

FEDERAL REGISTER

Wednesday
May 2, 1979

Highlights

Telecommunications Device for the Deaf—Office of the Federal Register provides a new service for deaf or hearing impaired persons who need information about documents published in the Federal Register. See the Reader Aids section for the telephone listing.

Briefings on How To Use the Federal Register—See announcement in the Reader Aids Section at the end of this issue.

- 25619 **Father's Day** Presidential proclamation
- 25828 **Mandatory Petroleum Price Regulations** DOE/ERA amends rules to provide additional price incentives for crude oil production; effective 6-1-79, (Part VIII of this issue)
- 25820 **Citizen Education For Cultural Understanding** HEW/OE amends rules and criteria governing awards of grants and contracts; applications by 6-18-79, (2 documents) (Part VI of this issue)
- 25621 **Domestic Crude Oil Allocation Program** DOE/ERA adopts amendments to the small refiner bias under "entitlements" program to reduce the level of benefits; effective for refiners' crude oil runs to stills beginning 6-1-79
- 25786 **Environmental Protection** USDA/SCS issues proposal that prescribes the general procedures for compliance with the National Environmental Policy Act; comments by 6-18-79 (Part II of this issue)



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Highlights

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 - 25627 **Air Carriers** CAB provides waivers for requirement that each carrier insure that travel agents comply with baggage liability notice requirements; effective 6-1-79
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Title 3—

Proclamation 4659 of April 30, 1979

The President

Father's Day, 1979

By the President of the United States of America

A Proclamation

We live in a time of transition for the American family, but the strength and stability of a healthy, loving family life continues to remain the bedrock on which our society is organized.

The evolving roles of men and women in our society have posed new challenges and opened new opportunities, for fathers as well as mothers. To the degree that mothers are assuming a more active role in the nation's workforce, fathers are being asked to play an even greater role in the upbringing of their children. At the same time, they continue to carry out their traditional duties of helping to support their families financially, emotionally and spiritually.

Traditionally, our nation each year sets aside Father's Day as a special time to honor America's fathers.

The character of each of us has been molded and shaped in part by our own fathers. Father's Day is a time for all of us to reflect on the sacrifices our fathers have made on our behalf. It also is a time for fathers to receive that most precious gift, the love and gratitude of those they have nurtured and protected for so many years.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, June 17, 1979, be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings on this day and I urge all citizens to display the flag at their homes and other suitable places.

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



Rules and Regulations

Federal Register

Vol. 44, No. 86

Wednesday, May 2, 1979

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

Potato Research and Promotion Plan; Amendment Regarding Administrative Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment adds an additional Vice-President to the Administrative Committee, making a total of four Vice-Presidents, and an additional officer for the Northwest District, which accounts for about 50 percent of the U.S. yearly potato production; therefore the Potato Board determined that the Northwest District needed greater representation on the Advisory Committee.

EFFECTIVE DATE: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Donald S. Kuryloski, Acting Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Phone: (202) 447-6393.

SUPPLEMENTARY INFORMATION: The Potato Board is the administrative agency established by the Potato Research and Promotion Plan (7 CFR Part 1207). The Plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The Potato Board voted at its annual meeting on April 2-3, 1979, to add a fourth Vice-President to its officers. This provides an additional officer for the Northwest District. This district accounts for about 50 percent of the U.S. yearly potato production and the Potato Board determined that the Northwest

District needed greater representation on the Administrative Committee.

Findings. On the basis of all considerations it is believed that this amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to provide 60 days for comments, engage in public rulemaking procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) in that, (1) this amendment was recommended by the Board at an open public meeting where interested persons were given opportunity to comment, (2) this amendment does not impose any added restrictions on handlers or producers, and (3) prompt issuance of this amendment will be beneficial to the Potato Board in administering the Potato Research and Promotion Act and Plan.

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

The amendment is as follows:

§ 1207.507 [Amended]

In § 1207.507 revise paragraph (a) by changing the word preceding "Vice-Presidents" from "three" to "four."

§ 1207.507 Administrative Committee.

(a) * * * four Vice-Presidents * * *

(Title III of P.L. 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627.)

Dated April 26, 1979 to become effective May 3, 1979.

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

[Amdt. 9]

[FR Doc. 79-13657 Filed 5-1-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

Amendments to Domestic Crude Oil Allocation Entitlements Program To Reduce the Level of Benefits Received Under the Small Refiner Bias

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") is adopting amendments to the small refiner bias under the domestic crude oil allocation ("entitlements") program to reduce the level of benefits available to small refiners under the bias. The amendments adopted reduce the per barrel value of the bias initially to \$96 per barrel at the 10,000 barrels per day (B/D) crude run level, \$53 per barrel at the 30,000 B/D level, \$28 per barrel at the 50,000 B/D level, and \$09 per barrel at the 100,000 B/D level. The bias will be calculated on an individual plant basis. Because the statutory authority for price controls and the entitlements program expires on September 30, 1981, and because the President has announced his intention to decontrol all domestic crude oil production by that date, we are adopting amendments that will act to automatically phase out the small refiner bias as the entitlements program itself is gradually eliminated.

DATES: Effective for refiners' crude oil runs to stills beginning on June 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mary B. Jones, Regulations and Emergency Planning, Economic Regulatory Administration, 2000 M Street, NW., Room 8202-E, Washington, D.C. 20461, (202) 632-5133.

Douglas McIver, Entitlements Program Office, Economic Regulatory Administration, 2000 M Street, NW., Room 6128-I, Washington, D.C. 20461, (202) 254-8660.

Fred Wolgel, Office of General Counsel, 1000 Independence Avenue, SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6754.

William L. Webb, Office of Public Information, 2000 M Street, NW., Washington, D.C. 20461, (202) 634-2170.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Comments
- III. Amendments Adopted
- IV. Other Matters

I. Background

On November 14, 1978, we issued a notice of proposed rulemaking and public hearing in which we proposed amendments to the entitlements program to reduce the level of benefits received by small refiners under the small refiner bias provisions (10 CFR 211.67(e)) of the entitlements program

(43 FR 54652, November 22, 1978).^{*} The amendments were proposed following the publication of an independent study we had commissioned ("the report"), and following public hearings that were held and comments received on the report's findings.

II. Discussion of Comments

Comments on the proposed amendments to the small refiner bias were invited through February 5, 1979, the original January 22, 1979 deadline for submitting comments having been extended by notice in the Federal Register on January 24, 1979 (43 FR 5899, January 30, 1979). Public hearings on the proposed amendments were held in Washington, D.C. on January 16, 17, 18, and 19, 1979 and in San Francisco, California on January 9, 1979. Eighty-nine (89) persons presented oral statements at the two hearings. A total of 297 written comments were received, including 27 late comments. The oral statements and written comments presented the views of major integrated refiners, large independent refiners, small refiners, trade associations, independent marketers, two United States Senators, a United States Congresswoman, and several local, State, and Federal government agencies.

Responses from the refining industry constituted a major portion of the comments and testimony received, and included 108 refining companies and three associations representing small refiners. In general, the positions of refiners reflected the degree and type of impact the proposed changes in bias benefit levels would have on their companies. Refiners with capacities under 50,000 B/D would experience a reduction in benefits under the proposal, and these refiners overwhelmingly opposed the proposal. Refiners with capacities over 50,000 B/D, which bear the cost of the bias and would therefore experience a reduction in that cost, supported the proposal almost unanimously.

Refiners in the 0-30,000 B/D Range

Comments were received from 70 refiners in the 0-30,000 B/D category. The vast majority of those commenting in that category were strongly opposed to any reduction in the small refiner bias. Their opposition focused on two basic points: (1) The timing of the proposal, and (2) DOE's justification for the proposed reduction. Several refiners in this group objected to implementation of any amendments to the bias until a national refinery policy has been

formulated and the Petroleum Marketing Practices Act study of subsidization has been completed.

These refiners also stressed that DOE had based the proposed benefit levels on a study of the impacts of economies of scale on refinery operations. Small refiners contend this only one area in which they are disadvantaged with respect to the major integrated refiners, and that the proposed benefit levels would not alleviate the disadvantages attributed to captive crude oil supplies, downstream subsidization and ownership of supply and distribution systems by the major refiners. The small refiners maintained that the bias should not be modified without simultaneous enactment of regulatory programs geared toward equalizing crude oil costs and increasing supply opportunities for small refiners. Many in this group stated that benefits are being used to upgrade facilities and expand capacity and contended that these benefits should not be reduced without simultaneous establishment of an incentive program for refinery improvements.

Most of the refiners in this category supported the "grandfather" clause in the proposal as a deterrent to future start-up of "teakettle" refiners. Several also recommended case-by-case eligibility for those refiners which did not meet the "grandfather" criterion. Those who objected to the "grandfather" clause did so on the grounds that it was anti-competitive and was superfluous if benefits were reduced, as this action in itself would be prohibitive to the start-up of "teakettle" refineries.

Comments were received regarding the provision for issuance of bias entitlements on the basis of individual plant capacity. Most of those commenting regarded individual plants as operationally independent and believed this approach would better compensate for diseconomies of scale as well as discourage "spin-off" refineries.

The majority of those commenting on the provision to set the number of entitlements issuable to small refiners in fixed dollar amounts were in favor of such a modification. These refiners did, however, also recommend that the bias levels be indexed to inflation.

Refiners in the 30,000-50,000 B/D Range

Six refiners in the 30,000-50,000 B/D category submitted comments. Four of these refiners opposed the proposed reduction, and two supported it with some modifications. Those opposing the reduction believed the present bias accurately reflected the competitive disadvantage under which this group of

small refiners was operating. These refiners argued that a reduction in the bias would jeopardize the viability of some small refiners and would hamper the competitiveness of several small refiners which are only marginally profitable. Those refiners supporting the proposed reduction stated that it would remove the current disincentive to expand and modernize over 30,000 B/D.

Five refiners in this category commented on adopting the "grandfather" clause. Three favored such an amendment while two were in opposition. Those supporting the clause agreed that the bias had encouraged reactivation of old plants and the establishment of small topping plants which would be inefficient and uneconomic in normal market conditions. Those opposing this provision believed it would create more inequities than it was intended to prevent. They further stated that new refiners should be allowed to compete on an equal footing with those currently in existence.

All respondents in this category favored extending exception relief to net sellers of entitlements.

The provision to condition the receipt of bias benefits on approved reinvestment was unacceptable to this group of refiners. They did not view this as a viable approach, claiming that most small refiners needed the full amount of the bias just to maintain operations at a minimum profit level.

Refiners in the 50,000-100,000 B/D Range

There were nine respondents in the 50,000-100,000 B/D category. Six of these refiners supported the proposal, one supported the proposal with modifications and two opposed the proposed amendments. Supporters of the amendments expressed the view that the present level of bias benefits resulted in a strong disincentive for refinery expansion and resulted in the proliferation of inefficient topping plants. Those refiners in favor of the proposal stated that adoption of the proposed amendments would encourage expansion by small refiners and would discourage the establishment of inefficient refineries.

Those refiners in opposition to the proposed amendments felt that a reduction in benefits without a simultaneous compensation for crude oil cost disadvantages would inflict a greater financial burden on the larger independent refiners, asserting that these refiners operate efficiently, but lack the financial benefits resulting from

^{*}For a complete discussion of the history of the small refiner bias, see the November 14 notice.

interests in large domestic and foreign crude oil reserves.

Regarding the "grandfather" clause, three refiners favored this approach arguing that the bias encourages the construction of inefficient refineries. The one refiner opposing this provision felt that all existing as well as proposed small refiners should be assessed according to their contribution to national energy objectives. All refiners agreed that case-by-case eligibility criteria should be extremely stringent and all new entrants should have facilities which foster the national energy objectives.

All but one refiner in this category supported the provision to issue entitlements on the basis of individual plant capacity. Respondents commented that this approach recognized that unit costs were a function of the size of an individual plant and not of aggregate refiner capacity and would, therefore, provide a more equitable distribution of bias benefits within market areas. Commenters noted that this provision would also remove the incentive for "spin-off" refineries and the disincentive for small refiners to construct additional refineries.

Two refiners supported the proposal to extend exception relief to net sellers of entitlements. They considered this to be an equitable approach to the exceptions process.

Five refiners in this category opposed the Open Market Credit (OMC) proposal. They contended it would be disruptive of a free market system and would be too complex to administer in an effective manner. The other refiners in this group did not comment on the proposal.

Refiners in the 100,000-175,000 B/D Range

Five refiners in the 100,000-175,000 B/D category submitted comments regarding the small refiner bias program. All five refiners agreed that the refiners in the lower refining capacity categories were recipients of excessive benefits and they therefore favored a reduced small refiner bias program. Two refiners strongly recommended that the entire program be eventually eliminated.

The proposal to base bias benefits on a refinery-by-refinery bias was supported by two refiners, and opposed by one refiner.

The proposal to adopt a fixed dollar benefit value was opposed by two refiners. They felt that the establishment of such a plan presumes that the small refiner bias program will continue indefinitely with no "planned end." They also felt that if crude oil prices are

decontrolled those refiners receiving fixed dollar benefits will be insulated from the new price increases.

The Open Market Credit was considered to be undesirable by the two refiners who addressed this proposal. They indicated that such a system would be almost impossible to manage and one feared it would become an "administrative nightmare."

Large Independent Refiners

Comments were received from seven large independent refiners. Six refiners stated that they support the proposed reduction in benefit levels.

The proposal to base benefits on a refinery-by-refinery basis was supported by four refiners and opposed by one refiner. Those refiners in favor of the proposal felt that a refinery-by-refinery basis would be consistent with an approach which provides compensation for the diseconomies of small scale operation.

The Major Refiners

Thirteen major refiners responded to the proposed reduction in the small refiner bias. All supported the proposal as an interim measure prior to complete elimination of the bias. The major refiners argued that the bias was excessive, induced wasteful investment, discouraged capacity expansion, shielded inefficient and uneconomic refiners from competitive pressures, and provided a windfall to those small refiners profitable prior to its implementation.

Six of the seven refiners responding to the "grandfather" clause were in favor of the proposal. All objected to granting benefits on a case-by-case basis, claiming that this would be counter-productive to the objective of curtailing investment in inefficient and uneconomic refineries.

Five comments were received regarding the proposal to set the number of bias entitlements issuable in fixed dollar amounts. The three refiners supporting this approach stated it would lend stability to the program. Those opposing the approach maintained that the present method would be more appropriate during the phase-out period of the bias.

The major refiners generally objected to implementation of the Open Market Credit, claiming that it would discourage integrated refiners from investing in domestic exploration and production, and that it would disrupt the crude oil market by penalizing a refiner for refining its own production, and thereby ultimately result in higher costs.

Trade Associations

In addition to comments from individual refining companies, submissions were received from three trade associations representing small refiners and two trade associations representing California crude oil producers. These submissions unanimously opposed the reductions in the bias. The comments of these groups focused on the necessity for equalizing small refiners' crude oil costs with those of the major refiners, the problems created by the major refiners' alleged subsidization of their refining operations and other alleged anti-competitive practices. Two associations presented alternative programs aimed at crude oil cost equalization. In connection with this issue, there was no support for the Open Market Credit proposal, and one association took issue with the presumption in the OMC proposal that elimination of crude oil exchanges is desirable.

Independent Marketers

Over 100 comments were received from individuals and groups representing independent branded marketers. These commenters unanimously opposed the small refiner bias, arguing that the bias caused them severe financial disadvantages. Although these firms supported the complete elimination of the program, some supported the proposed amendments as preferable to the present level of subsidies.

Government, Congressional, and Other Comments

Federal government agencies commenting were the Department of Justice (DOJ), the Bureau of Competition of the Federal Trade Commission (FTC) and the Council on Wage and Price Stability (COWPS). All three agencies opposed the concept of the small refiner bias and supported the proposed reduction in the scope of the program as directionally correct.

The FTC submission set forth extensive comments favoring the replacement of the bias with the Open Market Credit, a proposal developed by the FTC. The DOJ submitted an extensive rebuttal of the OMC concept. This rebuttal questioned the validity of the presumption in the OMC proposal regarding the economic impact on small and independent refiners of proprietary crude oil ownership. The DOJ rebuttal questioned whether the major refiners subsidize their refining operations with crude oil production profits, citing a lack

of evidence and economic reasons that undermine this contention.

Two Senators, one Governor and two city officials responded in opposition to the proposal, based on its adverse impacts on small refiners located in their States. One Congresswoman responded on behalf of independent marketers in support of a reduction in benefits. Comments were also received from several environmental groups in Florida opposing benefits to small refiners on the grounds that environmental damage would result from refinery construction in their area.

Summary of Comments

A summary of the public testimony and comments on the proposed amendments is complicated by the extensive scope of the comments requested in the notice of proposed rulemaking as well as the detailed nature of comments received on certain aspects of the proposed amendments. In general, however, there was strenuous opposition to the proposed reductions in benefits from refiners under 50,000 B/D. These reductions were generally (although not unanimously) supported by all other segments of the refining industry, by independent marketers and by government agencies. The proposal to calculate benefits on an individual plant basis was generally supported by most respondents, as was the grandfather provision. The concept of a refinery incentive program received substantial support among small and independent refiners.

The fixed dollar benefit proposal did not receive extensive comment and was specifically supported by 23 small refiners and opposed by 10 refiners, including both large and small refiners. Only three small refiners and the FTC commented favorably on the Open Market Credit proposal. Twenty-seven refiners, including both large and small refiners, and two refiner associations opposed the concept. Two other alternatives, conditioning receipt of benefits on reinvestment and the establishment of a refinery incentive program, also received relatively little overall support, although the smaller refiners, particularly those in California, contended that present benefit levels are required to continue capital investment in refinery improvements.

III. The Amendments Adopted

We have determined to adopt amendments that are similar to the proposed amendments. This action is based on our conclusion, expressed in the November 14 notice, that the current bias overcompensates small refiners,

particularly those refineries below the 50,000 B/D crude run level. The amendments which we are adopting reduce the per barrel gross benefit received under the bias from \$1.85 per barrel at the 10,000 B/D crude run level or less to an initial level of \$.96 per barrel. For larger refineries, the per barrel amounts are gradually reduced. For example, at the 30,000 B/D level, the bias is reduced from \$.84 per barrel to an initial \$.53 per barrel; at the 50,000 B/D level the bias is reduced from \$.34 per barrel to an initial \$.28 per barrel; and at the 100,000 B/D level, the bias is reduced from \$.10 per barrel to an initial \$.09 per barrel. The following table illustrates the new level of small refiner bias benefits:

Maximum Value of Small Refiner Bias Benefits Adopted at Representative Crude Run Levels

Crude runs	Maximum daily value of bias	Maximum per barrel value of bias	Maximum incremental per barrel value of bias*
10,000	\$9,600	\$0.96	\$0.315
30,000	15,000	.53	-.095
50,000	14,000	.28	-.10
100,000	9,000	.09	-.12

*The incremental per barrel value of the bias is the value or cost of the bias for each additional barrel that a small refiner increases its crude runs beyond the level shown in the first column.

We affirm our tentative conclusion, expressed in the November 14 notice and the Draft Regulatory Analysis on this issue, that the present level of benefits to small refiners is excessively high and has created artificial distortions in the refining industry by providing incentives for the proliferation of very small facilities. As we have previously documented, these plants generally are not capable of the most efficient processing of available crude oil and usually cannot produce those products, such as unleaded gasoline or low sulphur products from high sulphur crude oils, for which the nation has substantially increased demand. In determining a more appropriate level of bias benefits we have considered a number of factors, including those presented to us in the public comments.

Many comments urged that the bias levels should reflect other factors in addition to representative operating margin differentials, particularly the alleged cross-subsidization by the major integrated refiners of their refining activities and the alleged higher crude oil acquisition costs of small refiners. Despite numerous comments received on the cross-subsidization issue, there is no substantive data presented in the record to support these allegations:

Based on the information available to date, we are unable to conclude that cross-subsidization occurs and should therefore be reflected in the bias values. With respect to the alleged higher crude oil acquisition costs borne by small refiners, we likewise affirm the report's finding that available data does not support the conclusion that there is necessarily a relationship between crude oil acquisition costs and refiner size. However, the current tightness in world crude oil markets due to the curtailment in exports of Iranian crude oil has created difficulties for many small refiners in obtaining access to reasonably priced crude oil. We believe that the crude oil Buy/Sell program is the appropriate regulatory mechanism to address the supply problems that small refiners are experiencing. In this regard, the ERA has assigned allocations of crude oil to many small refiners in recent months to permit them to continue operating at or near historical levels. We do not believe it is appropriate that the small refiner bias be adjusted to reflect the current, presumably temporary abnormalities in world crude oil markets.

In light of these considerations we have selected maximum benefit values which are numerically equal to those reflected in the report's analysis of refinery economics, on the basis that any benefits greater than these would be excessive and would continue the overcompensation in the present program. We note, however, that the report did not include a number of considerations which bear on the appropriate longer term treatment of the small refining segment of the industry. Many issues remain to be resolved, including the appropriateness and desirability of any compensation for diseconomies of scale as a matter of national policy. This matter is one which should ultimately be determined within the context of an overall policy toward the domestic refining industry. As we noted in the November 14 notice, we have undertaken such a study of the domestic refining industry. Following publication of the DOE refinery policy study, we may issue such further proposals as we deem appropriate.

In the November 14 notice we proposed to adopt a "grandfather" clause which would have generally limited eligibility for bias benefits (subject to certain exceptions) to those refineries which were in operation or under construction at the time of publication of the proposed rules. The stated purpose for proposing a "grandfather" clause was to discourage the proliferation of small refineries that

are otherwise uneconomic in the absence of bias benefits. However, the level of benefits adopted today will provide small refiners with a level of benefits that will offset only their operating cost disadvantage. In addition, under the recently-announced schedule for crude oil decontrol, price controls for crude oil, and therefore the need for the entitlements program, will expire on September 30, 1981. Therefore, the program has a limited life of 28 months. Further, as noted in more detail below, the value of small refiner bias benefits will be gradually diminished as the value of the credit for crude oil runs to stills diminishes over time. With this combination of factors, we do not think that the small refiner bias will continue to encourage the proliferation of uneconomic small refineries. Accordingly, we have determined not to adopt a "grandfather" clause.

