-Milwaukee, Inc., all of Fond du Lac, WI.

(Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145743 (Sub-3F), filed November 29, 1978. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Representative: Gallyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen onion products and frozen mushrooms*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Delicious Foods, Inc., at or near Grand Island, NE, on the one hand, and, on the other, points in the United States, (except AK and HI) restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: Grand Island or Lincoln, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 145743 (Sub-4F), filed December 1, 1978. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Representative: Gallyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *limestone and gypsum*, from points in Marion County, IA, to those points in the United States in and west of WI, IL, MO, AR, and LA, (except points in IL, KS, MN, MO, NE, ND, SD, and WI). (Hearing site: Des Moines, IA, or Grand Island, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 130526F, filed September 11, 1978. Applicant: QUINNIPIAC TRAVEL, LTD., 1883 Dixwell Ave., P.O. Box 4326, Hamden, CT 06514. Representative: Mary J. Morello (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Hamden, CT, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at Hamden, CT, and extending to points in the United States (except AK and HI). (Hearing site: Hamden, CT.)

MC 145524F, filed October 6, 1978. Applicant: WHITEFISH TAXI, INCORPORATED, 1410 East Edgewood Drive, P.O. Box 185, Whitefish, MT 59937. Representative: Roy M. Duff (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *passengers and their baggage*, in charter and special

operations, between points in Flathead, Lincoln, and Glacier Counties, MT, on the one hand, and on the other, points in WA, ID, ND, SD, NV, UT, WY, OR, CA, and MT. (Hearing site: Missoula or Great Falls, MT.)

MC 125470 (Sub-35F), filed October 11, 1978. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fabricated steel articles* (except commodities in bulk), from the facilities of Grain and Confinement Systems, Inc., d.b.a. Apache Enterprises, at or near Norfolk, NE, to points in CO, IA, KS, MN, MO, ND, SD, and WY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Lincoln or Omaha, NE.)

MC 127840 (Sub-79F), filed October 26, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animals fats*, in bulk, in tank vehicles, from Denver, CO, to those points in the United States on and west of a line beginning at the mouth of the of the Mississippi River, then north along the Mississippi River to its junction with the western boundary of Itasca County, MN, then north along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Denver, CO.)

MC 135410 (Sub-28F), filed October 5, 1978. Applicant: COURTNEY J. MUNSON, d/b/a MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and (2) *foodstuffs* (except in bulk), in mixed loads with the commodities named in (1) above, from the facilities of Oscar Mayer & Co., Inc., (a) at Davenport, IA, to Madison and Jefferson, WI, points in Cook, DuPage, Will, Kane,

and Lake Counties, IL, points in the Lower Peninsula of MI, and points in IN, and OH, and (b) at Beardstown, IL, to Madison and Jefferson, WI, points in the Lower Peninsula of MI, and points in IN, and OH, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 142120 (Sub-1F), filed August 24, 1978. Applicant: LENZNER COACH LINES, INC., d/b/a NORTH BOROUGHS CAB, Mt. Nebo Rd., R.D. #2, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a common carrier, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting passengers and their baggage, in special operations, beginning and ending at points in Allegheny County, PA, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Pittsburgh, PA.)

[FR Doc. 79-3244 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Notice No. 181]

ASSIGNMENT OF HEARINGS

JANUARY 29, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106644 (Sub-253F), Superior Trucking Company, Inc., now assigned for hearing on February 29, 1979, at Chicago, Illinois and will be held in Room 204A, E. M. Dirksen Building.

MC 135235 (Sub-6F), Loma Cartage, Inc., now assigned for hearing on February 26, 1979, at Chicago, Illinois and will be held in Room 204A, E. M. Dirksen Building.

MC 106497 (Sub-154F), Parkhill Truck Company, now assigned for hearing on February 21, 1979, at Chicago, Illinois and will be held in Room 204A, E. M. Dirksen Building.

MC 71043 (Sub-10F), LaPorte Transit Co., Inc., now being assigned continued hearing February 20, 1979, (3 days), at the Offices of the Interstate

Commerce Commission, Washington, D.C.

MC 115841 (Sub-624), Colonial Refrigerated Transportation, Inc., now being assigned February 6, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3491 Filed 1-31-79; 8:45 am]

[7035-01-M]

ICC Order No. 18; Under Service Order No. 13441

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement over its lines between Milwaukee, Wisconsin, and Fond du Lac, Wisconsin, because of adverse weather conditions.

It is ordered, (a) Rerouting traffic. The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement over its lines between Milwaukee, Wisconsin, and Fond du Lac, Wisconsin, because of adverse weather conditions, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common

carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 9:00 a.m., January 19, 1979.

(g) Expiration date. This order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 19, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3492 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 241, Rule 19, Exemption No. 155]

RAILROADS IN THE NORTH CENTRAL PORTION OF THE UNITED STATES

Exemption Under Mandatory Car Service Rules

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the States named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of

the provisions of Car Service Rules 1 and 2.

(b) North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, Nebraska, Kansas, Colorado, Missouri.

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having the following mechanical designations:

Plain Boxcars: "XM", "XMI"
Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT"
Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA"
Flat Cars: "FM", less than 200,000 lb. capacity

It is further ordered, That:

(d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective January 16, 1979.

Expires January 22, 1979.

Issued at Washington, D.C., January 16, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3495 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 241, Rule 19, Revised
Exemption No. 1551]

**RAILROADS IN THE NORTH CENTRAL PORTION
OF THE UNITED STATES**

Exemption Under the Mandatory Car Service
Rules

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the states named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of

the provisions of Car Service Rules 1 and 2.

(b) Wisconsin, Illinois, Lake and Porter Counties only, Indiana.¹

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having the following mechanical designations:

Plan Boxcars: "XM", "XMI"
Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT"
Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA"
Flat Cars: "FM", less than 200,000 lb. capacity

It is further ordered, That:

(d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners, nor to cars bearing reporting marks assigned to the Green Bay and Western Railroad Company and marked GBW.

Effective January 22, 1979.

Expires January 26, 1979.

Issued at Washington, D.C., January 19, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3494 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Service Order No. 1344, Order No. 16,
Amdt. No. 1]

REROUTING TRAFFIC

To: **ALL RAILROADS**

Upon further consideration of I.C.C. Order No. 16, and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 16 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 26, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 19, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line

¹North Dakota, South Dakota, Minnesota, Iowa, Michigan, Ohio, Nebraska, Kansas, Colorado, Missouri, and part of Indiana eliminated.

Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 18, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3493 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Exception No. 13 Under Section (a), Paragraph (1), Part (v) Second Revised Service Order No. 1332]

**ST. LOUIS SOUTHWESTERN RAILWAY CO. AND
SOUTHERN PACIFIC TRANSPORTATION CO.**

Car Service Order

Decided: January 17, 1979.

By the Board:

Because of adverse weather conditions on the St. Louis Southwestern Railway Company (SSW) and on the Southern Pacific Transportation Company (SP), the SP and the SSW are temporarily unable to forward all cars within 60 hours as required by Section (a)(4)(i) of Second Revised Service Order No. 1332.

It is ordered, Pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(v) of Second Revised Service Order No. 1332, the SSW and the SP are required to forward loaded cars or empty foreign or private cars from the points named below within 72 hours.

SSW: Pine Bluff, Arkansas, East St. Louis, Illinois.

SP: Roseville, California, Los Angeles, California, West Colton, California, El Paso, Texas, San Antonio, Texas, Houston, Texas.

Effective January 17, 1979.

Expires 11:59 p.m., January 31, 1979.

JOEL E. BURNS,
Chairman,

Railroad Service Board.

[FR Doc. 79-3496 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Notice No. 154]

**MOTOR CARRIER BOARD TRANSFER
PROCEEDINGS**

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment re-

sulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before March 5, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77946 filed December 6, 1978. Transferee: A-1 TRANSIT, INC., 6202 East Concord Boulevard, Inver Grove Heights, MN, 55075. Transferor: DAKOTA EXPRESS, INC., 550 East 5th Street, South St. Paul, MN, 55075. Transferee's Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE, 68501. Transferor's Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE, 68106. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in Certificate No. MC-83217 and all of the operating rights set forth in Certificates Nos. MC-83217 (Sub-No. 8) and MC-83217 (Sub-No. 9), issued by the Commission July 9, 1969, April 4, 1958, and August 27, 1958, respectively, as follows: Household goods as defined by the Commission, and general commodities, with certain exceptions, between Flandreau, SD, and points within 15 miles of Flandreau, on the one hand, and, on the other, points in MN; household goods as defined by the Commission, between Flandreau, SD, and points in SD within 100 miles thereof, on the one hand, and, on the other, points in ND, NE, and IA; from points in MN within 25 miles of Flandreau, SD, to points in SD except Flandreau and points within 15 miles of Flandreau; general commodities, with certain exceptions, between points in Lincoln County, MN, on the one hand, and, on the other, Sioux Falls, Gary, Brookings, and Watertown, SD; and general commodities,

with certain exceptions, between Flandreau, SD, and Lake Benton, MN, over specified routes, serving the intermediate points of Elkton, SD. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC FC-77957, filed December 14, 1978. Transferee: TELROSS, INC., 554 Barretto St. Bronx, NY 10474. Transferor: LEICHTMAN BROS., INC., 544 Barretto St., Bronx, NY 10474. Representative: Francis X. Walsh, Esq., Attorney, 501 Fifth Ave., New York, NY 10017. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-77064, issued August 12, 1968, as follows: *Pianos, uncrated and organs uncrated, tone cabinets, amplifier accessories and component parts* used with or as an accessory to a piano or organ, between New York, NY on the one hand, and on the other, points in Fairfield County, CT and Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, NJ. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC FC-77964 filed January 2, 1979. Transferee: TAURUS TRANSPORT, INC., 302 North Main Street, Monticello, IN 47960. Transferor: JENKINS & NAGEL, INC., Wolcott, IN 47995. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit Nos. MC-133922 (Sub No. 1), MC-133922 (Sub No. 10), and MC-133922 (Sub No. 11), issued August 3, 1976, June 15, 1977, and February 25, 1977, respectively, as follows: Soy flour, from points in IL, IA, and MN, to Momenca, IL, and Louisville, KY; Corn flour, from points in IL, IA, MN, and WI, to Momenca, IL, and Louisville, KY; Delactosed whey, from points in MN and WI, to Momenca, IL, and Louisville, KY; Whey from points in MN, WI, and IA, to Momenca, IL, and Louisville, KY; dry milk when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, from points in IL, IN, IA, LA, MI, MN, MS, NY, NC, PA, SC, VA, and WI, to Momenca, IL, and Louisville, KY; Casein and caseinate, from points in CA, FL, IL, IN, LA, MA, MI, MS, NJ, NY, NC, OR, PA, SC, TX, VA, and WA, to Momenca, IL, and Louisville, KY; dry milk blended with soy flour, corn flour, delactosed whey, whey, casein, and caseinate, from Momenca, IL, and Louisville, KY, to points in the United States except

Alaska and Hawaii. The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Dry Milks, Inc., of Louisville, KY, and Dry Milk Products, Inc., of Momenca, IL; Soy flour from Decatur, IL, Minneapolis, MN, and Cedar Rapids, IA, to Louisville, KY; Corn flour, from Danville, IL, to Louisville, KY; Delactosed whey, from Winsted, MN, and Mayville, WI, to Louisville, KY; dry milk products, from points in MN, IA, NE, SD, NY, PA, OH, MI, and IL, to Louisville, KY; dry milk products blended with soy flour, corn flour, delactosed whey, casein, and caseinate, from Louisville, KY, to points in TX, AR, LA, NC, SC, PA, NY, OH, MI, MD, AL, TN, IL, IN, WV, VA, MS, GA, KS, CA, IA, WI, AZ, OR, MN, FL, and DC restricted to a transportation service to be performed, under a continuing contract, or contracts, with Dry Milks, Inc., of Louisville, KY; Soy flour from the plant site and warehouse facilities of Griffith Food Products, a subsidiary of Griffith Laboratories, Inc., at or near Remington, IN, to points in AL, GA, IL, IA, MI, NJ, OH, and PA; foodstuffs, (except vegetable oil and vegetable oil products) and materials equipment, and supplies used in the manufacture and distribution of foodstuffs, from the plant site and warehouse facilities of Griffith Laboratories, Inc. at Chicago IL, to Remington IN, and points in NJ and PA restricted to a transportation service to be performed under a continuing contract or contracts, with Griffith Food Products and Griffith Laboratories, Inc.; Soya flour and soy flour products from Remington, IN, to points in the United States (except AK, HI, and IN); foodstuffs (except liquid foodstuffs, in bulk, in tank vehicles) from the plant sites of Griffith Laboratories, Inc. at Chicago and Alsip, IL, to Lithonia GA, Union, NJ, Remington, IN, and Union City and Los Angeles, CA; dairy products mixed with cereal, from Chicago Heights and Decatur, IL, to points in the United States (except AK and HI) and cereal and dairy products, from points in the United States (except AK and HI) to Chicago Heights and Decatur, IL. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77974, filed December 21, 1978. Transferee: JAMES FREDERICK LETTMAN, d.b.a. Lettman Transport, 13647-103 NE Kirkland, WA 98033. Transferor: Gerald R. Hackett, d.b.a. G. R. Hackett Transport, 10529 NE 141st, Kirkland, WA 98033. Representative: Michael D. Duppenhaler, Registered Practitioner, 211 S. Washington St., Seattle, WA 98104. Authority sought for purchase

by transferee of the operating rights of transferor, as set forth in Certificate No. MC-136309 (SUB No. 1), issued February 15, 1978, as follows: *Wooden shakes, shingles, and ridge trim*, from Skagit County, WA to points in CA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77975 filed December 22, 1978. Transferee: RODNEY LEROY BOEHMER, d.b.a. Boehmer Trucking, Box 111, Groton, SD, 57445. Transferor: Benny J. Schaller, d.b.a. Schaller Truck Line, Groton, SD 57445. Representative: Rodney LeRoy Boehmer, (Same address as transferee). Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-120387 (Sub-No. 1), issued March 9, 1971 as follows: General commodities, except classes A and B explosives, between Aberdeen, SD, and Langford, SD, serving the intermediate points of Groton, Andover, and Pierpont, SD, over specified regular routes. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77977 filed December 26, 1978. Transferee: KATO MOVING & STORAGE COMPANY, Highway 169 South, Mankato, MN, 56001. Transferor: Kato Moving & Storage, Inc., (Same address as transferee.) Representative: David T. Peterson, 206 East Hickory, Mankato, MN, 56001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-141342 issued by the Commission on February 2, 1978, as follows: Used household goods, between Mankato, MN, on the one hand, and, on the other, points in Sibley, Nicollet, Brown, Watonwan, Blue Earth, Fairbault, Freeborn, Waseca, Steele, Rice, and La Sueur Counties, MN. The operations are restricted to the transportation of shipments having a prior or subsequent movement in containers to or beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating or decontainerization of such shipments. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77992, filed January 2, 1979. Transferee: JIMMIE JONES, 309 Wise Street, Appalachia, VA, 24216. Transferor: Eugene Randolph Still, Jr., d.b.a. Mountain Empire Movers, Kingsport, TN, 37664. Representatives: Harry J. Jordon, Esq., 1000 16th

Street, N.W., Washington, DC 20036, Don. R. Pippin, Esq., Box 670, Norton, VA, 24273. Authority sought for purchase by transferee of a portion of the operating rights set forth in Certificate No. MC-64240, issued April 18, 1972, acquired by transferor pursuant to No. MC-FC-77448 consummated March 16, 1978, as follows: General commodities, with certain exceptions between Appalachia, VA, on the one hand, and, on the other, points in VA, and those in KY within 50 miles of Appalachia, VA; Household goods as defined by the Commission, between points in Harlan and Letcher Counties, KY, and Dickenson and Wise Counties, VA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MD, NC, OH, PA, SC, TN, VA, WV, and DC; and between points in Lee County, VA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MD, NC, OH, PA, SC, VA, WV, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

MC-FC-77995, filed January 3, 1979. Transferee: Daniel T. Buden, d.b.a. DAN THOMAS MOVING CO., 1781 Berlin Turnpike, Berlin, CT 06037. Transferor: George L. McClellan, d.b.a. BURNSIDE EXPRESS, 790 Tolland St., East Hartford, CT 06108. Representative: Daniel T. Buden, 1781 Berlin Turnpike, Berlin, CT 06037. Authority sought to purchase by transferee of the operating rights of the transferor, as set forth in Certificate No. MC-111056, issued July 7, 1949, as follows: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, over irregular routes, between Suffield, CT and points in CT within 15 miles of Suffield, on the one hand, and, on the other, points in MA, NY, RI, ME, and NH. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77998 filed January 11, 1979. Transferee: ARISTA VAN LINES, INC., 188 Nome Avenue, Staten Island, NY 10314. Transferor: LAPADULA & VAILLANI, INC., P.O. Box 158, Cedarhurst, NY 11516. Transferee's Representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, NY 11368. Transferor's Representative: Roy A. Jacobs Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought for purchase by transferee of the operating rights of transferor remaining after approval of the transaction in No. MC-FC-77853 consummated January 12, 1979, issued May 19, 1970 as follows: Household goods, as defined by the Commission, Between New York, NY and points in Nassau County, NY, on the one hand, and, on

the other, points in NY, VT, NH, ME, DE, VA, RI, MA, MD, PA, CT, NJ, OH, IL, MI, FL, AL, GA, NC, SC, TN, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.
Secretary.

[FR Doc. 78-3498 Filed 1-31-79; 8:45 am]

[7035-01-M]]

TRANSPORTATION OF "WASTE" PRODUCTS
FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products*, Ex Parte No. MC-85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before February 21, 1979. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-1-79 (Special Certificate—Waste Products), filed January 25, 1979. Applicant: WRIGHT TRUCKING, INC., Route 1, Box 116, Coalville, UT 84017. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Sponsors: Disabled American Veterans Thrift Store, of Salt Lake City, UT; Provo Deseret Industries, of Provo, UT; Deseret Industries, of Ogden, UT; and Atlas Mill Supply, Inc., of Los Angeles, CA; Commodities: Waste products (rags).

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-3499 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-65 (Sub-No. 6)]

PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES**Petition To Revise**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition seeking institution of rulemaking.

SUMMARY: By petition filed January 8, 1979, Trailways, Inc., seeks the institution of a rulemaking proceeding to amend the Superhighway Rules—Motor Common Carriers of Passengers, 49 CFR 1042.1, and the Deviation Rules—Motor Carriers of Passengers, 49 CFR 1042.2. The changes proposed by petitioner would liberalize the circumstances under which motor carriers of passengers may conduct operations over superhighways and alternate routes.

DATES: Comments should be filed by March 19, 1979.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Dave Berger, telephone: 202-275-7980.

PETITIONER'S ARGUMENT

The presently effective Superhighway and Deviation Rules were adopted in Ex Parte No. MC-65, *Motor Service on Interstate Highways—Passengers*, 110 M.C.C. 514 (1969). In that proceeding, the Commission noted the substantial differences between the operations of regular-route passenger and property motor carriers, and decided to adopt passenger carrier rules which, in some respects, are more restrictive than the property carrier rules. This difference in treatment was based on the Commission's finding that any failure to ensure the substantial preservation of the delicate balance existing in the vigorously competitive motorbus industry, would lead ultimately to destructive competition and the consequent general deterioration of many passenger services to the public detriment. *Interstate Highways, supra* at 524. Accordingly, while property carrier operations over superhighways are authorized by a general rule of construction applicable to the carriers' outstanding certificates, passenger carriers are required to prosecute applications for such authority. Also, the amount of circuitry reduction presumed to be lawful for passenger superhighway and alternate route applications has always been less than that

permitted property carriers. This disparity was recently increased when the Commission modified the amount of operational circuitry reduction permitted for property carriers from 85 to 80 percent. *Enlargement of Operational Circuitry Reduction*, 121 M.C.C. 685 (1975).

Petitioner believes that the Nation's continuing need to conserve energy, combined with the dramatic rise in automobile, train and airline competition facing the bus industry, call for a reexamination and liberalization of the passenger Superhighway and Deviation Rules. Petitioner points out the substantial changes that have occurred in the competitive environment facing the bus industry since the existing rules were adopted. It notes that Amtrak, which did not exist in 1969, and the airline industry, which had not yet matured, have over the past several years developed into extremely effective competitors for intercity travelers. It also notes the increased use of the private automobile which today accounts for in excess of 85 percent of the total intercity passenger miles traveled. Petitioner contends that although the bus industry is engaged in intense price competition with these intermodal competitors, it must also be able to compete on service if it is to survive.

Petitioner also argues that the state of competition within the bus industry and the regulatory climate within which the industry operates are altogether different from that which prevailed in 1969. It argues that the Commission's concern over the "delicate" competitive balance in the bus industry, as expressed in 1969, can no longer justify perpetuation of the rules. Petitioner contends that the Commission's recent policies demonstrate that it has abandoned its former concern for the competitive position of existing carriers. Petitioner believes that its proposal for eased access to superhighways and alternate routes is consistent with the Commission's current program of regulatory reform.

Finally, petitioner argues that the existing rules frustrate our national policy of energy conservation and force the bus industry to bear the full magnitude of the recent fuel price increases. Petitioner points out that the Commission has responded to the energy crisis by taking steps to rationalize the operations of both regular and irregular route motor property carriers; and maintains that the same logic applies with equal force to the bus industry. **SPECIFIC PROPOSAL:**

Petitioner's proposed revision of the Superhighway Rules essentially entails an extension of the existing property motor carrier superhighway rules, with some modifications, to passenger motor carriers. The most significant

changes proposed by petitioner would be to: (1) authorize passenger carrier operations over superhighways by a general rule of construction; (2) permit passenger carrier operations over superhighways under the so-called "25-mile" rule; (3) change the circuitry reduction criterion from 90 to 80 percent; and (4) subject passenger carrier superhighway operations to modification or discontinuance if, upon petition by any interested person, it is determined that the operations have resulted in destructive competition.

Petitioner asserts that its purpose in purposing a rule of construction is to eliminate the cumbersome nature of the existing application process which, it claims, is the reason the passenger motor carrier superhighway rules have received little use. Petitioner maintains that the benefits from an energy standpoint that will flow from changing the circuitry criterion have already been recognized in the Commission's recent decision in *Enlargement of Operational Circuitry Reduction supra*. Finally, petitioner suggests that the provision granting any interested person the right to petition for curtailment of superhighway operations resulting in destructive competition will afford more than adequate protection to competing bus carriers.

It should be noted that petitioner's proposal would eliminate the existing provision which permits the authorization of passenger carrier service at previously unauthorized intermediate points on the superhighway route, 49 CFR 1042.1(a). The proposal would also modify the existing "through-bus" provision [49 CFR 1042.1(e)] of the passenger motor carrier superhighway rules. As requested, the modification would: (1) eliminate the requirement that a through-bus operation over a superhighway route not materially change the existing competitive situation; (2) substitute a letter notice provision in lieu of the existing application procedure; and (3) eliminate the existing requirement that detailed information be furnished concerning leasing arrangements for vehicles moving through the interchange point.

Petitioner proposes the following principal revisions of the passenger Deviation Rules.

(1) The present standard that use of an alternate route not materially change the existing competitive situation would be revised so as to preclude only those alternate route operations which will result in destructive competition.

(2) The circuitry reduction criterion for establishing the prima facie lawfulness of a proposed alternate route operation would be changed from 90 to 80 percent.

(3) Operating time comparisons would no longer be required in the alternate route notice.

(4) A provision allowing "through-bus" alternate route operations would be added to the Deviation Rules.

(5) The present exclusion from the applicability of the Deviation Rules of operations conducted wholly within the State of New Jersey would be amended to include only the specific New Jersey counties excluded under the rules prior to their amendment in *Interstate Highways, supra*.

Petitioner argues that the change in the standard of lawfulness of alternate route operations is necessary in order for the bus industry to meet the existing intermodal competition. It believes that competing carriers should only be shielded from "destructive competition", and that this standard will afford adequate protection without unduly constraining otherwise efficient operations. Petitioner claims that operating time comparisons serve no useful purpose in unopposed applications, and, in contested cases, this evidence could still be offered by a protestant and, if necessary, rebutted by the applicant.

Petitioner believes that the addition of a "through-bus" provision to the Deviation Rules is necessary in light of its proposed amendments to the Superhighways Rules. This provision would enable carriers to apply for "through-bus" alternate routes which do not satisfy the "80 percent" test but nevertheless would not result in destructive competition. Also, petitioner sees no valid reason why "through-bus" deviations should be restricted to superhighways.

PROPOSED REVISIONS OF THE SUPERHIGHWAY AND DEVIATION RULES

As proposed, the passenger motor carrier superhighway rules, 49 CFR 1042.1, would be amended to read as follows:

(a) *Regular-route, passenger certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of passengers over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighways with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes, provided that either (1) the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from

and the point of return to the carrier's authorized regular service route or routes (i) extends in the same general direction as the authorized service route or routes, and (ii) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (2) the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 80 percent of the distance between such points over the carrier's authorized regular service route or routes.

(b) *Intermediate point service.* Motor carriers conducting operations over superhighways under paragraph (a) of this section shall not provide service at any point not otherwise specifically authorized to be served by them.

(c) *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

(d) *Through-bus operation.* Where two or more certified regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States a superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) between such two points, the use of which would afford a reasonable direct and practicable route between such two points and a safer, more convenient, efficient, or economical operation, such carriers so performing such joint "through-bus" operation may, subject to the provisions of paragraphs (a) and (b) of this section, use such superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) as a service route for such joint "through-bus" service, with no service at any intermediate point thereon, except as authorized in their respective certificates, and with no service at the points of departure or return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *provided,*

however, that such carriers shall, prior to commencing such "through-bus" superhighway operation, jointly execute and file a letter notifying the Commission that the operation is being instituted and specifying with particularity the point or points on the proposed route where the operation, control, and responsibility of each carrier will begin and end.

(e) *Specific circumstances.* If, upon the filing of a petition by any interested person and a determination of the issues presented thereby, the Commission shall find that operations by any motor carrier under the provisions of paragraph (a) of this section have resulted, or are reasonably certain to result, in either destructive competition or in the provision of inadequate transportation service by the carrier at any authorized service point or points, an appropriate order may be entered requiring the said motor carrier either to discontinue such operations in whole or in part, or to conduct its operations in compliance with the terms, conditions, and limitations in its certificate in the manner described in the said order. Upon the establishment by the petitioner that a motor carrier's service at a point on its underlying service route has been discontinued or curtailed, the burden of showing that the discontinuance or curtailment is reasonable is upon the motor carrier engaged in operations under these rules.

As proposed, the following sections of the passenger Deviation Rules would be revised to read:

§ 1042.2(a) *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206(6) and (7)), 207 and 208 of the Interstate Commerce Act, and govern the use of all highways, including the National System of Interstate and Defense Highways, by motor common carriers of passengers operating under certificates of public convenience and necessity issued by the Commission. These rules do not govern operations of regular-route motor common carriers of passengers which operations are wholly within an area including New York, N.Y., Rockland, Westchester, and Nassau Counties, N.Y., Fairfield County, Conn., and Passaic, Bergen, Essex, Hudson, Union, Somerset, Middlesex, and Monmouth Counties, New Jersey. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

§ 1042.2(c) (9) *Deviations—alternate routes without certificate—common carrier.* (i) Where a regular-route motor common carrier of passengers is authorized to operate over a regular route and there is wholly within the United States another highway which

affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the requirements of subparagraphs (c)(10)-(14) of this section, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, that use of the alternate route will not result in destructive competition.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation and the point of return to the carrier's authorized service route or routes is not less than 80 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that destructive competition will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

New subparagraphs 1042.2(c)(10)-(15) would be added as follows:

(10) *Notice of Alternate Route*: The original and two copies of any notice under subparagraph (c)(9) must be filed with the Commission and may be in letter form. The notice shall contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of departure and the point of return.

(ii) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in paragraph (c)(10)(i) of this section, in-

cluding service authorized at any intermediate points and any applicable restrictions or conditions in said authority or authorities.

(iii) A complete description by highway designations of other authorized routes, including service authorized at any intermediate points and applicable restrictions and conditions specifically pertinent to and affected by the departure from the authorized route specified in paragraph (c)(10)(i) of this section.

(iv) A complete description of the proposed route between the point of departure from the authorized route to the point of return.

(v) The actual mileages over all routes described in paragraphs (c)(10)(i) and (iv) of this section. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand McNally road map mileages will serve as the official mileage guide where such mileages have been published. Where not published, measured mileage or available official publications will be accepted.

(vi) A map clearly depicting and identifying all routes described in paragraphs (c)(10)(i) through (iv) of this section.

(vii) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(viii) The volume of local and through traffic between the points of departure and return.

(ix) A statement that a copy of the application, together with all attachments, has been served on those persons required to be served by these rules.

(11) *Service of Notice*. The notice, with all attachments, must be served by mail or in person on the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted.

(12) *Publication of Notice*. A summary of the notice will be prepared by the Commission and published in the FEDERAL REGISTER.

(13) *Protests and replies*. Any person may file with the Commission a protest in letter form together with two copies thereof, within 30 days after publication of the summary of the notice in the FEDERAL REGISTER, showing that a copy thereof with all attachments, has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information

relating to the competitive situation between the protestant and the applicant. The applicant may file a reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, has been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(14) *Hearing or other procedure to be followed*. Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the notice, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(15) *Through-bus operation*. When two or more certificated regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States another highway or combination of highways which afford a reasonably direct and practicable route between such two points, such carriers so performing such joint "through-bus" operation may, subject to the provisions and requirements of subparagraphs (c)(9)-(14) of this section, use such other highway or combination of highways as an alternate route for such joint "through-bus" service, for operating convenience only, with no service at any intermediate point thereon, except as authorized in their respective certificates, and with no service at the points of departure and return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *Provided*, that the letter of notice of such "through-bus" alternate route operation shall be jointly executed by the participating carriers and shall specify with particularity the point or points on the proposed route where the operation, control, and responsibility of each carrier will begin and end.

Petitioner asserts that the proposed rule changes will result in environmental and energy impacts of a significant and beneficial nature.

PROCEDURAL MATTERS

No oral hearing in this proceeding is contemplated. Any person (including petitioner) wishing to participate in

this proceeding, in support of or in opposition to the proposal, shall file an original and 11 copies (wherever possible) of written representation, views, and arguments, including, if desired, comments upon the environmental and energy policy and conservation issues raised by the petition.

Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th and Constitution Ave., Washington, DC, during regular business hours.

Notice to the general public of the matters under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the FEDERAL REGISTER.

H. G. HOLME, Jr.,
Secretary.

[FR Doc. 79-3497 Filed 1-31-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE 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 4:25 p.m. on Friday, January 26, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to authorize payment of the insured deposits in Village Bank, Pueblo West, Colorado, which was closed by the State Banking Commissioner of the State of Colorado as of 8:00 a.m., Friday, January 26, 1979.

In calling the meeting, the Board determined, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive) that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: January 29, 1979.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-215-79 Filed 1-30-79; 3:53 pm]

[7020-02-M]

2

[USITC SE-79-7]
INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, February 5, 1979.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Rayon staple fiber from France and Finland (Inv. AA1921-190 and -191)—briefing and vote.
6. Certain flexible foam sandals (Inv. 337-TA-47)—vote.
8. Any items left over from previous agenda.
9. Certain yarns of wool from Uruguay and Brazil (Inv. 303-TA-4 and -5)—briefing and vote.
10. Gloves and glove linings of fur on the skin from Brazil (Inv. 303-TA-8)—briefing and vote.

Portions closed to the public:

7. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-212-79 Filed 1-30-79; 11:02 am]

[7035-01-M]

3

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 6, 1979.

PLACE: Hearing Room "C", Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open regular conference.

MATTER TO BE CONSIDERED: Ex Parte No. 297 (Sub-No. 4), Reopening

of section 5a application proceedings to take additional evidence. The proceeding involves an individual review of all non-rail agreements, but the conference will be limited to a discussion of the household goods carrier agreements. An options paper will be circulated later this week.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

JANUARY 30, 1979.

[S-216-79 Filed 1-30-79; 3:54 pm]

[4910-58-M]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, February 8, 1979 [NM-79-51].

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first four items on the agenda will be open to the public; the fifth item will be closed to the public under exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Louisville and Nashville Railroad Co. freight train derailment and rupture of LPG tank car at Waverly, Tenn., February 24, 1978.
2. *Aircraft Accident Report*—Allegheny Airlines, Inc., BAC-1-11, N1550, Rochester, N.Y., July 9, 1978.
3. *Letter to Mr. Allan Light* re reconsideration of probable cause, Aero Commander 112A, Georgia, Vt., December 20, 1975.
4. *Briefing by NTSB Staff* on Federal Aviation Administration proposed "Controlled Visual Flight" Rules.
5. *Opinion and Order*—Petition of Bomkamp, Dkt. SE-2107; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-214-79 Filed 1-30-79; 2:20 pm]



[3110-01-M]

**OFFICE OF MANAGEMENT AND
BUDGET**

**FEDERAL SUPPORT OF STATE AND LOCAL
GOVERNMENT PRODUCTIVITY IMPROVE-
MENT EFFORTS**

Study by the National Productivity Council

On October 23, 1978, the President approved the establishment of the National Productivity Council to serve as the focal point in the Executive Branch for Federal efforts to improve productivity in the public and private sectors of the economy. (Executive Order 12089; FEDERAL REGISTER, Volume 43, No. 207, October 25, 1978.) The Director of the Office of Management and Budget serves as Chairman of the Council. Other members of the Council are the Secretaries of the Treasury, Commerce, and Labor; the Chairmen of the Council of Economic Advisers, Council on Wage and Price Stability, and Council on Environmental Quality; the Directors of the Office of Personnel Management and Office of Science and Technology Policy; and the Special Trade Representative.

In its first meeting on December 11, 1978, the Council approved a study to determine the appropriate role of the Federal Government in supporting the productivity improvement efforts of State and local governments.

In developing the report the study team will rely heavily on input from public interest groups representing State and local governments, State and local governments active in productivity improvement efforts, major unions representing State and local employees, and other interested groups. Plans are being developed for interviews and other consultations with these groups during the preparation of the draft report. A notice announcing the availability for comment of the draft report will be published in the FEDERAL REGISTER and copies will be made available to any organization or individual wishing to review the report.

Any organization or individual wishing to submit written comments or statements for consideration in the preparation of the draft report is en-

couraged to do so. Written comments should be sent by March 1 to:

Edward H. Chase, Management Improvement and Evaluation Division, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, D.C. 20503.

or

Allan D. Heuerman, Intergovernmental Personnel Programs, Office of Personnel Management, Room 2311, 1900 E Street, NW., Washington, D.C. 20415.

STUDY OUTLINE

1. *Objective of the Study.* The objective of the study is to determine the appropriate role of the Federal Government in supporting productivity improvement efforts of State and local governments.

2. *Scope of Study.* The study will focus on: (a) identifying types of assistance that would be most supportive of the efforts of State and local governments to improve their productivity, and (b) determining whether it is appropriate for the Federal Government to provide the assistance and through what mechanisms. The study will identify major factors affecting State and local government productivity and the introduction and use of productivity improvement programs. Current Federal support for State and local productivity improvement efforts will be documented. Options for future Federal support will be developed and assessed in terms of expected costs and benefits as well as the appropriateness of the Federal support from an intergovernmental relations standpoint. Approaches to assuring effective coordination of Federal support will also be considered.

3. *Major Elements of the Report.*

a. *Introduction.* The introduction will provide a brief background on the importance of State and local government productivity improvement and the Federal interest in promoting State and local productivity improvement.

b. *Key Factors and Needs.* This section will identify key factors influencing the productivity of State and local governments and the introduction and use of productivity improvement programs at the State and local level. Examples of current State and local productivity improvement efforts will be provided. Finally, this section will identify the various types of Federal

assistance that would be most supportive of the efforts of State and local governments to improve their productivity.

c. *Current Federal Support.* This section will describe current Federal support of State and local government productivity improvement efforts. An examination of the various methods used to provide support (technical assistance, financial assistance, information programs, training, demonstration projects, etc.) will also be made.

d. *Options for Federal Support.* This section will address the options for modified or additional Federal support for State and local productivity improvement efforts. The study will address most major recommendations which have been made in other studies on this subject (e.g., the General Accounting Office, "State and Local Government Productivity Improvement: What is the Federal Role?"). The discussion of options will also include an analysis of whether Federal efforts should be "targeted" in certain areas; e.g., functions with major concentrations of State and local employment.

It is not intended that the report provide a review of the Federal grants system to identify changes to provide incentives for productivity improvement. To the extent such information is identified in the course of the study it will be included in the report.

4. *Study Team Membership.* Members of the study team will include representatives from the Office of Management and Budget, the Office of Personnel Management, the Department of Labor, the Department of Housing and Urban Development, the Advisory Commission on Intergovernmental Relations, the Office of Science and Technology Policy, and the National Science Foundation. A representative of the General Accounting Office will serve as an observer on the study team. The OMB and OPM representatives will serve as co-leaders of the study.

5. *Estimated Study Schedule.*

Draft Report Due, March 16.

Comment Period for Draft Report Ends, April 13.

Final Report Due, April 30.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 79-3315 Filed 1-31-79; 8:45 am]

THURSDAY, FEBRUARY 1, 1979

PART III



**CIVIL AERONAUTICS
BOARD**

**LIBERALIZED REGULATION OF
CARGO INDIRECT AIR CARRIERS**

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[6320-01-M]

Title 14—Aeronautics and Space
CHAPTER II—CIVIL AERONAUTICS
BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-1094; Reissuance of Pt 296;
Docket 32318]

PART 296—AIRFREIGHT FORWARDERS
AND COOPERATIVE SHIPPERS
ASSOCIATIONS

Liberalized Regulation of Cargo Indirect
Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Reissuance of part.

SUMMARY: This rule reissues and simplifies the Board's regulations for cargo indirect air carriers, removing many of the restrictions and reports on their operations. These changes are at the Board's initiative. They are in response to deregulation legislation recently passed by Congress, and the Board's recent liberalization of its rules for direct carriers in domestic cargo transportation.

DATES: Effective: January 24, 1979, except for §§ 296.20 and 296.40 which will be effective March 15, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION
CONTACT:

Joseph A. Brooks (general information), Office of the General Counsel, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5442; Raymond Kurlander (reporting information), Director, Bureau of Carrier Accounts and Audits, (address same as above), (202) 673-5270; Curtis B. Maloy (operations and registration information), Bureau of Pricing and Domestic Aviation, (address same as above), (202) 673-5088.

SUPPLEMENTARY INFORMATION: Recent developments in the operation and regulation of direct carriers in cargo transportation require a corresponding change in the Board's rules for indirect cargo air carriers (14 CFR Part 296). As of November 9, 1978, the cargo deregulation amendments of P.L. 95-163 are fully effective, allowing almost unlimited entry of direct carriers into all-cargo service. These amendments eliminate the Board's power over the reasonableness of cargo rules and rates, as well as its pre-hearing suspension power for tariffs. They also set forth three separate factors for the Board to consider as being in the public interest in regulating all-cargo air service: encouragement and development of an expedited all-cargo

service responsive to the needs of shippers, the commerce of the United States, and the national defense; reliance upon integrated competitive market forces to determine the extent, variety, quality, and price of such service; and prohibition of unjust discrimination, undue preference or advantages, unfair or deceptive practices, or predatory pricing.

The Airline Deregulation Act of 1978, even more far-ranging, makes substantial changes in the way the air transportation system is regulated, gradually ending most economic regulation for passenger transportation by 1985. In both amendments Congress has emphasized that competition, not regulation, is to be the primary governor of the airline industry. Competition will be relied on to attain such goals as efficiency, innovation, low prices, and a variety of price/service options. The Board has also been given the power to relieve foreign indirect air carriers from provisions of the Act to the extent that it is in the public interest.

Under the framework of these two laws, the Board has substantially liberalized its regulations for direct air carriers operating in domestic cargo transportation (ER-1080, 43 FR 53628, November 16, 1978). Direct carriers no longer are required, among other things, to file tariffs, carry all shipments upon reasonable request, maintain cargo liability insurance, or follow certain antitrust review provisions of the Act.¹ Reporting requirements have also been simplified.

The direct carriers have already begun to use their new competitive freedom to lower some container rates, and offer special rates for off-peak or guaranteed shipments, although other rates are being raised. They have also started to establish new services and routes. In view of these statutory, regulatory, and operational changes in cargo services, and in order to prevent any unfair advantages to the direct carriers, regulations for indirect carriers are also being liberalized in a similar manner.

On March 30, 1978, the Board issued Notice of Proposed Rulemaking EDR-350/ODR-15 (43 FR 15720, April 14, 1978), proposing to revise Part 296 of the Economic Regulations. Under this proposal, indirect cargo carriers would not need to apply for an operating authorization by providing fitness data, such as detailed information on their proposed operations, affiliations with

¹A petition for judicial review is pending on, among other issues, the exemptions for tariff filing and for the duty to carry upon reasonable request. *National Small Shipments Traffic Conference and Drug and Toilet Preparation Traffic Conference, et al. v. C.A.B.*, CADC Case Nos. 78-2163, 78-2164. The court denied petitioners' motion for a stay of those exemptions pending review.

other common carriers, or on their financial stability. Instead, they would be required merely to register with the Board. The Board would therefore no longer review the fitness of indirect cargo carriers. These carriers would no longer file tariffs, and would be exempted from many of the antitrust review provisions of the Act (*i.e.*, be subject to general antitrust laws like other industries). Revisions were also proposed in the type and amount of insurance required for forwarders. The Board, in addition, requested comment on whether forwarders should be limited to the use of Board-authorized common carriers, whether persons should be required to file a notice of intent to enter into mergers and acquisitions, the types and forms of insurance coverage that should be required, and whether there are consumer protection problems in, or other alternatives to, eliminating tariffs.

Comments on the proposed revisions were submitted by carriers, forwarders, large and small shippers, government agencies, and interest groups and interested persons. A list of all commenters is attached as Appendix A. On October 19, 1978, we also heard oral argument from approximately 41 parties. Any requests or suggestions for changes made in the comments are denied unless specifically granted.

Corresponding changes in Parts 207, 208, 212, 215, 244, 249, 385 and 389 are being issued simultaneously in ER-1095 through ER-1100 and OR-144 and OR-145, respectively.

Under sections 101(3) and 416(a) of the Act, the Board has the authority to relieve indirect air carriers from provisions of the Act, and to establish classifications of air carriers and rules for their operation. Using this authority, the Board is issuing these rules for the operation of air freight forwarders and cooperative shippers associations as indirect air carriers under Part 296 of its regulations. Also, the Airline Deregulation Act has expanded the Board's exemption power under section 416(b) of the Act to include "persons," not just "air carriers," and by changing the criterion to "consistent with the public interest." Since a part of these rules affects the officers of an indirect carrier or persons acquiring control of indirect air carriers, exemptions from the Act for these purposes are being granted under section 416(b), while the general operating rules for the indirect cargo carriers are adopted under sections 101(3) and 416(a).

SUBPART A—GENERAL

Subpart A contains classifications of indirect carriers, definitions, and other general provisions.

Several technical amendments have been made to subpart A. Two new sec-

tions explain the purpose of the regulations and their applicability. Also, the proposed definitions of freight forwarder and cooperative shippers association have been changed to make clear that one indirect air carrier may use another in transporting shipments. This language had been recently added to the previous definitions, but had been omitted by mistake from the proposed rules.

Indirect cargo air carriers will also now be able to use the agents of direct carriers. In the past, the prohibition against this use was based on the fear that air freight forwarders would set up dummy agencies to collect commissions from the direct carriers on forwarder traffic, or that they would enter into agreements with agents to split the commissions, both of which are prohibited as a rebate. Another concern has been that the use of agents would unnecessarily add an additional layer between the shipper and the direct carrier.

Although the danger of forwarders using this as an opportunity to evade the prohibition against rebates appears slight, the Board is making the prohibition against forwarders receiving commissions more explicit in order to better monitor any problems. In a notice of proposed rulemaking (PSDR-54, 44 FR 3724, January 18, 1979), however, the Board has proposed to allow payments by direct carriers to shippers or indirect air carriers for ready-for-carriage services.

Also, the market forces themselves will control any problem of unnecessary layers of intermediaries, and will in fact insure the most flexible, economic, and efficient means of cargo air transportation for the shipper.

Permitting indirect cargo carriers to use direct air carrier agents will give them greater flexibility where it is needed, similar to their authority to use other indirect carriers. Carrier agents are in the business of soliciting traffic for their carrier principals, and forwarders are seeking direct air carrier services. There is no reason to restrict their flexibility in offering services to the shipping public.

The sections authorizing an air freight forwarder and cooperative shippers association to act as an agent have been changed to make clear that forwarders may continue to operate as IATA (International Air Transport Association) cargo agents for the direct carrier on a shipment tendered by the shipper, if it expressly reserves the option to do so when accepting the shipment for carriage.

Also, these sections which further authorize a forwarder or cooperative to act as an agent of the shipper, have been changed to require an indirect carrier who wants the option to act as agent to reserve that option in the

airway bill when accepting a shipment for carriage. This requirement puts the shipper on notice of the possibility of a forwarder acting in its capacity as an agent, rather than in the capacity of a forwarder, on a shipment, so that the shipper knows who has responsibility for the shipment as the principal. The old sections of Part 296 state that shipments may be accepted for forwarding, on the condition that the forwarder may exercise an expressly reserved option to act as an agent, as long as a notice to that effect is displayed at its premises, and on its stationery and airwaybills. Because of the predominance of knowledgeable shippers using forwarders, and, particularly the lack of any history of problems in this area, however, a requirement that such an option be set forth in the airwaybill should be sufficient protection for the shipper.

In response to the question, raised in the proposal, whether indirect cargo carriers should be limited to the use of Board-authorized common carriers, the Airfreight Forwarder Association and DHL Corporation argued that the Board should expand the definition of direct air carrier to include intrastate carriers and any carrier certificated by the Federal Aviation Administration, such as a private contract carrier. They said that use of these carriers will allow better service in secondary markets, and that courier services, in particular, need a wide range of immediate airlift capacity because their service is an expedited one and subject to direct competition from the small package services of the direct carriers.

The Federal Aviation Act establishes the framework for air carriers to operate in common carriage in commerce. Because of this framework, if the indirect carrier were authorized to use private contract and intrastate carriers, the direct carrier itself would still need to apply for authority from the Board to carry such shipments as a common carrier in commerce. Under Section 401(d)(4) of the Act, indirect carriers may, of course, use the services of intrastate carriers on an interstate basis. But, general authorization of indirect cargo carriers to use the services of intrastate carriers and private contract operators would undermine the air carrier certification requirement, which Congress has left in effect throughout the phased deregulation. With the recent effectiveness of the free-entry provision of the cargo deregulation amendments, the expansion of the aircraft size for air taxis, and the general liberalizations of the Deregulation Act, there is no need to include private contract operators or intrastate carriers as proposed. Since the need of indirect carriers to use this type of carrier would be infrequent, requests for exemption are

better handled on an *ad hoc* basis, rather than by general exemption.

As the applicability section states, these liberalized regulations apply to all indirect air cargo carriers, whether operating in interstate, overseas, or foreign air transportation. Although the cargo deregulation amendments and the Airline Deregulation Act primarily apply to domestic air transportation, there has been no evidence presented why the indirect cargo carrier industry should not be treated as a whole. Its domestic and international operations are often intertwined and inseparable. Also, while Congress is considering deregulation in other parts of air transportation, this part of the cargo industry (itself a small part of the whole air transportation industry) can provide a valuable testing ground in the international area for future liberalizations for the direct air carriers and passenger industry.

SUBPART B—RELIEF AND EXEMPTION FOR INDIRECT AIR TRANSPORTATION OF PROPERTY

This subpart contains the basic relief from the Act under which these carriers operate. For the reasons stated, we find this relief for indirect air carriers and the exemptions in this subpart to be in, and consistent with, the public interest under sections 101(3) and 416 of the Act.

CERTIFICATION

Indirect cargo air carriers have historically not been subjected to the certification requirement under section 401 of the Act, but instead have been given operating authorization under the Board's authority in sections 101(3) and 416(a) of the Act to relieve indirect air carriers from provisions of the Act, and to establish just and reasonable classifications of air carriers and regulations for their operation. As explained in Subpart C, below, the Board is changing its present operating authorization and determination of fitness for these indirect carriers to a simple registration procedure similar to that used for air taxi operators. Quasi-fitness standards had been initially established for these carriers because they were the first type of indirect air carrier authorized by the Board. At that time such standards were needed to establish an effective system of indirect cargo carriers and to monitor its operation. We no longer find that either of these two needs require the detailed operating authorization procedures of the present rule. All indirect cargo carriers covered by Part 296 are therefore relieved from section 401 of the Act.

TARIFFS

In EDR-350 the Board proposed to relieve indirect cargo carriers from the

requirement to file tariffs under section 403 of the Act. After a careful review of the numerous comments submitted on this issue, and in view of the Congressional mandate expressed in the cargo deregulation amendments and the Airline Deregulation Act, the Board has decided to relieve these carriers from the tariff filing requirement.

Numerous comments from shippers, direct carriers, forwarders, and traffic consultants opposed relieving indirect carriers from this requirement. Shippers argued that they will be unable to plan and budget their cost without the reliability of tariffs, that small shippers will be discriminated against and be unable to prove the forwarder's contract of carriage, that small shippers will also have no power to negotiate reasonable rates with the forwarders, that tariffs are necessary to resolve shipper-forwarder disputes, and that elimination of tariffs is contrary to Congressional intent. They also argue that there will not be any benefits, because tariff filing costs are insignificant, that rates most likely will not decrease, and that there is already a wide variety of prices in the forwarder industry under the present system. The forwarders and direct carriers all reiterate these arguments of the shippers.

Three recent documents in this docket and Docket 33093, "Rules for Direct Carriers in Domestic Cargo Transportation," (EDR-350, 43 FR 15720, April 14, 1978; EDR-359, 43 FR 33733, August 1, 1978; ER-1080, 43 FR 53628, November 16, 1978) have considered and discussed these same arguments in depth. We will recount here our disagreement with their premises and conclusions. There are three basic questions to be answered in these arguments: whether the Board has the legal authority to relieve indirect cargo carriers from the tariff filing requirement, whether the elimination of this requirement will prevent the shipper from receiving the necessary rate and rule information to conduct and plan its business, and whether tariffs are the only practical means by which the Board can enforce its supervisory responsibilities under the Act.

Several commenters argued that, as expressed in the cargo deregulation amendments (Pub. L. 95-163), it is Congress' intent that tariffs continue to be filed so that the Board can control predatory rates. Congress even increased the period for filing forwarders' tariffs, they argued, as an indication that the Board should continue to examine these rates and practices. The decision to extend the filing period for forwarder tariffs does not necessarily demonstrate their intent that tariffs continue to be filed, but only their intent to give indirect carriers time to

respond to any changes in rates of the direct carriers. (H. Rept. No. 95-14, 95th Cong., 1st Sess. 3 (1977)). Since the tariff requirement has now been eliminated for direct carriers in domestic cargo transportation (ER-1080), there is an even greater lag in the ability of forwarders to change their rates relative to those of the direct carriers than before the cargo amendments and which should be eliminated. More important, however, is the emphatic Congressional statement in both deregulation laws that pricing and entry in air transportation, and especially in air cargo, is to be deregulated, with emphasis placed on competition to regulate our air transportation system. As with the elimination of domestic cargo tariffs for direct carriers, notice to shippers, and monitoring by the Board of forwarder rates, both Congressional goals, can be achieved without the artificiality and restrictiveness of tariffs.

As we stated in ER-1080 in eliminating this requirement for direct carriers, the Board has never doubted the value to the shipper of the rate and rule information contained in the tariffs. In reviewing the comments in this case and observing how the present air cargo system works, including the practices of air taxis without tariffs, the Board has concluded that there are sufficient economic incentives to ensure that this flow of information to the shipper will continue. Here also, the forwarders will continue to publish their own rate sheets and service guides, as they do now, and will continue to make them readily available to the shipping public. In fact the forwarders can, and undoubtedly will, continue to construct and distribute their rates as they do now through an independent publisher, but without the need to conform to government-imposed guidelines. Instead they will be designed and distributed in the way that best suits their own needs and those of their shippers. A forwarder's ability to successfully market its services depends to a large extent on informing the public of its charges and in abiding by them. Although there will need to be some adjustments by traffic managers and others, the Board concludes that the shippers' concern on this point is unwarranted.

The last question is whether tariffs are needed by the Board to conduct its enforcement responsibilities. The answer, as it was for the direct cargo carrier industry, is No. Since the Board can no longer suspend domestic property transportation rates to prevent a forwarder from putting a particular rate into effect or determine its reasonableness, there is no need to have advanced tariff filing for this purpose. As a practical matter, most investigations of discriminatory rates

begin not as a result of an in-depth review of tariff filings, but in response to complaints from shippers or competing carriers. It is the Board's opinion that its spot audit procedures and this complaint procedure are certainly adequate to fulfill our enforcement responsibilities during the next 6 years until our authority is eliminated in 1985.

Although there may be some dislocations and difficulties in the operation of a tariff-free system as claimed by the opponents, the prospective benefits of such a system far outweigh any minor inconveniences. While we have given careful consideration to the near-unanimous arguments of the shippers, forwarders and direct carriers in opposition to elimination of tariffs, we must also look beyond those being regulated with an artificial uniformity and price level to the ultimate consumer who eventually pays for these inefficiencies by prices not competitively set.

There is evidence, some of which we admit is theoretical, that a system of advance notice of prices, with both carriers and shippers forced to abide them, results in prices higher than they might otherwise be. Also, as correctly claimed by some commenters, since the Board's authority over the reasonableness of rates was eliminated by P.L. 95-163, there has been a general increase in standard freight rates. There have, however, also been efforts by the same direct carriers to cut prices for off-peak or guaranteed-volume services, and other special services, and only recently one carrier cut its domestic door-to-door air freight rates by as much as 25 percent, thus putting these rates as much as 30 percent below some freight forwarders. One conclusion, therefore, is that those prices that did rise were held artificially low. Also, during the 8-month period of this discussion in two different proceedings, no persuasive factual, or even theoretical, evidence, other than these price movements, has been submitted by opposing parties to support their claims and arguments. During this time, and during the several-year debate in Congress over airline deregulation, no persuasive evidence has been presented that tariffs are a necessary part of the air transportation system. In fact, Congress has eliminated them for the much larger passenger traffic system as of January 1, 1983.

Since the prices and conditions of a tariff become part of the contract of carriage, and the Board no longer has the authority to force the carriers to establish reasonable charges and rules, the forwarder could, by simply filing a tariff, be able to avoid liabilities or obligations that would otherwise be enforceable in court. A second benefit of

eliminating tariffs, therefore, is the removal of the possibility that matter contained in a tariff can abrogate rights granted by the common law.

A third benefit of the elimination of tariffs is that of allowing the air cargo industry to be a complete test of deregulation of both entry and price, for both direct and indirect carriers, before the phased elimination of controls on the passenger side begins in 2 years. In passing separately the cargo deregulation amendments, in which entry and price are open to competition, Congress has enabled this smaller part of the transportation industry to be a testing ground for deregulation of the entire industry. The Board by these rules is proceeding down the track provided by Congress.

Several commenters opposed to the elimination of tariffs suggested various methods short of complete elimination to liberalize the filing of tariffs themselves. We find, however, that these suggestions would only delay the removal of this restraint on competition, while retaining the most objectionable feature, the posting of rates. It would, moreover, leave the indirect carriers at a severe disadvantage to domestic cargo carriers who do not have to file tariffs at all.

We are not, however, relieving indirect cargo carriers from the prohibition against receiving a rebate. There appears to be no reason to distinguish these indirect carriers from other cargo shippers who remain subject to enforcement action for receiving rebates from the direct carriers. This is particularly true in foreign air transportation where the tariff filing requirement for the direct carriers is still in effect.

As the Board stated in the rules for domestic cargo transportation, the Interstate Commerce Commission uses the tariffs filed with the Board as a basis for exemption of carriers providing pickup and delivery services from its own licensing and tariff requirements. The Board intends to use the same method as for direct carriers (with the knowledge of the Commission staff) to enable the exemption mechanism to continue: the Board will maintain a master list of groundpoints where indirect air carrier delivery services can operate; new points can then be added to this list by the filing of self-canceling pickup and delivery tariffs under Part 222. Effective May 16, 1979, however, the Commission is amending its rules (49 CFR § 1047.40 and § 1082.1) to delete its reliance on tariffs filed with the Board for determination of its air terminal exempt zone (44 FR 3295, January 16, 1979; Motor Transportation of Property incidental to Transportation by Aircraft, 131 M.C.C. (87 (1978)). At that time,

the Board will review the need for this list.

The Board is also amending its delegation of authority to the Director, Bureau of Pricing and Domestic Aviation, to require the filing of pickup and delivery tariffs under Part 221 by indirect air carriers, if needed in the public interest.

This relief is being made effective immediately to end the present discrimination between forwarders and domestic direct cargo carriers that no longer are required to file tariffs. Forwarders having effective tariff rules and rates on file with the Board will be allowed to maintain them in force until March 14, so that there will be sufficient time to arrange for alternative methods and procedures, and because this termination date matches that for the domestic direct cargo carriers, the forwarders will not be placed at a disadvantage. After that date, those rates and rules on file with the Board will not be legally effective as tariffs. During this transition period, forwarders may phase out their tariffs gradually. Tariffs on file, however, must not mislead the public about either their applicability or validity. Any forwarder, therefore, intending to provide air transportation not in accordance with filed tariffs, shall amend its tariff on file with the Board to indicate the extent to which such tariff is no longer in force, or to describe the exception it wishes to make to the tariffs on file.

Although the Board is relieving freight forwarders from the requirement to file tariffs, this does not mean that the Board is abandoning all oversight and review of the indirect cargo industry. The Board intends to monitor operation of the cargo market under these conditions for any possible adverse effects, and will take whatever action may be necessary to ensure fair, yet economically efficient operation of indirect air cargo services.

CARRIER'S DUTY

There is only a slight change from the relief granted to forwarders under the present rules from section 404(a) of the Act. We are now expanding the relief from this section of the Act to include the duty to establish, observe, and enforce just and reasonable rates and practices. Since Congress has abolished the Board's power to set reasonable rates, it is clearly their intent that these rates be set by market forces. Absent positive relief by the Board, these carriers could be faced with suits seeking to enforce this duty in the courts, with the rates then being determined by judicial decisions. We are continuing, however, to require these indirect cargo carriers to provide safe service and equipment as at present. Forwarders will continue to be sub-

ject to section 404(b), prohibiting discrimination in their services.

POSTAL RULES AND RATES

Indirect cargo carriers are now relieved from those provisions of the Act establishing rules and rates for the carriage of mail, and the Board is continuing the relief from sections 405 and 406 of the Act.

ANTITRUST

Sections 407(b) and 407(c) of the Act require the reporting of stockholdings in air carriers, and of aviation or surface carrier holdings by their officers and directors. Several commenters asked that these requirements be kept so the Board can monitor citizenship requirements and acquisitions of control. The need for such a detailed reporting of ownership is predicated on approval of acquisitions on a routine basis. Since we are not requiring prior Board approval of every acquisition or other transaction, there is no longer a regulatory purpose served by compliance with these two sections of the Act. We are therefore exempting those persons from sections 407(b) and 407(c) of the Act.

We are also relieving indirect cargo carriers from section 407(d) of the Act, which prescribes detailed forms of accounts. The cargo deregulation amendments eliminated the Board's need to monitor the detailed activity of the industry, despite arguments of some commenters to the contrary. We now need only collect gross data to monitor the activity and growth of the industry, thus eliminating the need for a uniform system.

The Board is also relieving indirect cargo carriers from section 408 of the Act dealing with mergers and acquisitions of control, from section 409 of the Act dealing with interlocking relationships between air carrier managements, and from section 412 dealing with filing and approval of agreements affecting air transportation. The primary objection to these exemptions was that by allowing vertical integration between direct carriers and indirect carriers, direct carriers would be able to give preferential treatment to their own affiliated forwarders, encouraging monopolies and decreasing competition. Other arguments against relief from these provisions of the Act were: anticompetitive practices in the industry have not materialized because the Board's control over mergers, acquisitions, and agreements; the Board has an obligation beyond the strict antitrust implications of these activities to review them as to whether they are in the public interest; and by relieving indirect carriers from these controls, the monitoring responsibilities are only being transferred to other agencies that enforce the gener-

al antitrust laws, but which do not have the Board's expertise, and are already overburdened.

By its rules for domestic cargo transportation the Board has already enabled indirect carriers operating domestically to acquire and be acquired by direct carriers in domestic cargo transportation. We find that those opposing this relief have not presented any persuasive evidence that they should not be subject to the operation of the antitrust laws in the same fashion as any other business in the United States. (c.f., Orders 76-12-101, dated December 16, 1976, and 77-3-140, dated March 24, 1977) Congress has mandated a flexible, freely competitive environment for air service, and especially for air cargo service. To subject these indirect carriers to approval of all matters within the scope of these sections of the Act would be inconsistent with the statutory scheme. The Department of Justice and the Department of Transportation agree with this interpretation, arguing that the antitrust laws and section 411 of the Act provide sufficient protection to prevent anticompetitive practices within the industry.

Although we have established a 45-day pre-notification requirement for acquisitions of, or by, section 418 all-cargo carriers in relation to section 401 carriers with international operations, there is no need for such a requirement for similar relationships with indirect cargo carriers. Since these indirect carriers have no route structure, and there is no barrier to entry, the anticompetitive threat of such relationships is considerably smaller. For these reasons, we are not requiring any scrutiny of these relationships other than that contained in the antitrust laws applicable in other businesses in general.

As proposed, § 296.12 exempted persons from section 408(a)(5) of the Act, thus allowing acquisitions of indirect air carriers by any person. Since the provision in section 408(a)(5) that necessitated a specific rule has been eliminated by the Airline Deregulation Act, such an exemption is no longer needed. Also, proposed § 296.16 approved certain section 409(a) relationships that were then beyond the scope of the Board's exemption powers. The Airline Deregulation Act has expanded the Board's exemption authority to extend to any "person," instead of to any "air carrier," and therefore obviates the need for this section in our rules.