As proposed, bias entitlements will be issued on a plant-by-plant basis, rather than on a company aggregate basis. This approach should remove the incentives for refinery "spinoffs" whereby a refiner sells one of its refineries for the purpose of increasing the total number of bias entitlements issuable. Moreover, a bias based on individual plant size should more accurately reflect diseconomies of scale. Several major and large independent refiners favored eligibility for bias entitlements with respect to all plants below the 175,000 B/D crude run level, regardless of whether such plant is owned by a major or large independent refiner. Some major refiners and large independent refiners own small refineries. This ownership gives these small refineries several advantages. The major integrated refiners and large independent refiners generally have superior capital resources, large marketing operations and the ability to secure large volumes of crude oil. In general, we believe the advantages accruing from these conditions tend to counteract disadvantages arising from small plants' diseconomies of scale, so that granting bias benefits to these classes of refiners would not be warranted.

The November 14 notice proposed that the small refiner bias would not be computed on the basis of a plant's actual daily average volume of crude oil runs to stills, but would be based on a percentage attributable to that plant of that refiner's total daily average volume of crude oil runs to stills, in accordance with a formula set forth in the proposal. Under the proposed formula, the daily average volume of crude oil runs to stills attributable to a particular plant would be equal to the same percentage of that

small refiner's total daily average volume of crude oil runs to stills which a given plant bears to the total refining capacity of the small refiner. We have determined to adopt this approach, so that a small refiner will not have an incentive resulting from the bias to utilize its smaller (and generally more inefficient) refineries at a higher rate in order to maximize the incentives it receives under the small refiner bias. To give an example of this formula, if a refiner had two plants, one with a certified capacity of 10,000 B/D (plant A), and another with a certified capacity of 30,000 B/D (plant B), and that small refiner had a daily average volume of crude oil runs to stills for a given month totalling 28,000 B/D, the crude runs attributable to each plant would be computed as follows:

$$10,000 \text{ B/D (Plant A)} + 30,000 \text{ B/D (Plant B)} = 40,000 \text{ B/D total refining capacity}$$

For Plant A:

$$28,000 \text{ B/D} \times \frac{10,000 \text{ B/D}}{40,000 \text{ B/D}} = 7,000 \text{ B/D}$$

attributable to Plant A

For Plant B:

$$28,000 \text{ B/D} \times \frac{30,000 \text{ B/D}}{40,000 \text{ B/D}} = 21,000 \text{ B/D}$$

attributable to Plant B

In the November 14 notice, we proposed to express the bias values in fixed dollar amounts, in order to provide small refiners with a level of certainty with respect to bias benefits. However, we also noted:

[I]f the entitlements program is phased out, as planned, either through the imposition of a crude oil equalization tax (COET) or some other action which has the effect of raising refiners' acquisition costs for domestic crude oil to the world market price, we believe that under such circumstances it would be inappropriate for small refiners to receive a fixed dollar amount of entitlement benefits while the total benefits available under the program are phased out. We solicit particular comments as to the appropriate manner in which the small refiner bias should be phased out if the entitlements program were to be eliminated. 43 FR 54657.

In the interval since we published the November 14 notice, the President has announced a program to gradually decontrol all domestic crude oil production by September 30, 1981, the date that the statutory authority for price controls expire. The effect of the President's decontrol plan will be to increase gradually the weighted average price of domestic, price-controlled crude oil until it reaches the expected world oil price by the end of the control period. This will have the effect of also causing the value of an entitlements "runs

credit" to decline gradually. As the runs credit diminishes, with a fixed dollar bias benefit the proportion of small refiner bias benefits to the total entitlements pool will increase to the point where the former will be equal to the latter. Such a result would obviously be contrary to the purpose of the entitlements program.

We therefore affirm our tentative conclusion, expressed in the November 14 notice, that it would be inappropriate for small refiners to receive a fixed dollar amount of entitlement benefits while the total benefits available under the program are phased out. Accordingly, we are adopting amendments that will vary the value of the bias benefits in relation to the value of the runs credit.

Under the current bias provisions, small refiners receive the bias in the form of a number of additional entitlements issued over and above the number of entitlements issued to all refiners generally. We are instead adopting amendments so that the number of additional entitlements issuable to a given small refiner will be calculated so as to result in additional entitlements worth, in the first month it is effective, \$.96 per barrel at the 10,000 B/D level, \$.53 per barrel at the 30,000 B/D level, \$.28 per barrel at the 50,000 B/D level, and \$.09 per barrel at the 100,000 B/D level. Thereafter, the bias value will remain constant at these levels if the runs credit is equal to or greater than the value of the runs credit in the first month these amendments are in effect (June 1979). In any month in which the runs credit is less than the value of the runs credit in June 1979, the bias values in each category will be reduced proportionately. For example, if for a given month the per barrel runs credit declines by 10% in relation to the per barrel runs credit in June 1979, the per barrel bias benefits for, say, a refiner of less than 10,000 B/D capacity would be \$.96 less 10 percent of \$.96, or \$.864.

We believe it is appropriate that the small refiner bias vary in direct relation to the national domestic crude oil supply ratio (DOSR). The DOSR essentially is the ratio of the supply of domestic price-controlled crude oil to the total volume of crude oil that is refined in a given month. The entitlements program acts to

* Generally, a refiner receives entitlement issuances for every barrel of crude oil that it refines. Each barrel of crude oil that is included in a refiner's crude oil runs to stills receives a fraction of an entitlement equal to the national domestic crude oil supply ratio DOSR for the month. The value of the entitlement for each barrel that is refined, the "runs credit", is equal to the price of an entitlement for that month multiplied by the DOSR for that month.

give all domestic refiners a proportionate share of the existing supply of price-controlled domestic crude oil. If the amount of price-controlled domestic crude declines in proportion to the total volume of crude oil that is refined, the benefits of the entitlements program accordingly decline to refiners and their customers. We reiterate our belief that it would be inappropriate for small refiners to receive a fixed dollar amount of entitlement benefits under circumstances in which the total benefits available under the entitlements program are phased out. Thus, we are adopting amendments to the entitlements program that will act to automatically phase out the small refiner bias in conjunction with, and in direct proportion to the phasing out of the entitlements program.

To illustrate the effect of these amendments, § 211.67(e)(1) provides that a small refiner with a 10,000 B/D refinery shall receive a number of additional entitlements for each day of that month equal to such refinery's daily average volume of crude oil runs to stills multiplied by a fraction, the numerator of which is \$.96, and the denominator of which is the entitlement price for that month. Thus, in a given month the value of the bias benefit for that small refiner would be equal to \$.96 for each barrel of its crude oil runs to stills. However, § 211.67(e)(4) further provides that these additional entitlements shall be multiplied by a fraction, the numerator of which is the runs credit for a given month and the denominator of which is the runs credit for June 1979 (the runs credit is expressed as the product of multiplying the national domestic crude oil supply ratio by the entitlement price). In the event that this fraction is greater than 1.0, *i.e.*, the runs credit for a given month is greater than the runs credit for June 1979, the bias benefits will be limited to the stated maximum values (*e.g.*, \$.96 at the 10,000 B/D level, \$.53 at the 30,000 B/D level, \$.28 at the 50,000 B/D level, and \$.09 at the 100,000 B/D level).

VI. Other Matters

In adopting this rule, we have reviewed the findings of the draft regulatory analysis issued in November 1978 which evaluated the economic impact of our proposed action in accordance with DOE Order 2030. We have revised that regulatory analysis slightly to reflect the effect of the changes made in the final rule. Copies of the final regulatory analysis may be obtained from the ERA, Office of Public Information, 2000 M Street, NW., Room

B-110, Washington, D.C., 20461, (202) 634-2170.

On March 30, 1979, we announced the availability of an Environmental Assessment (EA) on our proposed amendments to the small refiner bias (44 FR 20261, April 4, 1979). As noted in the March 30 notice, we concluded in the EA that the proposed amendments to the bias did not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA), and therefore an environmental impact statement (EIS) was not required with respect to this action. In response to our request for comments on this negative determination, we received 28 written comments, including 12 late comments. We have analyzed and considered the comments received, and have determined to reaffirm the negative determination expressed in the Environmental Assessment. We have prepared a memorandum for the record which evaluates the major issues commented upon in response to the EA, and which sets forth our conclusions on the issues raised in the comments. Copies of this memorandum are available from the Economic Regulatory Administration, Office of Public Information, 2000 "M" Street, NW., Room 110-B, Washington, D.C. 20461, telephone (202) 634-2170. Copies are also available for review in the DOE Reading Room, GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

In accordance with Section 404 of the DOE Act, the Federal Energy Regulatory Commission received a copy of the proposed rulemaking and has notified ERA that it has not determined that the proposed regulations would significantly affect any function within its jurisdiction under section 402(a)(1), (b), and (c)(1) of the DOE Act.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of

Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., April 27, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

Section 211.67(e) is amended by revising subparagraph (1), by adding new subparagraphs (4) and (5), to read as follows:

§ 211.67 Allocation of domestic crude oil.

(e) *Small refiner bias.* (1) In addition to the number of entitlements issuable under paragraph (a) of this section, subject to the limitations set forth in subparagraphs (2), (3), and (4) of this paragraph, effective for refiners' volumes of crude oil runs to stills for June 1979, each small refiner shall be issued the following number of additional entitlements for each day of a particular month:

(i) For each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 0 to 10,000 barrels in that month, each such refinery shall receive a number of entitlements equal to the number of barrels of such refinery's daily average volume of crude oil runs to stills for that month multiplied by a fraction, the numerator of which is \$.96, and the denominator of which is the entitlement price for that month;

(ii) For each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is \$9,600 plus \$.315 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 10,000 barrels for that month, and the denominator of which is the entitlement price for that month;

(iii) For each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 30,000 to 50,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is \$15,900 minus \$.095 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 30,000 barrels for that month, and the denominator of which is the entitlement price for that month;

(iv) For each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 50,000 to 100,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is

\$14,000 minus \$.10 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 50,000 barrels for that month, and the denominator of which is the entitlement price for that month;

(v) For each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is \$9,000 minus \$.12 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 100,000 barrels for that month, and the denominator of which is the entitlement price for that month.

(4) For a given month, the number of additional entitlements to be issued pursuant to paragraph (e)(1) of this section shall be multiplied by the lesser of 1.0 or a fraction, the numerator of which is the product of multiplying the national domestic crude oil supply ratio for that month by the entitlement price for the same month, and the denominator of which is the product of multiplying the national domestic crude oil supply ratio for June 1979 by the entitlement price for June 1979.

(5) For purposes of the calculations in paragraph (e)(1) of this section, the daily average volume of a particular small refinery's crude oil runs to stills shall be computed as follows: The daily average volume of a small refiner's crude oil runs to stills (with respect to all of its refineries) shall be multiplied by a fraction, the numerator of which is the capacity of that particular small refinery as certified pursuant to paragraph (a)(2) of this section, and the denominator of which is the capacity of that small refiner (with respect to all of its refineries) as certified pursuant to paragraph (a)(2) of this section.

[Docket No. ERA-R-78-3]
[FR Doc. 79-13632 Filed 4-30-79; 11:02 am]
BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

Construction, Publication, Filing, and Posting of Tariffs of Air Carriers and Foreign Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. April 26, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board provides for waivers of the requirement that each air carrier insure that travel agents comply with the baggage liability notice requirements. This change is made to treat travel agent notices the same as those posted by the Airlines themselves.

DATES: Effective: June 1, 1979; adopted: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: 14 CFR 221.176(a) and (b) require an air carrier to show on tickets and ticket counter signs its limitations on baggage liability. Paragraph (c) of that section requires air carriers to insure that authorized travel agents comply with these ticket notice and sign requirements. Under paragraph (e) the Board may, upon application, waive the requirements as to time and method of delivery of the notices. The waiver authority is delegated to the Assistant Director, Bureau of Pricing and Domestic Aviation, Legal Analysis Division. The requirement of paragraph (c) has not, however, up to now been included in the waiver provision. The Board is amending § 221.176(e) to provide for waiver of the requirement regarding travel agents, in unusual circumstances, upon application by an air carrier.

Accordingly, the Civil Aeronautics Board amends § 221.176 of 14 CFR Part 221, *Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers* by revising paragraphs (e) and (f) to read as follows:

§ 221.176 Notice of limited liability for baggage; alternative consolidated notice of liability limitations.

(e) The requirements as to time and method of delivery of the notice (including the size of type) specified in paragraphs (a) and (b) of this section and the requirement with respect to travel agents specified in paragraph (c) may be waived by the Board upon application and showing by the carrier that special and unusual circumstances render the enforcement of the regulations impractical and unduly burdensome and that adequate alternative means of giving notice are employed.

(f) Applications for relief under paragraphs (d) and (e) of this section shall be filed with the Board (Attention: Assistant Director, Bureau of Pricing and Domestic Aviation, Legal Analysis

Division) not later than 15 days before the date on which such relief is requested to become effective.

(Secs. 204(a), 403 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1388)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[Regulation ER-1119; Amdt. No. 49]
[FR Doc. 79-13633 Filed 5-1-79; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 311

Classification and Declassification of National Security Information and Material

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 26, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Reissuance of Part.

SUMMARY: This rule implements the provisions of Executive Order 12065, which requires the CAB to issue rules on classifying national security information and to establish a review committee chaired by a senior agency official.

DATES: Effective: May 2, 1979; adopted: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: James T. McCombs, Office of Administrative Support Operations, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5246.

SUPPLEMENTARY INFORMATION: Executive Order 12065 (43 FR 28949, June 28, 1978) and its implementing directive, Information Security Oversight Directive No. 1 (43 FR 46280, October 5, 1978), establish new procedures and criteria for protecting national security information from unauthorized disclosure. These orders, effective December 1, 1978, require revision of Part 311 of our Procedural Regulations (14 CFR Part 311).

The new Part 311 applies only to documents still in the Board's possession. It does not apply to Board documents that constitute permanently valuable records of the government under 44 U.S.C. 2103 in possession of the Archivist of the United States, or to documents in the possession of the Administrator of General Services under 44 U.S.C. 2103. Permanently valuable records of the government will be governed by guidelines to be issued separately after consultation with the

Archivist, and review by the Information Security Oversight Office.

We are designating the Director, Office of Administrative Support Operations (OASO) as the senior agency official to oversee compliance with these rules and the Executive Order, and to head the Oversight Committee. This committee will monitor the policies and procedures of the Executive Order, and will act on all suggestions and complaints concerning these procedures. It is also charged with establishing the security education program and the controls for preventing unauthorized access that are required by the order.

The most significant change made by Executive order 12065 is the removal of original classification authority from the Board. This means that we can no longer classify information that we originate. If Board members or staff believe such information should be classified it must be sent to an agency that does have original classification authority over the subject matter, or to the Information Security Oversight Office.

Although the Board now lacks original classification authority, we still have authority to derivatively classify documents that we author. If the Board uses information from a classified source document to create a new document that new document may be classified by the Board. Our exercise of this derivative classification authority is subject to review by the Director of the Information Security Oversight Office, and if found to be improper, the Board can be required to declassify it. Any such decision could be appealed to the National Security Council.

As revised, Part 311 requires that the derivative document be marked, at the time it is classified, with the same date or event for declassification as is marked on the source document. The rule provides, however, for source documents that were not assigned a declassification date or were assigned one further in the future than now permitted under Executive Order 12065. In such cases, the derivative document is to be marked with a declassification date 20 years from the date on which the source document was originally classified. If the derivative document contains "foreign government information," (information obtained from a foreign government in confidence), the declassification date should be 30 years from the classification date of the source document.

Although now lacking original classification authority, we still must determine whether documents that we

originally classified when we had such authority should now be declassified. To govern the declassification of these documents, we will be issuing declassification guides.

The rule sets out the factors that the Board should consider in exercising its declassification authority. The presumption in all such decisions is in favor of declassification, to ensure that the same emphasis is accorded to declassifying information as would be given to its classification. Documents will be declassified as early as national security considerations permit. Information tends to lose its sensitivity with the passage of time or with the occurrence of key events such as the end of a war.

No Board official, however, has the power to declassify a derivatively classified document. Only the agency that authored the source document has the power to do that. Also, Board documents in the control of the Archivist will be systematically reviewed for declassification in accordance with separate guidelines issued after consultation with the Archivist.

Any persons, including Board employees, may gain access to a classified document in the Board's possession, by filing either a Freedom of Information Act (FOIA) request or a request for mandatory review for declassification. FOIA requests are processed in accordance with the provisions of that Act and Part 310 of our Procedural Regulations. This revision of Part 311 will govern declassification requests.

Part 311 provides that declassification requests be in writing and reasonably describe the information sought. If the description of the document is not sufficient, the requester will be notified that no further action will be taken until additional information is provided or the scope of the request is narrowed. If the request is sufficient, but describes a document that is either no longer in the Board's possession or was derivatively classified by the Board or originally classified by another agency, the request will be forwarded to the appropriate agency. The requester will be notified of such referrals.

The rule also allows Board employees to submit declassification requests. Indeed, they are encouraged to do so as a means of challenging classification decisions when there is reasonable cause to believe that the information is classified unnecessarily, improperly, or for an inappropriate period of time. To ensure that this goal is not undermined, an agency employee who submits a

declassification request shall be allowed to request anonymity. When requested, anonymity must be preserved.

Upon receipt by the Board, declassification requests requiring Board action shall be sent to the Board office having custody of the document. That office will make a recommendation to the Managing Director, who will decide whether the document should be declassified. When foreign government information is involved, the Director may consult with the foreign originator through diplomatic channels before final action on the request. If the document or any part of it cannot be released, the rule requires that a brief statement be sent to the requester containing the reasons for withholding and of the right to appeal within 60 days.

Section 311.10 of the rule sets the time and place for filing and describes the required contents of the appeal. The Board will decide the appeal and no further administrative appeals will be permitted.

Finally, we are retaining, with only slight modification, the provisions in the former Part 311 for access to classified information by historical researchers and former Board members. The rule allows researchers access to classified information if such access would be consistent with the national security and the researcher agrees to protect that information and prevent its unauthorized disclosure. Former Board Members are allowed access under this section only to those classified documents that they originated, reviewed, signed, or received while in public office.

Executive Order 12065 has been in effect since December 1, 1978. Therefore, because this rule relates solely to agency internal management and procedure and imposes no significant burden on any member of the public, we find that notice and further public procedures are unnecessary, and that an immediate effective date is in the public interest.

Accordingly, the Civil Aeronautics Board reissues Part 311, *Classification and Declassification of National Security Information and Material*, (14 CFR Part 311), to read as follows:

PART 311—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

- Sec.
311.1 Purpose.
311.2 Applicability.
311.3 Definitions.
311.4 Senior agency official.
311.5 Oversight Committee.

- 311.6 Original classification.
 311.7 Derivative classification.
 311.8 Declassification dates on derivative documents.
 311.9 Declassification policy.
 311.10 Requests for declassification.
 311.11 Board action on declassification requests.
 311.12 Appeals of denials of declassification requests.
 311.13 Access by historical researchers.
 311.14 Access by former Presidential appointees.

Authority: Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324. Executive Order 12065, 43 FR 28949, June 28, 1978.

§ 311.1 Purpose.

This part sets forth the standards and criteria for classification and declassification of Board documents, in implementation of Executive Order 12065, June 28, 1978 (43 FR 28949), and Information Security Oversight Directive No. 1, October 5, 1978 (43 FR 46280).

§ 311.2 Applicability.

This part applies to the handling of, and public access to, national security information and classified documents in the Board's possession. Such documents no longer in the Board's possession will be handled by the agency having possession, or in accordance with guidelines developed in consultation with the Archivist.

§ 311.3 Definitions.

As used in this part:
 "Foreign government information" means either (i) information provided to the United States by a foreign government or international organization in the expectation, express or implied, that the information would be kept in confidence, or (ii) information requiring confidentiality, produced by the United States under a written joint arrangement with a foreign government or international organization.

§ 311.4 Senior agency official.

The Director, Office of Administrative Support Operations, in his capacity as the Physical Security Officer for the Board, is designated the senior agency official responsible for conducting an oversight program to ensure effective implementation of Executive Order 12065.

§ 311.5 Oversight Committee.

An Oversight Committee is established, under the chairmanship of the Director, Office of Administrative Support Operations, with the following responsibilities:

(a) Establish a security education program to familiarize Board and other

personnel who have access to classified information with the provisions of Executive Order 12065, and encourage Board personnel to challenge those classification decisions they believe to be improper.

(b) Establish controls to insure that classified information is used, processed, stored, reproduced, and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(c) Act on all suggestions and complaints concerning Board administration of its information security program.

(d) Establish and monitor policies and procedures within the Board to insure the orderly and effective declassification of Board documents.

(e) Recommend to the Managing Director appropriate administrative action to correct abuse or violation of any provision of Executive Order 12065.

(f) Consider and decide other questions concerning classification and declassification that may be brought before it.

§ 311.6 Original classification.

(a) No Board Member or employee has the authority to classify any Board-originated information.

(b) If a Board employee develops information that appears to require classification, the employee shall immediately notify the Physical Security Officer and protect the information accordingly.

(c) If the Physical Security Officer believes the information warrants classification, it shall be sent to an agency with original classification authority over the subject matter, or to the Information Security Oversight Office, for review.

§ 311.7 Derivative classification.

Any document that includes paraphrases, restatements, or summaries of, or incorporates in new form, information that is already classified, shall be assigned the same level of classification as the source, unless the basic information has been so changed that no classification, or a lower classification than originally assigned, should be used.

§ 311.8 Declassification dates on derivative documents.

(a) A document that derives its classification from information classified on or after December 1, 1978, shall be marked with the date or event assigned to that source information for its automatic declassification or for

review of its continued need for classification.

(b) A document that derives its classification from information classified before December 1, 1978, shall be marked as follows:

(1) If the source has a declassification date or event 20 years or less from the date of its original classification, that date or event shall also be assigned to the derivative document.