For these reasons, the Board is relieving indirect cargo carriers from sections 407(b), 407(c), 407(d), 408, 409, and 412 of the Act. Although section 412 has been amended by the Airline Deregulation Act to make the filing of agreements mandatory, only when in-

volving foreign air transportation, agreements involving interstate and overseas transportation may be filed, and antitrust immunity thereby remains a possibility. We are precluding the filing and approval of these agreements, by relieving indirect carriers from section 412 in its entirety. The Board does not consider that such powers over this portion of the industry are needed or desirable.

Proposed § 296.13 has been deleted as merely restating the general effect of our exemption.

SUBPART C—REGISTRATION FOR AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPER ASSOCIATIONS

Subpart C proposed a simplified registration procedure for indirect cargo carriers, replacing the detailed and burdensome operating authorization application in the present rules. As explained under Subpart A, while the quasi-fitness standards used in the present procedures were needed in establishing this classification of air carrier, their burden now outweighs any benefit to the Board or to the shipping public as a whole. The registration system in this rule thus confers no opinion by the Board on the fitness of the forwarder.

Some commenters argued that consumer protection may suffer without more in-depth information on those registering as forwarders, and that the fitness standards are necessary to ensure that the public receives reliable service. We disagree. There has been no evidence of widespread problems with air taxis, which are not subject to a fitness test by the Board, that cannot be handled through consumer complaints and enforcement actions. If there is a chronic problem with a particular indirect cargo carrier, its registration may be cancelled by the Board.

A new § 296.24 is being added stating that the operating authority currently held by forwarders and cooperative shippers associations shall terminate 75 days after the effective date of this rule. These carriers may re-register within this 75-day period without paying the \$15 filing fee.

SUBPART D—GENERAL RULES

This subpart sets forth the general rules for operations of indirect cargo carriers.

The Board proposed to change the structure of required minimum cargo liability insurance for forwarders from a specified total amount to a system based on the weight of the shipment tendered. It also proposed to delete the present public liability insurance requirement for forwarders, since in most cases it is duplicative of insurance required by the States and other Federal agencies. Several forwarders

and shippers and two insurance companies commented on the cargo liability proposal, generally asking for clarification of certain parts of the proposal, arguing that premiums for that type of insurance policy would be prohibitive, suggesting various changes in the proposed endorsement, and claiming that the coverage would be either too low or too high. In view of the change in the market structure relying on competition, the consequent change in the makeup of the cargo industry, and our action in deleting this requirement for direct carriers in domestic cargo transportation, the Board has decided that cargo liability insurance should not be required for air freight forwarders. Instead, as with the direct carriers, we are requiring a notice to be placed on the airwaybill and rate sheet of the forwarder, stating the amount of its insurance coverage, if any. We are also requiring that the notice include the limits of liability established by the forwarder; so that the shipper has the full amount of information needed to understand the amount that may be paid on the shipment.

We find that it is most efficient for each forwarder to determine, based on its own history of claims and operations, the needed amount of insurance, if any. The shipper is in the best position to obtain appropriate insurance for its shipment, once notice of the forwarder's coverage is given.

Only one commenter, the Shippers National Freight Claims Council, argued that the Board's public liability insurance requirement should be retained, because not all States required such insurance, and that forwarders would be exempt from Interstate Commerce Commission insurance requirements within its 25-mile exempt zone. The Board's basic reason, however, for removing this requirement is that a Federal presence is not needed. The States have comprehensive authority to require liability insurance with respect to all forms of ground transportation within their borders, as long as the regulation does not frustrate the free entry and free pricing aspects of the provision of indirect air transportation. Although the Board could have preempted this area, we see no reason why the decision-making function in this area should not remain at the State level. The Board's requirement for public liability insurance for air freight forwarders is, therefore, revoked. This decision to eliminate the insurance requirement for forwarders, of course, has no bearing on any action the Board may take for other air carriers under section 401(q) of the Act.

This subpart also includes requirements for preparation of airwaybills and manifests. DHL Corporation (a

courier service), Emery Air Freight (an air freight forwarder), and United Parcel Service requested some changes in the airwaybill requirements as proposed. They sought a lessening of the requirements for couriers, and a provision allowing deviations from the required format with the approval of the Board. We are, in response to these comments, changing the rule to require an airwaybill for each shipper, rather than for each shipment. This provides notice to the shipper without the need for an airwaybill to be prepared for each particular shipment. We are also including a provision for waiver of these requirements if special circumstances exist. Those carriers now using a special format granted by waiver may continue to do so.

SUBPART E—REPORTING REQUIREMENTS

Subpart E contains simplified reporting requirements for indirect cargo carriers, substantially as proposed in EDR-350. Several forwarders and shippers recommended that the Board collect more detailed data than proposed, for use by the Board and the industry itself. There is, however, no regulatory need for these data, and the Board has been attempting over the years to eliminate reports collected solely for the benefit of others. As we stated in explaining our elimination of a uniform system of accounts for forwarders in Part 244, the cargo deregulation amendments removed the need for detailed Board supervision of the industry.

In response to the comments, however, the Board is making a minor change to §296.41(c) and to Form 296R. The category of "numbers of shipments tendered to direct air carriers" is changed to "numbers of shipments received from customers as an indirect air carrier;" and the "number of tons of freight tendered to the direct air carrier" is changed to "number of tons of freight received from customers as an indirect air carrier." This information will more accurately reflect the growth and change in the industry itself, and will not be as burdensome, since this information is routinely maintained by the forwarders themselves. Also, certain technical instructions on filling out the form have been removed from the regulation and placed on the back of the form itself.

In view of the Airline Deregulation Act, the Board now believes that these reports are necessary only to monitor the industry during the initial stages of deregulation. It is the Board's intent eventually to phase them out completely.

SUBPART F—ENFORCEMENT

Subpart F contains the basic enforcement powers of the Board for vio-

lations of the Act and Board regulations. It has been changed from the proposal to conform with a similar provision in the rules for direct cargo carriers.

MISCELLANEOUS

Parts 207, 208, and 212 of the Board's regulations have been amended to reflect the changes made in categories of indirect air carriers. The changes in these parts also reflect the fact that transporters of used household goods for the Department of Defense no longer have separate authorizations, but are considered to be air freight forwarders.

The Board had also proposed to delete air freight forwarders from the applicability of Part 215, by which the Board monitors the trade names of air carriers. They are now the only class of indirect air carrier subject to these requirements. Over 4,000 air taxi operators have been operating for years not subject to Part 215, and there has been no evidence of public confusion over the names they use. Since there are considerably fewer air freight forwarders, the Board has no reason to believe that the public will be affected adversely by this change.

EFFECTIVENESS

Currently authorized forwarders and pending applicants may register within 75 days of the effective date of this rule under §296.20 without imposition of the filing fee. After 75 days the new filing fee must be paid. Also, from the date of adoption of the rule, the Board will no longer accept applications using the present Part 296 format; and all applications pending on this date are dismissed. These applicants may, of course, register within this 75-day transition period without payment of the filing fee.

These rules are being made effective immediately, except for §296.20 (Filing for Registration) and §296.40 (Financial and Operating Report), which will be submitted to the General Accounting Office (GAO) for review under the Federal Reports Act (44 U.S.C. 3512). GAO will conduct its clearance review to ensure that a minimum burden is imposed upon registrants, and that the information requested is otherwise consistent with the Federal Reports Act. However, new registrants and those persons who have had applications pending with the Board are not precluded from providing the information requested in §296.20 beginning January 24, 1979. Those forwarders presently holding operating authorization from the Board shall not provide the information requested under §296.20 until after 50 days from adoption, unless the Board indicates otherwise. The

Board will publish a notice of GAO's decision as soon as it is received.

In general the new regulations for indirect cargo carriers are relieving a multitude of restrictions from their operations. For example, a simplified registration is replacing the present complicated and burdensome operating authorization application; relief from merger and acquisition review provisions of the Act is being granted for the first time; insurance requirements have been eliminated; and reporting has been simplified. It would not be fair to require those wishing to start operations as a freight forwarder, or those whose applications are now pending, to bear the cost or burden of the old procedures.

Additionally, present operating restrictions have placed the freight forwarder at a competitive disadvantage (particularly their requirement to file tariffs) to the direct cargo carriers operating domestically, which often provide services directly competitive to the forwarders, and which have been exempt from the filing of tariffs effective December 14, 1978.

For these reasons, good cause is shown to make this reissuance of Part 296 effective immediately.

Accordingly, Part 296 of the Board's Economic Regulations (14 CFR Part 296) is revised to read as follows:

PART 296—AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Subpart A—General

- Sec.
- 296.1 Purpose.
- 296.2 Applicability.
- 296.3 Definitions.
- 296.4 Joint loading.
- 296.5 Air freight forwarder as agent.
- 296.6 Cooperative shippers association as agent of shipper.

Subpart B—Relief and Exemption for Indirect Air Transportation of Property

- 296.10 Relief and exemption from the Act.
- 296.11 No relief from antitrust laws.

Subpart C—Registration for Air Freight Forwarders and Cooperative Shippers Associations

- 296.20 Filing for registration.
- 296.21 Procedure on receipt of registration form.
- 296.22 Notification to the Board of change in operations.
- 296.23 Cancellation of registration.
- 296.24 Termination of operating authority.

Subpart D—General Rules for Air Freight Forwarders and Cooperative Shippers Associations

- 296.30 Public Disclosure of cargo liability insurance.
- 296.31 Preparation of airwaybills and manifests.
- 296.32 Prohibition against receipt of commissions.

Subpart E—Reporting Requirements

296.40 Financial and operating report.

Subpart F—Violations

296.50 Enforcement.

AUTHORITY: Sec. 101(3), 102, 204, 407, 408 & 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 743, 766; 92 Stat. 1726 & 1731; 49 U.S.C. 1301, 1302, 1324, 1377, 1378, 1386.

Subpart A—General

§ 296.1 Purpose.

This part establishes registration procedures and operating rules for air carriers that engage indirectly in interstate, overseas, and foreign air transportation of property. It also relieves these carriers from certain provisions of the Act, and establishes simplified reports for them.

§ 296.2 Applicability.

This part applies to air transportation of property by indirect air carriers under section 101 of the Act. It also applies to applications for registration as an indirect air carrier of property, and to persons entering into control relationships with indirect air carriers of property.

§ 296.3 Definitions.

For purposes of this part:

(a) "Air freight forwarder" means an indirect air carrier that is responsible for the transportation of property from the point of receipt to point of destination, and utilizes for the whole or any part of such transportation the services of a direct air carrier or its agent, or of another air freight forwarder.

(b) "Cooperative shippers association" means a bona fide association of shippers operating as an indirect air carrier on a nonprofit basis that undertakes to ship property by air for the account of such association or its members, and utilizes for the whole or any part of such transportation the services of a direct air carrier or its agent, or of an air freight forwarder.

(c) "Direct air carrier" means an air carrier or foreign air carrier directly engaged in the operation of aircraft under a certificate, regulation, order, or permit issued by the Board.

(d) "Indirect air carrier" means any citizen of the United States who undertakes indirectly to engage in air transportation of property.

§ 296.4 Joint loading.

Nothing in this part shall preclude joint loading, meaning the pooling of shipments and their delivery to a direct air carrier for transportation as one shipment, under an agreement be-

tween two or more indirect air carriers or foreign indirect air carriers.

§ 296.5 Air freight forwarder as agent.

An air freight forwarder may act as agent of a shipper, or of a direct air carrier that has authorized such agency, if it expressly reserves the option to do so when the shipment is accepted. An air freight forwarder shall not act as the agent of any direct air carrier with respect to shipments accepted for forwarding.

§ 296.6 Cooperative shippers association as agent of shipper.

A cooperative shippers association may act as agent of a shipper, if it expressly reserves the option to do so when the shipment is accepted.

Subpart B—Relief and Exemption for Indirect Air Transportation of Property

§ 296.10 Relief and exemption from the Act.

Indirect air carriers are hereby relieved from the following sections or subsections of the Act:

(a) Section 401 (Certification);

(b) Section 403 (Tariffs), except section 403(b)(2);

NOTE.—Tariffs already on file with the Board may be amended as provided in Part 221, and may remain in effect as evidence of the rates and rules of that carrier until March 14, 1979. Notice of any changes in, or exceptions to, tariffs on file shall be filed with the Board, and placed with that tariff.

(c) Section 404(a) (Carrier's duty to provide service, etc.), except the requirement to provide safe service, equipment, and facilities in connection with such transportation;

(d) Section 405 (Postal Rules & Regulations);

(e) Section 406 (Mail Rates);

(f) Subsection 407(b) (Disclosure of Stock Ownership);

(g) Subsection 407(c) (Disclosure of Stock Ownership by Officer or Director);

(h) Subsection 407(d) (Form of Accounts);

(i) Section 408 (Consolidation, Merger & Acquisition of Control);

(j) Section 409 (Interlocking Relationships); and

(k) Section 412 (Pooling and other Agreements).

§ 296.11 No relief from antitrust laws.

The relief and exemptions granted in § 296.10 do not constitute orders, within the meaning of section 414 of the Act, and do not confer any immunity or relief from the "antitrust" laws or any other statute except the Act. The relief and exemptions do not relieve any person from the preacquisition notification requirements of the

Clayton Act, 15 U.S.C. 18a, which apply to certain transactions involving firms with annual rates or assets of \$10 million or more.

Subpart C—Registration for Air Freight Forwarders and Cooperative Shippers Associations

§ 296.20 Filing for registration.

(a) Not later than 30 days before the start of operations as an indirect air carrier, every air freight forwarder and cooperative shippers association shall register with the Board, unless upon a showing of good cause, the Director, Bureau of Pricing and Domestic Aviation, allows registration at a later time.

(b) Registration shall consist of filing with the Board's Bureau of Pricing and Domestic Aviation, Special Authorities Division, two copies of completed CAB Form 296B (obtainable from the Board's Publications Service Division, Washington, D.C. 20428) and a \$15 registration fee. Payment of the fee shall be in the form of check, draft, or postal money order, payable to the Civil Aeronautics Board.

§ 296.21 Procedure on receipt of registration form.

After review of a registration form filed under § 296.20, the Board will indicate by stamp on CAB Form 296B the effective date of the registration. The Board will then return to the carrier the duplicate copy of Form 296B as evidence of registration with the Board under this part.

§ 296.22 Notification to the Board of change in operations.

Not later than 30 days before any change in its name or address, or any temporary or permanent cessation of operations, each air freight forwarder or cooperative shippers association shall notify the Board's Bureau of Pricing and Domestic Aviation, Special Authorities Division, of the change by re-submitting CAB Form 296B.

§ 296.23 Cancellation of registration.

The registration of an air freight forwarder or cooperative shippers association may be canceled if it:

(a) Files with the Board a written notice that it is discontinuing indirect air carrier activities;

(b) Fails to perform air transportation services as authorized for a period of 2 years; or

(c) Fails to file for two successive periods the reports required by this part.

§ 296.24 Termination of operating authority.

The operating authorization held under this part by any indirect air car-

rier of property on January 24, 1979, shall terminate as of April 9, 1979.

Subpart D—General Rules for Air Freight Forwarders and Cooperative Shippers Associations

§ 296.30 Public disclosure of cargo liability insurance.

Every air freight forwarder shall give notice in writing to the shipper, when any shipment is accepted, of the limits of its cargo liability insurance, or of the absence of such insurance; and the limits of its liability, if any. The notice shall be included clearly and conspicuously on all of its rate sheets and airwaybills, and on any other documentation that is given to a shipper at the time of acceptance of the shipment.

§ 296.31 Preparation of airwaybills and manifests.

(a) Each registered indirect air carrier shall prepare an accurate airwaybill describing completely all services rendered to or on behalf of the shipper, including the conditions under which the contract will be completed, in its capacity of an indirect air carrier. A copy of the airwaybill shall be given to the consignor and to the consignee.

(b) Each registered indirect air carrier shall prepare an accurate manifest showing every individual shipment included in each shipment consigned for transportation to a direct air carrier.

(c) A waiver of paragraph (a) of this section may be granted by the Board upon a written application by the indirect air carrier not less than 30 days before the shipment to which it relates is transported, if the waiver is in the public interest, and is warranted by special or unusual circumstances.

§ 296.32 Prohibition against receipt of commissions.

No air freight forwarder, acting in that capacity, shall accept directly or indirectly any payment of a commission on traffic tendered to a direct carrier or its agent.

Subpart E—Reporting Requirements

§ 296.40 Financial and operating report.

(a) Each air freight forwarder, cooperative shippers association, and foreign air freight forwarder shall file with the Board a Financial and Operating Report (CAB Form 296R) (obtainable from Publications Services Section, CAB, Washington, D.C. 20428) on the first business day occurring on or before February 15 of each year.

(b) Blank copies of CAB Form 296R

will be supplied annually by the Civil Aeronautics Board.

(c) In the spaces provided, each indirect air carrier shall report the gross air freight forwarding revenues, gross air freight forwarding expenses, net income (loss) from forwarding operations and the number of shipments and number of tons of air freight received from customers as an indirect carrier. Cooperative shippers associations need not report revenue or expense data.

Subpart F—Violations

§ 296.50 Enforcement.

In case of any violation of any of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding under section 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance; or to civil penalties under the provisions of section 901(a) of the Act; or in the case of a willful violation, to criminal penalties under the provisions of section 902(a) of the Act; or other lawful sanctions including cancellation of registration.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—LIST OF COMMENTS ON EDR-50/ODR-15 IN DOCKET 32318

AIR FREIGHT FORWARDERS

- Aero Mayflower Transit Company d/b/a/ Air Mayflower
- Air Freight Forwarders Association of America (AFFA)
- Airborne Freight Corporation
- Astro Air Express
- Burlington Northern Air Freight
- CF Air Freight, Inc.
- Century Air Freight, Inc.
- Defron Freight, Inc.
- DEL Corporation
- Emery Air Freight Corp.
- Galaxy Airfreight International, Inc.
- International Air Forwarder and Agents Association
- KRK Expediting, Inc.
- Northern Air Freight
- Pilot Air Freight Corp.
- Senderex Cargo, Inc.
- Tracor International, Inc., a division of MDS Courier, Inc.
- United Parcel Service

TRANSPORTATION CONSULTANTS AND ASSOCIATIONS

- Continental Freight Data Systems
- Freight Traffic Services
- Industrial Traffic Consultants, Inc.
- International Support Systems
- National Traffic Consultants

- Northwest Traffic Associations
- Philadelphia Management, Inc.
- Puget Sound Traffic Association

TARIFF PUBLISHERS

- Air Tariffs Corporation
- Cargo Economics Tariff Publishing Corporation
- Miller Traffic Service

DIRECT AIR CARRIERS

- American Airlines
- Federal Express Corporation
- Flying Tiger Line
- National Air Carrier Association, jointly for Evergreen International Airlines, Trans International Airlines, World Airways
- Pan American World Airlines, Inc.
- Seaboard World Airlines, Inc.
- Trans World Airlines
- United Airlines, Inc.

INSURANCE COMPANIES

- American Institute of Marine Underwriters
- Inland Marine Underwriters Association

SHIPPERS, SHIPPER ASSOCIATIONS, PRIVATE INDIVIDUALS

- Abraham & Straus
- Allis-Chalmers
- American Institute for Shippers' Associations, Inc.
- American Watch Association
- Animal Shipper Parties
- Aplysia Aquarium
- Avon
- Brown & Bigelow
- Capitol Records
- Deere & Company
- Eastman Kodak
- Exquisite Form Industries, Inc.
- Fairchild Industries, Inc.
- Foto-Publishers
- Gators of Miami
- Graham Associates, Inc.
- Honeywell
- International Harvester
- Liberty Shamrock
- Millbrook Farm
- National Industrial Traffic League
- Nelman-Marcus
- Carl Parish (individual)
- Pet Farm, Inc.
- Phillips Petroleum Company
- RHG Corp d/b/a/ MainLine Embossing Company
- Searle
- Shippers National Freight Claim Council, Inc.
- Southland Corporation
- Sperry Rand Corporation—Sperry Univac Division
- Stearman Electronics, Inc.
- Todd Allan Printing
- Traffic Managers Conference of California
- Travenol Laboratories, Inc.
- Warren Uhlich (individual)
- Westinghouse Electric Corporation
- Wiedholdt Stores, Inc.

TOUR OPERATORS

- Air Charter Tour Operators of America

GOVERNMENT AGENCIES

- U.S. Department of Transportation
- U.S. Department of Justice

[6320-01-C]

Appendix B
Page 1 of 2

CAB Form 296-B (1-79) REGISTRATION AND AMENDMENTS UNDER PART 296 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD	FOR USE BY CAB ONLY
INSTRUCTIONS: Submit this form in duplicate. If this is a registration, enclose a \$15 fee (check, draft, or postal money order) payable to the Civil Aeronautics Board, Washington, D.C. 20428, Address Attention: Chief, Special Authorities Division. NOTE: There is no filing fee for amendments to information previously filed.	
1. Name and Mailing Address of Registrant: 	Effective date of registration/amendments
2. Address of principal place of business (if different from above), and registrant's Area Code and Telephone Number: 	3. Are you a U.S. citizen? NOTE: Under the Federal Aviation Act a corporation is a U.S. citizen only if the president and two-thirds or more of the officers and directors are U.S. citizens and 75 percent of the voting interest is owned or controlled by U.S. citizens. <input type="checkbox"/> YES <input type="checkbox"/> NO
4. Is this filing registrant's <input type="checkbox"/> Initial Registration <input type="checkbox"/> Amendment to reflect changes since previous filing (please explain on reverse)	
5. Check type or types of service registrant intends to perform upon commencement of operations: <input type="checkbox"/> Air Freight Forwarder <input type="checkbox"/> Cooperative Shippers Association	6. If this is a registration, give proposed date of commencement of operations:
7. Certification <p style="text-align: center;">I certify that the information contained in this application, and in the attachments hereto, is complete accurate to the best of my knowledge.</p> <p style="text-align: right;">Signature: _____</p> <p>Date: _____ Name (please type) _____</p> <p>Place: _____ Title: _____</p> <p style="text-align: center;">(City and State) (see note)</p> <p>NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer of a corporation or association, or partner or owner of other applicants.</p>	

8. (For use in reporting any changes or amendments to information previously filed).

a. Change in carrier's name and/or address:

b. Description of any other changes or amendments:

Financial and Operating Report for U.S. and Foreign Indirect Air Carriers of Property					
Carrier _____	Carrier Code <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 15px; height: 15px;"></td><td style="width: 15px; height: 15px;"></td><td style="width: 15px; height: 15px;"></td><td style="width: 15px; height: 15px;"></td></tr></table>				
Year Ended _____	Date <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 15px; height: 15px;"></td><td style="width: 15px; height: 15px;"></td><td style="width: 15px; height: 15px;"></td><td style="width: 15px; height: 15px;"></td></tr></table>				
<ul style="list-style-type: none"> * GROSS AIR FREIGHT FORWARDING REVENUES _____ * GROSS AIR FREIGHT FORWARDING EXPENSES _____ * NET INCOME (LOSS) FROM FORWARDING _____ NUMBER OF SHIPMENTS RECEIVED FROM CUSTOMERS AS AN INDIRECT CARRIER _____ NUMBER OF TONS OF FREIGHT RECEIVED FROM CUSTOMERS AS AN INDIRECT CARRIER _____ 					
CERTIFICATION **					
<p>I, the undersigned _____</p> <p>of the above-named carrier do certify that this report filed for the above-indicated period has been prepared by me or under my direction; that I have carefully examined the reported data and that it correctly reflects the accounts and records of the carrier; and to the best of my knowledge and belief constitutes a complete and accurate statement.</p>					
Date	Signature				
Address of Principal Office	Mailing Address (If Different)				
<p>**Whoever, in any matter within the jurisdiction of any agency of the United States knowingly and wilfully falsifies or conceals a material fact or makes or uses any false writing knowing the same to contain any false, fictitious or fraudulent statement or entry is subject to a fine of not more than \$10,000 or imprisonment for not more than 5 years or both. Title 18, U.S.C. §1001.</p>					

* Not applicable to cooperative shippers association.

CAB Form 296-R
(1-79)

Original Revision

(FOR INSTRUCTIONS SEE REVERSE)

[6320-01-M]

INSTRUCTIONS

Each form contains a five-block carrier code and a four-block date code. The five-block carrier code is assigned only for accounting/reporting purposes by the Office of Comptroller. The four-block date code will be used to record the year and the month, the first two blocks representing the year, and the second two blocks representing the month of the calendar year. For example, reports filed for the year ending December 31, 1978, will be entered as 7812. Both the carrier code and the date code shall be completed in the spaces provided on each form.

Each form, in the lower left hand corner, contains a block for an original filing and a block for a revised filing. Indicate the nature of the filing by placing an "x" in the box next to the word "Original" or an "x" in the box next to the word "Revision."

The certification shall be signed on the original copy by the chief accounting officer of the reporting carrier and shall apply to all data reported on the form.

[FR Doc. 79-3317 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Reg. ER-1095; Amdt. No. 17; Docket 32318]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the change in categories of indirect cargo carriers for the purpose of engaging aircraft for charter trips.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, 202-673-5442.

The Board amends Part 207 of its Economic Regulations (14 CFR Part 207) by revising paragraph (b)(3) of § 207.11 to read:

§ 207.11 Charter flight limitations.

(b) * * *

(3) By an air freight forwarder, or cooperative shippers association regis-

tered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(Secs. 101(3), 204, 416, of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; 92 Stat. 1726; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3318 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulations ER-1096; Amendment No. 15; Docket 32318]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Liberalized Regulations For Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the change in categories of indirect cargo carriers for the purpose of engaging aircraft for charter trips.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

The Board amends Part 208 of its Economic Regulations (14 CFR Part 208) as follows:

1. Paragraph (u) of § 208.3 is amended to read:

§ 208.3 Definitions.

(u) "Indirect air carrier" means any citizen of the United States authorized to engage indirectly in air transportation.

2. Paragraph (b)(3) of § 208.6 is amended to read:

§ 208.6 Charter flight limitations

(b) * * *

(3) By an air freight forwarder, or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(Secs. 101(3), 204, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743; 92 Stat. 1726; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3319 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1097; Amendment No. 26; Docket 32318]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the change in categories of indirect cargo carriers for the purpose of engaging aircraft for charter trips.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673-5442.

The Board amends Part 212 of its Economic Regulations (14 CFR Part 212) by revising paragraph (a)(3) of § 212.8 to read as follows:

§ 212.8 Charter flight limitations.

(a) * * *

(3) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(Secs. 101(3), 204, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743; 92 Stat. 1726; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR, Secretary.

[FR Doc. 79-3320 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1098; Amendment No. 1; Docket 32318]

PART 215—NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the liberalization of Board rules for indirect cargo carriers by making the regulations for use of trade names inapplicable to these carriers.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington D.C. 20428; (202) 673-5442.

The Board amends Part 215 of its Economic Regulations (14 CFR Part 215) by revising § 215.1 to read as follows:

§ 215.1 Applicability.

This part applies to all direct air carriers and foreign air carriers, except air taxi operators.

(Secs. 101(3), 204, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR, Secretary.

[FR Doc. 79-3321 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1099; Amendment No. 3; Docket 32318]

PART 244—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS AND INTERNATIONAL AIR FREIGHT FORWARDERS: FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Revocation of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Revocation of Part.

SUMMARY: The Board is revoking this part of its Economic Regulations as no longer needed, for the reasons explained in ER-1094, issued simultaneously.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5270.

PART 244—[REVOKED]

The Board revokes Part 244 of its Economic Regulations (14 CFR Part 244).

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324 and 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR, Secretary.

[FR Doc. 79-3366 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1100; Amendment No. 29; Docket 32318]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Revocation of Subpart

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Revocation of subpart.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, the Board is deleting the applicability of its regulations for record retention requirements to air freight forwarders.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5270.

The Board amends Part 249 of its Economic Regulations (14 CFR Part 249) as follows:

1. The Table of Contents is amended by revoking and reserving Subpart B (§§ 249.20-249.29 inclusive) to read:

TABLE OF CONTENTS

Subpart B—[Reserved]

§§ 249.20-249.29 [Reserved]

2. Subpart B (§§ 249.20-249.29) is revoked and reserved.

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324 and 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR, Secretary.

[FR Doc. 79-3365 Filed 1-31-79; 8:45 am]

[6320-01-M]

**SUBCHAPTER E—ORGANIZATION
REGULATIONS**

1/2 [Regulation OR-144; Amendment No. 79;
Docket 323181]

**PART 385—DELEGATIONS AND
REVIEW OF ACTION UNDER DELE-
GATIONS; NONHEARING MATTERS**

**Liberalized Regulations for Indirect
Cargo Carriers**

Adopted by the Civil Aeronautics
Board at its office in Washington,
D.C., January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule makes con-
forming changes in the Board's dele-
gated authority to the Director,
Bureau of Pricing and Domestic Avi-
ation, for indirect cargo carriers, as ex-
plained in ER-1094, issued simulta-
neously.

DATES: Effective: January 24, 1979.
Adopted: January 24, 1979.

**FOR FURTHER INFORMATION
CONTACT:**

Joseph A. Brooks, Office of the Gen-
eral Counsel, Civil Aeronautics
Board, 1825 Connecticut Avenue,
N.W., Washington, D.C. 20428; (202)
673-5442.

The Board amends Part 385 of its
Organizational Regulations (14 CFR
Part 385) by revising paragraph (d), by
revoking and reserving paragraph (e),

and by revising paragraphs (g) and
(oo) of § 385.13 to read as follows:

§ 385.13 Delegation to the Director,
Bureau of Pricing and Domestic Avi-
ation.

(d) Approve or disapprove applica-
tions for registration filed under Part
296 of this chapter (Economic Regula-
tions).

(e) [Reserved]

(g) Cancel any registration upon the
filing by an air freight forwarder or
cooperative shippers association of a
written notice with the Board indicat-
ing the discontinuance of common car-
rier activities.

(oo) Require pickup and delivery tar-
iffs to be filed with the Board under
Part 221 of this chapter by direct car-
riers operating in domestic cargo
transportation under Part 291 of this
chapter, and by air freight forwarders
registered under Part 296 of this chap-
ter, if in the public interest.

(Sec. 204 of the Federal Aviation Act of
1958, as amended, 72 Stat. 743; 49 U.S.C.
1324. Reorganization Plan No. 3 of 1961, 75
Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHILLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3364 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation OR-145; Amendment No. 27;
Docket 323181]

**PART 389—FEES AND CHARGES FOR
SPECIAL SERVICES**

**Liberalized Regulations for Indirect
Cargo Carriers**

Adopted by the Civil Aeronautics
Board at its office in Washington,
D.C., January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in
ER-1094, issued simultaneously, the
operating authorizations for air
freight forwarders have been eliminat-
ed. This rule conforms the filing fee
schedule to that change.

DATES: Effective: January 24, 1979.
Adopted: January 24, 1979.

**FOR FURTHER INFORMATION
CONTACT:**

Joseph A. Brooks, Office of the Gen-
eral Counsel, Civil Aeronautics
Board, 1825 Connecticut Avenue,
N.W., Washington, D.C. 20428; (202)
673-5442.

§ 389.25 [Amended]

The Board amends Part 389 of its
Organization Regulations (14 CFR
Part 389) by revoking and reserving
paragraph (s) of § 389.25.