(2) If the source has no declassification date or event, or has a date 20 years or more from the date of original classification, the derivative document shall be assigned a declassification date 20 years from the date of original classification of the source information.

(3) If the source contains foreign government information having no date or event for declassification, or has a date 30 years or more from the date of original classification, the derivative document shall be assigned a declassification date 30 years from the date of original classification of the source information.

(c) A derivative document that derives its classification from the approved use of the classification guide of another agency shall bear the declassification date required by the provisions of that classification guide.

§ 311.9 Declassification policy.

Upon the date for review for declassification, or upon a request under § 311.10 of this part, a document originally classified by the Board before December 1, 1978, shall be declassified unless:

(a) The information in the document continues to meet one of the classification requirements of Executive Order 12065;

(b) Disclosure reasonably could be expected to cause significant damage to national security; and

(c) The damage to national security that might reasonably be expected from disclosure outweighs the public interest in disclosure.

§ 311.10 Requests for declassification.

(a) Requests for review of a Board document for declassification may be made by any person, including Board employees. The request shall be in writing, and shall be sent to the Office of Administrative Support Operations (B-21), Attn: Mandatory Review Request, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

(b) The request shall describe the material sufficiently to enable the Board to locate it. Requests with insufficient

description of the material will be returned to the requester for further information.

(c) Board employees who request declassification of a Board document may request that their identity not be disclosed.

(d) If the request requires the provision of services by the Board, fair and equitable fees may be charged under Title 5 of the Independent Offices Appropriation Act, 65 Stat. 290, 31 U.S.C. 483a.

§ 311.11 Board action on declassification requests.

(a) Within 30 days of receiving a request for declassification from a Board employee, and within 60 days of receiving such a request from any other person or a referral from the Archivist, its receipt shall be acknowledged.

(1) If the document was originally classified by the Board, the Managing Director shall decide whether the document should be declassified, on the basis of the criteria of § 311.9 and on the recommendation of the Board office having custody of it.

(2) If the document was derivatively classified by the Board or originally classified by another agency, the request and the document shall be forwarded to the agency with original classification authority. The requester shall be notified of the referral.

(3) If the document or any part of it is not released, the Managing Director shall send a brief statement to the requester containing the reasons for the denial and of the right to appeal that decision to the Board within 60 days.

(b) Board employees shall not reveal the name of a Board employee who requests anonymity under § 311.10(c) of this part.

§ 311.12 Appeals of denials of declassification requests.

(a) Within 60 days after the receipt of denial of a request for declassification, the requester may submit an appeal in writing to the Office of Administrative Support Operations (B-21), Attn: Appeals of Mandatory Review Request, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. The appeal shall—

(1) Identify the document in the same manner in which it was identified in the original request;

(2) Indicate the dates of the request and denial, and the expressed basis for the denial; and

(3) State briefly why the document should be declassified.

(b) The Board shall rule on the appeal within 30 days of receiving it.

(c) A determination by the Board under paragraph (b) of this section is final and no further administrative appeal will be permitted.

§ 311.13 Access by historical researchers.

(a) Persons outside the executive branch performing historical research may have access to classified information in the Board's possession for the period requested (but not longer than 2 years unless renewed for an additional period of less than 2 years) if the Physical Security Officer determines in writing that access to the information will be consistent with the interests of national security.

(b) The person seeking access to classified information must agree in writing:

(1) To be subject to a national agency check;

(2) To protect the classified information in accordance with the provisions of Executive Order 12065;

(3) Not to publish or otherwise reveal to unauthorized persons any classified information.

§ 311.14 Access by former Presidential appointees.

(a) Former Board Members may have access to classified information or documents that they originated, reviewed, signed, or received while in public office.

(b) Upon the request of any former Member such information shall be reviewed by the Physical Security Officer for declassification.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[Regulation PR-203]
[FR Doc. 79-13654 Filed 5-1-79; 8:45 am]
BILLING CODE 6320-01-M

surpluses realized on repossessed vehicles resold by its dealers and to institute training programs designed to familiarize employees and dealers with their obligations in handling repossessions. Following such training, Ford is required to conduct a series of field audits to verify that dealers are calculating and paying surpluses correctly, and to submit timely compliance reports to the Commission. The companies are additionally required to inform dealers of their obligations to pay surpluses on past and future repossessions, and to advise customers of their surplus and/or redemption rights, in the manner set forth in the order.

DATES: Complaint issued February 10, 1976. Final order issued March 29, 1979.¹

FOR FURTHER INFORMATION CONTACT: Thomas Armitage, Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174 (206) 442-4655.

SUPPLEMENTARY INFORMATION: On Friday, November 24, 1978, there was published in the Federal Register, 43 FR 54944, a proposed consent agreement with analysis in the Matter of Ford Motor Company, Ford Motor Credit Company, and Francis Ford, Inc., corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered this 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-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records.

(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.

[Docket 9073]
[FR Doc. 79-13611 Filed 5-1-79; 8:45 am]
BILLING CODE 6750-01-M

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

FEDERAL TRADE COMMISSION

16 CFR Part 16

Ford Motor Company, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

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 Dearborn, Mich. manufacturer of motor vehicles, and the Ford Motor Credit Company to incorporate into specified documents a system for determining and accounting for all

16 CFR Part 13**Prohibited Trade Practices and Affirmative Corrective Actions; Crane Co., et al.**

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 New York City manufacturer and seller of various products to cause the Medusa Corporation to divest itself completely of its Dixon, Ill. cement plant together with whatever assets associated with the plant that may be necessary to maintain the facility as an effective competitor in the production and sale of portland cement. The order further prohibits the firm from acquiring the whole or part of the assets of any firm engaged in the production or sale of portland cement without prior Commission approval.

DATES: Complaint and order issued April 5, 1979.*

FOR FURTHER INFORMATION CONTACT: FTC/CS-7, David I. Wilson, Washington, D.C. 20580, (202) 376-2069.

SUPPLEMENTARY INFORMATION: On Wednesday, January 10, 1979, there was published in the Federal Register, 44 FR 2182, a proposed consent agreement with analysis in the Matter of Crane Co., a corporation, and Thomas Mellon Evans, an individual, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. 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—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-10 F.T.C. Act.

*Copies of the Complaint and Decision and Order filed with the original document.

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

Carol M. Thomas,
Secretary.

[Docket C-2359]
[FR Doc. 79-13308 Filed 5-1-79; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF STATE**22 CFR Parts 22 and 51****Schedule of Fees for Consular Services; Change in Fee for Execution of Passport Application****Passports**

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule increases the fee for the execution of passport applications from \$3 to \$4. The Department has determined that the fee increase of \$1 is fair and necessary to enable the Department and the passport application acceptance facilities to recover the current full cost of providing the service.

EFFECTIVE DATE: May 1, 1979.

ADDRESS: Director, Office of Citizenship, Nationality and Legal Assistance, Passport Services, Bureau of Consular Affairs, Department of State, Room 5813, Washington, D.C. 20520.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking to amend Part 22 was published in the Federal Register on March 6, 1979 (44 FR 12209). A correction to that notice was published on March 23, 1979 (44 FR 17720), adding a change to Part 51.

Interested persons were invited to submit comments concerning the amendments by April 23, 1979. No unfavorable comments were received; therefore, the proposed amendments are adopted, without change, as set forth below.

Dated: April 26, 1979.
For the Secretary of State,
Michael Conlin,
Acting Under Secretary for Management.

§ 22.1 Schedule of fees.

Passport and Citizenship Services—
Fee.

Item No.

1. Execution of application for passports (22 U.S.C. 214)—\$4.00
2. Examination of passport application executed before a foreign official—\$4.00

§ 22.8 Effective date.

The charges hereby established will become effective on May 1, 1979 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

Authority: Secs. 3, 4, 63 Stat. 111, as amended, Sec. 3, 34 Stat. 100, as amended; 22 U.S.C. 611a, 1201, 2658; E.O. 10718, 22 FR 4632; 3 CFR, 1954-58 comp., p. 382.

§ 51.61 Statutory fees.

Except as provided in § 51.63, (a) the fee for a U.S. passport is \$10; (b) the execution fee for a U.S. passport is \$4, which shall be remitted to the U.S. Treasury where an application is executed before a Federal official but which may be collected and retained by any State official before whom an application is executed; (c) the passport fee of \$10 shall be paid by all applicants for a passport. The execution fee of \$4 shall be paid only when an application is executed under oath or affirmation before an official designated by the Secretary for such purpose.

Authority: Sec. 1, 41 Stat. 750, as amended, Sec. 1, 44 Stat. 887, Sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 214, 211a, 2658; E.O. 11295, 38 FR 10603; 3 CFR 1966-70 comp. p. 507.

[U.S. Reg. 108773]
[FR Doc. 79-13392 Filed 5-1-79; 8:45 am]
BILLING CODE 4710-06-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**24 CFR Part 1914****National Flood Insurance Program; List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program**

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.¹

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

¹The functions of the Federal Insurance Administration, U.S. Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

* * * * *

the sale of flood insurance to owners of property located in the communities listed.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), 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 Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the

table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for 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	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Colorado	Conejos	Unincorporated areas	080037	Apr. 17, 1979, emergency.	
Illinois	Jackson	Dowell, village of	170875	Apr. 20, 1979, emergency.	Apr. 18, 1975.
Do	Greene	Unincorporated areas	170901	Apr. 17, 1979, emergency.	Apr. 7, 1978.
Do	Scott	do	170905-A	Apr. 16, 1979, emergency.	Jan. 28, 1975.
Kentucky	Larue	do	210288	Apr. 20, 1979, emergency.	
Maine	Penobscot	Veazie, town of	230403-B	Apr. 19, 1979, emergency, Apr. 19, 1979, regular.	Jan. 3, 1975 and July 30, 1978.
Minnesota	Dakota	Menota, city of	270109-A	Apr. 20, 1979, emergency.	Feb. 8, 1974.
Ohio	Pickaway	Williamsport, village of	390866	do	Oct. 20, 1978.
Pennsylvania	Susquehanna	Friendsville, borough of	422579-A	do	June 17, 1977.
Illinois	Jo Daviess	Unincorporated areas	170902	Apr. 19, 1979, emergency.	June 2, 1978.
Do	Schuyler	do	170605-A	do	June 2, 1978.
Missouri	Cass	Peculiar, city of	290878-New	do	Jan. 3, 1975 and July 2, 1976.
Alaska		Cordova, city of	020037-B	Apr. 18, 1979, suspension withdrawn.	May 24, 1977.
California	Riverside	Perris, city of	060258-B	do	Sept. 6, 1974 and July 9, 1976.
Colorado	Weld	Fort Lupton, city of	080183-B	do	May 31, 1974 and June 11, 1976.
Florida	Lee	Fort Myers, city of	125106-A	do	Oct. 30, 1970.
Do	do	Sanibel, city of	120402-A	do	July 23, 1976.
Indiana	Elkhart	Bristol, town of	180060-B	do	Nov. 19, 1976.
Massachusetts	Middlesex	Lowell, city of	250201-A	do	May 31, 1974.
Minnesota	Washington	Bayport, city of	275229-A	do	May 13, 1972.
Do	do	Cottage Grove, city of	270502-A	do	Apr. 12, 1974.
Do	Yellow Medicine	Unincorporated areas	270544-B	do	Aug. 19, 1977.
New Hampshire	Hillsborough	Bedford, town of	330083-B	do	Mar. 29, 1974 and Nov. 19, 1976.
Do	Merrimack	Bow, town of	330107-B	do	May 30, 1974 and Sept. 24, 1976.
Do	Carroll	Conway, town of	330011-B	do	Sept. 13, 1974 and Aug. 27, 1976.
Do	Hillsborough	Hollis, town of	330091-B	do	Mar. 1, 1974 and Feb. 4, 1977.
New York	Erie	Aurora, town of	360227-B	do	Apr. 12, 1974 and Mar. 28, 1976.
Do	Cayuga	Brutus, town of	360104-B	do	Sept. 6, 1974.
Do	Monroe	Ogden, town of	360424-B	do	Dec. 28, 1973 and Apr. 16, 1976.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
New Jersey	Morris	East Hanover, township of	340341-A	do	Aug. 31, 1973.
Do	Essex	West Caldwell, borough of	340196-B	do	June 15, 1973 and Aug. 20, 1976.
Pennsylvania	Erie	Millcreek, township of	420452-B	do	Sept. 20, 1974 and June 25, 1976.
South Carolina	Aiken	Aiken, city of	450003-B	do	June 28, 1974 and July 18, 1975.
Tennessee	Coffee and Franklin	Tullahoma, city of	470036-A	do	May 24, 1974.
Wisconsin	Pierce	Unincorporated areas	555571-A	do	July 18, 1972.
Do	Wood	Port Edwards, village of	555572-A	do	Apr. 13, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-5381]
[FR Doc. 79-13172 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1915

National Flood Insurance Program; List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.¹

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or 30 days after the date of this Federal Register publication, whichever is later.

¹The functions of the Federal Insurance Administration, U.S. Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

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 in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised, or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans,

which in the aggregate do not exceed \$5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 or Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
California, unincorporated area, Placer County, 0001B-0020B.	060239B.....N-11, 12.....		I	F	July 12, 1977.....	Apr. 3, 1979.....	Mr. Thomas McMahan, Planning Director, Administrative Center, 175 Fulweiler Avenue, Auburn, CA 95603 (916) 823-4011.
Idaho, Owyhee, city of Grand View, 0001A.....	160241A.....N-5.....		I	F	Apr. 3, 1979.....	Apr. 3, 1979.....	Honorable Ben Johnson, Mayor, City Hall, Box 46, Grand View, ID 83624 (208) 834-2700.
Louisiana, Bossier Parish, town of Haughton, 01B-02B.	220034B.....E-8, 11, 12.....		I	F	June 28, 1974, Apr. 23, 1976.	Apr. 3, 1979.....	Honorable Elizabeth O. Sherwin, Mayor, Town Hall, P.O. Box 505, Haughton, LA 71037 (318) 949-0600.
Louisiana, Union Parish, village of Lillie, 0001A.	220390A.....N-5.....		I	F	Apr. 3, 1979.....	Apr. 3, 1979.....	Honorable Joe W. Washam, Mayor, Village of Lillie, P.O. Box 25, Lillie, LA 71256 (318) 285-9517.
Louisiana, LaSalle Parish, town of Urania, 0001A.	220397A.....N-5.....		I	F	Apr. 3, 1979.....	Apr. 3, 1979.....	Honorable Damon G. Bradford, Mayor, Town of Urania, Office of the Mayor, Urania, LA 71460 (318) 495-3452.
Texas, Fayette, city of Carmine, 0001A.....	481505A.....N-5.....		I	F	Apr. 3, 1979.....	Apr. 3, 1979.....	Honorable Jerry Dean Jacob, Mayor, Office of Mayor, P.O. Box 70, Carmine, TX 78932 (713) 278-3273.
Wyoming, Weston, city of Newcastle, 0001B..	560057B.....E-8, 11, 12.....		I	F	Aug. 30, 1974, Oct. 10, 1975.	Apr. 3, 1979.....	Honorable Ralph Updike, Mayor, P.O. Box 447, Newcastle, WY 82701 (307) 746-2100.
Ohio, Williams, village of Montpelier, 01.....	390581B.....N-8, 11, 12, 14.....		I	F	May 31, 1974, May 21, 1976.	Apr. 6, 1979.....	David Anderson, Mayor, 211 North Jonesville St., Montpelier, OH 43543, Phone: (419) 485-3628.
Wisconsin, Columbia, village of Cambria, 01...	550057B.....E-8, 11, 12, 14.....		I	F	Apr. 12, 1974, June 11, 1976.	Apr. 6, 1979.....	Aley Swanson, Mayor, Box 238, Cambria, WI 53923, Phone: (414) 348-5443.
Idaho, unincorporated area, Clark County, 0001A; 0003A-0022A.	160210A.....E-5.....		I	F	Apr. 10, 1979.....	Apr. 10, 1979.....	Mr. J. Albert Laird, Chairman, Clark County, Board of County Commissioners, Dubois, ID 83423 (208) 374-5304.
Iowa, Clay, town of Gillett Grove, 0001A.....	190924A.....N-5.....		I	F	Apr. 10, 1979.....	Apr. 10, 1979.....	Honorable Robert Mings, Mayor, Office of Mayor, Gillett Grove, IA 51341 (712) 835-2055.
Iowa, Appanoose, town of Unionville, 0001A..	190923A.....E-5.....		I	F	Apr. 10, 1979.....	Apr. 10, 1979.....	Honorable Richard A. Hopkins, Mayor, Office of Mayor, Unionville, IA 52594 (515) 452-6642.
Louisiana, Red River Parish, town of Coushatta, 0001B.	220153B.....E-8, 11, 12.....		I	F	Apr. 12, 1974, Feb. 7, 1975.	Apr. 10, 1979.....	Honorable H. Truman Crawford, Mayor, Town of Coushatta, Office of the Mayor, Coushatta, LA 71019 (318) 932-4920.
Nebraska, Thayer, village of Hubbell, 0001A...	310220A.....E-5.....		I	F	Apr. 10, 1979.....	Apr. 10, 1979.....	Mr. Aaron Porter, Chairman, Village of Hubbell, Office of Chairman of the Board, Hubbell, NB 68375 (402) 436-2221.
Texas, Hunt, town of Campbell, 0001A.....	481504A.....N-5.....		I	F	Apr. 10, 1979.....	Apr. 10, 1979.....	Honorable Baron Adams, Mayor, Office of Mayor, P.O. Box 1115, Campbell, TX 75422 (214) 862-3446.
Alabama, Barbour, city of Eufaula.....	010011C.....E-9.....		I	F	Dec. 17, 1973, Dec. 19, 1975, and Oct. 27, 1978.	Apr. 13, 1979.....	Town Office, City of Eufaula, Eufaula, Alabama 36027.
Virginia, Essex, town of Tappahannock, 0001B.	510049.....E-8, 11, 12, 14.....		I	F	Dec. 20, 1974, Oct. 10, 1975.	Apr. 13, 1979.....	James F. Moore, Town Mgr., P.O. Box 266, Tappahannock, VA 22560, Phone: (804) 443-3338.
Wisconsin, Clark, city of Owen; 01.....	550054B.....E-11, 12, 14.....		I	F	Jan. 16, 1974, Apr. 9, 1976.	Apr. 13, 1979.....	John Bacon, Mayor, City Hall, Owen, WI 54460, Phone: (715) 229-2404.
California, unincorporated area, Tulare County, 0004A; 0009A-0012A; 0014A; 0016A-0019A; 0021A-0026A; 0028A-0033A; 0035A-0036A; 0038A-0041A; 0043A-0044A; 0046A-0052A.	065066A.....E-8, 10, 11, 12, 15.		I	F	Feb. 14, 1975.....	Apr. 17, 1979.....	Mr. Jack Carlson, Flood Control Engineer, County of Tulare, Flood Control District, Room #10, County Civic Center, Visalia, CA 93277 (209) 733-6672.
Iowa Franklin and Hardin, city of Ackley, 01A.	190386A.....N-11, 12.....		I	F	July 16, 1976.....	Apr. 17, 1979.....	Honorable Elmer L. Younker, Mayor, City Hall, Ackley, IA 50810 (515) 847-3204.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/IA/E	Identification date(s)	Effective date of this map action	Local map repository
Louisiana, Evangeline Parish, town of Mamou, 01B.	220067B	E-8, 11, 12	I	F	May 3, 1974, Oct 24, 1975.	Apr 17, 1979	Honorable B. J. Manuel, Mayor, City Hall, 501 Main Street, Mamou, LA 70554 (318) 468-5271.
Nebraska, unincorporated area, Buffalo County, 0001A-0016A.	310419A	N-5, 9	I	F	Apr. 17, 1979	Apr 17, 1979	Mr. Dale P. Wright, Chairman, Board of County Commissioners, County Courthouse, Kearney, NB 68847 (308) 237-5981.
Texas, Hill, city of Covington, 0001A	481511A	N-5	I	F	Apr. 17, 1979	Apr 17, 1979	Honorable Johnny Milburn, Mayor, Office of Mayor, P.O. Box 132, Covington, TX 76636 (917) 854-2318.
Texas, Bosque, city of Cranfills Gap, 0001A	481512A	N-5	I	F	Apr. 17, 1979	Apr. 17, 1979	Honorable Chris Paulson, Mayor, Office of Mayor, Route 2, Box 84, Cranfills Gap, TX 76637 (817) 587-2628.
Indiana, Jay, town of Pennville, 01	180467A	N-5, 15	I	F	Apr. 20, 1979	Apr. 20, 1979	Fred Gavens, Town Bd. Pres., 325 E. Maple St., Pennville, IN 47369, Phone: (219) 731-2801.
Minnesota, Chippewa, Chippewa County, 0001A-0007A.	270066	E-5	I	F	Apr. 20, 1979	Apr. 20, 1979	Marin Punt, Ch. Co. Bd., 723 S. 12th Street, Montevideo, MN 56265, Phone: (612) 299-7447.
Minnesota, Wabasha, city of Mazeppa, 01	270487B	N-11, 12, 14	I	F	July 19, 1974, June 25, 1976.	Apr 20, 1979	Annette Weber, Ck., P.O. Box 316, Mazeppa, MN 55956, Phone: (507) 843-4332.
Minnesota, Redwood, city of Revere, 01	270565A	N-11, 12, 14	I	F	Apr. 11, 1975	Apr 20, 1979	Raymond Iverson, Mayor, City Hall, Revere, MN 56166, Phone: (507) 752-7720.
Arkansas, Yell, village of Corinth, 0001A	050568A	N-5	I	F	Apr. 24, 1979	Apr 24, 1979	Mr. Bruce Stewart, Mayor, Office of Mayor, Corinth, AR 72824 (501) 495-2446.
California, unincorporated area, Monterey County, 0006B.	060195B	E-12	C	F	Feb. 21, 1978	Apr 24, 1979	Mr. Owen R. Stewart, Civil Engineering Assistant, Monterey County Flood Control and Water Conservation District, P.O. Box 930, Salinas, CA 93902 (408) 424-0866.
South Dakota, unincorporated area, Yankton County, 0001B-0006B.	460088B	E-11, 12	I	F	Aug. 16, 1977	Apr 24, 1979	Mr. Martin Siemp, Director of Assessment, P.O. Box 137, Yankton, SD 57078 (605) 665-5862.
Texas Liberty, city of Devers, 0001A	481514A	N-5	I	F	Apr. 24, 1979	Apr. 24, 1979	Honorable Luther L. White, Mayor, Office of Mayor, P.O. Box 576, Devers, TX 77538, (713) 549-2631.
Texas, Liberty, Town of Kenefick, 0001A	481523A	N-5	I	F	Apr. 24, 1979	Apr 24, 1979	Honorable J. W. Adams, Mayor, Town of Kenefick, Office of Mayor, Route 1, Box 359, Dayton, TX 77535 (713) 258-5261.
Illinois, McHenry, Village of McHenry Shores, 01.	170830A	N-5	I	F	Apr. 27, 1979	Apr 27, 1979	Rose Lillegard, V.L. Pres., 3215 W. Beach Dr., McHenry Shores, IL 60050, Phone: (815) 385-8500.