(Sec. 204 of the Federal Aviation Act of
1958, as amended, 72 Stat. 743; 49 U.S.C.
1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3367 Filed 1-31-79; 8:45 am]

[6560-01-M]

**ENVIRONMENTAL PROTECTION
AGENCY**

[40 CFR Part 86]

[FRL 1011-7]

**CONTROL OF AIR POLLUTION FROM NEW
MOTOR VEHICLES AND NEW MOTOR VEHI-
CLE ENGINES CERTIFICATION AND TEST
PROCEDURES**

**Particulate Regulation for Light-Duty Diesel
Vehicles**

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation establishes a standard for the emission of particulates from diesel-fueled light-duty vehicles and light-duty trucks.¹ Beginning with the 1981 model year, this standard would be 0.60 gram per mile (0.373 gram per kilometer). Beginning with the 1983 model year the standard would be 0.20 gram per mile (0.124 gram per kilometer). This proposal will also amend the emission testing regulations at 40 CFR Part 86 to establish procedures for the testing of new diesel-fueled light-duty vehicles and light-duty trucks to determine compliance with the applicable particulate emission standard. In addition, this proposal will delete separate test procedures for Selective Enforcement Audits (SEA) beginning with the 1980 model year and will require that the test procedures used for certification be used for SEA.

Statutory authority and mandate for this action is provided under Section 202 of the Clean Air Act. Section 202(a)(3)(A)(iii) of the Act provides that, "The Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of particulate matter from classes or categories of vehicles manufactured during and after model year 1981 (or during any earlier model year, if practicable.)"

¹ According to the interpretations of vehicle classes published in Conference Report, U.S. House of Representative Report No. 95-564, p. 164 "the recent classification of vehicles between 6,000 and 8,500 pounds as light-duty trucks would continue to be appropriate provided regulations developed for such vehicles conform to this section." The designation "light-duty truck" used in this regulation is based upon the definition of this class of vehicles which appears in Section 86.079-2 of the Code of Federal Regulations. Light-duty vehicles and light-duty trucks are distinct classes of motor vehicles but have similar operating characteristics, share similar engine types, and are tested using similar test procedures. EPA will use the designation "light-duty vehicles" to mean both classes of vehicles. "Light-duty diesels" will mean both classes of vehicles which have diesel engines.

DATES: *Public Hearing:* There will be a public hearing on the provisions of the proposed regulation on March 5, 1979. EPA will announce the time and place of the public hearing later in the FEDERAL REGISTER.

Public Comment: During final rulemaking EPA will consider comments received on or before April 9, 1979. We request that, to the extent possible, comments be submitted prior to the hearing. EPA will keep the record of the public hearing open for submission of rebuttal and other information following the close of the hearing. See "Supplementary Information" for additional details.

ADDRESSES: Interested persons may submit written comments to the: Administrator, U.S. Environmental Protection Agency, Attn: Office of Mobile Source Air Pollution Control (ANR-455), 401 M Street, S.W., Washington, D.C. 20460.

Ten copies of the comments are requested but not required.

**FOR FURTHER INFORMATION
CONTACT:**

Merrill W. Korth or Richard A. Tykoski, Standards Development and Support branch, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 688-4200.

SUPPLEMENTARY INFORMATION:

Public Comment. It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made publicly available. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider, but will return to the commenter, any comments which are claimed, in whole or in part, to be confidential.

Despite significant gains made in the control of total suspended particulate (TSP) emissions from stationary sources, there are many air quality regions which are not able to meet the primary National Ambient Air Quality Standard (NAAQS) for TSP of 75 micrograms per cubic meter. As diesel-fueled vehicles assume an increasing portion of the light-duty vehicle market, their contribution to the ambient TSP levels will increase, because diesel-fueled engines emit approximately 40 times the amount of particulate that is emitted by gasoline-fueled engines equipped with catalytic converters.

EPA expects that as many as 25 percent of all new light-duty vehicles sold by the late 1980s will be powered by diesel engines. This proposed regula-

tion should reduce nationwide particulate emissions from light-duty diesels in 1990 by 197,000 metric tons (217,000 tons) of particulate per year. EPA arrived at this figure assuming that new diesels will appear at a maximum introduction rate of 17.5 percent. This represents a 77 percent reduction in light-duty diesel particulate emissions over the uncontrolled situation.

Heavily travelled urban roads are the primary areas polluted by light-duty diesel particulate, and it is in these areas that this regulation will have its major effect. This regulation would reduce roadside TSP levels (measured at a distance 4 meters from the road and 3 meters above the ground with an average daily traffic of 17,000 vehicles) from light-duty diesels by over 11 micrograms per cubic meter in 1990.

Because the new light-duty diesel test procedure overlaps with the previous Federal Test Procedure (FTP), EPA has revised the FTP for all light-duty vehicles to incorporate the new procedures. This makes the revised procedure generally applicable to both gasoline-fueled and diesel-fueled vehicles and allows for the unique gasoline-fueled or diesel-fueled tests which the particulate standard necessitates. Specific changes in the FTP are outlined later in the preamble.

Changes to the FTP will also supply to SEA. Currently the test procedures for SEA are incorporated in a separate appendix to 40 CFR Part 86. Separate test procedures were published for SEA based on a suggestion by several manufacturers that all of the details of the application of the FTP in certification may not be appropriate in the context of SEA. However, EPA's experience with testing under the SEA program since its implementation indicates that there is no compelling reason to continue to have separate test procedures for SEA. Therefore, this proposed regulation deletes separate SEA test procedures beginning with the 1980 model year and applies the certification test procedures to SEA.

The proposed regulation requires a particulate emission standard for all light-duty diesels beginning with the 1981 model year and makes this standard more stringent beginning with the 1983 model year. EPA believes that this standard is feasible based upon best available technology. This standard also assumes the 1981 oxides of nitrogen (NOx) standard of 1.0 gram per mile will still apply. Current technology for the control of NOx emissions relies upon techniques which have a tendency to increase particulate emissions. We have taken this effect into consideration in determining the proposed particulate emission standard. We expect manufacturers to add tur-

bochargers to most engines and believe that the use of this technology should result in a net fuel savings. Turbochargers can increase performance, fuel economy, or both. For the purposes of this regulation and the calculations included in it, EPA has assumed that manufacturers will combine the maximum fuel economy with the minimum loss of performance compared to diesels without turbochargers.

PROPOSED STANDARD

The proposed particulate standard for light-duty diesel vehicles beginning with the 1981 model year is 0.60 gram per mile (0.373 gram per kilometer) as tested over the standard EPA Urban Dynamometer Driving Schedule (UDDS). Beginning with the 1983 model year, the standard will be 0.20 gram per mile (0.124 gram per kilometer). Diesel-fueled vehicles must also meet the appropriate gaseous emission standards for hydrocarbons (HC), carbon monoxide (CO), and NOx.

TECHNOLOGY

The Clean Air Act of 1977 mandates particulate emission control based upon best available technology. EPA believes that the proposed 1981 particulate emission standard, which is based on the assumption that EPA will not waive the 1.0 gram per mile NOx standard, is achievable by several forms of current technology. Potential control technologies include engine modification and redesign (adjustments to timing, redesign of combustion chambers, redesign of fuel injectors, insulation of the engine, derating of the engine, turbocharging, etc.) to reduce the amount of particulate formed, or methods to remove the particulate once it is formed (catalytic converters, traps, trap-oxidizers, etc.).

It is EPA's judgment that the lead-time allowed before implementation of this regulation is sufficient to permit manufacturers to incorporate one of the simpler forms of this technology such as turbochargers or minor combustion chamber redesign to present engines, if necessary. Present small displacement diesel engines (less than 2.0 liters) will be able to meet the proposed 1981 standards in their current form requiring no modifications.

Current particulate control technologies, such as those listed above, should be sufficient to bring small displacement diesel engines into compliance with the 1983 particulate standard. Larger displacement diesel engine manufacturers will have to make improvements on control devices or redesign engines to meet the 1983 particulate standard, both of which EPA believes to be technologically feasible in the time frame. EPA does not believe that implementation of this standard

will result in discontinued production of any current engine line. Thus, EPA believes that these regulations will not limit the range of strategies available to manufacturers to comply with the government's fuel efficiency standards. The Agency solicits specific comments on these judgments.

EPA does not expect engines meeting the proposed standard to suffer any loss in fuel economy if manufacturers use available fuel efficient technologies.

We selected this standard because it represents a significant and cost effective reduction in emission levels. EPA considered alternative actions and standards, but did not select them as a basis for this proposal for the reasons cited below. We considered not controlling particulate emissions from light-duty diesels at all. The Agency did not select this alternative for proposal because: (1) the Clean Air Act mandated a particulate standard; (2) the current levels of ambient TSP required control of particulate emissions; and (3) light-duty diesels represented a particulate source with a relatively large potential reduction in emissions, particularly in areas with heavy traffic. EPA also considered alternative levels of control for the 1981 standard but did not select these alternatives. We believe that those alternatives requiring more control would not be attainable by 1981. We also believe that those alternatives requiring less control would not protect the environment as well as the proposed standard. Comments are solicited on these judgments.

In considering how best to determine the appropriate standard, EPA looked at the emission levels of existing vehicles (see Table I) and assessed emission levels judged to be technologically feasible considering cost, leadtime, noise, energy and safety for all models and types of light-duty diesel vehicles.

This was only one of a number of approaches EPA considered in setting the level of the final 1983 standard. The approaches considered included setting a standard requiring the best available technology, and:

- (1) Based on the lowest particulate level achievable by the best light-duty diesel with respect to particulate emissions;
- (2) Based on the lowest particulate level achievable by the worst light-duty diesel with respect to particulate emissions;
- (3) Based on the lowest particulate level achievable by the best light-duty motor vehicle (gasoline or diesel) with respect to particulate emissions, which would include alternative types of engines; and
- (4) Requiring an equal level of effort by all manufacturers on each of their

vehicle lines. This approach would seek to find an engine or vehicle parameter (e.g., vehicle weight, engine size) which significantly affects particulate emissions and results in a graduated standard based on that parameter.

TABLE I—Particulate Emission Rates from Light-Duty Diesels Tested over the EPA Recommended Test Procedure

(Source of Data: 1979 Certification Vehicles)

Vehicle	Grams per mile
Typical gasoline-powered vehicle (catalyst equipped)	0.008
VW Rabbit	0.23
Peugeot 504	0.29
VW Dasher	0.32
Mercedes 300SD	0.45
IHC Scout (w/Nissan diesel)	0.47
Mercedes 240D	0.53
Chevrolet Pick-up (w/Oldsmobile 350 diesel)	0.59-0.61
Dodge Pick-up (w/Mitsubishi diesel)	0.61
Oldsmobile 260	0.73-1.02
Mercedes 300D	0.83
Oldsmobile 350	0.84

This proposal is based on the second approach described above. We did not select the first approach as a basis for this proposal because it would have prevented all diesels from meeting the standard except subcompacts and small pick-ups equipped with small engines, typified by the Volkswagen Rabbit. We did not select the third approach as a basis for this proposal because it would have established a standard not judged to be achievable by any diesel-powered vehicle. There are alternative engine types available (e.g., gasoline engine equipped with a three-way catalyst) which could comply with a standard one-tenth of that being proposed in this Notice of Proposed Rulemaking. Finally, we did not select the fourth approach because it would result in different standards being applied to different vehicles which are competing for the same general market. The philosophy of rejecting the fourth alternative would suggest that these standards should also apply to gasoline engines. As seen from Table I, though, gasoline engines are so far below the proposed standard that there is no need to promulgate regulations controlling particulate emissions from those vehicles. We believe that the second approach results in a fair standard and allows a variety of vehicle types to be produced. We invite all interested parties to comment on the approach selected and the appropriateness of the other approaches described above.

One manufacturer has suggested that we consider another alternative approach in which each manufacturer is allocated an allowable corporate tonnage of particulate emissions based upon his entire production. In this manner, it was suggested, the manu-

manufacturer would have more flexibility in achieving the overall particulate reduction desired, e.g., trade-offs would be made between degree of particulate control per vehicle category and the number of diesel vehicles produced. Within this overall ceiling, a manufacturer could adjust his vehicle mix to stay within his allowable corporate emission tonnage. A possible component of this scheme could be the establishment of a maximum emission level which no vehicle would be permitted to exceed. Although EPA has not thoroughly analyzed this suggestion we would welcome a more complete exposition of it during the public comment period and would invite specific comment on its impact in the following areas:

On Selective Enforcement Auditing under Section 206; on the Section 207(a) warranties; on the Section 207(b) performance warranty; and on the recall actions under Section 207(c).

We also request comments addressing this proposal in general terms of its consistency with the letter and spirit of the 1977 Clean Air Act, impacts on competition in the industry, and the impact such an emission control strategy would have on public health and welfare.

We estimate that the EPA proposal contained herein will reduce particulate emissions nationwide in 1990 by 215,000 tons compared to the emissions that are expected if no regulation is promulgated. In urban areas, we estimate that the reduction would be 120,000 tons. Should anyone feel that there are alternative ways to achieve the same environmental result at lower cost than that which the Agency has put forward, we actively solicit those ideas during the public comment period. Those ideas will be placed in the public record so that there is adequate opportunity for a full and open evaluation of them. Accordingly, we solicit suggestions regarding other alternatives for the control of light-duty diesels which would achieve the same environmental benefit and be consistent with the statutory mandate.

In keeping with the approach selected as the basis for this proposal, EPA believes that the current light-duty diesel with the highest particulate emissions (an Oldsmobile powered by a 350 cubic inch engine) will be able to meet the 0.20 gram per mile (0.12 gram per kilometer) standard in 1983. We project that a vehicle with baseline emissions equal to the Oldsmobile engine can meet this standard with engine modifications, turbocharging, and a trap-oxidizer.¹ In EPA's judgment there is sufficient time available to fully develop this technology for

¹See the "Regulatory Analysis" for further details.

implementation in the 1983 model year. Over the relatively short period of time that development work in this area has been in progress, we have observed significant reductions in particulate emissions due to engine modifications alone. Because of this, we believe there is a reasonable probability that even the largest light-duty diesels will be able to meet the 1983 standard without using an after-treatment device such as a trap-oxidizer. We also believe that reliance on engine modifications and a trap-oxidizer without use of a turbocharger may be a feasible strategy for such vehicles. The probability is even greater for mid-size and compact vehicles. The smallest light-duty diesels (e.g., Volkswagen Rabbit) can almost surely meet the 1983 standard without after-treatment and may not even require the addition of a turbocharger. To be conservative in our cost analysis, however, we assumed that all light-duty diesels would require turbocharging and that all vehicles except the Volkswagen Rabbit would require trap-oxidizers to meet the 1983 standard. We invite interested parties also to submit comments on our assessment of the technological feasibility of meeting this standard.

Cost

Pursuant to the requirements of Executive Order 12044 and Section 317 of the amended Clean Air Act, EPA has prepared a Regulatory Analysis of the proposed regulation. We have considered the results of that analysis at each stage of the review process. The Agency will evaluate additional economic data submitted in response to this proposal, and will revise this analysis as appropriate. Taking such additional data into account, we will continue to consider the economic analysis of the proposed regulation during all further stages of this rulemaking action.

EPA expects the retail price of light-duty diesel vehicles and trucks to increase by approximately \$130 in 1981 and \$285 in 1983 due to the vehicle modifications necessitated by this regulation. We expect, however, that these cost increases will be reduced by a fuel economy benefit resulting from the use of turbocharging on all vehicles (with the exception of 1981-1982 Volkswagens). This fuel economy benefit should reduce fuel costs over the life of the average light-duty diesel by \$138 in 1981 and 1982 and by \$165 in 1983 on.

It is possible that the use of turbochargers will become more widespread without the influence of this regulation. It is also possible that turbochargers may not be necessary for use on certain engine families to meet the standard. To the extent that these possibilities occur, both the costs and

fuel economy benefits resulting from this regulation would be reduced. In determining the cost of turbocharging, the EPA has assumed that no major engine modifications or significant integration work will be needed to turbocharge existing diesel engines.

To aid EPA in determining costs as accurately as possible, we are requesting all interested parties to submit detailed estimates of any cost increases to the ultimate purchaser (i.e., retail price equivalent) of vehicle modifications required as a result of this regulation. These estimates should be itemized to show the costs of any additional components added to the vehicle or any vehicle modifications required; the savings from components no longer necessary due to the above component additions; the cost savings of changes in maintenance requirements and fuel consumption; the cost of new testing equipment; and the cost of certification and selective enforcement audit over and above that already required by applicable gaseous emission regulations.

APPLICABILITY

The same particulate emission level applies to light-duty diesel trucks as to diesel-powered light-duty vehicles. The EPA feels strongly that if we regulate one category more stringently than another, and both use the same diesel engine, a bias in favor of diesels in the less stringently regulated category will occur. The result of this bias would be to reduce the effectiveness of the regulation.

At present, EPA has no good data which indicate an effect on increased inertial weight or road load (as would be the case with light-duty trucks) on diesel particulate emissions. We intend to investigate this area, but until we have data which shows a significant dependence of particulate emissions on inertial weight and road load, we will assume that there is none. EPA invites data or comments regarding this dependence.

HEAVY-DUTY DIESEL REGULATIONS

EPA is not proposing a new regulation for the control of particulate emissions from heavy-duty diesels for 1981. Currently, changes to both the heavy-duty gaseous emission standard and test procedure are being planned. The current heavy-duty gaseous emissions test procedure is a 13-mode steady state test. An additional transient test is used to measure smoke as smoke levels typical of in-use driving do not occur during the 13-mode cycle. The new heavy-duty test procedure will be a transient test procedure and is planned to replace the steady state test procedure for the 1983 model year. EPA believes that a transient test procedure is necessary to assess

accurately particulate emissions and regulations governing particulate emissions from heavy-duty diesels are presently being planned to start with the 1983 model year when the transient test procedures becomes available. Prior to the 1983 model year, the EPA will rely upon the current smoke regulation to control particulate emissions from heavy-duty diesels.

MAJOR CHANGES FROM PREVIOUSLY PUBLISHED DRAFT

EPA published the "Draft Recommended Practice for Measurement of Gaseous and Particulate Emissions from Light-Duty Diesel Vehicles" in March 1978 and distributed it to potentially interested parties on April 10, 1978. Ten motor vehicle manufacturers, the Department of Energy, the Mobile Source Emissions Research Branch (ORD/EPA), the State of California Air Resources Board, one equipment manufacturer, and one university responded to the request for comments.

Although the respondents felt that the recommended test procedure was complex and suggested slight changes and modifications for its increased efficiency, most thought the test procedure to be viable and accurate. Some manufacturers commented that high implementation costs, high complexity, and short lead time would make implementation for the 1981 model year difficult. They suggested taking these considerations into account when implementing standards.

The EPA analysis of comments resulted in the following major changes:

(1) The proposed requirement for the determination of particulate bound organics by using a second hydrocarbon detector after the 125°F (51.7°C) particle filter was dropped because the parameter which it measures is not regulated.

(2) The requirements that sampling velocities be isokinetic with tunnel flow were dropped, since the comments indicated this was not necessary due to low individual particle mass;

(3) We now specify flow through the filtering system to insure that sufficient sample material is collected.

(4) Many filter related changes, including the type of filter media to be used, associated conditioning times, installation times, locations in the sampling system, etc. were made to the specifications.

MAJOR FTP CHANGES

In the past, provisions for testing diesel-fueled vehicles have been included in the FTP along with those for gasoline-fueled vehicles. The testing specified for diesels applied to only the same gaseous pollutants (HC, CO, and NO_x) regulated for gasoline-fueled vehicles. Now, with the addi-

tional mandated regulation of particulate emissions for light-duty diesel vehicles, EPA has made major additions and changes to sections of the FTP. These changes affect only diesel testing, but due to their inclusion into the existing FTP there are some minor numbering and clarification changes in test procedures for gasoline-fueled vehicles.

Additions and changes to the current FTP for diesels which are brought about by the incorporation of particulate testing are discussed below:

(1) The proposed particulate measurement procedure requires a dilution tunnel and a constant volume sampler. The dilution tunnel must be sufficiently long to assure thorough mixing at the sampling probes. The use of a mixing box with extensive baffling is ruled out due to suspected particulate loss on its surfaces. The constant volume sampler must have sufficient capacity to maintain a maximum temperature of 125°F (51.7°C) at the probe tips. (Constant volume sampler units presently used for gaseous analysis may not be sufficiently large to maintain this maximum temperature when used in conjunction with larger engine displacement light-duty diesels.) The proposed use of the dilution tunnel and constant volume sampler in this manner will assure that the diesel exhaust is in a state of equilibrium with the surrounding air similar to what would be encountered in actual road use;

(2) The proposed particulate measurement procedure measures the total mass of particulate emissions simultaneously with regulated gaseous emissions over the Urban Dynamometer Driving Schedule. The particulate matter, after dilution and mixing with ambient air in a dilution tunnel, is collected on filter media maintained at 125°F (51.7°C) or less over each of the three phases (bags) of the driving cycle. The alternative of measuring total particulate by smoke opacity is not a viable procedure because it is only accurate under certain operating modes in which sufficient smoke is emitted to be measured accurately, thus neglecting appreciable amounts of particulate. The proposed method of collecting and measuring total particulate emissions can produce accurate data;

(3) In the proposed test procedure, hydrocarbons are continuously measured and integrated over each of the three phases (bags) of the test by a heated flame ionization detector (HFID). The hydrocarbon sampling system consists of three elements: (1) a sample probe which is placed in the dilution tunnel at a distance sufficiently downstream that thorough mixing of the gas stream is assured, (2) a filter to remove all particulate

matter from the sample gas stream, and (3) the HFID. The entire sampling system from the probe tip to the HFID is heated to prevent condensation and to assure the measurement of all hydrocarbons which are volatile at or below the set temperature. The gas streams entering the particulate filter and HFID must be maintained at 375±20°F (191±11°C).

Diesel engine exhaust contains a greater percentage of less volatile hydrocarbons than gasoline engine exhaust. We intend this procedure to require the measurement of all hydrocarbon species emitted by diesel engines which are volatile at or below 375±10°F (191±6°C). We expect most of these hydrocarbons to be photochemically active and thus contribute to oxidant formation. Ames bioassay testing has shown some of these hydrocarbons to be mutagenic. Although some of these hydrocarbons may remain adsorbed on diesel particulate matter under ambient conditions, we do not know how long they remain this way, and thus they must be measured when computing total hydrocarbons.

Presently, gasoline engine automobile exhaust is filtered after dilution and then collected in sample bags for analysis. For diesel engine exhaust an identical procedure is maintained, except that hydrocarbons are continuously measured rather than being measured from the sample bags. The reason for this is that appreciable amounts of hydrocarbon from the diesel exhaust are retained on the surfaces of the sample bags and thus are not measured by the gasoline engine procedure.

NONCONFORMANCE PENALTIES

Section 206(g) of the Clean Air Act states that a nonconformance penalty should be available " * * * in the case of any class or category of heavy-duty vehicles or engines to which a standard promulgated under section 202(a) of this Act applies * * *." According to the Act, "heavy-duty vehicle means a truck, bus, or other vehicle manufactured primarily for use on the public streets, roads, and highways which has a gross vehicle weight in excess of six thousand pounds." Since a portion of the diesel light-duty trucks has a gross vehicle weight greater than 6000 pounds and this proposed regulation establishes a standard, it might appear that nonconformance penalties should be available.

These regulations, however, do not provide a nonconformance penalty alternative for manufacturers of this category of heavy-duty vehicles. The legislative history behind Section 206(g) indicates that a nonconformance penalty alternative was to be made available to accommodate manufacturers who are technological lag-

gards and are unable to meet emission standards set according to the technological leader among manufacturers of a class or category of vehicles or engines. These regulations set particulate emission standards for light-duty diesel trucks (including those which qualify as heavy-duty vehicles) at a level set according to the emission reduction capabilities of the light-duty diesel truck industry as a whole. Because all members of the light-duty truck industry are capable of complying with those standards, there are no technological laggards that need to be accommodated by a nonconformance penalty alternative. Thus, no nonconformance penalty scheme has been proposed.

COMMENTS AND THE PUBLIC DOCKET

Copies of materials relevant to this rulemaking action are contained in Public Docket No. OMSAPC-78-3 at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall Room 2903B (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. (As provided in 40 CFR Part 2 the Agency may charge a reasonable fee for copying services).

EVALUATION PLAN

EPA intends to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after initial implementation of the final regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance and will also review data on the particulate emissions from light-duty diesel vehicles built before and after promulgation of the regulation to determine how effective this measure has been.

REPORTING AND RECORDKEEPING REQUIREMENTS

While the EPA is not aware that this proposed regulation would impose any significant new or additional reporting or recordkeeping requirements on affected parties, the Agency specifically invites comments on ways that any such burdens might be reduced.

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless EPA takes affirmative action to extend them. To accomplish this, a provision automatically terminating the reporting requirements at that time will be included in the text of the final regulation.

EPA intends to promulgate a final regulation, modified as the Administrator deems appropriate, after considering comments and in time to apply to the 1981 model year.

NOTE.—The Administrator has determined that this action is a "Significant" regulation. We have prepared a document entitled "Light-Duty Diesel Particulate Regulations: Regulatory Analysis" detailing the Regulatory Analysis required by Executive Order 12044 and the Economic Impact Assessment required by Section 317 of the amended Clean Air Act.

Anyone may review and reproduce this document in the EPA Central Docket Section. Copies are also available upon request from the Office of Mobile Source Air Pollution Control (see address above).

Dated: January 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

EPA proposes to amend Subparts A, B, and G of 40 CFR Part 86 as set forth below:

1. Section 86.081-8 is revised to read as follows:

§ 86.081-8 Emission standards for 1981 light-duty vehicles.

(a)(1) Exhaust emissions from 1981 and later model year light-duty vehicles shall not exceed:

(i) *Hydrocarbons*. 0.41 gram per vehicle mile (0.255 gram per vehicle kilometer);

(ii) *Carbon monoxide*. 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen*. 1.0 gram per vehicle mile (0.62 gram per vehicle kilometer).

(iv) *Particulate emissions*. (Diesels only). 0.60 gram per vehicle mile (0.373 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1981 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the condition set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1981 and later model year gasoline-fueled light-duty vehicle.

2. Section 86.081-9 is revised to read as follows:

§ 86.081-9 Emission standards for 1981 light-duty trucks.

(a)(1) Exhaust emissions from 1981 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons*. 1.7 grams per vehicle mile (1.06 grams per vehicle kilometer);

(ii) *Carbon monoxide*. 18 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen*. 2.3 grams per vehicle mile (1.43 grams per vehicle kilometer);

(iv) *Particulate emissions* (Diesel only). 0.60 gram per vehicle mile (0.373 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Evaporative emissions from 1981 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1981 and later model year gasoline-fueled light-duty trucks.

3. A new § 86.083-8 is added to read as follows:

§ 86.083-8 Emission standards for 1983 light-duty vehicles.

(a)(1) Exhaust emissions from 1983 and later model year light-duty vehicles shall not exceed:

(i) *Hydrocarbons*. 0.41 gram per vehicle mile (0.255 gram per vehicle kilometer);

(ii) *Carbon monoxide*. 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen*. 1.0 gram per vehicle mile (0.62 gram per vehicle kilometer);

(iv) *Particulate emissions* (Diesels only). 0.20 gram per vehicle mile (0.124 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1983 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty vehicle.

4. A new § 8.083-9 is added to read as follows:

§ 86.083-9 Emission standards for 1983 light-duty trucks.

(a)(1) Exhaust emissions from 1983 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons*. 1.7 grams per vehicle mile (1.06 grams per vehicle kilometer);

(ii) *Carbon monoxide*. 18 grams per vehicle mile (11.2 grams per vehicle kilometer);

(iii) *Oxides of nitrogen*. 2.3 grams per vehicle mile (1.43 grams per vehicle kilometer);

(iv) *Particulate emissions* (Diesels only). 0.20 gram per vehicle mile (0.124 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Evaporative emissions from 1983 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty truck.

5. A new section 86.081-28 is added to read as follows:

§ 86.081-28 Compliance with emission standards.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks. (2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards is as follows.

(i) Separate emission deterioration factors shall be determined from the exhaust emission results of the durability-data vehicle(s) for each engine-

system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust NO_x, and exhaust particulate (Diesel vehicles only) for each engine-system combination. A separate evaporative emission deterioration factor shall be determined for each evaporative emission family-evaporative emission control system combination from the testing conducted by the manufacturer (gasoline-fueled vehicles only).

(A) The applicable results to be used in determining the exhaust emission deterioration factors for each engine-system combination shall be:

(1) All valid exhaust emission data from the test required under § 86.080-26(a)(4) except the zero-mile tests. This shall include the official test results, as determined in § 86.079-29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.080-24(c) (including all vehicles elected to be operated by the manufacturer under § 86.080-24(c)(1)(ii)).

(2) All exhaust emission data from the tests conducted before and after the scheduled maintenance provided in § 86.079-25.

(3) All exhaust emission data from tests required by maintenance approved under § 86.079-25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 86.081-8 or § 86.081-9, as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard. An exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor-Exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29-67.

(C) An evaporative emissions deterioration factor (gasoline-fueled vehicles only) shall be determined from the testing conducted as described in § 86.079-21(b)(4)(ii), for each evapora-

tive emission family-evaporative emission control system combination to indicate the evaporative emission level at 50,000 miles relative to the evaporative emission level at 4,000 miles as follows:

Factor-Evaporative emission level at 50,000 miles minus the evaporative emission level at 4,000 miles.

The factor shall be established to a minimum of two places to the right of the decimal.

(ii)(A) The official exhaust-emission test results for each emission-data vehicle at the 4,000-mile test point shall be multiplied by the appropriate deterioration factor: *Provided*; That if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results (gasoline-fueled vehicles only) for each evaporative emission-data vehicle at the 4,000-mile test point shall be adjusted by addition of the appropriate deterioration factor: *Provided*; That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraphs (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29-67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with the exhaust emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(v) Every test vehicle of an evaporative emission family must comply with the evaporative emission standard, as determined in paragraph (a)(4)(iii) of this section before any vehicle in that family may be certified.

(b) (1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.079-10 or for Diesel engines in § 86.079-11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of a gasoline-fueled engine which has accumulated 1,500 hours of dynamometer operation or a Diesel engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for HC, CO, and for the combined emissions of HC and NOx. For Diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B") and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(1) All valid emission data from the tests required under § 86.079-26(b). These shall include the official test results, as determined in § 86.079-29, for all tests conducted on all gasoline-fueled durability-data engines of the combination selected under § 86.079-24(c)(2) or on all Diesel durability-data engines of the combination selected under § 86.079-24(c)(3) (including all engines elected to be operated by the manufacturer under § 86.079-24(c)(2)(iii) for gasoline-fueled engines or under § 86.079-24(c)(3)(ii) for Diesel engines).

(2) All emission data from the tests conducted before and after maintenance provided in § 86.079-25(c)(2)(i)(A) for gasoline-fueled engines or in § 86.079-25(c)(2)(i)(B) for Diesel engines.

(3) All emission data from the tests conducted before and after maintenance provided in § 86.079-25(c)(2)(v)(C) for Diesel engines if emission tests were conducted.

(B) All applicable emission results for (1) HC, (2) CO, (3) HC+NOx, (4) acceleration smoke ("A"), (5) lugging smoke ("B"), and (6) peak smoke ("C") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1,500-hour points for gasoline-fueled engines or the 1,000-hour point for Diesel engines on each line, rounded to whole numbers in accordance with ASTM E 29-67, must be within the standards specified in § 86.079-10 for gasoline-fueled engines or in § 86.079-11 for Diesel engines or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor = Exhaust emissions interpolated to 1,500 hours for gasoline-fueled engines or

to 1,000 hours for Diesel engines minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to two significant figures in accordance with ASTM E 29-67 for each emission-data engine.

(iv) Every test engine of engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

6. Section 86.102 is revised to read as follows:

§ 86.102 Definitions.

The definitions in Subpart A apply to this subpart.

7. Section 86.103 is revised to read as follows:

§ 86.103 Abbreviations.

The abbreviations in Subpart A apply to this subpart.

§ 86.104 [Amended]

8. Section 86.104-78 is amended by deleting the "-78" from the section number. As amended the section heading reads: "§ 86.104 Section numbering; construction."

9. Section 86.105-78 is amended by deleting the "-78" from the section number and by changing the first sentence in paragraph (a) to read as follows:

§ 86.105 Introduction; structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform gaseous exhaust, Diesel particulate, and evaporative emission tests on light-duty vehicles and light-duty trucks. * * *

10. A new section 86.106-81 is added and reads as follows:

§ 86.106-81 Equipment required; overview.

(a) This subpart contains procedures for both exhaust and evaporative emission tests on Diesel- or gasoline-fueled light-duty vehicles and light-duty trucks. Certain items of equipment are not necessary for a particular test, e.g., evaporative enclosure when testing Diesel vehicles. Equipment required and specifications are as follows:

(1) *Evaporative emission tests, gasoline-fueled vehicles.* The evaporative emission test is closely related to and connected with the exhaust emission test. All vehicles tested for evaporative emissions must be tested for exhaust emissions. Further, unless the evaporative emission test is waived by the Administrator under § 86.078-26, all gasoline-fueled vehicles must undergo both tests. (Diesel vehicles are excluded from the evaporative emission standard.) Section 86.107 specifies the necessary equipment.

(2) *Exhaust emission tests.* All vehicles subject to this subpart are tested for exhaust emissions. The exhaust from gasoline-fueled vehicles is tested for gaseous emissions only, using the CVS concept (§ 86.109). The exhaust from Diesel vehicles is tested for both gaseous and particulate emissions. Diesel testing also utilizes the CVS concept of measuring emissions, but requires that a PDP-CVS or CFV-CVS with heat exchanger be used, and that it be connected to a dilution tunnel in order to sample particulate emissions (§ 86.110). All gasoline-fueled vehicles are either tested for evaporative emissions or undergo a diurnal heat build. Diesel vehicles are excluded from this requirement. Equipment necessary and specifications appear in §§ 86.108 through 86.114.

(3) *Fuel, analytical gas, and driving schedule specifications.* Fuel specifications for exhaust and evaporative emissions testing and for mileage accumulation for gasoline-fueled and Diesel vehicles are specified in § 86.113. Analytical gases are specified in § 86.114. The EPA Urban Dynamometer Driving Schedule (UDDS) for use in both gasoline-fueled and Diesel exhaust emissions tests is specified in § 86.115 and Appendix I.

11. A new § 86.109-81 is added and reads as follows:

§ 86.109-81 Exhaust gas sampling system; gasoline-fueled vehicles.

(a)(1) *General.* The exhaust gas sampling system described in this paragraph is designed to measure the true mass of gaseous emissions in the exhaust of gasoline-fueled vehicles. In the CVS concept of measuring mass emissions, two conditions must be satisfied; the total volume of the mixture of exhaust and dilution air must be measured, and a continuously proportioned sample of volume must be collected for analysis. Mass emissions are determined from the sample concentration and total flow over the test period.

(2) *Positive displacement pump.* The positive displacement pump-constant volume sampler (PDP-CVS), Figure B81-1, satisfies the first condition by metering at a constant temperature and pressure through the pump. The

total volume is measured by counting the revolutions made by the calibrated positive displacement pump. The proportional sample is achieved by sampling at a constant flow rate.

(3) *Critical flow venturi.* The operation of the critical flow venturi-constant volume sample (CFV-CVS), Figure B81-2, is based upon the principles of fluid dynamics associated with critical flow. Proportional sampling throughout temperature excursions is maintained by use of a small CFV in the sample line. The variable mixture flow rate is maintained at sonic velocity, which is directly proportional to the square root of the gas temperature, and is computed continuously. Since the pressure and temperature are the same at both venturi inlets, the sample volume is proportional to the total volume.

(4) *Other systems.* Other sampling systems may be used if shown to yield equivalent results, and if approved in advance by the Administrator.

(b) *Component description, PDP-CVS.* The PDP-CVS, Figure B81-1, consists of a dilution air filter and mixing assembly, heat exchanger, positive displacement pump, sampling system, and associated valves, pressure and temperature sensors. The PDP-CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ± 5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ± 1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The gas mixture temperature, measured at a point immediately ahead of the positive displacement pump, shall be within $\pm 10^{\circ}\text{F}$ (6°C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited

to $\pm 10^{\circ}\text{F}$ (6°C) during the entire test. The temperature measuring system shall have an accuracy and precision of $\pm 1.8^{\circ}\text{F}$ (1°C).

(3) The pressure gages shall have an accuracy and precision of ± 1.6 inches of water (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system. (300 to 350 cfm (0.140 to 0.165 m^3/s) is sufficient for most vehicles.)

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

(c) *Component description, CFV-CVS.* The CFV-CVS, Figure B81-2, consists of a dilution air filter and mixing assembly, a cyclone particulate separator, a sampling venturi, a critical flow venturi, a sampling system and assorted valves, and pressure and temperature sensors. The CFV-CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ± 5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ± 1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The temperature measuring system shall have an accuracy and precision of $\pm 1.8^{\circ}\text{F}$ (1°C) and a response time of 0.100 seconds of 62.5 percent of a temperature change (as measured in hot silicone oil).

(3) The pressure measuring system shall have an accuracy and precision of ± 1.6 inches of water (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system. (300 to 350 cfm (0.142 to 0.165 m^3/s) is sufficient for most vehicles.)

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

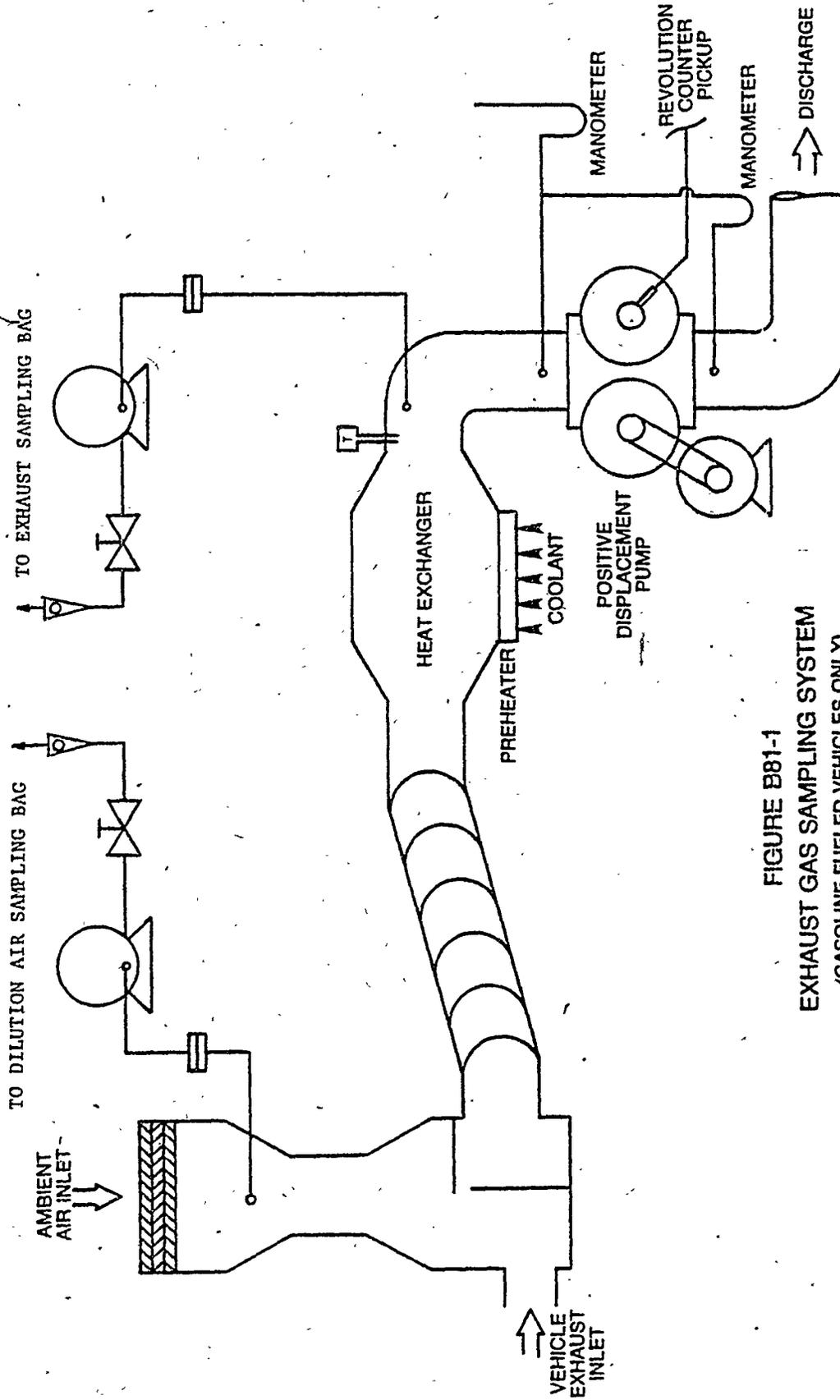
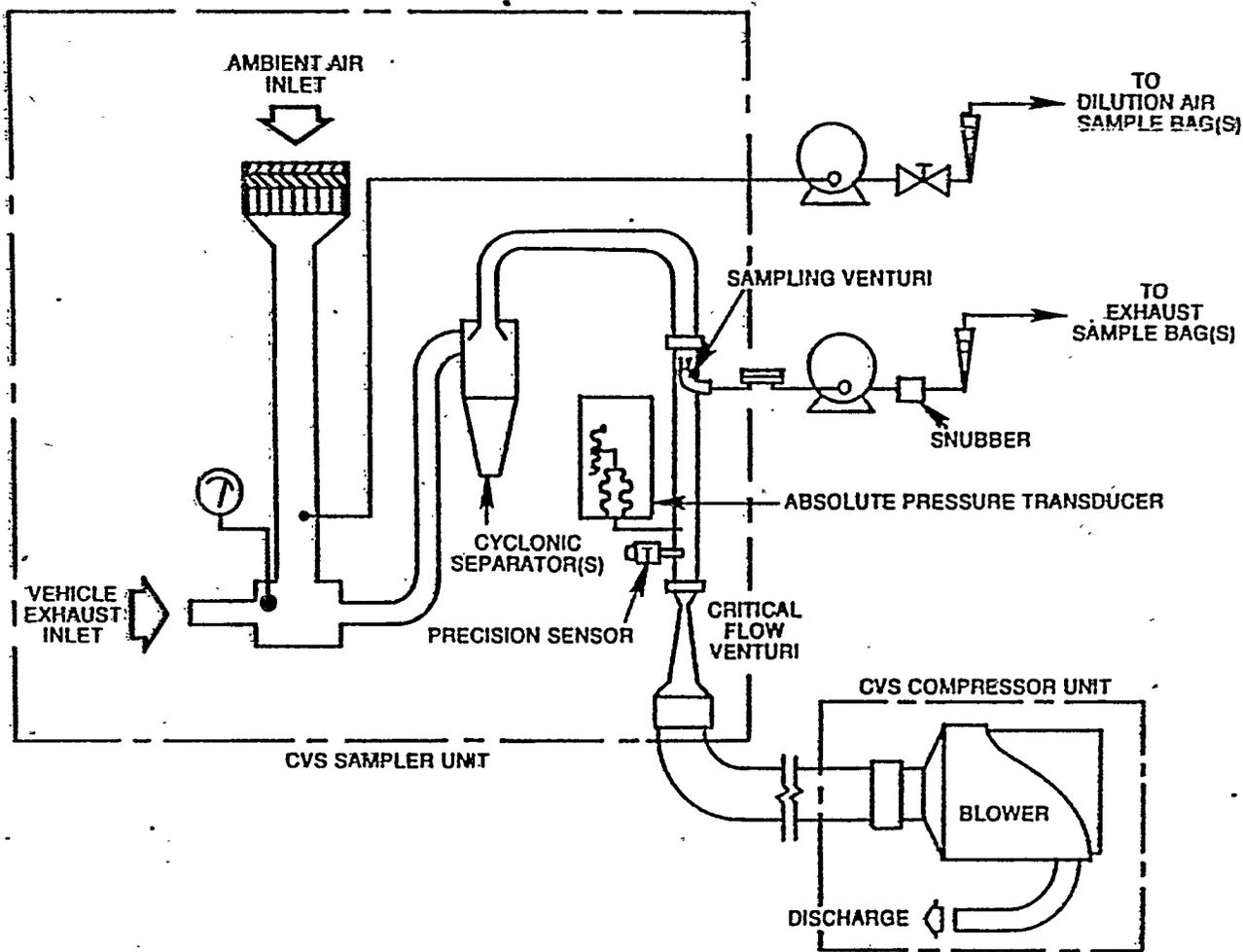


FIGURE B81-1
EXHAUST GAS SAMPLING SYSTEM
(GASOLINE FUELED VEHICLES ONLY)

[6560-01-C]



**FIGURE B81-2 EXHAUST GAS SAMPLING SYSTEM (CFV-CVS)
(GASOLINE FUELED VEHICLES ONLY)
(SEE FIGURE B81-5 FOR SYMBOL LEGEND)**

12. A new §86.110-81 is added and reads as follows:

§86.110-81 Exhaust gas sampling system; Diesel vehicles.

(a) *General.* The exhaust gas sampling system described in this paragraph is designed to measure the true mass of both gaseous and particulate emissions in the exhaust of light-duty Diesel vehicles. This system utilizes the CVS concept (described in §86.109) of measuring mass emissions. The mass of gaseous emissions is determined from the sample concentration and total flow over the test period. The mass of particulate emissions is determined from a proportional mass sample collected on a filter and from the total flow over the test period. General requirements are as follows:

(1) This sampling system requires the use of a PDP-CVS or CFV-CFS with heat exchanger connected to a dilution tunnel. Figure B81-3 is a schematic drawing of the PDP system. Figure B81-4 is a schematic drawing of the CFV system.

(2) Diesel vehicles require a heated flame ionization detector (HFID) sample for hydrocarbon analysis. The HFID sample must be taken directly from the diluted exhaust stream through a heated probe in the dilution tunnel.

(3) Bag, HFID and particulate sampling capabilities as shown in Figure B81-3 (or Figure B81-4) are required to provide both gaseous and particulate emissions sampling capabilities from a single system.

(4) Since various configurations can produce equivalent results, exact conformance with these drawings is not required. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(5) Other sampling systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(b) *Component description.* The components necessary for Diesel exhaust sampling shall meet the following requirements:

(1) The PDP-CVS, Figure B81-3, shall conform to all of the requirements listed for the exhaust gas PDP-CVS (§86.109 (b)), with one exception: a flow rate of sufficient volume is required to maintain the diluted exhaust stream, from which the particulate sample flow is taken, at a temperature of 125°F (52°C) or less.

(2) The CFV-CVS, Figure B81-4, shall conform to all of the requirements listed for the exhaust gas CFV-CVS (§86.109(c)), with three exceptions:

(i) A flow rate of sufficient volume is required to maintain the diluted exhaust stream, from which the particulate sample flow is taken, at a temperature of 125°F (52°C) or less.

(ii) A heat exchanger is required.

(iii) The gas mixture temperature, measured at a point immediately ahead of the critical flow venturi, shall be within ±20°F (11°C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±20°F (11°C) during the entire test. The temperature measuring system shall have an accuracy and precision of ±1.8°F (1°C).

(3) The transfer of heat from the vehicle exhaust gas shall be minimized between the point where it leaves the vehicle tailpipe(s) and the point where it enters the dilution tunnel airstream. To accomplish this, a short length (not more than 12 feet (365 cm)) of smooth stainless steel tubing from the tailpipe to the dilution tunnel is required. This tubing shall have a maximum inside diameter of 4.0 in (10.2 cm). Short sections of flexible tubing at connection points are allowed.

(4) The vehicle exhaust shall be directed downstream at the point where it is introduced into the dilution tunnel.

(5) The dilution tunnel shall be:

(i) Sized to permit development of turbulent flow (Reynold's No. >>4000) and complete mixing of the exhaust and dilution air between the mixing orifice and each of the two sample probes (i.e., the particulate probe and the heated HC sample probe).

(ii) At least 8.0 inches (20.3 cm) in diameter.

(iii) Constructed of electrically conductive material which does not react with the exhaust components.

(iv) Grounded.

(6) The temperature of the diluted exhaust stream inside of the dilution tunnel shall be sufficient to prevent water condensation. However, the sample zone dilute exhaust temperature shall not exceed 125°F (52°C) at any time during the test.

(7) The particulate sample probe shall be:

(i) Installed facing upstream at a point where the dilution air and exhaust are well mixed (i.e., on the tunnel centerline, approximately 10 tunnel diameters downstream of the point where the exhaust enters the dilution tunnel).

(ii) Sufficiently distant (radially) from the total hydrocarbon probe so as to be free from the influence of any wakes or eddies produced by the total hydrocarbon probe.

(iii) 0.5 inch (1.27 cm) minimum inside diameter.

(iv) The distance from the sampling tip to the filter holder shall be at least 5 probe diameters (for filters located inside of the tunnel), but not more than 40.2 inches (102 cm) for filters located outside of the dilution tunnel.

(v) Free from sharp bends.

(vi) Configured so that a clean particulate filter can be selected simultaneously with the selection of an empty gaseous emissions bag.

(8) The flow rate through the particulate probe shall be at least the equivalent of 0.130 SCFM/in² (0.00951 liters per second per square centimeter) of filter face area, but not more than the equivalent of 0.372 SCFM/in² (0.0272 liters per second per square centimeter) of filter face area.

(9) The particulate sample pump shall be located sufficiently distant from the dilution tunnel so that the inlet gas temperature is maintained at a constant temperature (±5.4°F (3°C)).

(10) The gas meters shall be located sufficiently distant from the tunnel so that the inlet gas temperature remains constant (±5.4°F (3°C)).

(11) The total hydrocarbon probe shall be:

(i) Installed facing upstream at a point where the dilution air and exhaust are well mixed (i.e., approximately 10 tunnel diameters downstream of the point where the exhaust enters the dilution tunnel).

(ii) Sufficiently distant (radially) from the particulate probe so as to be free from the influence of any wakes or eddies produced by the particulate probe.

(iii) Heated and insulated over the entire length to maintain a 375°±20°F (191°±11°C) wall temperature.

(iv) 0.19 in. (0.457 cm) minimum inside diameter.

(12) It is intended that the total hydrocarbon probe be free from cold spots (i.e., free from spots where the probe wall temperature is less than 355°F).

(13) The dilute exhaust gas flowing in the total hydrocarbon sample system shall be:

(i) At 375°±10°F (191°±6°C) immediately before the heated filter. This will be determined by a temperature sensor located immediately upstream of the filter. The sensor shall have an accuracy and precision of ±1.8°F (1°C).

(ii) At 375°F±10°F (191°±6°C) immediately before the HFID. This will be determined by a temperature sensor located at the exit of the heated sample line. The sensor shall have an accuracy and precision of ±1.8°F (1°C).

(14) It is intended that the dilute exhaust gas flowing in the total hydrocarbon sample system be between 365°F and 385°F (185°C and 197°C).

(c) *Filters, particulate sampling.* (1) *General.* Filters must have Diesel particulate collection efficiency of 98.0

percent or greater. The collection efficiency shall be determined with a representative Diesel vehicle while it is operated over both phases of a cold start Urban Dynamometer Driving Schedule according to the procedure described in § 86.135 and § 86.137 (b)(1) through (b)(16) with one exception: bag and HFID samples are not required. Requirements for a valid filter efficiency test are as follows:

(i) The efficiency test shall be performed on two filters each followed by a back-up filter. One pair of filters is used to determine the efficiency during the cold "transient" phase, and the other pair of filters is used to determine the efficiency during the cold "stabilized" phase of a UDDS.

(ii) The efficiency test shall be per-

formed on each different lot of filters used for Diesel particulate measurement.

(iii) The components necessary for the filter efficiency test shall meet the requirements listed in § 86.110(b)(1) through (b)(10) with one exception: a back-up filter holder, located 3 to 4 inches (7.5 to 10 centimeters) downstream from each sample filter holder, is required.

(iv) The net weight of particulate material collected on the cold "transient" (or cold "stabilized") back-up filter shall not exceed 2.0 percent of the total net weight of particulate material collected on the cold "transient" (or cold "stabilized") test filter plus the cold "transient" (or cold "stabilized") back-up filter. That is:

$$\frac{\text{(Mass Particulate) Back-up filter}}{\text{(Mass Particulate) Test filter} + \text{(Mass Particulate) Back-up filter}} \times 100\% \leq 2.0\%$$

(v) The net weight of particulate material collected on each back-up filter and each test filter shall be determined by the procedure outlined in § 86.139.

(2) The particulate filter must have a minimum 47 mm diameter. Larger diameter filters are also acceptable. (Larger diameter filters may be desirable in order to reduce the pressure

drop across the filter when testing vehicles which produce large amounts of particulate.)

(3) The recommended loading on the 47 mm filter is 2 to 7 milligrams. Equivalent loadings (i.e., mass/area) are recommended for larger filter.

(4) Fluorocarbon coated glass fiber filters are required for particulate collection.

[6510-01-C]

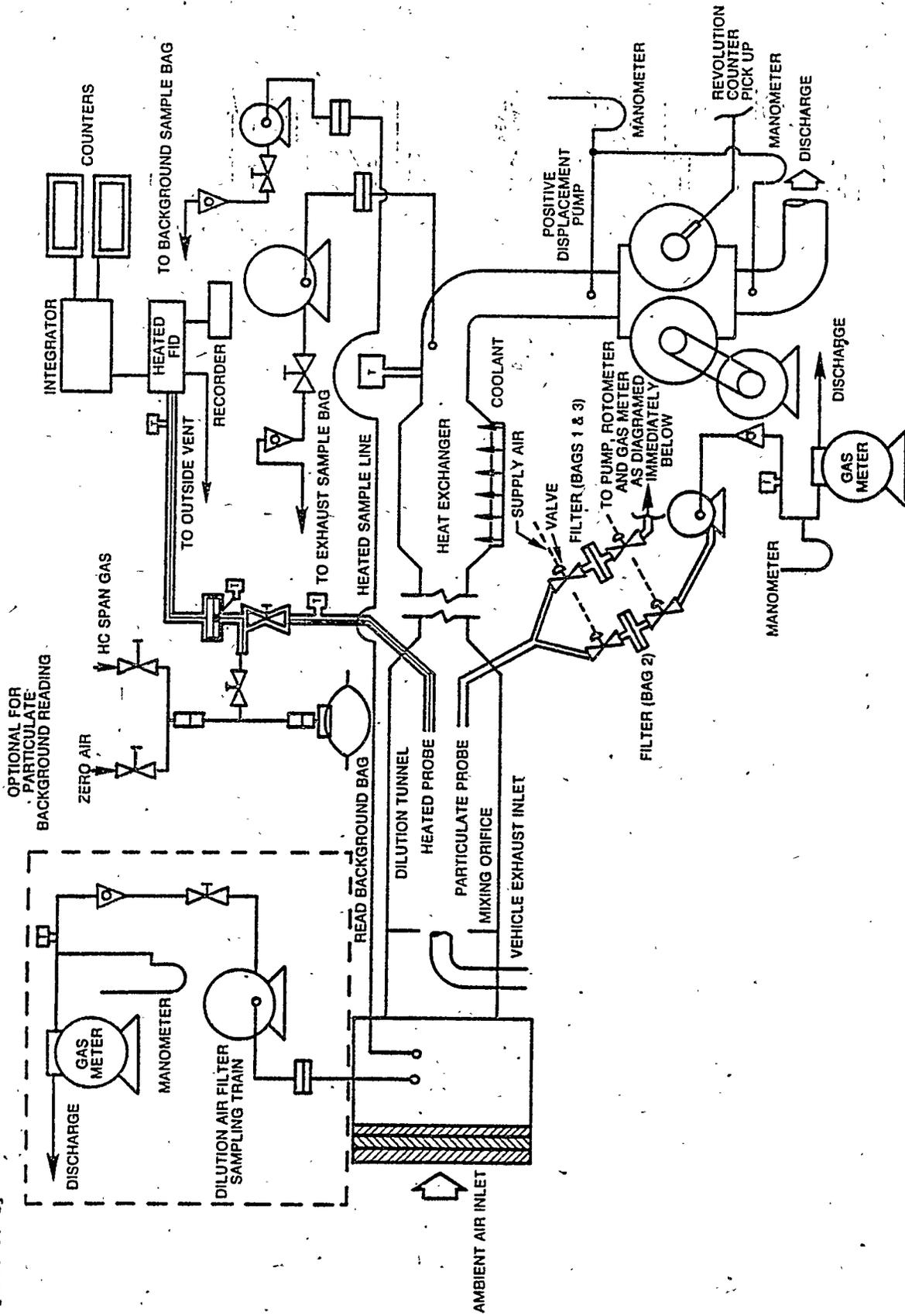


FIGURE B81-3
GASEOUS AND PARTICULATE EMISSIONS SAMPLING SYSTEM (PDP-CVS)
(FOR DIESEL VEHICLES ONLY)

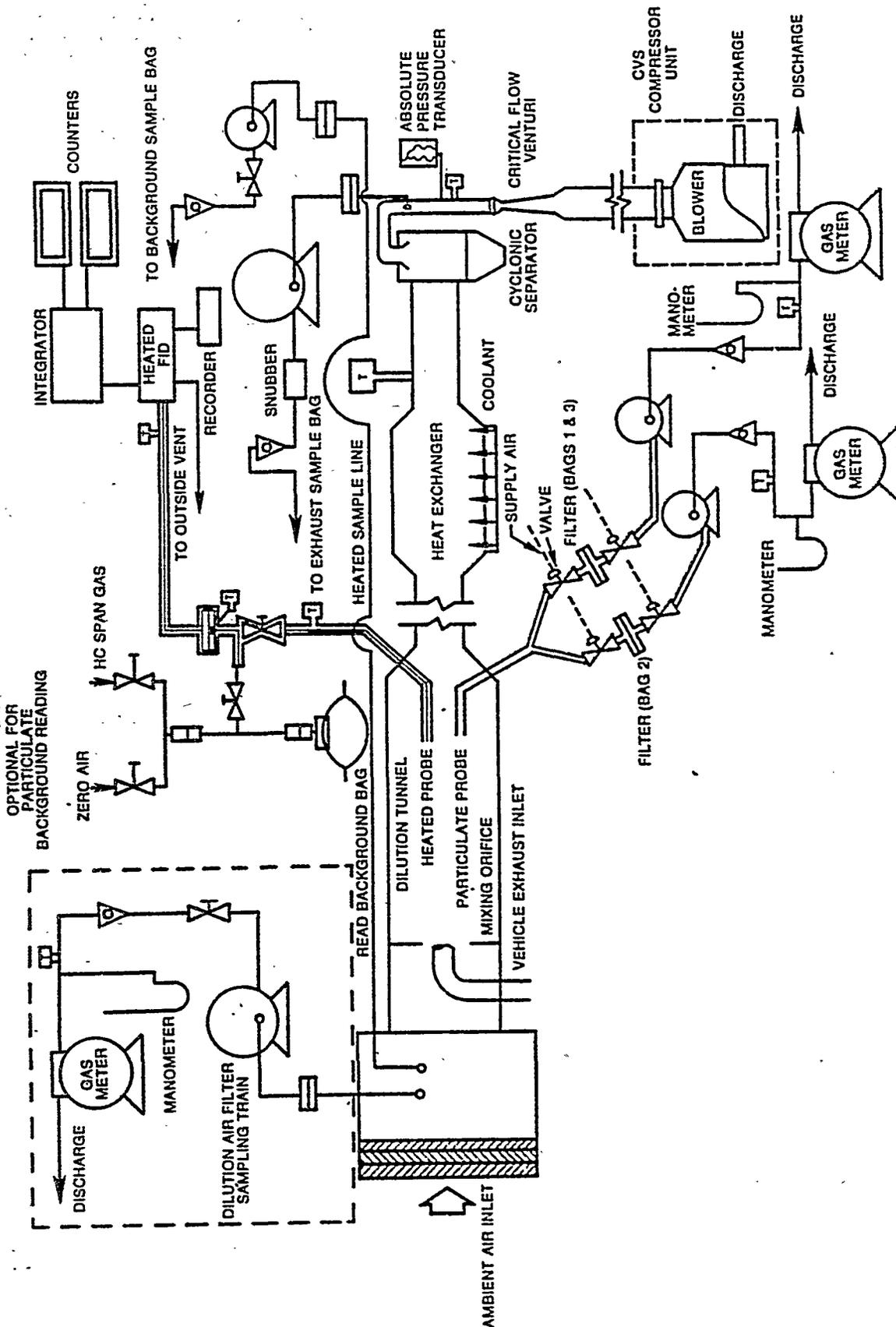


FIGURE B81-4
GASEOUS AND PARTICULATE EMISSIONS SAMPLING SYSTEM (CFV-CVS)
 (FOR DIESEL VEHICLES ONLY)

FEDERAL REGISTER, VOL. 44, NO. 23—THURSDAY, FEBRUARY 1, 1979

13. A new § 86.111-81 is added and reads as follows:

§ 86.111-81 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure B81-5 is a schematic drawing of the exhaust gas analytical system. The schematic diagram of the hydrocarbon analysis train for Diesel vehicles is shown as part of Figure B81-3 (or Figure B81-4). Since various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure B81-5, consists of a flame ionization detector (FID) for the determination of hydrocarbons, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. A heated flame ionization detector (HFID) is used for the continuous determination of hydrocarbons from Diesel-fueled vehicles, Figure B81-3 (or B81-4). The exhaust gas analytical system shall conform to the following requirements:

(1) The CL requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing CaSO_4 , or

indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see §§ 86.122 and 86.144.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.122.

(3) For Diesel vehicles a continuous hydrocarbon sample shall be measured using a heated analyzer train as shown in Figure B81-3 (or B81-4). The train shall include a heated continuous sampling line, a heated particulate filter and a heated hydrocarbon instrument (HFID) complete with heated pump, filter and flow control system.

(i) The response time of this instrument shall be less than 1.5 seconds for 90 percent of full scale response.

(ii) Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(iii) The sample line and filter shall be heated to maintain a sample gas temperature of $375 \pm 10^\circ\text{F}$ ($191 \pm 6^\circ\text{C}$) before the filter and before the HFID.