¹Unincorporated areas.

FINAL LIST CODES

1. Conversion to Regular Program with FIRM (elevations determined).
 2. Conversion to Regular Program with FIRM (no elevations determined).
 3. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM.
 4. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM; rescission of FIRM effective on same date as conversion.
 5. Initial FIRM.
 6. Revision—Change of elevation; revised FIRM.
 7. Revision—Change of zone designation; revised FIRM.
 8. Revision—Corporate limit changes.
 9. Revision—Drafting corrections; Printing errors.
 10. Revision—Curvilinear.
 11. Revision—Add Flood Hazard Area.
 12. Revision—Reduce Flood Hazard Area.
 13. Revision—Federal Register omission.
 14. Revision—Refunds possible.
 15. Attention! A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
- R—Regular program; E—Emergency program; N—Not in program.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804; Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 23, 1979.

Gloria M. Jimenez,
 Federal Insurance Administrator.
 [Docket No. FI-5380]
 [FR Doc. 79-13171 Filed 5-1-79; 8:45 am]
 BILLING CODE 4210-01-M

24 CFR Part 1915

**National Flood Insurance Program;
List of Withdrawal of Flood Insurance
Maps**

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.¹

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published 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, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

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

¹The functions of the Federal Insurance Administration, U.S. Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

(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.

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	41 FR 17726
40 FR 17015	42 FR 8895
40 FR 20798	42 FR 29433
40 FR 46102	42 FR 46226
40 FR 53579	42 FR 64076
40 FR 56672	43 FR 24019
41 FR 1478	44 FR 815
41 FR 50990	44 FR 6383
41 FR 13352	44 FR 18485

(b) *Flood Insurance Rate Maps (FIRM's)*. The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015	42 FR 64076
41 FR 1478	43 FR 24019
42 FR 49811	

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6:

State	Community name and number	County	Hazard ID date	Rescission date	Reason
California	Los Alamitos, 060226-C	Orange	Jan. 18, 1976	Mar. 16, 1979	IA
Do	Stanton, 060234-C	Orange	do	do	IA
Kansas	City of Bluff, city, 200128	Harper	Dec. 27, 1974	do	1
Do	City of Fairview, 200028	Brown	Nov. 8, 1974	do	1
Do	Hartford, city, 200422	Lyon	Sept. 26, 1975	do	1
Do	Harveyville, city, 200352	Wabausee	Nov. 8, 1974	do	1
Do	Holyrood, city, 200506	Ellsworth	Aug. 8, 1975	do	1
Do	Hope, city, 200424	Dickinson	Sept. 19, 1975	do	1
Do	Lebanon, city, 200343	Smith	Dec. 20, 1974	do	1
Do	Liebsenthal, city, 200309	Rush	Jan. 3, 1975	do	1
Do	Meriden, city, 200149	Jefferson	Nov. 5, 1976	do	1
Do	Osage, city, 200252	Osage	Feb. 28, 1975	do	1
Do	Severance, city, 200083	Donphan	Dec. 20, 1974	do	1
Do	Westmoreland, city, 200277	Pottawatomie	Mar. 8, 1974	do	1
Do	Whiting, city, 200146	Jackson	Nov. 29, 1974	do	1
Washington	Medina, city, 530315-C	King	Mar. 18, 1977	do	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.
- 1. 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
- 2. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
- 3. The Community lacked land-use authority over the special flood hazard area.
- 4. A more accurate FIA map is the effective map for this community.
- 5. 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.
- 6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
- 7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
- 8. The T&E or H&E Map was rescinded.
- 9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1968 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. 5382]

[FR Doc. 79-13170 Filed 5-1-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Township of North Annville, Lebanon County, Pa.

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 North Annville, Lebanon County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of North Annville, Lebanon County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the Township of North Annville, Lebanon County, Pennsylvania, are available for review at the residence of Mr. Edgar Wagner, 1929 Thompson Avenue, Jonestown, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of North Annville, Lebanon County, Pennsylvania.

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
Swatara Creek	Gravel Hill Road (Upstream)	363
	7,500' Upstream of Gravel Hill Road	367
	2,900' Downstream of Legislative Route 38004	356
	Legislative Route 38004 (Upstream)	397
Unnamed Stream F	3,900' Upstream of Legislative Route 38004	368
	Confluence with Swatara Creek	396
	Private Drive 825' Downstream of Harrison Road	356
	Harrison Road (Upstream)	405

(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. 2060, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4688]

[FR Doc. 79-13152 Filed 5-1-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Township of North Londonderry, Lebanon County, Pa.

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 North Londonderry, Lebanon County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of North Londonderry, Lebanon County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of North Londonderry, Lebanon County, Pennsylvania, are available for review at the North Londonderry Township Building, Ridge Road, North Londonderry, Pennsylvania.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of North Londonderry, Lebanon County, Pennsylvania.

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 the selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed Stream "C"	Legislative Route 38001 (Upstream).	463
	Private Road 430 feet downstream from Legislative Route 38001 (Upstream).	456
	Unnamed Dam 1,300 feet downstream from Legislative Route 38001 (Upstream).	444
	Unnamed Dam 1,300 feet downstream from Legislative Route 38001 (Downstream).	437
	Private Road 2,320 feet downstream from Legislative Route 38001 (Upstream).	420
	Unnamed Dam 3,530 feet downstream from Legislative Route 38001 (Upstream).	401
	Unnamed Dam 3,530 feet downstream from Legislative Route 38001 (Downstream).	394
	Private Road 4,490 feet downstream from Legislative Route 38001 (Upstream).	384
	300 feet upstream from confluence with Quittapahilla Creek.	379

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4688]

[FR Doc. 79-13153 Filed 5-1-79 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Borough of Olyphant, Lackawanna County, Pa.

AGENCY: Federal Insurance
Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Olyphant, Lackawanna County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Olyphant, Lackawanna County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Olyphant, Lackawanna County, Pennsylvania, are available for review at the Borough Building, Olyphant, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Olyphant, Lackawanna County, Pennsylvania.

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
Lackawanna River	Downstream Corporate Limits	750
	Upstream Colliery Bridge	759
	Upstream Delaware & Hudson Railroad Bridge	762
	Upstream West Lackawanna Avenue Bridge	766
	Upstream Corporate Limits	792
Stary Creek	Downstream Corporate Limits	816
	About 2,100 feet upstream of downstream Corporate Limits	837
	Upstream Limit of Detailed Study	914

(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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4852]
[FR Doc. 79-13154 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Borough of Port Vue, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Port Vue, Allegheny County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the Borough of Port Vue, Allegheny County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Port Vue, Allegheny County, Pennsylvania, are available for review at the Borough Building, Port Vue, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Port Vue, Allegheny County, Pennsylvania.

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. 90-488), 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
Youghiogheny River	Downstream Corporate Limits	744
	River Mile One Post	744
	15th Street Bridge	745
	Upstream Corporate Limits	745

(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 or Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4860]
[FR Doc. 79-13153 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Township of Roaring Brook, Lackawanna County, Pa.

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 Roaring Brook, Lackawanna County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Roaring Brook, Lackawanna County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Roaring Brook, Lackawanna County, Pennsylvania, are available for review at the residence of the Township Secretary, R. D. 2, Moscow, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Roaring Brook, Lackawanna County, Pennsylvania.

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
Roaring Brook.....	At Upstream Corporate Limits with the Borough of Dunmore.	1,154
	Conrail Bridge Upstream	1,213
	Upstream of Dam located about 2,100 feet upstream of Conrail Bridge.	1,229
	Upstream of Private Lane crossing.	1,270
	Upstream of Interstate 84	1,342

(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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

(Docket No. FI-4891)
[FR Doc. 79-13156 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Township of Susquehanna, Lycoming County, Pa.

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 Susquehanna, Lycoming County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Susquehanna, Lycoming County, Pennsylvania, are available for review at the residence of the Borough Secretary, R.D. 4, Williamsport, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Susquehanna, Lycoming County, Pennsylvania.

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
West Branch Susquehanna River.	Downstream Corporate Limits.	537
	Conrail Bridge Upstream	538
	Upstream Corporate Limits	543
Bender Run.....	Legislative Route 41016 (Upstream).	538
	Porch (Upstream)	542
	Private Dam (Upstream)	587
	Private Bridge at confluence of Left Branch Bender Run (Upstream).	602

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Private Bridge approximately 4,250 feet above West Branch Susquehanna River.	Private Bridge approximately 4,250 feet above West Branch Susquehanna River.	624
	Private Bridge approximately 4,950 feet above West Branch Susquehanna River.	647
	Private Bridge approximately 6,200 feet above West Branch Susquehanna River.	690
	Valley Road (Upstream)	730
Left Branch Bender Run.	Legislative Route 41016.....	539
	Valley Road (Upstream)	580
	Confluence with Bender Run.	600

(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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

(Docket No. FI-4853)
[FR Doc. 79-13157 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Borough of Throop, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule .

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Throop, Lackawanna County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Throop, Lackawanna County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Throop, Lackawanna County, Pennsylvania, are

available for review at the Municipal Building, Throop, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Throop, Lackawanna County, Pennsylvania.

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
Lackawanna River.....	Downstream Corporate Limit.	733
	Boulevard Avenue Upstream.	736
	Upstream Corporate Limit.....	750

(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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4854]
[FR Doc. 79-13158 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Borough of Trafford, Allegheny and Westmoreland Counties, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Trafford, Allegheny and Westmoreland Counties, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Trafford, Allegheny and Westmoreland Counties, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Trafford, Allegheny and Westmoreland Counties, Pennsylvania, are available for review at the Borough Hall, Trafford, Pennsylvania

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Trafford, Allegheny and Westmoreland Counties, Pennsylvania.

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
Turtle Creek.....	Downstream Corporate Limits.	777
	Westernhouse Dam Upstream.	790
	Forbes Flood Upstream.....	791
	About 2,000 feet upstream of Forbes Flood Bridge.	798
Brush Creek.....	Conrail Bridge Upstream.....	777
	Wallace Avenue Upstream.....	782
	Upstream Corporate Limits.....	785

(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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4863]
[FR Doc. 79-13159 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Township of White Deer, Union County, Pa.

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 White Deer, Union County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of White Deer, Union County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of White Deer, Union County, Pennsylvania, are available for review at the White Deer Township Building.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of White Deer, Union County, Pennsylvania.

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
West Branch Susquehanna River.	Interstate Route 80	473
	Legislative Route 240 Spur	477
	Corporate Limits Upstream	480
Dog Run	River Road	471
	U.S. Route 15	485
	Private Bridge	487
	Legislative Route 59024	507
	Yonkin Road (Upstream)	529
White Deer Creek	Private Bridge	533
	Legislative Route 59024 (700 feet upstream of Private Bridge)	540
	Conrail	477
	Buck Road Covered Bridge	528
	Interstate Route 80	563
	Legislative Route 59045	601

(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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-4856]
[FR Doc. 79-13160 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Township of Woodward, Lycoming County, Pa.

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 Woodward, Lycoming County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Woodward, Lycoming County, Pennsylvania, are available for review at the Woodward Township Building.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Woodward, Lycoming County, Pennsylvania.

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
West Branch Susquehanna River.	Downstream Corporate Limits	537
	Conrail	538
	Upstream Corporate Limits	541
Quenshukeny Run	Conrail	539
	U.S. Route 220	539
	Township Route 367	542
	Township Route 369	557
	Legislative Route 41020	579
	Township Route 375	630
Pine Run	Upstream Corporate Limits	635
	Township Route 372	541
	Conrail	543
	Legislative Route 41020	543
	Township Route 343	546
	U.S. Route 220 East	554
	U.S. Route 220 West	555

(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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[Docket No. FI-4894]
[FR Doc. 79-13161 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determinations for the Town of Windsor, Windsor County, Vt.

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 Windsor, Windsor County, Vermont.

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 Windsor, Vermont.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Windsor, are available for review at Town Office, 147 Main Street, Windsor, Vermont.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Windsor, Vermont.

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
Connecticut River	Central Vermont Railroad—100 feet*	324
	Cornish Covered Bridge—100 feet*	324
Mill Brook	Central Vermont Railroad Bridge—20 feet*	324

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Broken Dam 340 feet upstream of Main Street—	
	30 feet**	330
	20 feet*	341
	1st crossing Union Street—30 feet*	345
	2nd crossing Union Street—20 feet*	349
	M.I. Pond Dam—50 feet*	351
	Mill Pond Dam—20 feet*	387

*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: March 21, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4572]
[FR Doc. 79-13162 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Town of Connell, Franklin County, Wash.

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 Connell, Franklin County, Washington.

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 Connell, Franklin County, Washington.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Connell, Franklin County, Washington, are

available for review at the Town Hall, Connell, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Connell, Franklin County, Washington.

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
Esquatzel Coulee	Lower Corporate Limits	836
	Adam Street	841
	Clark Street	842
	Burlington Northern Railway	846

(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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. 4553]
[FR Doc. 79-13183 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

**National Flood Insurance Program;
Final Flood Elevation Determination
for the Town of Mesa, Franklin County,
Wash.**

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 Mesa, Franklin County, Washington.

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 Mesa, Franklin County, Washington.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Mesa, Franklin County, Washington, are available for review at the Town Hall, Mesa, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Mesa, Franklin County, Washington.

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
Esquatzel Coulee	South Corporate Limit	676
	Columbia Street	677
	Judson Street (extended)	678
	North Corporate Limit	680

(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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. 4675]

[FR Doc. 79-13184 Filed 5-1-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

**National Flood Insurance Program;
Final Flood Elevation Determinations
for the Village of Ashwaubenon,
Brown County, Wis.**

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 Ashwaubenon, Brown County, Wisconsin.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Ashwaubenon, Wisconsin.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Ashwaubenon, Brown County, Wisconsin, are available for review at

Village Office, 580 Cormier Road, Green Bay, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Ashwaubenon, Brown County, Wisconsin.

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
Dutchman Creek	County Highway "H"	530
	State Highway 32 and U.S. Highway 41.	591
	Onoda Street	595
Ashwaubenon Creek	State Highway 32 and U.S. Highway 41.	508
	Glory Road	590
	County Highway "G"	534

(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: March 12, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. 4564]

[FR Doc. 79-13185 Filed 5-1-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the City of Weirton, Brooke and Hancock Counties, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Weirton, Brooke and Hancock Counties, West Virginia.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP):

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Weirton, Brooke and Hancock Counties, West Virginia.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Weirton, Brooke and Hancock Counties, West Virginia, are available for review at the Weirton Department of Inspections, Weirton, West Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Weirton, Brooke and Hancock Counties, West Virginia.

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
Ohio River	Downstream Corporate Limits	671
	Conrail Steubenville-Weirton Highway	672
	National Steel Corporation Bridge	674
Harmon Creek	Upstream Corporate Limits	675
	Confluence with Ohio River	672
	Private Drive (Downstream)	672
	Private Drive (Upstream)	680
Kings Creek	Conrail State Route 2	680
	Confluence with Ohio River	675
	Conrail Kings Creek Road (1.22 miles above Mouth) (Downstream)	687
	Kings Creek Road (1.22 miles above Mouth) (Upstream)	635
	Private Road (2.25 miles above Mouth)	708
	Kings Creek Road (3.53 miles above Mouth) (Upstream)	737
	North 12th Street (Upstream)	754
	Park Road (5.05 miles above Mouth)	771
	Park Road (5.12 miles above Mouth)	772
	Sondra Drive (Upstream)	777
	Culler Road (Upstream)	801

(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: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4859]
[FR Doc. 79-13168 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determination for the Town of Barton, Allegany County, Md.

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 Barton, Allegany County, Maryland.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Barton, Allegany County, Maryland are available for review at the Town Hall, Barton, Maryland.

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 Barton, Allegany County, Maryland.

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
Georges Creek	Georges Creek Boulevard	1,248
	Temperance Run Road	1,264
	Confluence of Butcher Run	1,266
Butcher Run	Footbridge (culvert)	1,284
	Georges Creek Boulevard	1,296

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Upstream Corporate Limits		1,332

(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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4865]
[FR Doc. 79-13167 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determinations for the City of Ridgeland, Madison County, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Ridgeland, Mississippi.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ridgeland, are available for review at City Hall, Ridgeland, Mississippi.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 of Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Ridgeland, Mississippi.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Purple Creek	County Line Road	309
	U.S. Highway 51	323
	Illinois Central Gulf Railroad	324
Tributary to Purple Creek	Ridgewood Road	318
	U.S. Highway 51	326
	Illinois Central Gulf Railroad	329
Tributary 3 to Purple Creek	Holmes Street	330
	Grave Street	334
	South Wheatley Street	321
Tributary 4 to Purple Creek	Wolcott Circle (west crossing)	323
	Wolcott Circle (east crossing)	324
Tributary 5 to Purple Creek	South Wheatley Street	335
	Lakeland Drive	324
School Creek	Ford Avenue	336
	Pear Orchard Road	327
Brashcar Creek	Unnamed Road	328
	School Street	343
	Ridgeland Avenue	322

(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: March 12, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3848]
[FR Doc. 79-13168 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1917

National Flood Insurance Program; Final Flood Elevation Determinations for the City of Woodland, Yolo County, California

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.¹
ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Woodland, California.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Woodland, Yolo County, California, are available for review at City Engineer's Office, City Hall, Woodland, California.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Woodland, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the

¹The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cache Creek Overflow.	Borrow Pit at Northwest Corner of North East Street and Interstate 5.	54
Cache Creek Overflow and Woodland Drainage.	Woodland Avenue and Palm Avenue *.	58
	Grafton Street and Fifth Street *.	58

* At centerline.

Source of flooding	Location	Depth, Feet above ground
Cache Creek Overflow.	Harter Avenue and East Kentucky Avenue.	1
	North East Street and Commerce Avenue.	1
	North East Street and East Beamer Street.	1
	East Beamer Street and Harter Avenue.	1
	East Beamer Street and County Highway 101.	1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968); as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 18, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FL-4060]

[FR Doc. 79-13169 Filed 5-1-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 716

Death Gratuity; Miscellaneous Amendments

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending 32 CFR, Part 716, relating to provisions under which a death gratuity is paid to eligible survivors of a deceased member of the naval service. These amendments reflect changes in procedures to be followed in Navy cases by Casualty Assistance Calls Programs

(CACP) officers in effecting immediate payment and changes in the designation of forms from which beneficiary information is obtained. Additionally, this amendment reflects name changes of certain organizations authorized to take administrative action under authority delegated by the Secretary of the Navy. Certain provisions addressing procedures for processing payment of the death gratuity in Marine Corps cases where pay and personnel records are held at different locations, and in cases where there is doubt as to the legal recipient of the gratuity, are deleted since they address internal procedures and are not applicable to the public generally. The intended effect of these amendments is to apprise the public of current agency rules regarding payment of the death gratuity to eligible survivors of deceased members of the naval service and to improve the clarity of 32 CFR Part 716.

EFFECTIVE DATE: May 2, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Gerald J. Kirkpatrick, JAGC, U.S. Navy, 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. section 301, the Department of the Navy amends 32 CFR Part 716. These amendments reflect changes in certain names dealing with organizations taking administrative action pursuant to authority delegated by the Secretary of the Navy. In addition, these amendments reflect improved procedures for effecting immediate payment of the death gratuity in certain cases and a change in the designation of forms from which beneficiary information is obtained. Section 716.7 is clarified as having applicability to Navy cases only and, finally, a portion of § 716.11 dealing with internal procedures for handling certain death gratuity cases in the Marine Corps is deleted because it reflects internal procedures having no applicability to the general public. The source directive for the deleted portion of § 716.11, however, remains in effect. These amendments relate to internal naval management and agency procedures. It has been determined that invitation for public comment on these amendments prior to adoption would be impractical, unnecessary, and contrary to the public interest and is thus not required under the rule-making provisions in Parts 296 and 701 of 32 CFR.

Accordingly, 32 CFR Part 716 is amended as follows:

§ 716.2 [AMENDED]

1. In paragraph (a)(4), the word "has" is inserted at the end of the fifth line; in the sixth line, "(i) Has" is deleted.

2. In the seventh line the word "or" is deleted and a period is inserted after the word "duty" in place of the semicolon which is deleted.

3. Paragraph (a)(4)(ii) is deleted.

§ 716.5 [Amended]

4. In the fifth line of paragraph (b) of § 716.5, "(Code DN)" is changed to "(Code MSPA-1)."

§ 716.7 [Amended]

5. In the first line of paragraph (b) of § 716.7, "Active duty deaths." is changed to "Active duty deaths (Navy)."

6. In the eighth and ninth lines of paragraph (b)(1) of § 716.7, "The Record of Emergency Data, DD Form 93-1" is changed to "The Dependency Application/Record of Emergency Data (NAVPERS 1070/602) or Record of Emergency Data (DD Form 93)."