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

[6510-01-C]

FOR DIESEL HC ANALYSIS
SEE FIG. B81-3

OPEN TO ATMOSPHERE

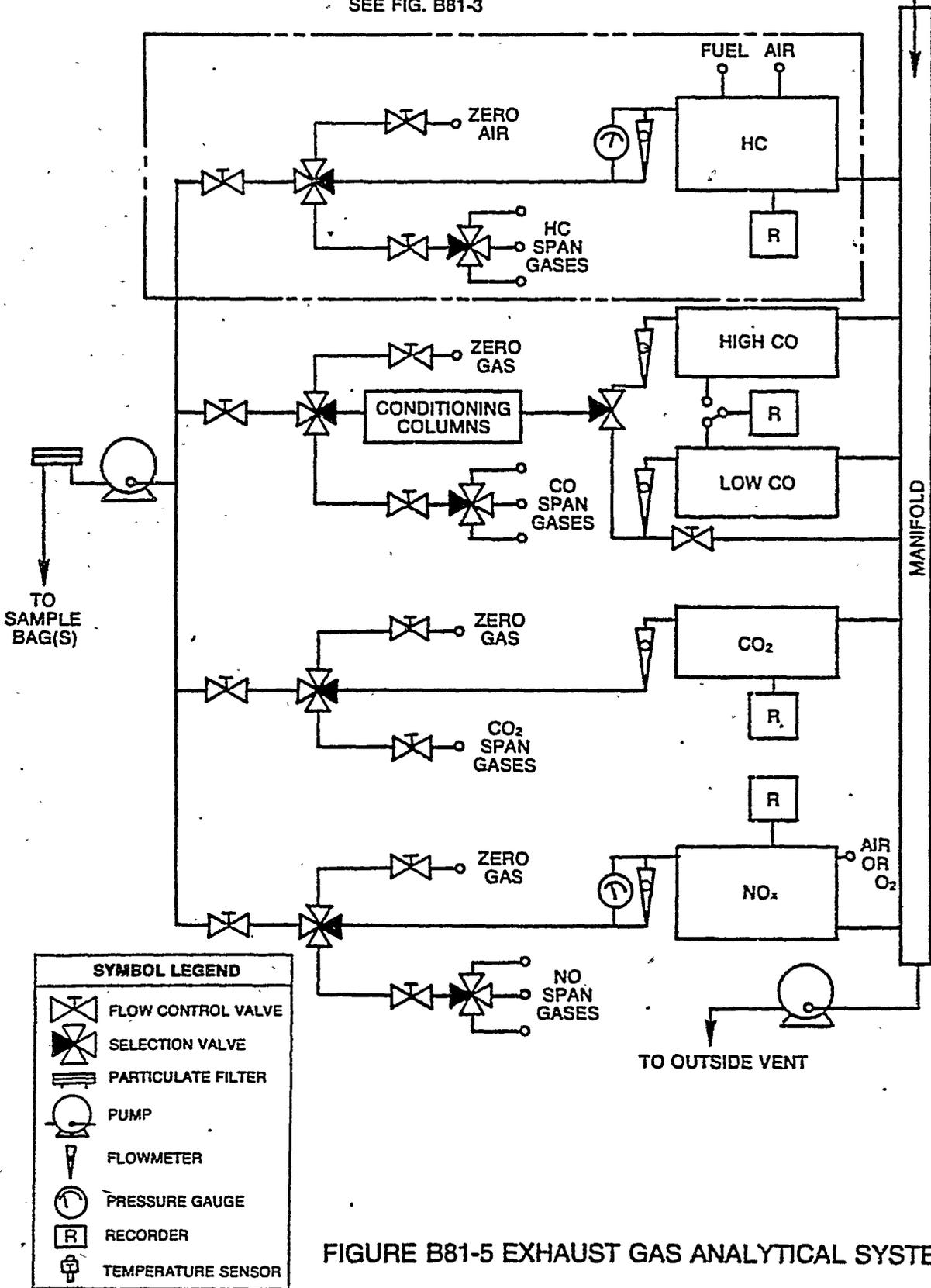


FIGURE B81-5 EXHAUST GAS ANALYTICAL SYSTEM

14. A new § 86.112-81 is added and reads as follows:

§ 86.112-81 Weighing chamber (or room) and microgram balance specifications.

(a) *Ambient conditions.* (1) *Temperature.* The temperature of the chamber in which the particulate filters are conditioned and weighed shall be maintained to within $\pm 10^{\circ}\text{F}$ (6°C) of a set point between 68°F (20°C) and 86°F (30°C) during all filter conditioning and filter weighing.

(2) *Humidity.* The relative humidity of the chamber in which the particulate filters are conditioned and weighed shall be maintained to within ± 10 percent of a set point between 30 and 70 percent during all filter conditioning and filter weighing.

(3) The environment shall be free from any ambient contaminants (such as dust) that would settle on the particulate filters during their stabilization. It is required that two reference filters remain in the weighing room at all times, and that these filters be weighed at the beginning and end of each conditioning period. If the weight of either or both of these two reference filters changes by more than ± 1.0 percent of the nominal filter loading (2-7 milligrams) during the conditioning period, then all filters in the process of being stabilized should be discarded, and any tests repeated.

(b) *Microgram balance specifications.* The microgram balance used to determine the weights of all filters shall have a precision (standard deviation) and a readability (micrometer) of one microgram.

15. A new § 86.116-81 is added and reads as follows:

§ 86.116-81 Calibrations, frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.117 through 86.126.

(b) At least yearly or after any maintenance which could alter background emission levels, evaporative enclosure background emission measurements shall be performed.

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the hydrocarbon analyzers (both evaporative and exhaust instruments), carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration) the monthly calibration need not be performed.

(3) Perform a hydrocarbon retention check and calibration on the evaporative emission enclosure.

(4) Calibrate the gas meters used for providing total flow measurement for particulate sampling.

(d) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification.

(3) Run a performance check on the dynamometer. This check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displacement pump or Critical Flow Venturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.119).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

16. A new § 86.120-81 is added and reads as follows:

§ 86.120-81 Gas meter calibration, particulate measurement.

Sampling for particulate emissions requires the use of gas meters to measure flow through the particulate filters. These meters shall receive initial and periodic calibrations as follows:

(a) Install a standard air flow measurement instrument (such as laminar flow element) upstream of the gas meter. This standard instrument shall measure air flow at standard conditions with an accuracy or ± 1 percent. Standard conditions are defined as 68°F (20°C) and 29.92 in. Hg (101.3 kPa). A critical flow orifice, a bellmouth nozzle, or a laminar flow element is recommended as the standard instrument.

(b) Flow air through the calibration system at the sample flow rate used for particulate testing and at the backpressure which occurs during the sample test.

(c) When the temperature and pressure in the system have stabilized, measure the gas meter indicated volume over a time period of at least 5 minutes and until a flow volume of at least ± 1 percent accuracy can be determined by the standard instrument. Record the stabilized air temperature and pressure upstream of the gas meter and as required for the standard instrument.

(d) Calculate air flow at standard conditions as measured by both the standard instrument and the gas meter.

(e) Repeat the procedures of paragraphs (b) through (d) above using

flow rates which are 10 percent above the nominal sampling flow rate and 10 percent below the nominal sampling flow rate.

(f) If the air flow at standard conditions measured by the gas meter differs by more than ± 1 percent from the standard measurement at any of the three measured flow rates, than a correction shall be made by either of the following two methods:

(1) Mechanically adjust the gas meter so that it agrees within 1 percent of the standard measurement at the three specified flow rates, or

(2) Develop a continuous best fit calibration curve for the gas meter (as a function of the standard instrument flow measurement) from the three calibration points that represents the data to within 1 percent at all points to determine corrected flow.

(g) *Other systems.* A bell prover may be used to calibrate the gas meter if the procedure outlined in ANSI B109.1-1973 is used. Prior approval by the Administrator is not required to use the bell prover.

17. A new § 86.121-81 is added and reads as follows:

§ 86.121-81 Hydrocarbon analyzer calibration.

The FID hydrocarbon analyzer shall receive the following initial and periodic calibration. The HFID shall be operated at a temperature of 375°F (191°C).

(a) *Initial and periodic optimization of detector response.* Prior to its introduction into service and at least annually thereafter, the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response. Alternate methods yielding equivalent results may be used, if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions or good engineering practice for instrument startup and basic operating adjustment using the appropriate fuel and zero-grade air.

(2) Optimize on the most common operating range. Introduce into the analyzer a propane in air mixture with a propane concentration equal to approximately 90 percent of the most common operating range.

(3) Select an operating fuel flow rate that will give near maximum response and least variation in response with minor fuel flow variations.

(4) To determine the optimum air flow, use the fuel flow setting determined above and vary air flow.

(5) After the optimum flow rates have been determined, record them for future reference.

(b) *Initial and periodic calibration.* Prior to its introduction into service and monthly thereafter the FID hydrocarbon analyzer shall be calibrated on all normally used instrument

ranges. Use the same flow rate as when analyzing sample.

(1) Adjust analyzer to optimize performance.

(2) Zero the hydrocarbon analyzer with zero-grade air.

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

18. A new § 86.127-81 is added and reads as follows:

§ 86.127-81 Test procedures; overview.

The procedures described in this and subsequent sections are used to determine the conformity of vehicles with the standards set forth in Subpart A for light-duty vehicles and light-duty trucks.

(a) The overall test consists of prescribed sequences of fueling, parking and operating conditions. Vehicles are tested for any or all of the following emissions:

(1) gaseous exhaust HC, CO, NO_x, CO₂ (both gasoline-fueled and Diesel vehicles).

(2) particulates (Diesels only).

(3) evaporative HC (gasoline-fueled vehicles only).

The evaporative portion of the test procedure occurs before and after the exhaust emission test, and in some cases, during the exhaust emission test.

(b) The gasoline-fueled exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles (12.1 kilometers). The test consists of engine startups and vehicle operation on a chassis dynamometer, through a specified driving schedule. A proportional part of the diluted exhaust is collected continuously for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) The Diesel exhaust emission test is designed to determine particulate and gaseous mass emissions during a test similar to the test in § 86.127-81(b). Dilute exhaust is continuously analyzed for total hydrocarbons using a heated sample line and analyzer. The other gaseous emissions, CO, CO₂, and NO_x, are collected continuously for analysis as in § 86.127-81 (b). Simultaneous with the gaseous exhaust collec-

tion and analysis, particulates from a proportional part of the diluted exhaust are collected continuously on a filter. The mass of particulate is determined by the procedure described in § 86.139. This testing requires a dilution tunnel as well as the constant volume sampler.

(d) The evaporative emission test (gasoline-fueled vehicles only) is designed to determine hydrocarbon evaporative emissions as a consequence of diurnal temperature fluctuation, urban driving, and hot soaks during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in hydrocarbon vapor losses. The test procedure is designed to measure:

(1) Diurnal breathing losses resulting from daily temperature changes, measured by the enclosure technique;

(2) Running losses from suspected sources (if indicated by engineering analysis or vehicle inspection) resulting from a simulated trip on a chassis dynamometer, measured by carbon traps; and

(3) Hot soak losses, which result when the vehicle is parked and the hot engine is turned off, measured by the enclosure technique.

(e) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.078-25.

19. A new § 86.132-81 is added and reads as follows:

§ 86.132-81 Vehicle preconditioning.

(a) The vehicle shall be moved to the test area and the following operations performed:

(1) The fuel tank(s) shall be drained through the provided fuel tank(s) drain(s) and filled to the prescribed "tank fuel volume" with the specified test fuel, § 86.113. For the above operations the evaporative emission control system shall neither be abnormally purged nor abnormally loaded.

(2) Within one hour of being fueled the vehicle shall be placed, either by being driven or pushed, on a dynamometer and operated through one Urban Dynamometer Driving Schedule test procedure, see § 86.115 and Appendix I. A gasoline-fueled test vehicle may not be used to set dynamometer horsepower.

(3) For those unusual circumstances where additional preconditioning is desired by the manufacturer, such preconditioning may be allowed with the advance approval of the Administrator. The Administrator may also choose to conduct or require the conduct of additional preconditioning to

insure that the evaporative emission control system is stabilized in the case of gasoline engines, or to insure that the exhaust system is stabilized in the case of Diesel engines. The additional preconditioning shall consist of an initial one hour minimum soak and, one, two, or three driving cycles of the UDDS, as described in (a)(2) of this section, each followed by a soak of at least one hour with engine off, engine compartment cover closed and cooling fan off. The vehicle may be driven off the dynamometer following each UDDS for the soak period.

(b) Within five minutes of completion of preconditioning, the vehicle shall be driven off the dynamometer and parked. The vehicle shall be stored for not less than 12 hours nor for more than 36 hours prior to the cold start exhaust test. (Gasoline-fueled vehicles undergo a one hour diurnal heat build prior to the cold start exhaust test. A wait of up to one hour is permitted between the end of the diurnal heat build and the beginning of the cold start exhaust test. See § 86.130 and Figure B79-5.)

(c) Vehicles to be tested for evaporative emissions shall be processed in accordance with procedures in §§ 86.133 through 86.138. Vehicles to be tested for exhaust emissions only shall be processed according to §§ 86.133 through 86.137.

20. A new § 86.135-81 is added and reads as follows:

§ 86.135-81 Dynamometer procedure.

(a) *Overview.* (1) *Gasoline-fueled vehicles.* The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour and a maximum 36-hour soak according to the provisions of §§ 86.132 and 86.133, and a "hot" start test following the "cold" start test by 10 minutes. Engine startup (with all accessories turned off), operation over the UDDS and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis during each phase. The composite samples collected in bags are analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(2) *Diesel vehicles.* The dynamometer run consists of two tests, a "cold" start test after a minimum 12 hours soak and a maximum 36 hour soak according to the provisions of §§ 86.132 and 86.133, and a "hot" start test following the "cold" start by 10 minutes. Engine startup (with all ac-

cessories turned off), operation over the UDDS and engine shutdown make a complete cold start test. Engine start-up and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air in the dilution tunnel as shown in Figure B81-3 (and Figure B81-4). Three particulate samples are collected on filters for weighing; the first sample is collected during the first 505 seconds of the "cold" start test; the second sample is collected during the remainder of the "cold" start test (including shutdown); the third sample is collected during the "hot" start test. Continuous proportional samples of gaseous emissions are collected for analysis during each test phase. The composite samples collected in bags are analyzed for carbon monoxide, carbon dioxide, and oxides of nitrogen. Hydrocarbons are sampled and analyzed continuously according to the provisions of § 86.110. Parallel samples of the dilution air are similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. In the case of vehicles with front engine compartments, the fan shall be squarely positioned within 12 inches (30.5 centimeters) of the vehicle. In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan shall be placed in a position to provide sufficient air to maintain vehicle cooling. The fan capacity shall normally not exceed 5300 cfm (2.50 cubic meters per second). If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, and that such additional cooling is needed to provide a representative test, the fan capacity may be increased or additional fans used if approved in advance by the Administrator.

(c) The vehicle speed as measured from the dynamometer rolls shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(d) Practice runs over the prescribed driving schedule may be performed at test point, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustment.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls; the rocking of the vehicle

changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(e) The drive wheel tires may be inflated up to a gauge pressure of 45 psi (310 kPa) in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(f) If the dynamometer has not been operated during the 2 hour period immediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48 kph) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(g) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

(h) The driving distance as measured by counting the number of dynamometer roll or shaft revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The revolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

21. A new § 86.137-81 is added and reads as follows:

§ 86.137-81 Dynamometer test run, gaseous and particulate emissions.

(a) *General.* (1) *Gasoline-fueled vehicles.* The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours or more than 36 hours before the cold start exhaust emission test. The cold start exhaust test shall follow the diurnal breathing loss test by not more than one hour. The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles (12.1 kilometers) and simulates a hot start drive of 7.5 miles (12.1 kilometers). The vehicle is allowed to stand on the dynamometer during the 10 minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test, similarly, consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in driving schedule as the

first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(2) *Diesel vehicles.* The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours or more than 36 hours before the cold start exhaust emission test. The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles (12.1 km), and simulates a hot start drive of 7.5 miles (12.1 km). The vehicle is allowed to stand on the dynamometer during the 10 minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test, similarly, consists of two periods. The first period, representing the start of the "transient" phase, terminates at the same point in the driving schedule as the first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and position the cooling fan.

(3) With the sample selector valves in the "standby" position connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the CVS (if not already on), the sample pumps (except the Diesel particulate sample pump, if applicable), the temperature recorder, the vehicle cooling fan and the heated hydrocarbon analysis recorder (Diesels only). (The heat exchanger of the constant volume sampler, if used, Diesel hydrocarbon analyzer continuous sample line and filter (if applicable) should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate and set the gas flow measuring devices to zero.

(i) For gaseous samples, the minimum flow rate is 0.17 cfm (0.08 l/s).

(ii) For particulate samples, the minimum flow rate is the equivalent of 0.130 SCFM/in² (0.00951 standard liters per second per square centimeter) of filter face area.

NOTE.—CFV—CVS sample flow rate is fixed by the Venturi design.

(6) Attach the exhaust tube to the vehicle tailpipe(s).

(7) Carefully install a particulate sample filter into each of the two filter holders for Diesel tests. The filters must be handled only with forceps or tongs. Rough or abrasive filter handling will result in erroneous weight determination.

(8) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag (turn on the Diesel hydrocarbon analyzer system integrator, mark the recorder chart, start particulate sample pump No. 1, and record both gas meter readings, if applicable), turn the key on, and start cranking the engine.

(9) Fifteen seconds after the engine starts, place the transmission in gear.

(10) Twenty seconds after the engine start, begin the initial vehicle acceleration of the driving schedule.

(11) Operate the vehicle according to the Urban Dynamometer Driving Schedule (§ 86.115).

NOTE.—During Diesel testing, adjust the flow rate through the particulate sample probe to maintain a constant value within ± 5 percent of the set flow rate. Record the average temperature and pressure at the gas meter inlet. If the set flow rate cannot be maintained because of high particulate loading on the filter, the test shall be terminated. The test shall be rerun using a smaller diameter probe, 0.5 inch (1.27 centimeter) minimum, or larger diameter filter, or both.

(12) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off gas flow measuring device No. 1, (switch off the No. 1 Diesel hydrocarbon integrator and the No. 1 particulate sample pump, mark the Diesel hydrocarbon recorder chart, and close valves isolating particulate filter No. 1, if applicable) and start gas flow measuring device No. 2 (and start the Diesel hydrocarbon integrator No. 2 and the No. 2 particulate sample pump and open valves isolating particulate filter No. 2, if applicable). Before the acceleration which is scheduled to occur at 510 seconds, record the measured roll or shaft revolutions and reset the counter or switch to a second counter. As soon as possible, transfer the "transient" exhaust and dilution air samples to the analytical system

and process the samples according to § 86.140, obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(13) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(14) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 (and the Diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, turn off the No. 2 particulate sample pump and close the valves isolating particulate filter No. 2, if applicable) and position the sample selector valves to the "standby" position (and open the valves isolating particulate filter No. 1, if applicable). Record the measured roll or shaft revolutions (both gas meter readings), and re-set the counter. As soon as possible, transfer the "stabilized" exhaust and dilution air samples to the analytical system and process the samples according to § 86.140, obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test. (Carefully remove both particulate sample filters from their respective holders, and place each in a separate petri dish, and cover, if applicable.)

(15) Immediately after the end of the sample period, turn off the cooling fan and close the engine compartment cover.

(16) Turn off the CVS or disconnect the exhaust tube from the tailpipe(s) of the vehicle.

(17) Repeat the steps in paragraph (b)(2) through (b)(11) of this section for the hot start test, except only two evacuated sample bags (and only one particulate filter sample, if applicable) are required; one for sampling exhaust gas and another for sampling dilution air. The step in paragraph (b)(8) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(18) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off gas flow measuring device No. 1 (and the Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart and turn off the No. 1 particulate sample pump, if applicable) and position the sample selector valve to the "standby" position. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll or shaft revolutions (and the No. 1 gas meter reading). (Carefully remove the third particulate sample filter from its holder and place in a clean petri dish and cover, if applicable.)

(19) As soon as possible, transfer the hot start "transient" exhaust and dilution air samples to the analytical

system and process the samples according to § 86.140 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(20) As soon as possible, and in no case longer than one hour after the end of the hot start phase of the test, transfer the three particulate filters to the weighing chamber for post-test conditioning, if applicable.

(21) Disconnect the exhaust tube from the vehicle tailpipe(s) and drive the vehicle from dynamometer.

(22) The CVS may be turned off, if desired.

(23) Vehicles to be tested for evaporative emissions will proceed according to § 86.138. For all others this completes the test sequence.

22. A new § 86.139-81 is added and reads as follows:

§ 86.139-81 Diesel particulate filter handling and weighing.

(a) At least 8 hours, but not more than 56 hours before the test, place each filter in an open, but protected, petri dish and place in the weighing chamber which meets the humidity and temperature specifications of § 86.112.

(b) At the end of the 8 to 56 hour stabilization period, weigh the filter on a balance having a precision of one microgram. Record this weight. This reading is the tare weight.

(c) The filter shall then be stored in a covered petri dish which shall remain in the weighing chamber until needed for testing.

(d) If the filter is not used within one hour of its removal from the weighing chamber, it shall be reweighed.

(e) After the test, and after the sample filter is returned to the weighing room, condition it for at least 8 hours but not more than 56 hours. Then weigh a second time. This latter reading is the gross weight of the filter. Record this weight.

(f) The net weight (Pe) is the gross weight minus the tare weight.

NOTE.—Should the sample on the filter contact the petri dish or any other surface, the test is void and must be re-run.

23. A new § 86.142-81 is added and reads as follows:

§ 86.142-81 Records required.

The following information shall be recorded with respect to each test:

- (a) Test number.
- (b) System or device tested (brief description).
- (c) Date of time of day for each part of the test schedule.
- (d) Instrument operated.
- (e) Driver or operator.

(f) Vehicle: ID number, manufacturer, model year, standards, engine family, evaporative emissions family, basic engine description (including displacement, number of cylinders, turbo-charger used, and catalyst usage); fuel system (including number of carburetors, number of carburetor barrels, fuel injection type and fuel tank(s) capacity and location), engine code, gross vehicle weight rating, inertia weight class, actual curb weight at zero miles, actual road load at 50 mph (80 kph), transmission configuration, rpm and drive wheel tire pressure, as applicable.

(g) Indicated road load power absorption at 50 mph (80 kph) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning-gain-serial number-detector number-range. As an alternative a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and humidity.

(j) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *provided*, that individual test cell barometric pressures are shown to be within ± 0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

$$M_p = 0.43 \left(\frac{M_{p1}}{D_{ct}} + \frac{M_{p2}}{D_{st}} \right) + 0.57 \left(\frac{M_{p3}}{D_{ht}} + \frac{M_{p4}}{D_{st}} \right)$$

where:

(1) M_p = Mass of particulate determined from the "transient" phase of the cold start test, in grams per test phase.

(2) M_p = Mass of particulate determined from the "stabilized" phase of

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV-CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see §§ 86.122 and 86.144) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) The temperature of the gas flowing in the heated sample line before the heated filter, and also before the HFID, and the temperature of the control system of the heated hydrocarbon detector (for Diesel vehicles only).

(p) The driving distance for each of the three phases of the test, calculated from the measured roll or shaft revolutions.

(q) *Additional required records for Diesel vehicles.* (1) Pressure and temperature of the dilute exhaust mixture (and dilution air if sampled) at the inlet to the gas meter used for particulate sampling.

(2) The temperature of the dilute exhaust mixture inside the dilution tunnel near the inlet of the particulate probe.

(3) Gas meter readings at the start of each sample period and at the end of each sample period.

(4) The stabilized pre-test weight and post-test weight of each particulate sample filter.

(5) The temperature and humidity of the ambient air in which the particulate filters were stabilized.

24. A new § 86.145-81 is added and reads as follows:

§ 86.145-81 Calculations; particulate emissions.

(a) The final reported test results for the mass of particulate (M_p) in grams/mile shall be computed as follows:

the cold start test, in grams per test phase.

(3) M_p = Mass of particulate determined from the "transient" phase of the hot start test, in grams per test phase.

(4) D_{ct} = The measured driving distance from the "transient" phase of the cold start test, in miles.

(5) D_{st} = The measured driving distance from the "stabilized" phase of the cold start test, in miles.

(6) D_{ht} = The measured driving distance from the "transient" phase of the hot start test, in miles.

(b) The mass of particulate for each phase of testing is determined as follows:

$$M_{pj} = v_{mix,j} \times \left[\frac{P_{ej}}{v_{ep,j}} - \frac{P_b}{v_{bp}} (1 - 1/DF) \right]$$

where:

(1) $j=1, 2$ or 3 depending on which phase the mass of particulate is being determined for (i.e., the "transient" phase of the cold start test, the "stabilized" phase of the cold start test, or the "transient" phase of the hot start test).

(2) V_{mix} = Total dilute exhaust volume in cubic feet per test, corrected to standard conditions 528°R (293K) and 29.92 in Hg (101.3 kPa). V_{mix} is further defined in § 86.144.

(3) P_e = mass of particulate per test on the exhaust filter, grams.

(4) P_b = mass of particulate on the "background" filter, grams.

(i) The background particulate level, P_b , inside the dilution air filter box at EPA is very low. P_b will be assumed = 0, and background particulate samples will not be taken with each exhaust sample. It is recommended that background particulate checks be made periodically to verify the low level.

(ii) Any manufacturer may make the same assumption without prior EPA approval.

(iii) If P_b is assumed = 0, then no background correction is made. The equation for particulate mass emissions then reduces to:

$$M_{pj} = \frac{v_{mix,j} \times P_{ej}}{v_{ep,j}}$$

(6) V_{ep} = total volume of sample pulled through the filter, cubic feet at standard conditions.

$$v_{ep} = \frac{v_{ap} \times (P_{bar} + P_{ip}) \times 528}{T_{ip} \times 29.92}$$

where:

- (i) V_{ab} =corrected (according to procedure specified in § 86.120) dilute exhaust sample volume, cubic feet.
- (ii) P_{bar} =barometric pressure, in Hg.
- (iii) P_{ib} =pressure elevation above ambient measured at the inlet to the dilute exhaust sample gas meter, in Hg. For most gas meters with unrestricted discharge P_{ib} is negligible and can be assumed=0.
- (iv) T_{ib} =average temperature of the dilute exhaust sample at the inlet to the gas meter, °R.
- (7) V_{bp} =total volume of the background sample, cubic feet at standard conditions. (V_{bp} is not required if P_b is assumed=0.) It is calculated using the following formula:

$$V_{bp} = V_{ab} \times \frac{(P_{bar} + P_{ib}) \times 528}{T_{ib} \times 29.92}$$

where:

- (i) V_{ab} =corrected (according to procedure specified in § 86.120) background sample volume, cubic feet.
- (ii) P_{bar} =barometric pressure, in Hg.
- (iii) P_{ib} =pressure elevation above ambient measured at the inlet to the background gas meter, in Hg. For most gas meters with unrestricted discharge P_{ib} is negligible and can be assumed=0.
- (iv) T_{ib} =average temperature of the background sample at the inlet to the gas meter, °R.
- (8) DF=dilution factor. (DF is not required if P_b is assumed=0.) DF is defined in § 86.144-78.

25. Section 86.605 is amended by adding paragraph (a)(1)(iii)(E) to read as follows:

§ 86.605 Maintenance of Records; submission of information

- (a) * * *
- (1) * * *
- (iii) * * *
- (E) Additional required records for Diesel vehicles.
 - (1) Pressure and temperature of the dilute exhaust mixture (and dilution air if sampled) at the inlet to the gas meter used for particulate sampling.
 - (2) The temperature of the dilute exhaust mixture inside the dilution tunnel near the inlet of the particulate probe.
 - (3) Gas meter readings at the start of each sample period and at the end of each sample period.
 - (4) The stabilized pre-test weight and post-weight of each particulate sample filter.

(5) The temperature and humidity of the ambient air in which the particulate filters were stabilized.

26. Section 86.608 is amended by revising paragraph (a) to read as follows:

§ 86.608 Test procedures.

(a) The prescribed test procedure 1980 model year and later light-duty vehicles and light-duty trucks is contained in Subpart B of this Part.

27. Section 86.609 is amended by revising paragraph (a) to read as follows:

§ 86.609 Calculation and reporting of test results.

(a) Initial test results shall be calculated following the method prescribed in Subpart B of this Part. Initial test results shall be rounded in accordance with ASTM E 29-67 to the number of places to the right of the decimal point indicated by expressing the appropriate emission standard to three significant figures.

28. Section 86.610 is amended by revising paragraph (a) to read as follows:

§ 86.610 Acceptance and rejection of batches.

(a) A failed vehicle is one whose final deteriorated test results, for one or more of the regulated exhaust pollutants, when compared to the applicable emission standard for that pollutant, exceeds that standard.

29. Section 86.611 is amended by revising paragraph (c) to read as follows:

§ 86.611 Acceptance and rejection of batch sequence.

(c) If the batch sequence is accepted for all regulated pollutants, the manufacturer will not be required to perform any additional testing of vehicles from subsequent batches pursuant to the initiating test order.

30. Appendices IX and X to Part 86 do not apply to the 1980 model year and subsequent model years.

(Sections 202, 206, 208, 301(a) of the Clean Air Act as Amended (42 U.S.C. 7521, 7525, 7542, 7601(a).))

[FR Doc. 79-2324 Filed 1-31-79; 8:45 am]

THURSDAY, FEBRUARY 1, 1979
PART V



**DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT**

Office of the Secretary

■

**IMPROVING
GOVERNMENT
REGULATIONS**

Semiannual Agenda

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[4210-01-M]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. N-79-911]

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda of Significant Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of significant regulations under development or review.

SUMMARY: Pursuant to section 2(a) of Executive Order 12044, "Improving Government Regulations", the Department is publishing the first semiannual agenda listing significant regulations that will be under development or review during the period December 15, 1978 through June 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6207.

ADDRESSES: Rules Docket Clerk, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6703.

Office of Legislation and Intergovernmental Relations, Department of Housing and Urban Development, Room 10120, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-5005.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations" (43 FR 12661) directs each Executive Agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is required at least semiannually in order to give the public adequate notice of agency rulemaking activities. In fulfillment of requirements imposed by the Executive Order, this agenda: (1) describes significant regulations under development or review by the Department for the period December 15, 1978 through June 14, 1979; (2) indicates the need and legal basis for the action being taken; and (3) provides the name and telephone number of an agency official familiar with the regulation. The Executive Order also provides that if possible, this agenda is to indicate, for each listed rule, whether a regulatory analysis is anticipated. Because this Department's procedures implementing the Executive Order are not fully operational, it is impossible to indicate in this initial agenda those listed rules

for which regulatory analyses will be prepared. However, subsequently published agendas will include this information.

Public comment on the agenda is invited and should be submitted to the Rules Docket Clerk, General purpose State and local governments, and national organizations representing general purpose State and local governments, are invited to notify HUD's Office of Legislation and Intergovernmental Relations of those rules in which they have particular interest. The Office of Legislation and Intergovernmental Relations will acknowledge receipt of any such expression of interest and will bring the matter to the attention of the appropriate drafting office and the Office of Regulations for follow-up attention. Comments should be sent to the addresses listed above.

If necessary, the Department will publish supplemental agendas to identify additional significant regulations under development or review.

Appended to this Notice is HUD's initial agenda of significant regulations.

**OFFICE OF FAIR HOUSING AND EQUAL
OPPORTUNITY**

**1. COMPLIANCE PROCEDURES FOR
AFFIRMATIVE FAIR HOUSING MARKETING**

Description. Would provide for HUD review of approved AFHM Plans and for procedures, including imposition of sanctions, to assure compliance with approved plans.

Need. It is necessary to add procedures for the processing of allegations of violations and for imposing sanctions to the existing AFHM regulations (24 CFR Part 200m).