§ 716.8 [Amended]

7. In paragraph (b) of § 716.8, the words "of any felonious intent" are added to the fourth line after "survivor."

§ 716.9 [Amended]

8. In the seventh line of § 716.9, "(Pers-G23)" is changed to "(Pers-732);" in the ninth line, "(Code DN)" is changed to "(Code MSPA-1)."

§ 716.10 [Amended]

9. In the sixth line of paragraph (a)(2) of § 716.10, "(Pers-G23)" is changed to "(Pers-732)."

10. Paragraph (b)(1) of § 716.10 is revised as follows: (1) widow(er). The CACP officer, on his or her initial visit to a widow(er), determines, propriety permitting, whether there is an urgent need for financial assistance. If there is an urgent need for financial assistance, the CACP officer should obtain DD Form 397 from any military disbursing office and, on his or her second visit to the widow(er), have him or her sign it and obtain the signatures of two witnesses on the form. It should be noted that the following procedure is confined to cases in which the decedent's eligible survivor for the death gratuity is a widow, and efforts to effect immediate payment in accordance with the intent of the governing statute are appropriate. In such cases, the CACP officer, upon learning that a widow, not residing with her husband at or near his duty station, is in urgent need of financial assistance, shall advise the Chief of Naval Personnel (Pers-732) of the need by

message. The CACP officer shall send a copy of this message to the decedent's duty station, if known. Upon receipt, the disbursing officer will furnish the Navy Finance Center, Cleveland, Ohio 44199, with the decedent's basic monthly pay [plus any special (see § 716.1), incentive, and proficiency pay] in the event the pay account has not been forwarded previously to that center sufficiently early to have reached there. The CACP officer shall also send a copy of his message to the Navy Finance Center with the request that payment of the death gratuity be made upon receipt of the certification of beneficiary entitlement from the Chief of Naval Personnel (Pers-732).

11. In the seventh and twelfth lines of paragraph (c)(1) of § 716.10, "(Pers-G23)" is changed to "(Pers-732)."

12. In the twenty-eighth line of paragraph (c)(2) of § 716.10, "(Pers-G23)" is changed to "(Pers-732);" in the thirtieth line, the words "14, Ohio" are changed to "Ohio 44199;" and finally, beginning in the thirtieth line, the words "upon issuance of the certificate of settlement by the General Accounting Office" are deleted.

§ 716.11 [Amended]

13. In the fifth line of subsection (b) of § 716.11, "(Code DN)" is changed to "(Code MSPA-1)."

14. The remaining lines of § 716.11, beginning with the sixth line of subsection (b), are deleted.

Dated: April 25, 1979.

P. B. Walker,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate
General (Administrative Law).

[FR Doc. 79-13809 Filed 5-1-79; 8:45 am]

BILLING CODE 3810-71-M

VETERANS ADMINISTRATION

38 CFR Parts 2, 21

Delegations of Authority and Vocational Rehabilitation and Education; Determinations Concerning School Closing

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Administrator of Veterans' Affairs is delegating to the Directors of VA field stations the authority to determine whether or not a school closing is based upon an Executive order of the President or due to an emergency situation. He is delegating the authority to review these decisions to the Director, Education and Rehabilitation Service. Minor changes are made in the wording of some

regulations to make them conform to the wording of the law. The regulations allow for more prompt decisions by delegating the authority to make them.

EFFECTIVE DATE: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Juné C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On page 54104 of the Federal Register of November 20, 1978, there was published a notice of proposed regulatory development relating to determinations concerning school closing.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations. No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Approved: April 26, 1979.

By direction of the Administrator.

Rufus H. Wilson,
Deputy Administrator.

1. In part 2, a new § 2.98 is added to read as follows:

§ 2.98 Delegation of authority to Directors of VA field stations to determine whether or not a school closing is based on Executive order of the President or due to an emergency situation and to the Director, Education and Rehabilitation Service, to review these decisions.

This delegation of authority is identical to §§ 21.130, 21.4203, and 21.4205 of this chapter.

2. In part 21, § 21.130(a)(1)(i) is revised to read as follows:

§ 21.130 Subsistence allowance.

(a) *Payments.* Each veteran under chapter 31 will be paid a subsistence allowance at the rates specified in § 21.133. Final payment may be withheld until proof of continued enrollment is received and the account adjusted. Allowance will be paid while the veteran is in training status, including any period during which he or she is on authorized leave.

(1) A veteran is in training status during:

(i) Periods when he or she is in attendance; this includes weekends and legal holidays (or customary vacation periods connected therewith) and, as determined by the Director of the VA field station of jurisdiction, periods when the schools are closed temporarily

under an established policy based upon an Executive order of the President or due to an emergency situation.

(a) If the emergency school closing is due to a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Education and Rehabilitation Service will decide if veterans enrolled in the school may still be considered to be in training status. His or her decision will be based on a full assessment of the strike situation. A veteran will not be considered to be in training status if in his or her judgment the school closing will not be temporary. (38 U.S.C. 1780(a).)

(b) A school, which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the VA field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a VA field station. (38 U.S.C. 1780(a).)

3. In § 21.4203, paragraph (b)(1) is revised to read as follows:

§ 21.4203 Reports by schools; requirements.

(b) *Entrance or reentrance.* * * *

(1) Schools organized on a term, quarter, or semester basis shall generally report enrollment for the term, quarter, semester, ordinary school year or ordinary school year plus summer term. If a certification covers two or more terms, the school will report the dates for the break between terms if a term ends and the following term does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter, or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. Where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman or servicewoman, a separate enrollment certification will be required for each term, quarter, or semester.

(i) The Director of the VA field station of jurisdiction may authorize payment to be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is

closed under an established policy based upon an order of the President or due to an emergency situation.

(a) If the Director has authorized payment due to an emergency school closing, resulting from a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Education and Rehabilitation Service, will decide if payments may continue. His or her decision will be based on a full assessment of the strike situation. Further payments will not be authorized if in his or her judgment the school closing will not be temporary. (38 U.S.C. 1780(a).)

(b) A school, which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the VA field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a VA field station. (38 U.S.C. 1780(a).)

(ii) Where a veteran or an eligible person, who is pursuing a course leading to a standard college degree, transfers between consecutive school terms from one approved institution to another approved institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of educational assistance allowance be considered to be enrolled at the first institution during the interval, if the interval does not exceed 30 days, following the termination date of the school term of the first institution. (38 U.S.C. 1780.)

4. In § 21.4205, paragraph (c) (1) and (5) is revised to read as follows:

§ 21.4205 Absences.

(c) *Reporting.* (1) Veterans and eligible persons must report each full day of absence from scheduled attendance as well as days when the school was closed for local and school holidays and, if reported enrollment was on an ordinary school year basis, intervals between terms, quarters, or semesters. When the school is closed for the weekend those days will not be reported nor will legal holidays established by Federal or State law or

customary vacation periods connected with them be reported if the school is closed. These customary vacation periods will be reasonable periods identified as a holiday vacation on the school approval literature. Generally a reasonable period will be interpreted to mean not more than 1 calendar week at Christmas and New Years and shorter periods of time in connection with other legal holidays. However, if classes are normally scheduled for Saturday and Sunday, absences must be reported. At the discretion of the Director of the VA field station of jurisdiction, days of absence will not be reported for days of nonattendance within a certified period of enrollment during which the school is closed under an established policy based upon an Executive order of the President or due to an emergency situation. (38 U.S.C. 1780(a).)

(i) If the Director has authorized the nonreporting of days of absence as the result of an emergency school closing resulting from a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Education and Rehabilitation Service will decide if absences will continue not to be reported. His or her decision will be based on a full assessment of the strike situation. Payment of educational assistance will be terminated if in his or her judgment the school closing will not be temporary. (38 U.S.C. 1780(a).)

(ii) A school, which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the VA field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a VA field station. (38 U.S.C. 1780(a).)

(5) Where a veteran or eligible person, who is pursuing a course not leading to a standard college degree, transfers between consecutive school terms within a school year from one approved institution to another institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of the educational assistance allowance, be considered to be enrolled at the first institution during the interval

if the interval does not exceed 30 days following the termination date of the school term of the first institution, but such periods shall be counted as absences for the purposes of this section. (38 U.S.C. 1780(a).)

[FR Doc. 79-13537 Filed 5-1-79; 8:43 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

Delayed Compliance Order for Great Lakes Carbon Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Great Lakes Carbon Corporation (Great Lakes Carbon). The Order requires the Company to bring air emissions from its product cyclone and mill cyclone at Marion, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Great Lakes Carbon's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATE: May 2, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On February 16, 1979 the Acting Regional Administrator of the U.S. EPA's Region V Office published in the Federal Register (44 FR 10088) a notice setting out the provisions of a proposed State Delayed Compliance Order for Great Lakes Carbon. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Great Lakes Carbon by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Great Lakes Carbon on a schedule to bring its product cyclone

and mill cyclones at Marion, Ohio, into compliance as expeditiously as practicable with Regulations OAC-3745-17-07 and OAC-3745-17-11, a part of the federally approved Ohio State Implementation Plan. Great Lakes Carbon is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Great Lakes Carbon to delay compliance with the SIP regulations covered by the Order until November 1, 1979.

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

final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Great Lakes Carbon on a schedule for compliance with the Ohio State Implementation Plan.

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

Dated: April 4, 1979.

Douglas M. Costle,
Administrator.

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

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.401:

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

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

Source	Location	Order number	Date FR Proposal	SIP regulation involved	Final compliance date
Great Lakes Carbon Corporation.	Marion, Ohio	None	2-16-79	OAC-3745-17-07 OAC-3745-17-11	11-1-79

2. The text of the order reads as follows:

Before the Ohio Environmental Protection Agency

In the matter of: Great Lakes Carbon Corporation, Route 95 West, Marion, OH 43302.

Order.—The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03(S) and (I) 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. Great Lakes Carbon Corporation (hereinafter Great Lakes Carbon), operates a product cyclone (P003) and a mill cyclone (P004), which serve its facility located at Route 95 West, Marion, Ohio.

2. In the course of operation of said product cyclone (P003) and mill cyclone (P004), air contaminants are emitted in violation of OAC-3745-17-07 and OAC-3745-17-11.

3. Great Lakes Carbon is unable to immediately comply with OAC-3745-17-07 and OAC-3745-17-11.

4. Potential emissions of particulates from the product cyclone (P003) and mill cyclone (P004) are approximately 2103 tons per year; therefore, Great Lakes Carbon constitutes a major stationary source or facility 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-3745-17-11 as expeditiously as practicable.

6. Implementation by Great Lakes Carbon 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. 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 relation to benefits to the people of the State to be derived from such compliance.

Whereupon, after due consideration of the above findings of fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (T) 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. Great Lakes Carbon shall bring its product cyclone (P003) and mill cyclone (P004) located at Route 95 West, Marion, Ohio into final compliance with OAC-3745-17-07 and OAC-3745-17-11 by (A) installing a dry bed filter on the product cyclone (P003), or installing a gas evaporative cooler and fabric filter on the combustion chamber, or installing a venturi scrubber on the combustion chamber, and (B) installing a fabric filter on the mill cyclone (P004), by no later than November 1, 1979.

2. Compliance with Order (1) above shall be achieved by Great Lakes Carbon in accordance with the following schedule on or before the dates specified.

Submit final control plans, December 1, 1978.
Award contract(s), January 1, 1979.
Begin construction, June 1, 1979.
Complete construction, October 1, 1979.
Testing of equipment, October 15, 1979.
Achievement of final compliance with OAC-3745-17-07 and OAC-3745-17-11, November 1, 1979.

3. Pending achievement of compliance with Order (1) above, Great Lakes Carbon shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable, systems of emission reduction, and which are necessary to ensure compliance with OAC-3745-17-07 and OAC-3745-17-11 insofar as Great Lakes Carbon 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. Great Lakes Carbon shall immediately institute a regular maintenance program to

minimize emissions from the product cyclone (P003) and mill cyclone (P004).

b. Great Lakes Carbon shall continue to use the combustion chamber to minimize emissions from the product cyclone (P003) and mill cyclone (P004).

c. Great Lakes Carbon shall continue to operate and maintain the continuous recording opacity monitor for the emissions from the product cyclone (P003) and mill cyclone (P004).

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, Great Lakes Carbon shall submit a written progress report to the Northwest District Office. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved.

On a monthly basis Great Lakes Carbon shall submit a written report to the Northwest District Office concerning any excursions above the 20 percent opacity limitation in OAC-3745-17-07, and the maintenance and operation of the product cyclone (P003) and mill cyclone (P004).

5. Great Lakes Carbon shall conduct emission tests on the product cyclone (P003) and mill cyclone (P004) 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. Written notification of intent to test shall be provided to the Northwest District Office, thirty (30) days prior to the testing date.

6. Great Lakes Carbon 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.

Dated: December 29, 1978.

Ned E. Williams, P.E.,

Director of Environmental Protection.

Waiver

The Great Lakes Carbon Corporation agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Great Lakes Carbon Corporation hereby waives the right to appeal the issuance or terms of the attached Findings and Ordered 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 Great Lakes Carbon Corporation 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 of said Findings and Orders in connection with any judicial

review of Ohio's air implementation plan or portion thereof.

E. D. Burton,

Group Vice President, Authorized Representative of Great Lakes Carbon Corporation.

[FRL 1092-4]

[FR Doc. 79-13371 Filed 5-1-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 531 and 536

Filing of Freight and Passenger Rates, and Filing of Tariffs by Common Carriers

AGENCY: Federal Maritime Commission.

ACTION: Reconsideration of final rule.

SUMMARY: Upon reconsideration, the Commission has amended two newly created tariff filing provisions by requiring all ocean carriers to: (1) publish in their tariffs that shippers may file overcharge claims within two years of the date *the cause of action accrues*; and (2) respond only to *written* overcharge claims, by advising claimants of the tariff provisions *actually applied* by the carriers (changes italicized).

DATES: Effective as to both new and existing tariffs July 15, 1979.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Rm. 11101, Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by Notice of Proposed Rulemaking published September 5, 1978 in the Federal Register (43 FR 39399) to amend the Commission's tariff filing regulations. By order served January 31, 1979, the Commission adopted rules which required ocean carriers to: (1) Indicate in their tariffs that shippers may file overcharge claims with the Commission up to two years of the date the vessel sails or the date the disputed charges are paid, whichever is later; and (2) acknowledge overcharge claims within twenty days by written notice to the shipper of the governing tariff provisions and its rights under the Shipping Act, 1916 (46 U.S.C. 801, *et seq.*).¹ Several

¹The rules required that the tariffs contain at minimum the following provisions:

(A) Claims seeking the refund of freight overcharges may be filed in the form of a complaint with the Federal Maritime Commission, Washington, D.C. 20573, pursuant to section 22, Shipping Act, 1916 (46 U.S.C. 821). Such claims must be filed within two years of the date the vessel sails or the date the disputed charges are paid, whichever is later.

(B) Claims for freight rate adjustments shall be acknowledged by the carrier within 20 days of the

parties² have petitioned for reconsideration of certain portions of the final rules pursuant to Rule 261 of the Commission's Rules of Practice and Procedure (46 C.F.R. 502.261). All Petitioners but Sea-Land also requested a stay of the effective date of the rule pending reconsideration.³ By order dated March 23, 1979, the Commission stayed the effective date of the rules until further order.

Petitioner's objections⁴ to the first rule focus on the time period in which shippers may file complaints. Petitioners argue that by allowing the two years to run from the date the shippers make payment on the disputed charges, the rule encourages shippers to delay paying their bills and rewards delinquent shippers with additional time in which they may file overcharge claims. Petitioners also allege that the Commission's action in defining the statute of limitations was not properly noticed in the Notice of Proposed Rulemaking; was not the purpose of this rulemaking proceeding; and is not within the Commission's jurisdiction.

Because the Commission does not wish to encourage late shipper payments, this rule shall be amended so that the statute of limitations is stated in terms of the statute, *i.e.*, "within two years of the date the cause of action accrues."⁵ It is unnecessary, therefore, to address the arguments that our previous action in this regard was improperly noticed and was outside the purpose of the rulemaking and the Commission's jurisdiction.⁶

receipt by written notice to the claimant of all governing tariff provisions and claimant's rights under the Shipping Act.

²Latin American/Pacific Coast Steamship Conference; Pacific Coast European Conference; Pacific Coast River Plate Brazil Conference; Associated Latin American Freight Conferences and its Member Conferences; American West African Freight Conferences; Australia-Eastern U.S.A. Shipping Conference; Marseilles North Atlantic U.S.A. Freight Conference; Med-Gulf Conference; North Atlantic Mediterranean Freight Conference; U.S. Atlantic and Gulf/Australia-New Zealand Conference; U.S. North Atlantic Spain Rate Agreement; U.S. South Atlantic/Spanish Portuguese, Moroccan and Mediterranean Rate Agreement; and Sea-Land Service, Inc. (Petitioners).

³North European conferences filed a reply supporting the Petition for Reconsideration and Stay of Australia-Eastern U.S.A. Shipping Conference, *et al.*

⁴The arguments advance by Petitioners occasionally differed, but they will be discussed collectively for the purpose of this summary. All Petitioners' arguments have been considered and, except as specifically noted, granted to the extent they are consistent with the rule and denied in all other respects.

⁵This tracks the language of section 22 of the Shipping Act, 1916 (46 U.S.C. 821).

⁶We note, however, that the Notice of Proposed Rulemaking stated that a purpose of the rulemaking was "clarifying the statute of limitations."

Objections to the twenty-day notification period are that it is too brief; that it is unclear when the twenty days begins to run; and that it is unclear which "claimant's rights" are referred to in that rule. Petitioners are especially critical of the requirement that the carrier must cite to the complaining shipper all governing tariff provisions, and that the carrier is bound in future litigation to the provisions it cites. The "binding" requirement, argue Petitioners, is unfair and extremely burdensome to the carriers, does not serve a stated purpose of the rulemaking, and was not properly noticed in the Notice of Proposed Rulemaking. It is also alleged that, by binding a carrier to an erroneously cited tariff provision rather than simply applying the correct tariff regardless of what was cited by the carrier, the rule violates section 18(b) of the Shipping Act, 1916 (46 U.S.C. 817).

Upon reconsideration, the rule will be amended to permit the carriers to notify claimant-shippers of "tariff provisions actually applied," rather than of "all governing tariff provisions." Notification by the carrier of the provisions it actually relied upon should serve to initiate productive communications between shipper and carrier which may avoid adjudicatory proceedings, while not proving burdensome to the carrier. While we are not mandating that carriers be bound by their notification, we expect that once the carrier has stated which tariff provisions it applied in assessing the disputed charge, it will generally not alter that explanation in future litigation.

The rule will also be amended to make it clear that carriers need acknowledge only claims for freight rate adjustments filed in writing.⁷

The twenty-day time period was fully considered previously when it was enlarged from the original ten-day proposal. We note that the period is particularly undemanding in light of the instant amendments to the rule made herein. The time period shall remain at twenty days.⁸

THEREFORE, IT IS ORDERED, That pursuant to section 4 of the Administrative Procedure Act (46 U.S.C. 553) and sections 14 Fourth, 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 813, 821, 841(a), §§ 531.5(b)(8)(xvi), (b)(9), 536.5(d)(20), and 536.5(e) of 46 C.F.R. are amended as follows:

⁷ The twenty-day period will begin to run upon receipt of the written claim.

⁸ We have also clarified that the "claimant's rights" refers again to the shipper's right to file an overcharge claim with the Commission as explained in the first rule.

(1) Section 531.5 is amended by revising paragraphs (b)(8)(xvi) and (b)(9).

§ 531.5 Contents of tariff publications.

* * * * *

(b) * * *

(8) * * *

(xvi) *Overcharge Claims.* Tariffs shall contain a rule which states that shippers or consignees may file claims for the refund of freight overcharges resulting from errors in weight, measurement, cargo description of tariff application. This rule shall clearly indicate where and by what method such claims are to be filed with the carrier and shall further advise that such claims may also be filed with the Federal Maritime Commission. At a minimum, tariffs shall contain the following provisions:

(A) Claims seeking the refund of freight overcharges may be filed in the form of a complaint with the Federal Maritime Commission, Washington, D.C. 20573, pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821). Such claims must be filed within two years of the date the cause of action accrues.

(B) Claims for freight rate adjustments filed in writing shall be acknowledged by the carrier within twenty days of receipt by written notice to the claimant of the tariff provisions actually applied and claimant's rights under the Shipping Act, 1916.

(9) Additional rules which affect the application of the tariff shall follow immediately the rules specified above and shall be numbered consecutively, commencing with number 17.

(2) Section 536.5 is amended by revising paragraph (d)(20), and (e).

§ 536.5 Statement of rates.

* * * * *

(d) * * *

(20) *Overcharge Claims.* Tariffs shall contain a rule which states that shippers or consignees may file claims for the refund of freight overcharges resulting from errors in weight, measurement, cargo description, or tariff application. This rule shall clearly indicate where and by what method such claims are to be filed with the carrier and shall further advise that such claims may also be filed with the Federal Maritime Commission. At a minimum, tariffs shall contain the following provisions:

(i) Claims seeking the refund of freight overcharges may be filed in the form of a complaint with the Federal Maritime Commission, Washington, D.C. 20573, pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821). Such claims must be filed within two years of the date the cause of action accrues.

(ii) Claims for freight rate adjustments filed in writing will be acknowledged by the carrier within twenty days of receipt by written notice to the claimant of the tariff provisions actually applied and claimant's rights under the Shipping Act, 1916.

(e) Additional rules which affect the application of the tariff shall follow immediately the rules specified above and shall be numbered consecutively, commencing with number 21.

IT IS FURTHER ORDERED, That §§ 531.5(b)(8)(xvi) and 531.5(b)(9), and 536.5(d)(20) and 536.5(e) shall take effect on July 15, 1979. Ocean carrier tariffs which do not contain a rule in conformity with these sections on that date shall be subject to cancellation or rejection.

By order of the Commission.

Francis C. Hurney,

Secretary.

[General Order Nos. 13 and 38; Docket No. 70-301]

[FR Doc. 79-13633 Filed 5-1-79; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register

Vol. 44, No. 66

Wednesday, May 2, 1979

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

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

Universal Training Service, Inc., et al.; Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 79-12369, published at page 24080, on Tuesday, April 24, 1979, on page 24085 make the following corrections:

1. In the middle column, in paragraph 20, in the fourth line, "list of ineligible class members.", should be corrected to read "list of eligible" and the list of tentatively ineligible class members shall be referred to as the "list of ineligible class members.";

2. In the third column, in paragraph "a.(c)", the third line, "The remainder" should be corrected to read "The remainder".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3400]

Federal Coal Management Program; Extension of Comment Period on Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of comment period on amendment to proposed rulemaking.

SUMMARY: The comment period on the amendment to the proposed 43 CFR 3400 Coal Management rulemaking published at 44 FR 23508 Thursday, April 19, 1979, is hereby extended to May 21, 1979. All other information published at 44 FR 23508 Thursday, April 19, 1979, remains the same.

DATE: Comments by May 21, 1979. Only those comments received by the above date will be considered. The public is asked, if possible, to make comments on

this amendment a part of the overall comments on the proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: Robert C. Bruce (202) 343-8735.

Arnold E. Petty,
Acting Associate Director, Bureau of Land Management,
April 26, 1979.

[FR Doc. 79-13586 Filed 5-1-79; 8:45 am]
BILLING CODE 4310-34-M

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

Entry Control of Brokers

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing public comments in this proceeding.

SUMMARY: This proceeding was reinstated by notice of proposed rulemaking published in the Federal Register on March 27, 1979, at 44 FR 18459. Comments from interested persons were due within 30 days of this publication, or by April 26, 1979.

The National Tour Brokers Association has requested an extension of time for filing comments to May 4, 1979. This will aid it in the organized presentation of its members views. To enable a full presentation, the time for filing comments for all parties will be extended.

DATES: Comments regarding the notice of proposed rulemaking are due on or before May 4, 1979.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., 202/275-7292; or Peter Metrinko, 202/275-7885.

By the Commission, George M. Chandler,
Acting Director, Office of Proceedings, April 24, 1979.

H.G. Hocme, Jr.,
Secretary.

[Ex Parte No. MC-96]
[FR Doc. 79-13673 Filed 5-1-79; 8:45 am]
BILLING CODE 7035-01-M

[49 CFR Part 1100]

Summary Grant Procedures (Finance)

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing to modify its regulations at 49 CFR 1100.240 (Rules governing applications by motor carriers of property or passengers under 49 U.S.C. 11343 and 11344) to provide that upon the filing of a complete and proper application by motor carriers seeking authority to purchase, control, lease, or merge their operating rights or properties, that application will be reviewed initially to ensure that a prima facie case has been demonstrated. The application will then be published in the Federal Register as a decision-notice granting the authority requested if the application is unopposed. This revision would expedite Commission authorization to operate and to consummate the transaction.

DATES: Written comments should be filed with the Commission on or before June 1, 1979.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202-275-7245.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 55 (Sub-No. 25), *Revision of Application Procedures*, 42 Fed. Reg. 62486-62489 (1977), we issued new rules to expedite the handling of unopposed applications for motor carrier operating authority. Under the rules, an application is submitted and reviewed. If the application is complete, and makes out a prima facie case, it is published in the Federal Register in the form of a decision. The decision becomes effective if no valid protest is filed.

In the proposed policy statement in Ex Parte No. MC-121, *Policy Statement on Motor Carrier Regulation*, served November 30, 1978, we noted our concern with spending an inordinate amount of time and resources considering motor finance proceedings which do not have significant public interest consequences. This proposal is an outgrowth of that concern. We intend to apply the same procedures to motor carrier finance transactions that we have previously applied to applications for operating authority. Since the present finance applications forms require submitting the type of information which we need to decide a case, no change will be made in forms OP-F-44, OP-F-45 or OP-F-200.

At this time we are limiting the proposed revisions to unopposed motor purchase, lease, control, and merger applications including related gateway elimination, securities, or other applications such as conversions which depend on the decision in the finance application. Opposed proceedings will temporarily continue to be designated for handling under modified procedure or set for oral hearing. However, we are setting in motion a process which should result in the adoption of guidelines which will dramatically simplify the handling of all cases, opposed and unopposed. As indicated in the recent Federal Register notice, Notice Regarding Antitrust and Competition Factors in Motor Carrier Finance Cases, published in the Federal Register on April 12, 1979 at 44 FR 21953, a preliminary conference will be held at the Commission on May 8, 1979, to begin work on this project. The purpose of the guidelines will be to identify motor carrier financial transactions which are worthy of detailed regulatory attention. Once guidelines have been adopted, only those transactions with compelling public interest and competitive consequences will be subjected to complete agency review. It is contemplated that virtually all unopposed applications and the bulk of the opposed applications will be able to move forward quickly without the necessity for agency hearings.

Proposed Revisions

These proposed revisions are intended to expedite the handling of the unopposed transactions. Under these procedures, authorization of the proposed transaction, if unopposed, would be accomplished, in a two-step process, as follows:

(1) After an application is filed at the Commission, qualified personnel would review it for completeness, accuracy, and legal sufficiency, and refer it through an appropriate decisionmaker to the Federal Register as a short-form decision-notice. This decision-notice would include: (a) a general preliminary finding that, except for applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or divisions of operating rights), which impediments will be duly noted in the Federal Register publication,¹ applicant has

demonstrated, in accordance with the applicable provisions of the Act, that the proposed transaction should be authorized, and a statement that in the absence of opposition at the end of the protest period or, if thereafter (until either a subsequent decision under the modified procedure is rendered in a proceeding which is opposed or 30 days after referral to oral hearing² the application becomes unopposed, the transaction will be authorized upon such terms and conditions as the Commission may impose.

(2) A notice of the effectiveness of the decision-notice, embracing a directive to comply with the requirements of the applicable provisions of the Act prior to and after consummation of the transaction, upon such terms and conditions as the Commission may impose, will be issued and served upon the parties of record in each application proceeding which, at the expiration of the protest period is, or thereafter becomes, unopposed.

All application proceedings in which protests have been filed and not withdrawn at the expiration of the protest period would either be designated for handling under the modified procedure or assigned for oral hearing. Protests, therefore, will serve to stay the effectiveness of the Federal Register decision-notice until either (1) such protests are withdrawn, or (2) an appropriate decisionmaker renders a decision based upon the complete record in the opposed application proceeding.

The decision-notices will take the following form:

Interstate Commerce Commission Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344 (formerly Section 5(2) of the Interstate Commerce Act).

The applications are governed by Special Rule 240 of the Commission's *Rules of Practice* (49 CFR § 1100.240). 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 of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A

protest under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. 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 also be served with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 204(c)(4) of the special rules and shall include the certification required.

Section 240(3) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving problems (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343 and 11349, with the applicable provisions of 49 U.S. 10922 and 10923 and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as 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, preliminary 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

¹ Unopposed application proceedings involving statutory or regulatory impediments to authorization of a proposed transaction will be referred to a decisionmaker for a determination on the existing record or for a determination that the existing record be supplemented to permit an informed decision with respect to these issues.

² These procedures will apply to cases assigned to oral hearing if they become unopposed after the service date of a notice that the case has been assigned for oral hearing.

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 this publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with 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, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated:

By the Commission, Review Board
Number 5, Members

Benefits

This new procedure will result in a threshold finding at a considerably earlier stage of the proceeding than at present. It should result in savings of time for applicants and the Commission and should free staff and decisionmaking bodies to concentrate their efforts on more important matters.

Public Invited to Comment

In Ex Parte No. 55 (Sub-No. 25), *supra*, certain parties to that proceeding suggested that the proposed revisions be extended to finance proceedings. The proceeding is intended to examine the feasibility of doing that. Interested persons are invited to submit written comments concerning the proposed revisions. Particularly, comments are requested on the issue of whether the proposed revisions can be uniformly applied to individual motor applications to purchase, control, merge, or lease motor operations or property and whether the procedures can be uniformly applied to these applications coupled with directly related applications (e.g., TA applications, securities applications, gateway elimination, or conversion applications).

This notice of proposed rulemaking is issued under the authority contained at 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: April 20, 1979.

By the Commission: Chairman O'Neal,
Vice Chairman Brown, Commissioners
Stafford, Gresham, Clapp and Christian.
Commissioner Stafford concurring in
part and dissenting in part.

H. G. Hamme, Jr.,

Secretary.

Accordingly, it is proposed to revise 49 CFR 1100.240(e) by adding subparagraph (4) to read as follows:

§ 1100.240 Rules governing applications by motor carriers of property or passengers under sections 5(2) and 210a(b) of the Interstate Commerce Act. (Rule 240).

* * * * *

(e) * * *

(4) Applications, notice of which are published in the Federal Register as decision-notices, in which no protests are filed within 30 days after publication of notice in the Federal Register, and which are not assigned for oral hearing, will be determined on the basis of the information submitted by applicants.

* * * * *

Commissioner Stafford, concurring in part, dissenting in part:

I approve the proposed rules, except that dual operations should be included in the category of potential impediments to the granting of the application.

[Ex Parte 55 (Sub-No. 35)]

[FR Doc. 79-13674 Filed 5-1-79; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 44, No. 86

Wednesday, May 2, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

The NEPA Decision Process: Extension of Comment Period

In Federal Register Vol. 44, No. 79, appearing at page 23891 in the issue of April 23, 1979, first column, 2nd paragraph, second line, the date for receipt of comments has been extended from May 20 to May 31, 1979.

John R. McGuire,
Chief.

April 26, 1979.

[FR Doc. 79-13583 Filed 5-1-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

American Airlines, Inc.; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter originally scheduled to be held on May 22 and 23, 1979 (44 FR 24118, April 24, 1979),¹ will now be held on June 12 through June 14, 1979, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, 1875 Connecticut Avenue N.W., Washington, D.C. 20428 before the undersigned judge.

Dated at Washington, D.C., April 23, 1979.

John J. Mathias,
Administrative Law Judge.

[Docket No. 31620, et al.]

[FR Doc. 79-13640 Filed 5-1-79; 8:45 am]

BILLING CODE 6320-01-M

Disclosure of Oversales Rules by Foreign Air Carriers; Denial of Petition for Stay

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April, 1979.

On January 17, 1979, British Airways filed a petition for stay pending judicial review of ER-1090 (44 FR 2165, January 10, 1979).¹ ER-1090 amended the Board's oversales rules (14 CFR Part 250) to make them not applicable on a mandatory basis to foreign air carriers operating flights from a foreign country to the United States. If the foreign carrier decides not to use the U.S. rules for these flights, it must add the following notice to the overbooking disclosure notice already required on its ticket counters and flight coupons:

[Name of carrier] does not offer these consumer protections on inbound flights to the United States.

British Airways also suggested, as did British Caledonian Airways in its Motion for Summary Reversal filed with the court in which review was pending, alternative language for this notice.

After careful consideration, the Board has decided to deny the petition for stay.

The Board adopted a comprehensive amendment (ER-1050, 43 FR 24277, June 5, 1978) to its oversales rules applicable to all certificated and foreign carriers, effective September 3, 1978 (subsequently stayed for all inbound flights until October 3, 1978). In ER-1078, effective November 11, 1978 (43 FR 50164, October 27, 1978), the Board adopted a rule requiring any air carrier not complying with the Board's oversales rules (Part 250, as amended by ER-1050) to notify the public of that fact in its advertisements and ticket coupons. That rule was stayed by the Board until January 18, 1978, at the request of several foreign carriers. After reconsideration, the Board adopted ER-1090, effective February 5, replacing ER-1078. Therefore, from October 3, 1978, until February 5, 1979 ER-1050 was in effect and applicable to all U.S. certificated and foreign air carriers for flights covered by the rule.

¹The Joint Foreign Carriers (Air Canada, Canadian Pacific Air Lines, Lufthansa, SABENA, Swissair) filed an answer in support of the petition. Petitions for Review have been filed in the U.S. Circuit Court of Appeals for the District of Columbia, *Air Canada, et. al. v. C.A.B.*, CADC Case Nos. 79-1037, 79-1047.

British Airways and the others argued, among other things, that a stay of ER-1090 is now needed. They argued that ER-1090 was adopted without adequate notice under the Administrative Procedure Act (5 U.S.C. 553), that compliance with a notice naming a carrier would be administratively burdensome, and that the wording of the notice itself is misleading and would place these foreign carriers at a competitive disadvantage. Similar arguments, plus the claim that the Board lacks jurisdiction to apply its rules to flights originating in a foreign country, have been made to the court in the petitions for judicial review, and have been answered by the Board in that forum.

The Board's responses to these arguments to the court are: a) that there was adequate notice given the public to comment on these rules throughout the docket; b) that the claimed burden and misleading that could result from the form of the notice is correctable under § 250.11(d), which allows the carriers to use alternative language approved by the Board; and c) that there is no question that the Board has jurisdiction in this area. These arguments have been discussed in ER-1090 and in our filings with the court, and need no further treatment here.

The most immediate concerns of British Airways and the Joint Foreign Carriers are whether the effectiveness of ER-1090 should be delayed, and what the wording of the notice should be. A mechanism exists to alter the wording of the overbooking disclosure notice, including the wording added by ER-1090, to handle those situations that differ from the norm. The remedy of a stay of ER-1090 is thus not needed, and British Airways' petition is denied.

British Airways complained that this notice, requiring the carriers' name, would be an undue burden on travel agents operating under the rule, and would result in negative selling pressure because handling of the notice is cumbersome. While it may be true that an individualized notice may at times be inconvenient, we find, for the reasons we presented to the court, that there is a need to warn U.S. ticket-buyers that they are not covered by the oversales rules followed by most airlines selling tickets and confirming reservations in this country.

¹Dockets 31620, 31830, 32016, 32057, 32071, 32072, 30494, 30499, and 30698.

In considering the form of this special notice and the request of British Airways, as well as others who may ask for wording changes in the future, the notice, as we explained in ER-1090, must be designed to counteract consumer expectation that the Board's full oversales rules apply, or are followed by these carriers.

While we are willing, as the rule states, to consider suggestions by carriers for alternative language, the wording must alert passengers to the full situation. The purpose of the general overbooking disclosure notice is to inform the passenger of what protections are available. The addition to that notice points out that these protections are not available on a specific carrier.

We have recently issued an order waiving the text of the notice provisions of ER-1090 and § 250.11 (Order 79-3-123, dated March 21, 1979) to meet both the problems of the carriers and the goals stated above.

Accordingly, the petition of British Airways for a stay is denied.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.²

Phyllis T. Kaylor,
Secretary.

[Order 79-4-113; Docket 33348]

[FR Doc. 79-13639 Filed 5-1-79; 8:45 am]

BILLING CODE 6320-01-M

Dallas/Ft. Worth-New Orleans Nonstop Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Final Order and Order to Show Cause [79-4-165].

SUMMARY: The Board is making final the tentative findings in Order 79-1-34, dated January 4, 1979, and awarding Dallas/Ft. Worth-New Orleans nonstop authority to nine carriers:

Carrier	Form of authority
American Airlines	New segment
Continental Air Lines	Restriction removal
Frontier Airlines	New segment
National Airlines	New segment
Northwest Airlines	New segment
Ozark Air Lines	New segment
Southern Airways	New segment
Texas International Airlines	Restriction removal
Western Air Lines	New segment

Nonstop service over the segment is to be provided at Dallas-Ft. Worth through the DFW Regional Airport. Texas International's certificate will also be amended to permit nonstop operations between New Orleans and Albuquerque.

In addition, the Board is proposing to award nonstop authority between New

²All members concurred.

Orleans and Albuquerque to Continental, National, Northwest, Western, and any other fit, willing and able applicant the fitness of which can be established by officially noticeable material.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by May 30, 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. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C., 20428, in Docket 35410.

In addition, copies of such filings should be served on Texas International Airlines; Ozark Air Lines; Southern Airways; Frontier Airlines; American Airlines; Western Air Lines; Continental Air Lines; Northwest Airlines; National Airlines; the Texas Aeronautics Commission; the Dallas/Ft. Worth Parties; Delta Air Lines; Southwest Airlines; State Representative Lane A. Carson; and the International Association of Machinists and Aerospace Workers.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., 20428, (202) 673-5354.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-4-165 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-4-165 to that address.

By the Civil Aeronautics Board: April 26, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-13641 Filed 5-1-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New Mexico Advisory Committee; Open meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New

Mexico Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 4:00 p.m., on June 7, 1979, at the Airport Marina, Second Floor, 2910 Yale Blvd., S.E., Albuquerque, New Mexico 87119.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Heritage Plaza, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to discuss civil rights issues in New Mexico.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 26, 1979.

John L. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-13630 Filed 5-1-79; 8:45 am]

BILLING CODE 6335-01-M

North Carolina Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) of the Commission will convene at 7:30 pm and will end at 9:30 pm, on May 18, 1979, at the Velvet Cloak, 1505 Hillsborough Street, Queen Elizabeth Room, Raleigh, North Carolina 27605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to orientate new members, follow-up to migrant study and go over plans for press conference.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 26, 1979.

John L. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-13632 Filed 5-1-79; 8:45 am]

BILLING CODE 6335-01-M

Utah Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10 p.m., on May 24, 1979,

at the University of Utah Faculty Conference Room, Salt Lake City, Utah.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to orientate new members; and discussion of future projects, arrangement of priorities, and development of subcommittees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 26, 1979.

John I. Binkley,
Advisory Committee Management Officer.
(FR Doc. 79-13651 Filed 5-1-79; 8:45 am)
BILLING CODE 6335-01-M

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will meet in open session on Tuesday, May 22, 1979 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., 24 April 1979.

Charles H. Atherton,
Secretary.
(FR Doc. 79-13593 Filed 5-1-79; 8:45 am)
BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

Commodity Pool Operators and Commodity Trading Advisors; Interpretation of Rules

On January 2, 1979, the Commission adopted rules for the regulation of commodity pool operators ("CPOs") and commodity trading advisors ("CTAs"). See 44 FR 1918 *et seq.* (January 8, 1979) ("CPO-CTA rules"). These rules became effective April 1, 1979. The purpose of this announcement is to clarify the meaning of certain provisions of the rules and, particularly, the meaning of certain terms contained in the formula for calculating the "annual rate of return" of a commodity account.

FOR FURTHER INFORMATION CONTACT:

Lawrence Eisner, Attorney, Office of the Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, telephone: (202) 254-8955.

A. Annual Rate of Return. Various provisions of the CPO-CTA rules provide for the disclosure of the performance of commodity interest accounts controlled by a CPO, CTA or its principals. Rules 4.21(a)(4), 4.21(a)(5), 4.22(c)(1) and 4.31(a)(3). As explained in rule 4.21(a)(4), the annual rate of return of a commodity account—whether a commodity pool account or an individual customer account—is calculated by first computing the account's "monthly internal rate of return" and then converting the monthly rate into an annual rate.¹ The rule prescribes the following formula for calculating the monthly rate of return (i):

$$INV = \frac{cf_{1st\ month}}{(1+i)} + \frac{cf_{2nd\ month}}{(1+i)^2} + \dots + \frac{cf_{nth\ month}}{(1+i)^n} + \frac{NAV}{(1+i)^n}$$

The rule states that "INV" is the amount of the initial investment in the account "for one pool participation unit"; "cf" is the sum of the "distributions" and "assessments" made per unit during each monthly time period; "NAV" is the net asset value (less redemption costs, if any) of one pool participation unit at the end of the performance period; and "n" is the number of monthly time periods.

The Commission believes that three clarifications are in order judging from inquiries that have been received concerning the formula.

1. **INV, NAV.** Where the formula is used to compute the rate of return of an individual customer account—as distinguished from a commodity pool—it is advisable to convert the initial investment ("INV") into hypothetical units and treat the account as a commodity pool. For example, an individual customer account that was opened with a \$5,000 deposit could be

¹ The CPO-CTA rules require performance disclosure only for commodity pool accounts; the performance of individual customer accounts is not required to be disclosed. The rules provide, however, that if the CPO or CTA chooses to disclose the performance of an individual customer account, the rate of return format must be used. Rules 4.21(a)(4) and 4.31(a)(3). In disclosing the performance of pool or customer accounts, CPOs and CTAs need not identify the pool or customer.

treated (solely for purposes of calculating the annual rate of return) as a pool initiated with five units of \$1,000 per unit. Thus, in the formula, the "INV" for the account would be \$1,000 (less any initial expenses, such as a fee for opening the account). If the net asset value of the account rose to \$10,000 by the end of the performance period being measured, the "NAV" for the account (the net asset value per unit at the end of the performance period) would be \$2,000 (\$10,000 divided by the five units).

2. **cf.** As stated above, the "cf" symbol in the formula stands for the sum of the "distributions" and "assessments" per unit. It is *essential* to understand that, with respect to individual customer accounts, (a) funds that the customer voluntarily withdraws from the account are not "distributions" and (b) funds that the customer voluntarily adds to the account are not "assessments." Observance of these principles is necessary to make the annual rate of return figure accurately reflect the efforts of the account manager and to prevent the figure from being affected by the customer's decisions. In an individual customer account, a "distribution" (as that term is used in the definition of the "cf" symbol) will occur only where the account manager requires funds in the account to be paid out to the customer and an "assessment" (as used in the "cf" definition) will occur only where the manager requires the customer to contribute additional funds to the account—for example, where there is a margin call. In the typical customer account, there will be no "distributions" and the only "assessments" will be margin payments. In commodity pools, however, distributions of trading profits made at the direction of the pool operator would be "distributions" for purposes of the "cf" definition.

3. **Treatment of funds voluntarily withdrawn from or added to individual customer accounts.** Funds that are voluntarily withdrawn from or contributed to an individual customer account by the customer should, for purposes of the formula, be treated as follows: (a) Withdrawals should be treated as the redemption of participation units, the redemption "price" of a unit being its value at the time of the withdrawal, and (b) contributions should be treated as the purchase of additional participation units, the purchase "price" being the value of a unit at the time of the contribution.