Authority. Executive Order 11064, Equal Housing Opportunity, 27 FR 11527; Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, 82 Stat. 73 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

**2. DISCRIMINATION IN THE FINANCING OF
HOUSING**

Description. Would indicate the Department's view of conduct considered unlawful under Section 805 of the Civil rights Act of 1968 and would require the collection of data by financial institutions on the race, national origin, and sex of applicants for loans or other assistance relating to dwellings.

Need. To deal with recent experience which indicates that some residential mortgage lenders are discriminating against blacks, other minorities, and women in the making of housing loans.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

**3. DEPARTMENT-WIDE REGULATIONS
IMPLEMENTING EXECUTIVE ORDER 11063**

Description. Would establish compliance review and complaint processing procedures and create a compliance mechanism leading to the imposition of sanctions, including referral of cases to the Attorney General.

Need. Comprehensive regulations are needed to implement Executive Order 11063 which requires that all necessary and appropriate action be taken by Federal departments and agencies to prevent discrimination because of race, color, creed, or national origin in residential property and related facilities owned, operated, or provided with Federal financial assistance and in lending practices with respect to residential property and related facilities of lending institutions, insofar as such practices relate to loans insured or guaranteed by the Federal government.

Authority. Executive Order 11063—Equal Opportunity in Housing, 27 F.R. 11527, (November 20, 1962).

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

**4. DISCRIMINATION IN HOUSING
ADVERTISING**

Description. Provides HUD's interpretation of the provisions of Title VIII of the Civil Rights Act of 1968 with respect to discrimination in advertising for the sale or rental of dwellings. Also indicates the nature of HUD's inquiry into advertising practices in complaint investigations which allege discrimination in advertising based on race, color, religion, sex, or national origin.

Need. Regulations are needed to implement Section 804(c) of the Civil Rights Act of 1968 which makes it unlawful to make, print, or publish any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin and to supplement HUD's Fair Housing Advertising Guidelines.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73, 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

**5. PROHIBITED BROKER CONDUCT UNDER
TITLE VIII**

Description. Informs brokers as to their responsibilities with respect to

fair housing in solicitations, sales advertising, marketing, and the provision of services pursuant to application of Title VIII of the Civil Rights Act of 1968; also provides information as to membership in associations, and the use of services among real estate brokers.

Need. Comprehensive regulations are needed to implement Title VIII which prohibits discrimination in the sale or rental of dwellings, discrimination in financing, blockbusting, and discriminatory advertising and which also makes it unlawful to deny any person access to, or membership or participation in, any multiple listing service or real estate broker's organization based on race, color, religion, sex or national origin.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

6. CONDUCT WHICH CONSTITUTES STEERING UNDER TITLE VIII

Description. Describes real estate practices which could be a violation of Title VIII of the Civil Rights Act of 1968 with emphasis on steering based on race, color, religion, sex, or national origin.

Need. By publishing a regulation which generally describes steering, the Department would aid persons in complying with Title VIII, and would advise prospective buyers and renters of practices, often unrecognized, which unlawfully restrict their range of housing choices.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

7. UNLAWFUL ZONING AND LAND USE PRACTICES UNDER TITLE VIII

Description. Describes the applicability of Title VIII of the Civil Rights Act of 1968 to zoning and land use practices and indicates the tests to be used by HUD in determining whether a violation has occurred.

Need. In dealing with cases where violation of Title VIII through zoning actions was alleged, the courts have provided some indication as to the scope of coverage of Title VIII. Thus the courts have held that Title VIII prohibits discriminatory land use and zoning actions. However, the courts have not articulated a standard for compliance with the Fair Housing Law. In administering the Law, HUD can provide assistance to the public, and local agencies by indicating the tests it will apply in its analysis of

complaints alleging discriminatory zoning or land use practices. 000

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

8. PROHIBITED APPRAISAL PRACTICES

Description. Provides guidance to persons concerning HUD's interpretation of proper standards and policies concerning the appraisal of dwellings; also advises appraisers and the public of HUD's position concerning practices, procedures, and methods of appraisal which can constitute a violation of Title VIII.

Need. HUD complaint experience has shown that appraisals are the subject of many Title VIII complaints. In the investigation of such complaints, we have found that instructional materials recognized as being authoritative on appraisal methods contain directions to appraisers which can result in violations of Title VIII of the Civil Rights Act of 1968. Some efforts have been launched to review these materials; however, this process is cumbersome since the Government and each major association of appraisers have voluminous material relating to appraisal policies. A general statement of appraisal policies and practices which may violate Title VIII will be helpful to appraisers in their work and to the public in understanding fair housing considerations in the appraisal of dwellings.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

9. RESIDENTIAL REDLINING UNDER TITLE VIII

Description. Indicates HUD's interpretation of Section 804(a) of the 1968 Civil Rights Act with respect to redlining and set forth the tests to be applied by the Department in investigating allegations of redlining based on race, color, religion, sex, or national origin.

Need. To implement Section 804(a) which makes it unlawful "to refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin." HUD experience in this area indicates that applicants may not be aware of real estate practices which constitute redlining because of the subtle nature of the practice.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

10. DISCRIMINATORY PRACTICES REGARDING PROPERTY INSURANCE

Description. Describes the coverage of Title VIII of the Civil Rights Act of 1968 with respect to denials of property insurance and advises the public as to the tests which HUD will apply in complaint investigations to determine whether violations of Title VIII have occurred.

Need. To implement Title VIII, and to inform prospective owners securing and maintaining property insurance.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

11. AFFIRMATIVE ADMINISTRATION OF FEDERAL PROGRAM RELATING TO HOUSING AND URBAN DEVELOPMENT

Description. Sets forth HUD's interpretation of the Title VIII mandate to administer programs relating to housing and urban development in a manner affirmatively to further the purposes of fair housing, and identifies in general, the nature and types of action HUD will take in the administration of its programs to enhance their impact on the provision of fair housing.

Need. Better implementation of Sections 808(a), 808(d) and 808(e)(3) of the Civil Rights Act of 1968.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

12. TRAINING AND EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME RESIDENTS

Description. Provides HUD's interpretation of the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects, and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

Need. HUD's existing Section 3 regulation was promulgated prior to the enactment of the Housing and Community Development Act of 1974, which established the Community Development Block Grant (CDBG) Program. The regulation would provide for interpretations in the context of that program.

Authority. Section 3 of the Housing and Urban Development Act of 1968,

P.L. 90-448, 82 Stat. 476; 12 U.S.C. 1701 et seq.; and Section 118 of the Housing and Community Development Act of 1974, P.L. 93-383, 88 Stat. 633.

Contact. Kenneth F. Holbert, 202-755-5518.

13. IMPLEMENTATION OF SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Description. Sets forth procedures and policies to assure nondiscrimination on grounds of race, color, national origin, or sex in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974.

Need. To provide detailed regulations and procedures which describe requirements for compliance with Section 109 of the HCDA of 1974 in regard to nondiscrimination.

Authority. Section 109 of the Housing and Community Development Act of 1974, as amended; P.L. 93-383, 88 Stat. 633.

Contact. Laurance Pearl, 202-755-8697.

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

14. CDBG CLARIFICATION OF PROGRAM BENEFIT REQUIREMENTS

Description. Would clarify the program benefit requirement in the CDBG Program to reflect 1978 statutory amendments.

Need. Implementation of the 1978 amendments to the Housing and Community Development Act of 1974.

Authority. Section 104(c) of the Housing and Community Development Act of 1974, as amended; P.L. 93-383, 88 Stat. 633; P.L. 95-557, 92 Stat. 2080.

Contact. James R. Broughman, 202-755 6300

15 URBAN DEVELOPMENT ACTION GRANTS

Description. Amends existing regulations to reflect changes dictated by needs identified by the Department and participants during the first year of implementation of the UDAG program.

Need. The Action Grant regulations were drafted before the Department began reviewing and approving applications. Changes are required to clarify policy and make technical amendments based on our experience to date.

Authority. Section 119 of the Housing and Community Development Act of 1974, as amended; P.L. 93-383, 88 Stat. 633

Contact. Margaret B. Sowell, 202-755-5284, Sarah Underwood, 202-755-6540

16. COMPREHENSIVE PLANNING ASSISTANCE (701) PROGRAM; 24 CFR PART 600—SUBPARTS A TO F—BASIC REGULATIONS

Description. Amends the 701 regulations to implement more effectively national objectives set forth by the President's Urban Policy including: (1) community conservation and aid to distressed communities; (2) expansion of housing and employment opportunities; and (3) promotion of orderly and efficient growth. Provides for waivers from areawide organization requirements regarding board composition in order to facilitate creation of single planning organizations which undertake unified planning for multiple Federal planning programs.

Need. This rule is needed to initiate activities in support of the President's National Urban Policy.

Authority. Section 701, Housing Act of 1954, as amended, 68 Stat. 640, 40 U.S.C. 461.

Contact. Trudy F. McFall, 202-755-6240.

17. SECTION 312 REHABILITATION LOAN PROGRAM

Description. Implements Section 312 of the Housing Act of 1964 and program changes required by the Housing and Community Development Amendments of 1978.

Need. Implementation of Section 312 of the Housing Act of 1964 and the Housing and Community Development Amendments of 1978.

Authority. Section 312 of the Housing Act of 1964; as amended; P.L. 88-560, 78 Stat. 769, 790; 42 U.S.C. 1452(b); P.L. 95-557, 92 Stat. 2080.

Contact. William Hanson, 202-755-6160.

18. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

Description. Adopts requirements appropriate to the flexible nature of the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974; sets forth requirements governing acquisition and rehabilitation activities which take place with no intent to displace tenants and makes general improvements based on past experience in implementing the Uniform Act.

Need. To benefit from program experience and to present the regulations in a more understandable format.

Authority. Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Contact. Harold J. Huecker, 202-755-1871.

19. POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Description. Implements the National Environmental Policy Act of 1969, by incorporating the provisions of HUD Handbook 1390.1, Procedures for Protection and Enhancement of Environmental Quality, and of Section 905 of the Housing and Community Development Amendments of 1978.

Need. To modify the Department's environmental review procedures to reflect program changes and/or amendments that have affected the comprehensiveness of the basic document (1390.1 Handbook). The modification would incorporate all of these changes into a single FEDERAL REGISTER document.

Authority. The National Environmental Policy Act of 1969; P.L. 91-190, 42 U.S.C. 4321, et seq.; Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080.

Contact. Fred D. Regetz, 202-755-6296.

20. ENVIRONMENTAL CRITERIA AND STANDARDS, NOISE ABATEMENT AND CONTROL

Description. Converts the existing noise policy to regulation format and makes revisions and improvements intended to make the policy more flexible and consistent with other Federal agencies' noise programs.

Need. To update, consolidate and clarify procedures and policies set forth in HUD Circulars into regulation form.

Authority. National Environmental Policy Act of 1969; P.L. 91-190; Noise Control Act of 1972, P.L. 92574.

Contact. James F. Miller, 202-755-6201.

21. HAZARDOUS OPERATIONS OF AN EXPLOSIVE OR FLAMMABLE NATURE

Description. Establishes standards for safety separation distances or other mitigation measures to provide a healthful and safe living environment to residential or community projects that would be located in close proximity to industrial installations whose activities include hazardous operations with large quantities of fuels or chemicals of an extremely explosive or flammable nature.

Need. To set safety standards for mixed use development in industrial urban areas.

Authority. National Environmental Policy Act of 1969; P.L. 42 U.S.C. 4321 et seq.

Contact. James Christopoulos, 202-755-6201; Michael T. McGee, 202-755-6202.

OFFICE OF NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS, AND CONSUMER PROTECTION

22. NEIGHBORHOOD SELF-HELP DEVELOPMENT

Description. Implements new legislation under which HUD is to (1) provide grants and other forms of assistance to qualified neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization projects in low- and moderate-income neighborhoods, which are in need of preservation and revitalization, and (2) in the process of providing such assistance, increase the capacity of neighborhood organizations to utilize and coordinate resources available from the public and private sectors and from the residents and neighborhoods themselves, in conserving and revitalizing such neighborhoods.

Need. To implement Title VII of the Housing and Community Development Amendments of 1978.

Authority. Title VII, Housing and Community Development Amendments of 1978; P.L. 95-557, 92 Stat. 2080.

Contact. Joseph McNeely, 202-755-8227.

23. LIVABLE CITIES PROGRAM

Description. Implements new legislation under which HUD is to assist the efforts of States, local governments, neighborhood and other organizations to provide a more suitable living environment, expand cultural opportunities and, to the extent practicable, stimulate economic opportunities, primarily for the low- and moderate-income residents of communities and neighborhoods in need of conservation and revitalization, through the utilization, design or development of artistic, cultural, or historic resources.

Need. To implement the provisions of Title VIII of the Housing and Community Development Amendments of 1978.

Authority. Title VIII, Housing and Community Development Amendments of 1978; P.L. 95-557, 92 Stat. 2080.

Contact. Joseph McNeely, 202-755-8227.

24. MODULAR HOMES—EXCLUDED STRUCTURES

Description. Amend the Mobile Home Procedural and Enforcement Regulations by setting forth the certification required to be made by manufacturers of modular homes in order to exempt those structures from coverage under the National Mobile Home Construction and Safety Standards Act of 1974.

Need. To clarify application of existing regulations.

Authority. National Mobile Home Construction and Safety Standards Act of 1974, as amended; P.L. 93-383, 88 Stat. 633.

Contact. Richard A. Mendlen, 202-426-1872.

25. COPPER CLAD ALUMINUM CONDUCTORS

Description. Amends the Federal Mobile Home Construction and Safety Standards to accept certain sizes of copper clad aluminum conductors for use in the branch circuit electrical wiring of mobile homes.

Need. To implement program legislation which calls for consideration of new and innovative building systems.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; P.L. 93-383, 88 Stat. 633.

Contact. Richard A. Mendlen, 202-426-1872.

26. RECREATIONAL VEHICLES AND SIMILAR STRUCTURES

Description. Amends the Mobile Home Procedural and Enforcement regulations to further clarify the applicability of the National Mobile Home Construction and Safety Standards Act of 1974 to recreational vehicles and similar structures.

Need. To clarify existing regulations which deal with recreational vehicle type structures which are covered by the Act.

Authority. The National Mobile Home Construction and Safety Standards Act of 1974; P.L. 93-383, 88 Stat. 633.

Contact. Richard A. Mendlen, 202-426-1872.

27. FEDERAL MOBILE HOME PROCEDURAL AND ENFORCEMENT STANDARDS

Description. Changes the eligibility requirements of certain participants, further delineates the responsibilities of these participants and modifies some procedural and enforcement activities.

Need. This rule is needed to enhance the general effectiveness and overall efficiency of the Federal Mobile Home Standards Program. It will be designed to ensure the continued participation of States currently in the program and to make the program more attractive to States not presently in the program.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; P.L. 93-383; 88 Stat. 633.

Contact. Tobias A. Gottesman, 202-472-4703.

28. INTERSTATE LAND SALES FULL DISCLOSURE ACT

Description. Revises regulations implementing the Interstate Land Sales

Full Disclosure Act. Revisions are the result of a regulation simplification project which has included the use of a "readability consultant", public hearings and extensive consideration of public comment received on the published proposals.

Need. The revised rules and regulations simplify the registration requirements which developers must meet to comply with the Act and provide additional exemptions from registration in those cases where the public interest is not served or where the protection of purchasers is not needed.

Authority. Title XIV of the Housing and Urban Development Act of 1968, as amended; P.L. 90-448, 82 Stat. 476.590; 15 U.S.C. 1701.

Contact. Roger C. Henderson, 202-755-6847.

29. REAL ESTATE SETTLEMENT PROCEDURES ACT

Description. Would revise or add to the existing regulations implementing the Real Estate Settlement Procedures Act. Contents of the proposed rule will be determined by the response to comments on an Advance Notice of Proposed Rulemaking which was published on August 5, 1978. Closing date for comments was December 1, 1978.

Need. This is the first opportunity the public has had to comment on the regulations since they were issued in 1976. At that time, the program was new and the industry and consumers had little or no experience working with the program regulations.

Authority. Real Estate Settlement Procedures Act; P.L. 93-533, 88 Stat. 1724; 12 U.S.C. 2617.

Contact. Cynthia D. Lewis, 202-755-7038.

OFFICE OF INSPECTOR GENERAL

30. EXERCISE OF SUBPENA POWER

Description. Describes the manner in which subpoena authority may be exercised by the Office of Inspector General under the provisions of the Inspector General Act of 1978.

Need. To implement the Inspector General Act of 1978.

Authority. Inspector General Act of 1978; P.L. 95-452, 92 Stat. 1101.

Contact. Frank L. Coveleski, 202-755-6383.

31. AUDIT GUIDE FOR GNMA MORTGAGE BACK SECURITIES PROGRAM

Description. Promulgates an audit guide for use by public accountants in auditing operations of issuers of GNMA-guaranteed mortgage-backed securities. This guide will describe the audit work to be performed by a public accountant at the issuer's office and at the office of its custodians. The guide will require the public accountant to

report to the Government National Mortgage Association (GNMA) through the issuer, on the issuer's compliance with GNMA's requirements.

Need. To incorporate procedures and policies in regulation form.

Authority. Inspector General Act of 1978; P.L. 95-452, 92 Stat. 1101.

Contact. Leonard Wolin, 202-755-6361.

FEDERAL INSURANCE ADMINISTRATION

32. STANDARD FLOOD INSURANCE POLICY REVISION

Description. Revises the Standard Flood Insurance Policy to enable policyholders to better understand its provisions, benefits and protections.

Need. The revision is needed to serve the needs of approximately 1.5 million flood insurance policyholders.

Authority. National Flood Insurance Act of 1968; Pub. L. 90-448, 82 Stat. 476.

Contact. Richard W. Krimm, 202-755-5581.

33. REVISION OF APPEALS PROCEDURE

Description. Addresses in greater detail the use of administrative hearings to resolve appeals from proposed base flood elevation determinations.

Need. The revision may be needed to satisfy due process requirements.

Authority. National Flood Insurance Act of 1968; Pub. L. 90-448, 82 Stat. 476.

Contact. Richard W. Krimm, 202-755-5581.

34. MARKETING OF FEDERAL CRIME INSURANCE

Description. Provides increased marketing incentives for Federal Crime Insurance (F.C.I.) policies and simplifies the computation of insurance premiums through adoption of a uniform rate for all cities.

Need. The amendment is needed to improve operation of the F.C.I. program.

Authority. Section 1231-4, of the National Housing Act, as amended by Section 602(d), HUD Act of 1970, Pub. L. 609, 84 Stat. 1770, 1789, et seq.

Contact. James Rose; 202-755-6555.

35. FAIR PLANS

Description. Revises existing regulations which govern the administration of Statewide FAIR Plans, established in response to the Urban Property Protection and Reinsurance Act of 1968, as amended by the Housing and Community Development Act of 1978; also encourages efforts to stem arson-for-profit.

Need. The revision is needed to implement Section 307 of the Housing and Community Development Amendments of 1978, which requires that

FAIR Plan rates be no higher than rates for the same coverage in the voluntary market and that FAIR Plans have public voting members on their boards.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. Robert J. DeHenzel; 202-755-6580.

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

36. HAZARD MITIGATION

Description. Adds a new subpart to implement the provisions of Section 406 of the Disaster Relief Act of 1974.

Need. Needed to implement statutory provisions.

Authority. Disaster Relief Act of 1974; Pub. L. 93-288, 88 Stat. 143.

Contact. Charles Stuart, 202-634-7835.

37. FLOODPLAIN MANAGEMENT

Description. Adds a new subpart to implement the provisions of Executive Orders 11988 and 11990.

Need. Needed to implement Executive Orders.

Authority. Disaster Relief Act of 1974; Pub. L. 93-288, 88 Stat. 143.

Contact. Charles Stuart, 202-634-7835.

OFFICE OF HOUSING—FHIA

38. INSURING EXISTING CONDOMINIUMS

Description. Amends 24 CFR §§ 234.25, 234.27 and 234.28 to implement provisions of the Housing and Community Development Amendments of 1978. Provides for insuring existing condominiums containing a minimum of 12 units and more than one year old.

Need. To implement the Housing and Community Development Amendments of 1978.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. William A. Rolfe, 202-755-6887.

39. MOBILE HOMES—INTEREST SUBSIDY

Description. Provides for an interest subsidy for low income families wishing to purchase mobile homes and lots.

Need. To increase program participation.

Authority. Housing Authorization Act of 1976; Pub. L. 94-375, 90 Stat. 1067.

Contact. Thomas C. Thornton, 202-755-5743.

40. COINSURANCE FOR PRIVATE MORTGAGE LENDERS

Description. Amends 24 CFR Part 255 to provide coinsurance for private mortgage lenders.

Need. This rule was published for comment September 26, 1978 with comments due by November 13, 1978 and a final rule is needed to implement the program.

Authority. Section 244 of the National Housing Act; Pub. L. 93-383, 88 Stat. 633; 12 U.S.C. 1701 et seq.

Contact. George O. Hipps, Jr., 202-755-5720.

41. SECTION 8 CO-OPS

Description. Implements the Section 8 cooperative housing program originally authorized by the Housing and Community Development Act of 1974; establishes policies and procedures for processing applications under that Program.

Need. To establish policies and procedures for processing Section 8 Program applications for Co-op projects.

Authority. U.S. Housing Act of 1937 as amended by Housing and Community Development Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

42. PART 881—SECTION 8 SUBSTANTIAL REHABILITATION

Description. Revises completely the current regulations for the Section 8 substantial rehabilitation program to (1) incorporate cost containment provisions, (2) make the regulations easier to understand, and (3) simplify processing procedures.

Need. To incorporate cost containment provisions and to make the regulations easier to understand by simplifying processing procedures.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

43. SECTION 8 FARMERS HOME ADMINISTRATION AND SECTION 515 RURAL RENTAL HOUSING PROJECTS

Description. Revises the regulations covering use of the Section 8 program with the Farmers Home Administration (FmHA) Section 515 program to extend coverage to rehabilitation as well as new construction and to clarify the roles of HUD and FmHA.

Need. Simplify processing procedures and improve language for clarity.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

44. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

Description. Revises completely the regulations for the Section 8 New

Construction Program including a new summary and guide, revised basic policies and requirements, and improved processing procedures.

Need. To make the regulations easier to understand and use; to improve processing procedures, including revisions in response to work leveling recommendations; and to implement additional cost containment factors including limitations on rents, replacement costs and project funds distribution, prohibition on excess amenities and imposition of cost reviews.

Authority. United States Housing Act of 1937, as amended by Housing and Community Development Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

45. OBLIGATIONS OF PUBLIC HOUSING AGENCIES—TAX EXEMPTION AND RELATED AMENDMENTS

Description. Amends 24 CFR Part 811 by setting forth the procedures for processing of developments being financed with tax-exempt bonds or mortgages issued as obligations of a Public Housing Agency (PHA) or a PHA instrumentality.

Need. To provide greater program control.

Authority. Section 11(b) of the U.S. Housing Act of 1937; Pub. L. 93-383, 88 Stat. 633.

Contact. Michael Smilow, 202-755-5946.

46. ELIMINATION OF RENT REDUCTION INCENTIVE; SECTION 8 EXISTING HOUSING PROGRAM

Description. Deletes the Rent Reduction Incentive and prohibits Public Housing Agencies from approving any reduction in the family contribution toward rent for families selecting units renting for less than HUD approved maximum rents.

Need. To respond to the Congressional concern relative to cost effectiveness of the incentives.

Authority. Section 8 of the U.S. Housing Act of 1937; Pub. L. 93-383, 88 Stat. 633.

Contact. Patricia Arnaudo, 202-755-6460.

47. INTERJURISDICTIONAL MOBILITY; SECTION 8 EXISTING HOUSING PROGRAM

Description. Facilitates greater opportunities for families with Section 8 Existing Housing Program Certificates of Participation to find housing of their choice within an SMSA or elsewhere. Selected units must meet Section 8 Existing Housing Program Quality Standards and be within required Fair Market Rents.

Need. To increase housing opportunities by facilitating the use of existing resources.

Authority. Section 8 of the U.S. Housing Act of 1937; Pub. L. 93-383, 88 Stat. 633.

Contact. Patricia Arnaudo, 202-755-7460.

48. CO-INSURANCE FOR SINGLE FAMILY MORTGAGE LOANS BY SUPERVISED PRIVATE FINANCIAL INSTITUTIONS

Description. Modifies the existing regulations under 24 CFR Part 204 which prescribe rules governing coinsurance for mortgage loans on single family homes insured under Section 203(b) of the National Housing Act. Would add a new subpart to prescribe a separate set of rules for coinsurance for home loans made by supervised private financial institutions, defined as commercial banks, credit unions, life insurance companies, mutual savings banks, and savings and loan associations.

Need. To increase participation in and effect of program.

Authority. Section 244 of the National Housing Act; Pub. L. 93-383, 88 Stat. 633; 12 U.S.C. 1701 et seq.

Contact. Arnold Diamond, 202-755-6926.

49. CONGREGATE HOUSING SERVICES ACT OF 1978

Description. Authorizes grants to eligible PHAs and Section 202 project sponsors which contract to have at least two meals, seven days a week, and supportive services, such as house-keeping and personal care services, provided to frail elderly and non-elderly handicapped individuals in order to enable them to avoid institutionalization. Each project must be reviewed by the local area agency on aging or vocational rehabilitation/mental retardation agency, as appropriate, prior to being submitted to HUD.

Need. HUD must implement this new statutory program; there is no existing rule or guideline.

Authority. Title IV of the Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. Morton Leeds, 202-755-2980; Jerry Nachison, 202-755-6618.

50. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES

Description. Sets forth the procedures for processing and administering the Section 8 Housing Assistance Payments Program financed by State Housing Finance and Development Agencies and implements cost containment policies.

Need. To implement cost containment policies.

Authority. Section 8 of the U.S. Housing Act of 1937, Pub. L. 93-383, 88 Stat. 633.

Contact. Neil Churchill, 202-755-5945.

51. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Description. Sets forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving HUD financial assistance.

Need. To comply with Section 504 of the Rehabilitation Act of 1973, as amended, and Executive Order 11914 which relate to nondiscrimination against handicapped persons.

Authority. Executive Order 11914; Rehabilitation Act of 1973; Pub. L. 93-112, 87 Stat. 355.

Contact. Catherine Hillard, 202-755-7366.

52. ACCESSIBILITY DESIGN STANDARDS

Description. Prescribes accessibility design standards, which apply to all Federal programs involving publicly owned residential structures constructed, altered or leased with Federal funds. The amendments conform the rule with legislative changes, make a few routine changes, and add a provision to permit program-by-program supplementing of the accessibility standards with numerical or percentage requirements for specific building features such as parking spaces, dwelling units, or elevators.

Need. The amendments are needed to clarify the regulation, conform it with recent legislation, and make its application more useful to the disabled.

Authority. Architectural Barriers Act of 1968, Pub. L. 90-480, 82 Stat. 718.

Contact. Dr. Robert Wehrli, 202-755-7366.

53. ACCESSIBILITY DESIGN STANDARDS

Description. Augments the rule at 24 CFR Part 40, which prescribes accessibility design standards under the Architectural Barriers Act of 1968.

Need. This rule strengthens and coordinates the Department's procedures for compliance with the Architectural Barriers Act of 1968.

Authority. Architectural Barriers Act of 1968, Pub. L. 90-480, 82 Stat. 718; Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 355.

Contact. Dr. Robert Wehrli, 202-755-7366.

54. FLEXIBLE SUBSIDY REGULATIONS

Description. Describes the flexible subsidy program as enacted by Congress in the 1978 Housing and Community Development Amendments, de-

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finer eligible activities, and spells out HUD's oversight responsibilities in connection with the allocation of these needs.

Need. The regulations are needed to implement Section 201 of the Housing and Community Development Amendments of 1978.

Authority. The Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. Susan Donohue, 202-755-5677.

55. UNSUBSIDIZED HOUSING PROJECTS—
RENT FREEMPTION

Description. Modifies the existing rule on Federal Preemption of Local Rent Control by providing for a tenant comment period and redefining the amount of rental income needed to financially sustain a project.

Need. To improve existing regulations in response to significant public comment.

Authority. Section 7(d) of the Department of HUD Act; Pub. L. 89-174, 79 Stat. 667; 42 U.S.C. 3531.

Contact. James Tahash, 202-755-5757.

(Authority: Section 2(a) of Executive Order 12044, 43 FR 21661, March 24, 1978).

Issued at Washington, D.C., on January 26, 1979.

PATRICIA ROBERTS-HARRIS,

*Secretary, Department of
Housing and Urban Development.*

[FR Doc. 79-3430 Filed 1-31-79; 8:45 am]

**THURSDAY, FEBRUARY 1, 1979
PART VI**



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**DEPARTMENT OF
THE INTERIOR**

**Office of Surface Mining
Reclamation and
Enforcement**

**SUPPLEMENTAL MINE MAP
REQUIRED FOR SMALL
OPERATORS**

[4310-05-M]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE
MINING RECLAMATION AND EN-
FORCEMENT, DEPARTMENT OF THE
INTERIORPART 715—GENERAL PERFORMANCE
STANDARDSSupplemental Mine Map Required for
Small Operators

AGENCY: Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement ("OSM") amends 30 CFR 715.11(c) to require additional information in mine maps submitted by small operators. The amendment requires small operators to submit mine maps by March 15, 1979, showing the furthest extent of areas mined as of the termination date of a small operator's exemption, which would have occurred before January 1, 1979. This regulation is necessary both to protect the small operators and to enforce the Act.

EFFECTIVE DATE: March 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Harriet B. Marple, Office of Surface Mining, Department of the Interior, Washington, D.C., 20240, (202) 343-5384.

SUPPLEMENTARY INFORMATION: This regulation is necessary both to protect the small operators and to enforce the Act. The added mine map feature is necessary to avoid penalizing small operators for noncompliance with the full interim regulatory program on those areas mined during the period of the exemption. Secondly, effective enforcement of the Act requires the regulatory authority to know exactly which mining operations are not covered by the small operator's exemption. The present mine map required in § 715.11(c) does not provide the needed delineation of areas mined during the period of a small operator's exemption.

Notice of the proposed rulemaking was published in 43 FR 56425 (December 1, 1978), which provided for a thirty-day comment period. Opportunity for a hearing was provided if one was requested, but no person requested a hearing. Three written comments were received, which are responded to below.

1. Two comments requested clarification of the date when the new or revised mine map must be submitted.

Since the rule will not be promulgated until after January 2, 1979, the commenters questioned how OSM could mandate submission of mine maps prior to January 1, 1979.

The regulation was clarified in response to these comments. Where a new or revised mine map is required of a small operator, it is to be submitted before March 15, 1979.

2. One commenter suggested that this regulation may cause duplication since certain states require a mine map as part of a permit application. If also part of an approved plan, a mine map would be required to be kept by the permittee "at or near the minesite" under 30 CFR 715.11(b). Also, for initial permits issued on or after February 4, 1978, and renewed permits issued on or after May 4, 1978, a state regulatory authority is to send a copy of the permit application directly to OSM pursuant to 30 CFR 720.13(b). The commenter requested that no new mine map be required when the information was already provided to the states and available to OSM under either of the regulations referred to above.