Example: Suppose that an individual customer account was opened on January 1, 1978 with a \$5,000 deposit; that on July 1, 1978, when the account equity had increased to \$10,000, the customer voluntarily contributed another \$5,000 to the account; and that on December 31, 1978, the account equity was \$20,000. The method of computing the annual rate of return of the account for the year would be as follows: At the opening of the account, the account should be converted into hypothetical units. Thus, the \$5,000 account could be viewed as five units of \$1,000 per unit. Accordingly, in the formula, "INV" will be \$1,000 (the amount of the initial investment per unit) less any costs. The contribution of \$5,000 on July 1, 1978 should be viewed as the purchase of \$5,000 worth of units; because the account had an equity of \$10,000 when the contribution of \$5,000 was made, a unit on July 1, 1978 was worth \$2,000 (\$10,000 divided by five units). Thus, the July 1 contribution of \$5,000 would, at \$2,000 a unit, be treated as the purchase of 2.5 units. The total number of units then would be 7.5. Since the year end equity of the account was \$20,000, "NAV" (the net asset value of one unit at the end of the performance period) would be \$2,667 (\$20,000 divided by 7.5 units).

If the customer had voluntarily withdrawn \$5,000 from the account on July 1, 1978 instead of contributing it, this should be treated as the redemption of \$5,000 worth of units. Since a unit was worth \$2,000 on July 1, 1978, the withdrawal would be treated as the redemption of 2.5 units, leaving 2.5 units in the account. On December 31, 1978 the "NAV" would thus be the account equity on that date (\$20,000) divided by 2.5 units, or \$8,000.

B. Currentness of account performance information. As indicated above, rule 4.21 requires CPOs to furnish a Disclosure Document to prospective pool participants disclosing, among other things, the performance "for the preceding three years" of certain types of commodity pools and accounts. Rule 4.21(a)(4). How current must this performance information be? Generally speaking, information that covers a performance period ending six months or less before the date the Document is disseminated would, in the Commission's view, be sufficiently current. This information, of course, must not be misleading or fraudulent. For example, if the commodity pool or account in question suffered a material drop in performance shortly before the date of dissemination, this would have to be disclosed.

C. "Compositizing" of account performance information. In disclosing the performance of individual customer accounts pursuant to the prescribed format (rules 4.21(a)(5) and 4.31(a)(3)), CPOs and CTAs may disclose the performance of accounts individually or present a single composite or aggregate

of the performance of all accounts. Under general antifraud principles, any disclosure of composite performance must be constructed so as to reflect accurately the performance of the accounts comprising the composite. And, in its Disclosure Document a CPO or CTA would be required to describe how the composite was developed and to disclose material information concerning the accounts from which the composite was drawn. For example, a CPO or CTA would be required to disclose the number of accounts involved in the composite and the number of accounts with net profits and the number with net losses. Other material information might include (depending upon the circumstances of each composite) the largest profit and loss among the accounts, both on a percentage and dollar amount basis, and the average of percentage net gains among the accounts as well as the average of percentage net losses.

D. Transfer of participation unit in a commodity pool. The operator of a commodity pool is not required to provide a Disclosure Document (rule 4.21) to a person who purchases a unit of participation or interest in the pool from a pool participant if the pool operator did not solicit the purchase.

E. Certification of Annual Report. Rule 4.22 provides that pool participants must be furnished an Annual Report containing, among other things, the three-year performance history of the pool, and rule 4.22(d) requires the Report to be certified by an independent public accountant if the pool is above a prescribed size. Questions have been raised whether the full, three-year history of the pool must be certified or whether the certification need only be of the performance occurring after April 1, 1979—the effective date of the rules. Rule 4.22(d) was intended to require certification only of the post-April 1 performance.

F. Reports to pool participants. Under rule 4.22(a), CPOs are required to distribute periodically (either monthly or quarterly depending upon the size of the pool) to participants an Account Statement. Rules 4.22(a)(3) and 4.22(a)(4) require that certain information in the Account Statement be expressed "both as a dollar amount and as a percentage of the pool's average net asset value for the period." Average net asset value for the period is determined by averaging the net asset value of the pool (required to be reported under rule 4.22(a)(1)) for the current period with that of the preceding period.

(Secs. 2(a)(1), 4b, 4c, 4l, 4m, 4n, 4o, 8a, and 19 of the Commodity Exchange Act, (7 U.S.C. 2 et seq.), as amended by Pub. L. 95-405 (September 30, 1978), 92 Stat. 865 et seq.)

Issued in Washington, D.C., on April 26, 1979 by the Commission.

Gary L. Seavers,

Acting Chairman, Commodity Futures Trading Commission

[FR Doc. 79-10342 Filed 05-01-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 24, 1979.

The USAF Scientific Advisory Board Ad Hoc Committee on Scientific and Engineering Manpower will meet on May 30 and 31, 1979 in the Pentagon. The purpose of the meeting is to review the current status and programs of meeting projected personnel needs for scientists and engineers. The Committee will meet at 8:30 a.m. and adjourn at 4:30 p.m. on May 30; on May 31 the Committee will meet at 8:30 a.m. and adjourn at 3:00 p.m. The meetings will be closed to the public in accordance with Section 552b(c), Title 5, United States Code, specifically subparagraph (2).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-10342 Filed 05-01-79; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Intent To Prepare a Draft Supplement to the Environmental Impact Statement for the Virginia Beach Streams, Canal No. 2 Flood Control Project

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notices of Intent to Prepare a draft supplement to an Environmental Impact Statement.

SUMMARY: 1. The proposed plan for flood protection includes enlargement of the existing canal for a distance of approximately 2.3 miles (3.7 kilometers) and maintenance of the existing canal of a distance of 3.5 miles (5.6 kilometers). Local interests may choose an alternative which involves an alternate channel if they reimburse the Federal Government for this alternative's additional cost.

2. Reasonable alternatives to the project include several different channel alignments, the reconstruction of bridges and culverts as well as nonstructural alternatives. The nonstructural alternatives include flood plain zoning and subdivision regulations, building codes to reduce flood damages, storm forecasting, open space development, flood insurance, and evacuation of the flood plain.

3a. The scoping process for this supplement is based on the comments of Federal, State, and local agencies as well as the interested public on the Final Environmental Impact Statement for this project. The statement was filed with the Council on Environmental Quality on September 30, 1976. The public notice announcing the initiation of the Advanced Engineering and Design (Phase I) was released on March 5, 1979. This notice invited public and agency comment at the beginning of Phase I planning. Two public meetings concerning this project are scheduled. The first in June 1979 is designed to present to the public the possible alternatives for reducing flood damages in the Canal No. 2 flood plain and to find the most acceptable solution. Second public meeting is scheduled after the public release of the project's Phase I report and draft supplement to the Environmental Impact Statement. Small meetings and workshops will also be used as needed. Input from Federal, State, and local agencies as well as the interested public for the scoping of the Draft Environmental Impact Statement is requested before June 30, 1979.

b. The supplement will address issues raised during the coordination of the Environmental Impact Statement in 1976. These issues include the effects of the project on water quality of the Eastern Branch of the Lynnhaven River, the mitigation of marsh destruction resulting from the project, the effect of the project on oyster beds in the Lynnhaven River, and the effect of channel modification on bridges in the area. Concerns have also been expressed with regard to the effect of the project on development in the area as well as the effect of this development on flood stages in the canal. During the Phase I studies, the cumulative effect of this project and other planned dredging and major construction projects in the drainage area will also be addressed. A cultural survey of the project area will be conducted.

c. Work items for input into the supplement have been assigned. The U.S. Fish and Wildlife Service has received funds under the authority of the Fish and Wildlife Coordination Act to

provide informal consultation concerning endangered species in the project area, address the impact salinity and water flow changes will have on the area's ecosystem due to project construction, predict the impact of polluted runoff and incremental turbidity and suspended sediments on the Lynnhaven-London Bridge Creek system flora and fauna, determine the effects on the fish and wildlife resources from the destruction of marsh and terrestrial habitat. Personnel at Old Dominion University have been hired to investigate the occurrence of several rare and endangered species in the project area. The Virginia Institute of Marine Science has been hired to model the water quality effects of the canal on the Lynnhaven River.

d. Consultation with the Virginia Council on the Environment (A-95 Clearinghouse) and interested Federal agencies was initiated by letter on December 6, 1978.

A meeting to discuss the concerns of these agencies concerning the project was held on March 29, 1979 in Richmond, Virginia.

4. A formal scoping meeting will not be held; however, the June 1979 public meeting will be held to consider any suggestions as to the content of the supplement.

5. The draft supplement to the Final Environmental Impact Statement is expected to be made public during June 1980. If you would like a copy of the supplement and are not on the Norfolk District mailing list, contact Mr. Haluska at the following address.

ADDRESS: Mr. James Haluska, ATTN: NAOEN-RE, U.S. Army Corps of Engineers, 803 Front Street, Norfolk, Virginia 23510. Phone (804) 446-3767, FTS: 827-3767.

Dated: April 24, 1979.

Douglas L. Haller,
Colonel, Corps of Engineers, District Engineer.
[FR Doc. 79-13543 Filed 5-1-79; 8:45 am]
BILLING CODE 3710-EN

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Advisory Committee on Revision of Rules of Practice and Procedure; Subcommittee on Review of Commission Decisional Process; Meeting

April 27, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby

given that the Subcommittee on Review of the Commission Decisional Process of the Advisory Committee on Revision of Rules of Practice and Procedure will meet Friday, May 11, 1979 from 10 a.m. to 1 p.m., at the Federal Energy Regulatory Commission, North Building, 825 North Capitol Street, NE., Room 3200, Washington, D.C.

The purpose of the meeting is to organize the subcommittee, distribute assignments, and set target dates for progress reports.

The meeting is open to the public. A transcript of the meeting will be available for public review and copying at FERC's Office of Public Information, Room 1000, 825 North Capitol Street, NE., between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday except Federal holidays. In addition, any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on April 27, 1979.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13612 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

A. Johnson & Co. Inc.; Order Designating Presiding Officer and Appointing Commission Designee

Issued: April 24, 1979.

On January 31, 1979, the Department of Energy (DOE) issued a final decision and order, denying A. Johnson & Co. Inc.'s application for an exception from the Mandatory Petroleum Allocation Regulations.¹

On March 2, 1979, A. Johnson & Co. Inc. filed a petition for review with this Commission. Section 1.40(d)(3) of the Commission's Rules of Practice and Procedure provides that upon receiving a petition for review, the Commission or its designee shall designate a presiding officer for the proceedings. The Commission, therefore, designates as a presiding officer in this proceeding Daniel Goldstein.

The Commission further appoints the Director or the Deputy Director of the Office of Opinions and Review as the Commission's designees for the purpose of designating, if necessary, another person to act as the presiding officer in this proceeding.

By the Commission.

Lois D. Cashell,
Acting Secretary.

[Docket No. RA79-21]

[FR Doc. 79-13561 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

¹10 CFR 211.67 (1977).

Arizona Fuels Corp.; Order Designating Presiding Officer and Appointing Commission Designee

Issued: April 24, 1979.

On February 12, 1979, the Department of Energy (DOE) issued a final decision and order, denying Arizona Fuels Corporation's application for an exception from the Mandatory Petroleum Allocation Regulations.¹

On March 14, 1978, Arizona Fuels Corp. filed a petition for review with this Commission. Section 1.40(d)(3) of the Commission's Rules of Practice and Procedure provides that upon receiving a petition for review, the Commission or its designee shall designate a presiding officer for the proceedings. The Commission, therefore, designates as a presiding officer in this proceeding Robert Koch.

The Commission further appoints the Director or the Deputy Director of the Office of Opinions and Review as the Commission's designees for the purpose of designating, if necessary, another person to act as the presiding officer in this proceeding.

By the Commission.

Lois D. Casheil,
Acting Secretary.
[Docket No. RA79-22]
[FR Doc. 79-13562 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Arkansas Louisiana Gas Co., et al.; Further Extension of Time

April 23, 1979.

On April 11, 1979, an extension of time was granted for compliance with the filing requirement of Ordering Paragraph (N) of the Commission's order of March 30, 1979.

Notice is hereby given that a further extension of time is granted to and including May 21, 1979, for compliance with Ordering Paragraph (N) by all pipelines to which the Paragraph applies.

Lois D. Casheil,
Acting Secretary.
[Docket Nos. RP79-53 and RP79-54, et al.]
[FR Doc. 79-13563 Filed 5-1-79; 8:45am]
BILLING CODE 6450-01-M

Columbia Gulf Transmission Co.; Application

April 24, 1979.

Take notice that on April 5, 1979, Columbia Gulf Transmission Company (Applicant), 3805 West Alabama Avenue, Houston, Texas 77027, filed in Docket No. CP79-256 an application pursuant to Section 7(c) of the Natural

Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of gas with Gulf Oil Corporation (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Gulf has advised Applicant that it has volumes of gas available for sale to Texas Eastern Transmission Corporation (Texas) from the Eugene Island Block 238 Field, offshore Louisiana but does not have facilities by which to connect such gas reserves to Texas' pipeline system. Gulf has arranged with Sea Robin Pipeline Company (Sea Robin) to transport Gulf's gas onshore to a point of interconnection with pipeline facilities of Applicant near Erath, Louisiana. Applicant states that pursuant to an exchange agreement between it and Gulf dated March 22, 1979, Applicant would deliver to Gulf at the Venice delivery point: all gas received by Applicant at the Grand Isle Processing Plant of Exxon Company, U.S.A. in Jefferson Parish, Louisiana; and all gas transported through the Project 37 pipeline of Applicant and others and delivered into Applicant's 24-inch Venice Pipeline in Lafourche Parish, Louisiana. Gulf would cause Sea Robin to deliver to Applicant at Erath, volumes of gas produced from the Eugene Island Block 238 Field on a thermally equivalent basis, to the total volumes delivered by Applicant to Gulf at Venice, Louisiana. It is stated that if Gulf cannot deliver sufficient gas volumes at Erath, Gulf would use its best efforts to have the deficiency in volumes delivered to Applicant at a mutually agreeable point on Applicant's system at no cost to Applicant. It is further stated that should Gulf be unable to achieve a balance of Erath volumes with Venice volumes, then Applicant would discontinue delivery of Project 37 gas to Gulf.

Applicant states it would charge 2.32¢ per Mcf for all Project 37 gas transported through Applicant's Venice pipeline to the delivery point to Gulf at Venice. It is stated that Gulf would bear the cost of minor adjustment to Applicant's existing measuring station at Venice to permit delivery of the gas to Gulf. The modification is estimated to cost \$2,200. It is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 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.

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

[Docket No. CP79-256]
[FR Doc. 79-13564 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

High Island Offshore System; Order Establishing Hearing Procedures

Issued April 24, 1979.

I. Introduction

These cases are pipeline certificate proceedings involving the High Island Offshore System (HIOS), an offshore pipeline located in the Gulf of Mexico. The issue which this order addresses^{*} arises from rate conditions which the Commission imposed at the time it issued HIOS a certificate of public convenience and necessity. These rate conditions require the Commission to rule upon the appropriateness of the rate of return components approved in the certificate orders. The Commission permitted HIOS to collect two part rates on January 1, 1979, based on a return on equity of 15 percent and an overall rate of return of 12 percent, subject to refund.

¹10 CFR 211.67 (1977).

II. Prior Proceedings

A discussion of the procedural background and rate conditions will be helpful in understanding our action today. On June 4, 1976, the Federal Power Commission issued an order in the above-captioned proceedings granting HIOS a certificate of public convenience and necessity authorizing construction and operation of a natural gas pipeline designed to transport volumes from various offshore blocks located in the High Island Area in the Gulf of Mexico to a common gathering point, also located in the Gulf.¹ HIOS' application sought authorization to transport gas for five interstate pipeline companies, namely Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Texas Gas Transmission Company (Texas Gas), Transcontinental Gas Pipe Line Company (Transco), United Gas Pipe Line Company (United), and Natural Gas Pipe Line Company of America (Natural). HIOS is in fact a partnership, all of whose partners are affiliates of the above-named pipeline companies.

In its certificate application, HIOS sought permission to charge a monthly demand rate of \$7.94 per Mcf, based on a contract demand of 988,000 Mcf per day (Mcf).² The proposed rate was also predicated upon a depreciation rate of 8.33 percent (HIOS estimated reserve life at twelve years), and a 12.0 percent overall rate of return. In computing the proposed return, HIOS utilized a capitalization ratio of 75 percent debt, 25 percent equity, a debt cost of 11 percent and a return on equity of 15 percent.³

The FPC rejected HIOS' proposed demand rate, reasoning that if actual volumes were less than HIOS' estimates, use of a straight demand rate would result in the consumers bearing higher costs than the FPC thought necessary. Instead, the FPC found that the rate should be a commodity charge determined on a unit of production basis. In that way, consumers would pay only for those volumes actually transported. The Commission required HIOS to determine the annual cost of service to be recovered through volumes estimated to be transported each year. The cost of service was to be based on total recoverable reserves of 5 Tcf, using HIOS' design capacity figure of 988,000 Mcfd.

¹ For detailed discussion of the various proposals which preceded HIOS' application, and a discussion of the various points of receipt, delivery and interconnection, refer to the FPC's June 4, 1976 order, note 1, *supra*, mimeo at 1-8.

² This figure represented initial design capacity of the project.

³ See, the order of June 4, 1976, note 1, *supra* at 9.

Most importantly for purposes of this order, the FPC also stated that it would, on a preliminary basis, permit HIOS to compute its return by using its proposed 12 percent overall rate of return. However, the Commission stated that it would require HIOS to adjust that rate of return prior to actual commencement of service and after HIOS' financing was arranged, to reflect actual capital structure and debt cost. The Commission also stated that HIOS must adjust its rate for AFUDC to reflect actual capitalization and debt cost. Furthermore, the Commission stated:

HIOS has proposed a 15 percent return on common equity. We are unable to determine the appropriateness of this rate based upon the record before us. Therefore, we will permit the utilization of the 15 percent return on equity and the 12 percent overall return on rate base until such time as financing has been arranged and information has been supplied for purposes of supporting the proposed rate of return. In the event a determination has not been made as to the appropriate return prior to the commencement of service, that portion of the rate collected will be subject to adjustment and refund.⁵

In Ordering Paragraphs (C) and (D) of the June 4, 1976 order, the FPC imposed the following conditions upon the granting of the certificate and acceptance of the proposed initial rate, stating in pertinent part:

(C) The charge to each shipper shall be the product of volumes transported multiplied by a commodity charge expressed on a unit of production basis. HIOS shall determine annual costs of service and allocations thereof which will earn a 12.0 percent overall return on average rate base, and recover the associated taxes over volumes estimated to be transported during each year from total recoverable reserves of 5.0 Tcf * * * At such time as the 5.0 Tcf of reserves are produced and transported, HIOS will be required to file a commodity charge which will enable it to recover the costs associated with the transportation of the remaining reserves.

(D) . . . Moreover, HIOS shall file detailed support for the 15.0 percent return on equity and the 12 percent overall return on rate base, giving particular attention to the situation in the money market at the time of financing and the arrangements under which equity funds were made available. In the event the Commission does not rule upon the appropriateness of the 15 percent return on equity and the 12.0 percent overall return on rate

⁵ *Id.* at 10.

base prior to the commencement of service, that portion of the commodity charge shall be collected subject to refund and the proposed initial rate shall be accepted subject to the foregoing.⁶

No such determination as to the appropriateness of the return has been made, although HIOS has commenced service. Accordingly, we establish procedures in this order to determine the propriety of HIOS' return components. HIOS will, of course, continue to collect the currently effective rates subject to the previously-imposed refund conditions until this proceeding has terminated.

On June 30, 1976, the FPC issued an order granting rehearing in the HIOS proceeding. In its petition for rehearing, HIOS alleged, *inter alia*, that the project could not be financed if the rates were to be determined on a strict commodity charge basis. It argued that financing required an assured stream of revenue not tied to volumes transported. In response, the Commission amended the June 4 order and permitted HIOS to file a two-part rate. HIOS would charge each shipper a demand charge designed to recover debt and operating expenses, and a commodity charge. The commodity rate would be computed using the full design capacity of 988,000 Mcfd, but the charge would be applied only to actual volumes transported. The Commission did not, however, alter its previously-issued rate of return conditions. That is, HIOS continued to collect the rates subject to refund, pending a determination that its return components, 12% overall and 15% return on equity, were appropriate.

On December 6, 1977, the Commission revised its approach to the initial rates once again. In an order amending HIOS' certificate, we permitted HIOS to charge an interim rate (a volumetric rate of 36.52 cents per Mcf) for the period beginning with commencement of service and ending December 31, 1978. This interim rate includes an allowance for return on equity of 9.5 percent. We stated, however, that commencing January 1, 1979, HIOS' rates would be determined as provided in the rehearing order of July 30, 1976. This includes the refund condition referred to above. This Commission accepted HIOS tariff sheets for filing on February 11, 1979,⁷ and permitted the rates to be effective January 1, 1979. In its filing, HIOS proposes a rate of return on equity of 17.75 percent, a 9 percent cost of debt,

⁶ *Id.*, at 17, 18.

⁷ The Director of the Commission's Office of Pipeline and Producer Regulation, through exercise of powers delegated by the Commission, issued a letter order to that effect on February 11, 1979.

and an overall rate of return of 11.90 percent. Thus, the hearing in this proceeding will determine both whether the rates proposed by HIOS and those which it is presently collecting according to the order of July 30, 1976 are appropriate.

III. Hearing Procedures

The Commission granted these certificates and imposed the refund conditions prior to the time of construction and operation of the two pipelines. This action was predicated upon a finding that the underlying reserves were necessary to alleviate a critical gas supply shortage.⁸ The rate of return was tentatively approved prior to the establishment of an actual capital structure for HIOS, and before HIOS could secure financing.