The regulation was modified in response to the comment. Where the information required under the regulation is already contained in a duplicate of a mine map submitted to the State and made available to OSM under 30 CFR 720.13(b), no new map will be required. However, in most cases the previous mine maps do not show the area used or disturbed to facilitate mining as of the date the small operator's exemption expired. Furthermore, mine maps generally cannot be copied on a photocopying machine, and thus a State cannot make an operator's map available to OSM unless the operator has furnished the State with an extra copy. Therefore, in most cases the operator will need to furnish to the State and OSM either new maps or duplicates of maps previously submitted that comply with 30 CFR 715.11(c) as previously in effect; if duplicates are resubmitted, they must be marked with the additional information required by the new § 715.11(c)(2).

The commenter's suggestion that mine maps contained in approved plans located "at or near the minesite" pursuant to § 715.11(b) may be adequate for the purposes of the present regulation was rejected. To determine which areas of the minesite are exempted, the inspector needs to carry the mine map on the inspection. Also the Office may need the mine map as evidence of a violation. Neither of these needs would be met if the operator refused to let a duplicate of the map be taken to the minesite by the inspector or if the operator's office happened to be closed.

3. The Virginia Division of Mined Land Reclamation submitted written comments supporting the mine map requirement as necessary both to protect the small operator and to enforce the Act. It proposed five requirements for such maps. The first proposed requirement was already contained verbatim in the proposed regulations and no change was made. The second was that the scale of the map should be 1"-400', and that three copies should be submitted: one for OSM, one for the office file and one for the inspector. A map of the scale of 1"-400' is larger than one of 1:6000. Since a map on a scale larger than 1:6000 would meet the requirements of the proposed regulation, no change was made. Also, no change was made in the number of copies required to be furnished to OSM because only one copy was required of operators who had no exemption and in any event one is adequate. The third proposed requirement was that the color code and legend required on Virginia maps be used. The map may use any color code and legend so long as the required information is clearly shown. Therefore, no change was made. The fourth proposed requirement was that on multi-seam operations a series of overlays be used to delineate the lands from which coal has not yet been removed for each coal seam being mined. While this would be a good way of showing the required information, it is not necessary if the required information can be clearly shown without overlays. The fifth proposed requirement was that the maps should be submitted before March 1, 1979. OSM feels that small operators should have approximately the same time to prepare and submit these maps as was provided with respect to the maps required under redesignated paragraph (c)(1). The revised regulation so provides.

The reporting requirement contained in 30 CFR 715.11(c)(2) has been approved by the U.S. General Accounting Office under No. B-190462 (R 0494).

In § 715.11(c), the existing paragraph is redesignated (1), and a new paragraph (2) is added. As revised, § 715.11(c) reads as follows:

§ 715.11 General obligations.

(c) Mine maps.

(1) ***

(2) In addition to the requirements of paragraph (c)(1) of this section, any person who conducted surface coal mining and reclamation operations pursuant to a small operator's exemption shall submit before March 15, 1979, two copies of an accurate map of each mine showing the permit area at a scale of 1:6000 or larger. One copy

shall be submitted to the state regulatory authority and one copy to the appropriate Regional Director, OSM. The map shall show as of December 31, 1978 or the expiration date of the exemption (whichever is earlier) the lands from which coal had not yet been removed, the lands and structures which had been used or disturbed to facilitate mining, and the lands which had not been disturbed. The map need not be submitted if these areas have already been shown on mine maps submitted to the state regulatory authority, if a copy is available to the appropriate Regional Director pursuant to paragraph (c)(1) of this section or 30 CFR 720.13(b).

Dated: January 29, 1979.

HOPE M. BABCOCK,
*Deputy Assistant Secretary
for Energy and Minerals.*

[FR Doc. 79-3531 Filed 1-31-79; 8:45 am]

THURSDAY, FEBRUARY 1, 1979

PART VII



**DEPARTMENT OF
THE TREASURY**

**Bureau of Alcohol,
Tobacco, and Firearms**

Customs Service

Secret Service



**IMPROVING
GOVERNMENT
REGULATIONS**

Semiannual Agenda

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[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 79-2]

IMPROVING GOVERNMENT REGULATIONS**Semiannual Agenda of Regulations**

AGENCY: Bureau of Alcohol, Tobacco, and Firearms (ATF).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development and review.

SUMMARY: This semiannual agenda lists the regulations that ATF will be developing and reviewing from February 1, 1979, through August 1, 1979. The purpose of this semiannual agenda is to give the public adequate notice of ATF regulatory activities.

FOR FURTHER INFORMATION CONTACT:

Ms. Armida N. Stickney or Mr. Charles N. Bacon at 202-566-7626.

For any information about any particular item on the semiannual agenda, contact the individual listed in the column headed "knowledgeable official" for that item.

SUPPLEMENTAL INFORMATION:**GENERAL**

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.F, "Criteria and procedures for the Preparation, Review and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the FEDERAL REGISTER. In the FEDERAL REGISTER of Wednesday, November 1, 1978, the Department of Treasury announced that ATF will publish its semiannual agenda on February 1 and August 1 of each calendar year. The next semiannual agenda of ATF will be published in the FEDERAL REGISTER of Wednesday, August 1, 1979.

SEMIANNUAL AGENDA

The semiannual agenda reads as set forth below.

By Direction of the Secretary of the Treasury.

JOHN G. KROGMAN,
Acting Director

A. REGULATIONS UNDER DEVELOPMENT

AI(1)

Description	Justification for Regulatory Action	Regulatory Analysis	Legal Authority	CFR	Knowledgeable Official
Disaster claims	Implements Pub. L. 95-423 which provides that other losses be treated the same as losses caused by Presidentialy declared major disasters	No	Pub. L. 95-423 and 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 170	Dorene Erhard 202-566-7626
Change in return and deferral periods for alcohol and tobacco excise taxpayments and use of electronic wire transfers	Implements the President's Reorganization Project on Cash Management recommendation	No	72 Stat. 1335, 1417; 68A Stat. 775 (26 U.S.C. 5061 (a), 5703 (b) and (c), and 6302 (a) and (c))	27 CFR Parts 70, 170, 201, 240, 245, 270, 275, 285	Armida Stickney 202-566-7626
Procedural rules	Incorporates certain requirements from 26 CFR Parts 301 and 601 (Internal Revenue Regulations)	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 71	Steve Simon 202-566-7626
Disclosure of information	Incorporates certain requirements from 26 CFR Part 301 (Internal Revenue Regulations)	No	Pub. L. 94-455; 90 Stat. 1669 (26 U.S.C. 6103, 7429, 7609)	27 CFR 71.27	Steve Simon 202-566-7626
Home production of beer and wine	Implements section 2 of Pub. L. 95-458	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 240, 245	Edward Sheehan 202-566-7626
Alternate premises between distilled spirits plants and bonded wine cellars	Liberalizes use of premises	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 201, 240	Armida Stickney 202-566-7626
The fetal alcohol syndrome	Consumer protection	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 4, 5, 7	Armida Stickney 202-566-7626

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Prohibited trade practices under the Federal Alcohol Administration Act	Implements trade practice subsections, 5 (a) - (d), of the Federal Alcohol Administration Act	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 8, 10, 11	Charles Bacon 202-566-7626
Prohibited trade practices under the Federal Alcohol Administration Act	Contains substantive rules which have not been significantly revised in the preceding six years	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 6	Charles Bacon 202-566-7626
Ingredient labeling of wine, distilled spirits, and malt beverages	Is the subject of meaningful demand directed at ATF by the public; and contains substantive rules that are not simply interpretative rules	Yes	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 4, 5, 7	Raymond Conrad 202-566-7626
Distilled spirits; varietal brandy	Responds to a petition to establish a standard of identity for varietal brandy	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 5	Armida Stickney 202-566-7626
Tobacco products; records requirement for cigarette distributors	Implements Pub. L. 95-575 which curtails the illicit traffic in contraband cigarettes	No	Pub. L. 95-575, 92 Stat. 2464 (18 U.S.C. 2343)	27 CFR Part 296, Subpart F (new)	Thomas Minton 202-566-7626
Tobacco products; large cigar markings	Further implements Pub. L. 94-455 relating to tax treatment of large cigars	No	Pub. L. 94-455, 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 270, 275, 290, 295	Dorene Erhard 202-566-7626
Wine; viticultural area designation (Augusta, Missouri)	Responds to a petition to establish an American viticultural area	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 9	Thomas Busey 202-566-7626

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<p>Wine; viticultural area designation (North Coast, California)</p>	<p>Responds to a petition to establish an American viticultural area</p>	<p>No</p>	<p>49 Stat. 981 (27 U.S.C. 205)</p>	<p>27 CFR Part 9</p>	<p>Thomas Bussey 202-566-7626</p>
<p>Labeling of commercial samples of alcoholic beverages used for testing of products of foreign origin</p>	<p>Responds to a petition to liberalize labeling requirements on certain imported samples</p>	<p>No</p>	<p>49 Stat. 981 (27 U.S.C. 205)</p>	<p>27 CFR Parts 4, 5 and 7 as they relate to Part 251</p>	<p>Raymond Conrad 202-566-7626</p>

B REGULATIONS UNDER REVIEW

BI(4)

Description	Justification for Regulatory Action	Regulatory Analysis	Legal Authority	CFR	Knowledgeable Official
Seizures and forfeitures	Implements section 111 of Pub L 95-410 which increases the appraised value of seized carriers, without judicial proceeding, which may be forfeited under the provisions of Customs laws	No	Pub L 95-410, the Customs Procedural Reform Act of 1978; 92 Stat 897, as amended (19 U S C 1607, 1610, 1612)	27 CFR 72.22	Armida Stickney 202-566-7626
Procedural rules	Implements Title XII of Pub L 94-455 relating to disclosure of tax returns and return information	No	Pub L 94-455; 90 Stat 1660 (26 U S C 6103, 7429, 7609)	27 CFR Part 71	Steve Simon 202-566-7626
Special tax	Conforms to changes in Form 11 made by the Internal Revenue Service	No	68A Stat 917 (26 U S C 7805)	27 CFR Parts 179, 194, 197, 201, 215	Steve Simon 202-566-7626
Distilled spirits; liquor bottles	Clarify and simplify; eliminates certain requirements which are no longer applicable	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 173	Dorene Erhard 202-566-7626
Distilled spirits; denatured alcohol	Update; clarify and simplify	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 212	Steve Simon 202-566-7626
Distilled spirits; exportation of liquors	Clarify and simplify	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 252	Steve Simon 202-566-7626
Explosives	Update; clarify and simplify	No	84 Stat 959 (18 U.S.C 847)	27 CFR Part 181	Dorene Erhard 202-566-7626

Firearms	Update; to improve assistance to both State and local law enforcement agencies in investigating crimes committed with firearms	Yes	82 Stat. 1221 (18 U.S.C. 923 (g)); 82 Stat. 234, as amended (18 U.S.C. 926)	27 CFR Parts 47, 178, 179	James Hunt 202-566-7626
Tobacco products; exportation of tobacco	Clarify and simplify	No	68A Stat. 713 (26 U.S.C. 5723)	27 CFR Part 290	Steve Simon 202-566-7626
Tobacco products; export warehouses	Implements section 1905 of Pub. L. 94-455 relating to transfer of liability for tobacco taxes and to exemptions from tobacco taxes	No	Pub. L. 94-455; 90 Stat. 1821 (26 U.S.C. 5703, 5704)	27 CFR Parts 275, 290	Steve Simon 202-566-7626
Wine; public use forms	Reduces a paperwork burden and liberalizes certain requirements on proprietors of wineries	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 231, 240	James Hunt 202-566-7626
Wine; standard of identity (cider)	Liberalizes standard of identity requirements for cider	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 4, Subpart C, Subpart D	Thomas Minton 202-566-7626
Bonds	Revenue protection; increase, decrease, or elimination of certain bond requirements	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 201, 211, 213, 245	Steve Simon 202-566-7626
Advertising of wine, distilled spirits, and malt beverages	Contains substantive rules which have not been significantly revised in the preceding six years	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 4, 5, 7	Thomas Ducey 202-566-7626
Shipping case requirement for distilled spirits and wine metric containers	Eliminates an administrative burden on the Government and an unnecessary restriction on industry members	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 4, 5	James Hunt 202-566-7626

Distilled spirits; samples	Liberalizes sample requirements	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 201, Subpart T, Subpart U	Thomas Minton 202-566-7626
Distilled spirits; formulas for rectified products	Responds to a petition to redesignate Form 27-B Supplemental and to revise certain requirements for the submission of the form	No	68A Stat 917 (26 U S C. 7805)	27 CFR Parts 170, 201, 250, 252	Edward Sheehan 202-566-7626
Distilled spirits; marks on portable containers	Responds to a petition to eliminate the requirement for proprietors to mark the purpose of withdrawal on portable containers of tax-free alcohol	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 201	Edward Sheehan 202-566-7626
Distilled spirits; strip stamps and alternative devices	Issued prior to enactment of legislation which provides significantly different rules concerning the subject regulatory matter from the rules contained in the regulations	No	Pub L 94-569	27 CFR Parts 201, 194, 197, 250, 252	Edward Sheehan 202-566-7626
Distilled spirits; distribution and use of tax-free alcohol	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 213	Edward Sheehan 202-566-7626
Distilled spirits; storage facilities	Liberalized uses of export storage facility to be consistent with Pub L 95-176	No	72 Stat 1364, as amended (26 U S C 5215)	27 CFR Part 201	Charles Bacon 202-566-7626
Distilled spirits; non-beverage drawback	Update; clarify and simplify	No	72 Stat. 1345, 1346 (26 U.S.C 5131-5134)	27 CFR Part 197	Steve Simon 202-566-7626

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Distilled spirits; meters	Update; new technology	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 201	Steve Simon 202-566-7626
Distilled spirits; distribution and use of denatured alcohol and rum	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	72 Stat. 1370, 1372, 1373 (26 U.S.C. 5271-5275); 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 211	Charles Bacon 202-566-7626
Distilled spirits; bottling proof tolerances	Responds to a petition to increase the loss allowance to 2% on distilled spirits lost during bottling operations	No	72 Stat. 1356 (26 U.S.C. 8201; 49 Stat. 981, as amended (27 U.S.C. 205(e))	27 CFR Parts 5, 201	Thomas Busey 202-566-7626
Firearms; National Firearms Act	Streamline transfer procedures for title II weapons	No	68A Stat. 917 (26 U.S.C. 7805); Title II of Pub. L. 90-618 (26 U.S.C. Chapter 53)	27 CFR Part 179	Armlinda Stickney 202-566-7626
Malt beverages; production of beer	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	72 Stat. 1333, 1335 (26 U.S.C. 5051-5056); 72 Stat. 1389-1390 (26 U.S.C. 5401- 5416); 84 Stat. 2057 (26 U.S.C. 5417); 60A Stat. 7805)	27 CFR Part 245	Charles Bacon 202-566-7626
Tobacco products; packages	Removes a regulatory requirement	No	68A Stat. 713 (26 U.S.C. 5723)	27 CFR Parts 270, 290, 295	Steve Simon 202-566-7626

Wine	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	68A Stat 713 (26 U S C 7805)	27 CFR Part 240	Raymond Conrad 202-566-7626
Ex parte communications	Conforms regulatory language in Part 200 to "Government in Sunshine Act" (Pub L 94-409) language	No	Pub L 94-409 (5 U S C 552)	27 CFR Part 200	Dorene Erhard 202-566-7626
Operational losses	Partially eliminates an administrative burden on ATF	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 201	Thomas Busey 202-566-7626
Gauging procedures	Implements a necessary consistency in gauging spirits from bond to bottling	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 186	Thomas Busey 202-566-7626
Recordkeeping change for firearms licensees	Simplifies procedure of recording serial numbers for firearms returned for service or repair	No	82 Stat 1221 (18 U S C 923(e)); 82 Stat 234, as amended (18 U S C 926)	27 CFR 178 125	James Hunt 202-566-7626
Transfer of volatile fruit-flavor concentrate between a manufacturers plant	Eases a restriction on non-beverage volatile fruit-flavor concentrate containing 15 to 24 percent alcohol	No	68A Stat 917 (26 U S C 7805)	27 CFR 18 127	James Hunt 202-566-7626
Change Customs certification requirement on spirits from Puerto Rico	Spirits from Puerto Rico do not need customs certification to land in United States; poses a problem in import procedure for importers	No	68A Stat 917 (26 U S C 7805)	27 CFR Part 250	James Hunt 202-566-7626

[FR Doc 79-3806 Filed 1-31-79; 11:32 am]

[4810-22-M]

Customs Service

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

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

ACTION: Semiannual agenda.

SUMMARY: In response to Executive Order 12044, "Improving Government Regulations", and the Treasury Department directive implementing that Executive Order, Customs has prepared and is publishing for public information a list of significant regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT:

Todd J. Schneider, Regulations and Legal Publications Division, Office of Regulations and Ruling, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, (202) 566-8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 8, 1978, the Department of the Treasury published a report in the FEDERAL REGISTER (43 FR 52120) to implement E.O. 12044. The report included a directive that each Treasury bureau or office shall publish a semiannual agenda of signifi-

cant regulations either under development or under review. The agenda is to describe each regulation being considered, the need for and legal basis for the action being taken, the name and telephone number of a knowledgeable agency official, and whether a regulatory analysis will be prepared. In addition, subsequent agendas will show the status of regulations projects referred to in the previously published agenda. A notice published in the preliminary pages of the FEDERAL REGISTER on October 10, 1978 (43 FR xii), provides that Customs will publish its semiannual agenda on February 1 and August 1 of each year.

The following is the first semiannual agenda to be published by Customs. It has been determined that none of the regulatory projects listed will require a regulatory analysis under the criteria set out in the Executive Order and implementing Treasury directive.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). Specific statutory authority, if any, is indicated after the description of each regulatory project.

Dated: January 23, 1979.

By direction of the Secretary of the Treasury.

R. E. CHASEN,
Commissioner of Customs.

U. S. CUSTOMS SERVICE
SEMIANNUAL AGENDA

1. SIGNIFICANT EXISTING REGULATIONS AND SIGNIFICANT REGULATIONS UNDER DEVELOPMENT

Customs Regs. Section/Part (19 CFR-)	Description/Authority	Justification	Knowledgeable Official
1 152 24	Extension of time before examination by domestic producers of footwear samples appraised at American selling price. 19 U.S.C. 1202, 1336, 1401a, 1402	To encourage timely submission of footwear samples to assist Customs in determining proper appraisement	Charles E. Wilson (202) 566-8651
2 146 48	Change of appraisement practice involving costs of processing and profit for certain merchandise produced in foreign trade zones 19 U.S.C. 81h	To encourage use of domestic labor and materials in foreign trade zones	Thomas Lobred (202) 566-2938
3 141.89	Modify the Special Summary Steel Invoice to require name of producer and, in some cases, sale price to first unrelated purchaser in U.S. 19 U.S.C. 166, 173, 1202, 1481, 1484	To assist Customs in enforcing the "Trigger Price Mechanism" relating to steel imports.	Frank Brennan (202) 566-8235
4. Parts 24 & 113	Charge interest on delinquent accounts with Customs of importers and others. 19 U.S.C. 1623	To encourage importers to pay Customs bills promptly and thereby improve cash-flow.	Robert B. Hamilton (202) 566-2596
5 Part 111	Amend regulations relating to responsibilities of customs brokers. 19 U.S.C. 1641	To clarify responsibilities of customs brokers and to ensure uniform compliance with applicable regulations.	Edward B. Gable, Jr (202) 566-5778
6 Part 113	Consolidation of Customs bonds and related forms 19 U.S.C. 1623	To simplify bond structure and language.	Joseph Goody (202) 566-2974
7 Parts 4; 22	Conform regulations relating to Panama Canal Zone to provisions of Panama Canal treaty. 19 U.S.C. 1466	Treaty of September 7, 1977 "Panama Canal Treaty".	Patrick J. Casey (202) 566-5706

3. Part 12 Regulations to administer the EPA noise emission standard and labeling requirements on certain imported merchandise. P.L. 92-572, "Noise Control Act of 1972". Harrison Feese (202) 566-8651
9. Part 175 Reflect extension of procedures applicable to American manufacturers petitions to cases involving antidumping and countervailing duties. 19 U.S.C. 1516 P.L. 93-618, "Trade Act of 1974". Theodore Hume (202) 566-5476
10. 12.92 Implement FTC labeling requirements for certain imported energy-using products. P.L. 94-163, "Energy Policy Conservation Act". Harrison Feese (202) 566-8651
11. 12.90, 12.91 Implement FTC labeling requirements for certain imported electronic products. P.L. 93-523, "Public Health Service Act". Marcia Kaplan (202) 566-5778
12. Part 133 Amendments to regulations relating to recordation of copyrights with Customs. P.L. 94-533, "Copyright Act of 1976". Samuel Orandie (202) 566-5765
13. Part 158 Refund of duties and taxes on alcoholic beverages destroyed or damaged by disaster or breakage. P.L. 95-423. Benjamin Mahoney (202) 566-5778
14. 4.98 Amend fee schedule under which Customs charges and collects fees for specific services provided to vessels. 31 U.S.C. 483a P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". Jerry Laderberg (202) 566-5706
15. Parts 141 & 142 Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. 19 U.S.C. 1484 P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". William Wagner (202) 566-5307

16	Parts 10, 11, 127, 132, 141, 142, 143, 144, 158, 159 & 173	Amendments relating to the entry and liquidation of merchandise including the deposit of estimated duties within 3 days after authorization for release 19 U S C 467, 1315, 1484, 1504, 1505, 1520, 1559	P L 95-410, "Customs Procedural Reform and Simplification Act of 1978"	Herbert Geller (202) 566-5307
17	12.73	Conform regulations governing importation of motor vehicles under Clean Air Act to proposed EPA amendments on Federal emission standards 19 U S C. 1484	"Clean Air Act of 1955" as amended by P I 95-95	Harrison Feese (202) 566-8651
18	Part 10	Regulation of petroleum exports from Canada	P L 95-159	G. Scott Shreve (202) 566-5307
19	Part 114	Extend use of international Customs document (A T A. carnet) to professional samples in transit.	Customs Convention on A.T A Carnets (TIAS 6631)	Jerrald Worley (202) 566-8607
20	Parts 10 & 114	Discontinue use of international Customs documents (E.S C carnet) relating to entry of commercial samples	United States withdrawal from Customs Convention on E C S Carnets (TIAS 6632)	Jerrald Worley (202) 566-8607
21	Part 152	Amendments required by new International Valuation Code, if approved by Congress	Multilateral Trade Negotiations	Thomas Lobred (202) 566-2938

22. 147.45 Removal of trade fair merchandise from Foreign Trade Zones for consumption without permission of Foreign Trade Zones Board. 19 U.S.C. 81h
P.L. 91-692
William Rosoff
(202) 566-5856
23. Part 12 Administration of EPA prohibition against importation of certain chemical substances, mixtures, or articles.
P.L. 94-469, "Toxic Substances Control Act"
Harrison Feese
(202) 566-8651
24. Parts 4,6, 10, 123, 162, & 171 Final amendments regarding penalties for violations of Customs and navigation laws. 19 U.S.C. 1466, 1584, 1592, 46 U.S.C. 883, 49 U.S.C. 1509
P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978"
Edward Rosse
(202) 566-8317
25. Parts 11,111, 133, 148 & 162 Final amendments regarding record-keeping, reporting by customhouse brokers, trademarks, and disposition of forfeited distilled spirits, wines, and malt liquor. 19 U.S.C. 1491, 1509, 1510, 1511, 1526
P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978"
John Elkins
(202) 566-8237
26. 159.9 Use of courtesy notice of liquidation (Customs Form 4333-A). 19 U.S.C. 1500, 1504
U.S. Customs Court decision: Reliable Chemical Company v. United States (C.R.D. 78-11, June 26, 1978)
Benjamin Mahoney
(202) 566-5778

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|-----|------------|---|---|------------------------------------|
| 27 | 4 22 | Add Nauru to list of countries whose vessels are exempt from special tonnage taxes and light money. | To provide reciprocity to Nauru registered vessels | Patrick Casey
(202) 566-5706 |
| 28 | 112 11 | Revise criteria for designating private carriers of bonded merchandise to require only that they file bonds and transport property. 19 U S C. 1551 | To lessen restrictions of prior regulation | Donald Beach
(202) 566-5856 |
| 29 | 4 99 | Authorize printing of Customs forms used in connection with the entry and clearance of vessels by private parties and foreign governments on metric A4 size paper. | To further U.S policy regarding metric system and to facilitate international commerce. | John Mathis
(202) 566-5706 |
| 30 | 4 14 | Status of Panama Canal Zone in regard to dutiability of fish net purchases by U.S.-flag vessels. 19 U.S.C. 1466, 1498 | To clarify whether vessel equipment purchases in Canal Zone are subject to duty | Jerry Laderberg
(202) 566-5706 |
| 31. | 4.7a | Provide alternative reporting procedure for bill of lading numbers on cargo declaration forms | To simplify reporting requirement. | John Mathis
(202) 566-5706 |
| 32 | 101.3 | Clarification and extension of port of entry limits: Las Vegas, Nevada; Sault Ste. Marie, Michigan; Dalton Cache, Alaska; Minot, North Dakota; Saginaw-Bay City-Flint, Michigan; San Francisco, California. 19 U.S.C. 2; E.O. 10289 | To improve service to public. | Robert Schenarts
(202) 566-8151 |
| 33 | 22.3, 22.5 | Expiration of drawback rates, unless renewed, 15 years after issuance or approval. | To allow Customs to dispose of obsolete records. | Donald Beach
(202) 566-5856 |

NOTICES

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|-----|----------|---|---|------------------------------------|
| 34 | 101.3 | Extend port of entry limits: Buffalo, New York; Puget Sound, Wash., and Providence, R. I.; create port of entry at Owensboro-Paducah, Ky.; abolish port of entry at South Bend-Raymond, Ind. 19 U.S.C. 2; E.O. 10289 | To improve service to public | Robert Schenarts
(202) 566-8151 |
| 35. | 6.3, 6.8 | Simplification and clarification of aircraft clearance procedures. 49 U.S.C. 1509 | To facilitate clearance of aircraft departing U S | John Mathis
(202) 566-5706 |
| 36. | 101.3 | Extend port of entry limits of Brownsville, Tex.. 19 U.S.C 2; E.O. 10289 | To improve service to public. | Robert Schenarts
(202)566-8151 |
| 37. | 101.3 | Creation of Customs district at Dallas-Ft. Worth, Tex.. 19 U.S.C. 2; E.O. 10289 | To improve service to public. | Robert Schenarts
(202) 566-8151 |
| 38 | 18 8 | Increase amount of liquidated damages required by carrier's bond for shortage, failure to deliver, or irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well as liquidated damages. 19 U.S.C. 1551, 1623 | To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations. | William Rosoff
(202) 566-5856 |
| 39. | 143.23 | Provide for use of Customs Form 7523 for informal entry of non-commercial, duty-free merchandise, regardless of value. | Public benefit and Customs convenience. | Drury Williford
(202) 566-5354 |
| 40. | Part 174 | Specification of Customs charges subject to protest. 19 U.S.C. 1514 | To facilitate filing of protests. | Laurie Amster
(202) 566-8237 |

- 41. Part 113
 Authorize use of letter of credit in lieu of foreign trade zone bond guaranteeing payment of claims made by Customs against a foreign trade zone. 19 U.S.C. 81c, 1623
 To facilitate use of foreign trade zones.
 William Rosoff
 (202) 566-5856

- 42. 162.47
 Waiver of bond requirement by district director for individuals who show proof of inability to obtain bond.
 Decisions of U.S. Courts of Appeals.
 Joseph Priddy
 (202) 566-5746

- 43. 148.73
 Execution of written baggage declarations by military personnel.
 To conform Customs and DOD regulations.
 Donald Thompson
 (202) 566-5706

- 44. 22.5
 Allow drawback without actual use of bulk-fungible goods if substituted for goods of same kind/quality.
 To extend to other articles privileges now applicable to petroleum products.
 Donald Beach
 (202) 566-5856

- 45. Parts 10, 18, 125; 162, 171, & 172
 New procedures to provide relief from fines, penalties, forfeitures, and liquidated damages; expand authority of Customs field officers.
 To ensure more uniform and equitable administration of fines, penalties, and forfeitures program.
 Harvey B. Fox
 (202) 566-5761

- 46. 123.9
 Establish uniform procedures for handling manifest discrepancies of vessels and vehicles arriving from contiguous countries.
 To facilitate entry of vessels and vehicles from Canada or Mexico.
 Donald Reusch
 (202) 566-5856

- 47. 4.7, 4.14
 Revision of requirements and procedures for handling entries relating to foreign repairs and equipment purchases by U.S. vessels. 19 U.S.C. 1466, 1498, 1514
 To reduce time and effort needed to process entries.
 James Fritz
 (202) 566-5706

- 48. 4.80b
 Incorporate into regulations administrative rulings relating to transportation of merchandise in coastwise trade. 46 U.S.C. 883
 American Maritime Assn. et al., William Hart v. Blumenthal, Nos 77-1934, 77-1962, 77-1970 (U.S. Ct. App. D.C. Cir) decided November 11, 1978.

- 49. Part 22
 Require drawback entries be identified at time of entry. 19 U.S.C. 1313; 31 U.S.C. 483a
 To reduce delays in processing drawback claims.
 George Steuart
 (202)566-8453

50. Parts 18, 122 Change time limits and other rules relating
144 to in-bond transportation of merchandise.
19 U.S.C. 1552, 1553, 1557, 1623
51. 141.89 To revise the additional information
required on entry of footwear. 19 U.S.C
1202, 1481, 1484
52. 148.1 New instructions for registration of
personal effects taken abroad. 19 U.S.C.
1498
53. 123.41, Require truck driver carrying merchandise
123.42 between U.S. and Canada to present mani-
fest for validation by U.S. Customs at
U.S. port of departure. 19 U.S.C. 1553,
1554
54. Part 4 Clarify entry and clearance requirements
for U.S.-flag vessels sailing to U.S.
Virgin Islands.
- II. SIGNIFICANT EXISTING REGULATIONS TO BE REVISED
1. Part 18 Transportation in bond and merchandise
in transit.
2. Part 24 Customs financial and accounting
procedure.
3. Parts 10 Articles conditionally free, subject
& 54 to a reduced rate, etc., and certain
importations temporarily free of duty.
4. Part 103 Availability of information.
- To give Customs greater control over merchandise transported in bond.
- To assist Customs in the appraisal and classification of imported footwear.
- To ensure uniform registration procedures.
- Jointly initiated by U.S. and Canadian Customs to prevent evasion of duty when merchandise re-enters U.S. from Canada on in-transit documentation.
- To provide for uniform treatment of vessels in U.S.-Virgin Islands trade.
- To ensure consistency of format and style.
- To ensure consistency of format and style.
- To ensure consistency of format and style.
- To conform to amendments to Freedom of Information Act made by P.L. 93-502.

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[4810-42-M]

United States Secret Service

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

Notice is hereby given, as required by the Department of the Treasury implementation plan for Executive Order 12044 (43 FR 52120), that the United States Secret Service does not presently have any significant regulations under development or review.

Dated: February 1, 1979.

By direction of the Secretary of the Treasury.

H. S. KNIGHT,
Director, U.S. Secret Service.

Approved:

RICHARD J. DAVIS,
*Assistant Secretary (Enforcement
and Operations).*

[FR Doc. 79-3808 Filed 1-31-79; 11:32 am]