HIOS has now commenced operation, and actual data concerning capital structure and financing are now available. Furthermore, in compliance with Commission orders, HIOS has submitted documents purporting to support its proposed rates of return.⁹

Accordingly, we believe that it is now appropriate to commence proceedings to determine the appropriateness of the return components for HIOS. We will order that a public hearing be held to serve that purpose. Finally, we note that all parties who have been granted intervention in these dockets will be permitted to participate in this hearing, subject to any conditions which have been imposed upon their intervention.

The Commission finds.—It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the overall rate of return and return on equity proposed by HIOS, as well as the return components contained in HIOS' presently effective rates.

The Commission orders.—(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the appropriateness of the rate of return proposed by HIOS, and that which is contained in HIOS' presently effective rates.

(B) Pending hearing and decision in this proceeding concerning the appropriateness of the rate of return, HIOS shall continue to collect its presently effective rates subject to refund.

⁸ Order of June 4, 1976, note 1, *supra*, at 15.

⁹ HIOS filed, on September 28, 1978, a statement in support of its proposed rate of return, along with supporting exhibits.

(C) The Commission Staff shall prepare and serve top sheets on all parties within twenty days of issuance of this order.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-13565 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Wyoming Interstate Natural Gas System, et al.; Order Providing for Formal Hearing, Granting and Denying Interventions, and Consolidation

Issued April 23, 1979.

On November 23, 1977, Wyoming Interstate Natural Gas System (WINGS) filed in Docket No. CP78-89, as supplemented on July 11, 1978, an application for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline and related facilities and authorizing transportation service for Michigan-Wisconsin Pipeline Company (Mich-Wis) and Northwest Pipeline Corporation (Northwest).¹ On December 15, 1977, Northwest filed in Docket No. CP78-122 an application for a certificate of public convenience and necessity authorizing the construction and operation of a 20-inch pipeline tap to interconnect its main transmission system in Lincoln County, Wyoming, with the proposed WINGS pipeline facilities for the receipt of gas from WINGS. On January 31, 1978, Natural Gas Pipeline Company of America (Natural)² filed in Docket No. CP78-178

¹ Northwest Pipeline Corporation is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found in the order issued by the Commission on September 21, 1973, in Docket No. CP73-331 (50 FPC 825).

² Natural Gas Pipeline Company of America is a "natural-gas company" within the meaning of the

an application for a certificate of public convenience and necessity authorizing the transportation of up to 200,000 Mcf per day of Mich-Wis' WINGS project gas from the interconnection with El Paso Natural Gas Company (El Paso)³ in Lea County, New Mexico, to either of the two existing interconnections with Mich-Wis' interstate transmission system, one located in Hansford County, Texas, and the other in Wheeler County, Texas. El Paso, on February 27, 1978, filed in Docket No. CP78-206 an application for a certificate of public convenience and necessity authorizing the transportation of up to 200,000 Mcf per day of Mich-Wis' WINGS project gas from the Ignacio compressor station delivery point of Northwest (located in La Plata County, Colorado) to one or more other delivery points.

The application in Docket No. CP78-99 states that WINGS is a general partnership formed under the laws of the State of Delaware by American Natural Rocky Mountain Company (Mountain) and Trans-Intermountain Gas and Energy Resources Company (TIGER). It is stated that Mountain is a subsidiary of Mich-Wis and TIGER is a subsidiary of Northwest. Both corporations (TIGER and Mountain) were organized and exist under the laws of the State of Delaware. The application states that, pursuant to the provisions of the partnership agreement between Mountain and TIGER creating WINGS, the operations of WINGS will be managed by a committee (the Management Committee) comprised of the President and a Vice-President of Mountain and TIGER, respectively, or, in their absence, their designated alternates.

It is stated that the Wind River Basin located in central Wyoming is a broad structural depression wherein significant gas reserves are being discovered in reservoirs located in the Fort Union, Lance, Mesaverde, and Cody formations. It is further stated that the Madden Field, which is located within the basin and which demonstrates the potential for subsequent gas discoveries, had cumulative gas production as of January 1, 1977, of approximately 59 million Mcf, and that as the Madden Field becomes further developed and additional transportation capacity is provided to carry the increased development, gas

Natural Gas Act, as heretofore found in the order issued by the Commission on October 13, 1942, in Docket No. G-235 (3 FPC 830).

³ El Paso Natural Gas Company is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found in the order issued by the Commission on January 11, 1944, in Docket No. G-283 (4 FPC 486).

production from the Madden Field can be expected to increase dramatically.

WINGS indicates in its application that Mich-Wis has acquired the preferential rights to future gas production from approximately 152,000 net gas call acres within the Wind River Basin, and that these gas call acres are concentrated in several distinct areas, one of which is located in Fremont County and has been designated as the Lysite Prospect. It is indicated that the Lysite Prospect is located immediately adjacent to, and geologically is a westward extension of, the aforementioned Madden Field, and that, to date, exploratory activity has been concentrated in the Lysite Prospect where Mich-Wis has over 20,000 net call acres and where the Long Butte No. 1 Well has been drilled to a depth of 16,646 feet and completed in the Mesaverde formation. The completion of the Long Butte No. 1 Well indicated an open flow potential of 39,000 Mcf per day, which can be expected to deliver in excess of 10,000 Mcf of natural gas per day when put into production. It is indicated that three additional development wells are being drilled, and that by the use of the four rigs and in view of the depth to be drilled for the proposed wells, further development is contemplated at an approximate rate of six wells per year—with the total estimated proven and potential natural gas reserves underlying the Lysite Prospect projected to be approximately 1.1 Tcf.

The application indicates that another area of potential major development, which is also located in Fremont County, has been designated as the Boysen Prospect, and that within the Boysen Prospect the Tribal No. 1-19 Well has been drilled to a depth of 13,500 feet; flow rates from the Fort Union and Lance formations within the Boysen Prospect have tested in the range of 6,000 to 8,000 Mcf per day. Two confirmation wells have been drilled and a full development program is anticipated this year.

It is also stated that south of the Wind River Basin, but adjacent to the pipeline route proposed herein, Mich-Wis has acquired over 55,000 net gas call acres in the Lost Creek and Red Desert areas of the Green River Basin, and an initial well has been drilled. It is further stated that favorable log characteristics indicate that the Mesaverde and sand members of the Lewis shale sections of this well are potentially gas productive.

It is stated that Northwest does not currently have proven gas reserves in the Wind River Basin, but does hold approximately 11,000 net acres of

potentially productive land. Developmental drilling on the acreage began in 1978, and Northwest's efforts are expected to continue throughout the area.

WINGS states that to receive the new gas reserves which would be developed in the Wind River Basin, Mich-Wis and Northwest have concluded that the most economic and efficient means of taking delivery of such reserves can be accomplished by constructing a jointly owned pipeline system connecting the Wind River Basin and Northwest's existing transmission facilities located in Lincoln County, Wyoming. Consequently, Mich-Wis and Northwest formed WINGS to carry out the construction and subsequent operation of the jointly owned pipeline system, and each has entered into agreements with WINGS providing for the receipt and transportation of their gas supplies from the Wind River Basin and other areas proximate to the route of the pipeline facilities proposed herein to be constructed. The agreements also provide for ultimate redelivery of such gas to Northwest's existing transmission system. It is further indicated that, pursuant to a transportation agreement dated September 23, 1977, between Mich-Wis and Northwest, Northwest would transport for Mich-Wis' account from the point of interconnection between Northwest's transmission system in Lincoln County, Wyoming, and the proposed pipeline system of WINGS to its Ignacio plant located in La Plata County, Colorado. It is stated that at the Ignacio plant, Northwest would make redeliveries of equivalent volumes to El Paso for Mich-Wis' account, and that pursuant to a gas exchange Agreement dated October 6, 1977, between Mich-Wis and El Paso, El Paso would exchange the gas supplies delivered by Northwest for Mich-Wis' account for equivalent volumes which El Paso has available from the High Island area of Offshore Texas, and in Roger Mills County, Oklahoma. It is further stated that El Paso would make deliveries of exchange gas to Natural for Mich-Wis' account at a point of interconnection to be established between the pipeline systems of El Paso and Natural in Lea County, New Mexico. WINGS also states that to effectuate redelivery of the gas delivered by El Paso to Natural for Mich-Wis' account, Mich-Wis and Natural entered into a transportation agreement dated October 5, 1977, which provides for the transportation of Mich-Wis' gas supplies from the Lea County delivery point by El Paso to various existing points of inter-connection

between the pipeline systems of Mich-Wis and Natural in Wheeler County and Hansford County, Texas. Deliveries made by Northwest and El Paso for Mich-Wis' account would be accomplished by displacement which would reduce the actual volumes normally transported by Northwest's and El Paso's existing transmission systems.

WINGS also proposes to construct a pipeline system owned jointly by Mich-Wis and Northwest which would be comprised of 215 miles of 20-inch OD pipeline extending in a generally southwesterly direction from the Lysite area in Fremont County, Wyoming, to the proposed point of interconnection with Northwest's existing transmission system in Lincoln County, Wyoming. WINGS states that associated with the pipeline would be a pair of metering stations located at opposite ends of the pipeline, which would be utilized to measure the gas supplies delivered, and redelivered to WINGS. WINGS indicates further that its facilities would have an initial daily capacity of 118,200 Mcf.

Pursuant to the partnership agreement, WINGS would make available to Mich-Wis and Northwest on a 75 percent and 25 percent basis, respectively, the capacity of WINGS' pipeline system. In implementation of this provision WINGS has entered into agreements with Mich-Wis and Northwest (the transportation agreements), pursuant to which WINGS would receive and transport through its proposed facilities gas tendered for such transportation up to the contract demand level, which is initially 88,850 Mcf per day for Mich-Wis and 29,550 Mcf per day for Northwest. It is indicated that the total estimated cost of the proposed facilities would be \$57,417,210, which cost would be financed initially with \$17,000,000 in equity contributed in equal shares by Mountain and TIGER, and the remainder with short-term bank loans.

WINGS indicates that pursuant to the transportation agreements with Mich-Wis and Northwest, it would charge a rate which would consist of (a) a monthly demand charge of \$5.34 per Mcf for contract demand and (b) a commodity charge of 18.77 cents for each Mcf transported.

The application in Docket No. CP78-122 proposes the construction and operation of a 20-inch pipeline tap to interconnect Northwest's main transmission system in Lincoln County, Wyoming, with the proposed WINGS pipeline facilities for the receipt of gas from WINGS. Northwest also proposes

to transport for Mich-Wis by displacement for a period of 20 years up to 90,000 Mcf per day of the WINGS gas from the proposed interconnection to the discharge point of the Ignacio compressor station in La Plata County, Colorado, for delivery to El Paso for further transportation. For the transportation service proposed by Northwest, Mich/Wis would pay one cent per Mcf. In the event Northwest is unable to transport the gas by displacement and must actually move the gas through its pipeline system, Mich-Wis would be required to pay Northwest's then effective rolled-in transmission cost of service of other rate established by the Commission.

The application in docket No. CP78-178 requests certificate authorization by Natural to transport up to 200,000 Mcf per day of Mich-Wis' WINGS project gas from the Lea County interconnection with El Paso to either of two existing interconnections with Mich-Wis' interstate transmission system, one located in Hansford County and the other in Wheeler County, Texas. Natural proposes to transport the gas for an initial period of 20 years, pursuant to the terms of the transportation agreement, dated October 6, 1977. Natural would transport the gas on an average of 350 miles, for which it proposes to charge Mich-Wis 12 cents per Mcf (3.37 cents per 100 miles). This rate is conditioned on Natural's average jurisdictional onshore transmission cost of service data as presented in its rate case in Docket No. RP78-78, which is pending final determination of the reasonableness of such a rate.

The application in Docket No. CP78-206 requests certificate authorization by El Paso to transport up to 200,000 Mcf per day of Mich-Wis' WINGS project gas from the Ignacio compressor station delivery point of Northwest to one or several of the following delivery points:

(1) Mich-Wis' existing Grand Chenier measuring station in Cameron Parish, Louisiana, where Mich-Wis would receive gas onshore from El Paso's dedicated reserves in High Island Block A-309, Offshore Texas;

(2) an existing interconnection between El Paso's and Mich-Wis' gathering systems in Roger Mills County, Oklahoma; and

(3) a proposed interconnection on El Paso's 16-inch Jal plant to Pecos River line and Natural's 30-inch Delaware main line in Lea County, New Mexico. El Paso would balance out its delivery of gas to the three points by deducting from the quantities it delivers to Mich-Wis at the Grand Chenier point the quantities of gas Northwest delivers to El Paso at

Ignacio for the account of Mich-Wis, and the remaining balance would be delivered to El Paso at the Roger Mills or Lea County points. The proposed transportation by displacement and exchange would serve both Mich-Wis and El Paso by enabling them to receive into their respective interstate systems dedicated gas reserves that are remote from their transmission pipelines without constructing duplicative facilities. El Paso proposes to render the transportation service for an initial period of 20 years, pursuant to an exchange agreement between El Paso and Mich-Wis dated October 6, 1977. For this service, Mich-Wis would pay one cent per Mcf.

Based on a detailed environmental analysis prepared by Staff, the Commission concludes that approval of the proposed WINGS project and related facilities would not constitute a major federal action significantly affecting the quality of the human environment.

After due notice of the application in Docket No. CP78-99 by publication in the Federal Register on December 15, 1977 (42 FR 63,215), timely petitions to intervene have been filed by: Northwest Pipeline Corporation, Wisconsin Fuel & Light Company, Wisconsin Southern Gas Company, Inc., Wisconsin Gas Company, City Gas Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, Northwest Natural Gas Company, Michigan Gas Utilities Company, Intermountain Gas Company, Associated Natural Gas Company, Mountain Fuel Supply Company, Cities Service Gas Company, Washington Natural Gas Company, CIG, West Ohio Gas Company, Cascade Natural Gas Corporation, Michigan Power Company, Panhandle Eastern Pipeline Company, Paris Henry County Public Utility District, and United Gas Pipeline Company. Petitions to intervene filed out of time were submitted by: Iowa Electric Light & Power Company, Madison Gas & Electric Company, Illinois Power Company, North Central Public Service Company, Iowa Southern Utilities' Company, Northern Indiana Fuel & Light Company, Inc., Wisconsin Power & Light Company, The West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tennessee, Wisconsin Natural Gas Company, Michigan Consolidated Gas Company, Northern Indiana Public Service Company, Natural, Pacific Gas & Electric Company, Southwest Gas Corporation, Columbia Gas Transmission Corporation, Peoples Natural Gas Division of Northern

Natural Gas Company, and the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyoming. The People of the State of California, *et al.*, Public Service Commission of Wisconsin, State of Michigan and Michigan Public Service Commission filed late notices of intervention. The petitions to intervene by CIG and Southwest Gas Corporation (Southwest) oppose the application and seek a public hearing. The petition to intervene filed by Southwest Gas Corporation also contained a request to consolidate this proceeding with that in Docket No. CP78-122.

After due notice of the filing of the application of Northwest in Docket No. CP78-122 by publication in the Federal Register on January 11, 1978 (43 FR 16,046), timely petitions to intervene have been filed by: Northwest Natural Gas Company, Natural, Associated Natural Gas Company, Intermountain Gas Company, Mountain Fuel Gas Supply Company, Michigan Gas Utilities Company, CIG, West Washington Natural Gas Company, Public Service Commission of Colorado, Western Slope Gas Company and Cheyenne Light, Fuel & Power Company, Mich-Wis, Southwest, and Cascade Natural Gas Corporation. Late petitions to intervene were filed by: Pacific Gas & Electric Company, and the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyoming. A late notice of intervention was filed by the People of the State of California. The petitions to intervene by CIG and Southwest were in opposition and sought a public hearing. The petition to intervene by Southwest contained a request for consolidation of this docket with CP78-99.

After due notice of the application of Natural in Docket No. CP78-178 by publication in the Federal Register on February 21, 1978 (43 FR 7252), timely petitions to intervene have been filed by: Northwest Pipeline Corporation, Intermountain Gas Company, Michigan Gas Utilities Company, CIG, United Gas Pipeline Company, and Mich-Wis. An out-of-time petition to intervene was filed by Iowa Power & Light Company. The petition to intervene filed by CIG opposed the application and seeks a public hearing.

After due notice of the application by El Paso in Docket No. CP78-206 by publication in the Federal Register on April 20, 1978 (43 FR 11,594), timely petitions to intervene have been filed by: Colorado Interstate Gas Company and Michigan Utilities Company. The People of the State of California and the Public Utilities Commission of the State of California filed a notice of

intervention. A petition to intervene was filed out of time by Pacific Gas & Electric Company. The petition to intervene by CIG opposed the application and seeks a public hearing.

The pleadings herein raise, *inter alia*, the issue of the possible alternatives to the construction of the proposed pipeline, including the capacity of existing nearby interstate pipelines and potential loss of revenue to any such pipeline with excess capacity assuming construction of the WINGS project. In this regard, CIG, Kansas-Nebraska Natural Gas Company, Inc., (Kansas-Nebraska), Mountain Fuel Supply Company (Mountain Fuel), Cities Service Gas Company (Cities Service) and Panhandle Eastern Pipeline Company (Panhandle) (collectively the respondents), will be joined in this proceeding and allowed to demonstrate in a formal hearing any counterproposal they might wish to make to the proposal of the applicants. Any such counterproposal shall detail the respective pipeline capacities, proximity to the proposed project, and the facilities necessary for intervention.

It is the Commission's intention that the hearing in this matter explore whether the public interest under these circumstances requires that grant of the several applications as an exception, as was our decision in *Cities Service Gas Company*, Docket No. CP76-500 (order issued September 1, 1978), to the general policy of requiring the existence of producer contracts prior to certification.

The petition to intervene and request for consolidation filed by Southwest in several of the instant dockets raises the allegation that the transportation rate proposed by Northwest would constitute discrimination with respect to transportation charges and priorities of capacity dedications on its system. These allegations should be tested in the hearing. Further, the five respondents should present evidence as to the current flow capacity condition on the portion of their lines which may be affected by their possible transportation of WINGS' gas. Testimony should be submitted on the current gas supply projections and the facilities necessary to receive, transport, and redeliver the WINGS gas so as to effectuate an alternative means of transportation to that which is proposed in the instant applications. Finally, the pleadings of CIG suggest that the transportation of the WING gas may be effectuated by alternative pipelines at a much lower cost of service than if the WINGS project is built. To that end, evidence from the respondents, as well as from the applicants should be filed as to the

cost of service entailed on each of their respective pipelines as it may be affected by the transportation of WINGS gas, either by their acting individually or in concert with one another and by means of direct flow or displacement of gas.

The Commission finds.—(1) It may be in the public interest to consolidate, pursuant to Section 1 of the Commission's Rules of Practice and Procedure, for all purposes the proceedings in Docket Nos. CP78-99, CP78-122, CP78-178, and CP78-206 in that they contain common questions of fact and issued of law.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application in the aforementioned dockets be set for formal hearing in accordance with the procedures hereinafter detailed.

(3) The participation of the would-be interveners who timely filed will not delay the disposition of the instant proceeding and may be in the public interest. In the circumstances of this proceeding, good cause exists to grant all untimely petitions to intervene.

(4) CIG, Mountain Fuel, Panhandle Cities Service, and Kansas-Nebraska are necessary parties to this proceeding, and the public interest and proper administration of the Natural Gas Act require the participation of such pipeline respondents herein.

The Commission orders.—(A) CIG, Mountain Fuel, Panhandle Cities Service, and Kansas-Nebraska are joined as parties to this proceeding.

(B) Pursuant to the authority of the National Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR, Part I), and the Regulations under the Natural Gas Act (18 CFR, Chapter I, Subchapter (e)), a prehearing conference shall be held on July 12, 1979, commencing at 10 a.m. in a Hearing Room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to discuss procedures and the clarification of issues concerning the applications set forth in this Order.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR, Section 3.5(d)), shall preside at the Prehearing Conference and subsequent hearing in this proceeding, with authority to establish and change appropriate procedural dates and to rule on all motions (with the exception of the motions to consolidate or sever and motions to dismiss), as provided by the Rules of Practice and Procedure.

(D) All petitioners to intervene are permitted to intervene in the instant consolidated proceeding, subject to the rules and regulations of the Commission. *Provided, however*, that participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any Order of the Commission entered in this proceeding.

(E) The applications contained in Docket Nos. CP78-99, CP78-122, CP78-178, and CP78-206 are consolidated.

(F) The direct case of the applicants, including testimony on the issues raised by this Order, as well as any testimony proffered by the respondents or any intervener in favor of the applications, shall be filed and served contemporaneously on all parties, the Presiding Administrative Law Judge and Commission Staff on or before May 25, 1979. Testimony proposed by the Commission Staff and respondents, as well as any party who may be opposed to the grant of the instant applications, shall be similarly filed and served contemporaneously on all parties and the Presiding Administrative Law Judge on or before June 22, 1979.

(G) The Secretary shall cause prompt publication of this Order to be made in the Federal Register.

By the Commission.

Lois D. Cashell,
Acting Secretary.
[FR Doc. 79-13560 Filed 5-01-79; 8:45 am]
BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 24, 1979.

On March 28, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Railroad Commission of Texas Oil and Gas Division

FERC Control Number: JD79-2967
API Well Number:
Section of NGPA: 103
Operator: Miramar Petroleum, Inc.
Well Name: El Paso Natural Gas Co. #1
Field: Chapa (Hostetter)
County: Live Oak
Purchaser: Being negotiated
Volume: 500 MMcf.

FERC Control Number: JD79-2968
API Well Number:
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "7-A" #1
Field: Arenoso (Strawn Detritus)
County: Winkler
Purchaser: El Paso NG
Volume: 18,000 MMcf.

FERC Control Number: JD79-2969
API Well Number: 42-495-30881
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "7-B" #1
Field: Arenoso (Strawn Detritus)
County: Winkler
Purchaser: Phillips Petroleum Company
Volume: 18,840 MMcf.

FERC Control Number: JD79-2970
API Well Number:
Section of NGPA: 108
Operator: Bill J. Graham
Well Name: Willey "A" #1 52647
Field: TIC Grayburg
County: Pecos
Purchaser: PGP Gas Products, Inc.
Volume: 18 MMcf.

FERC Control Number: JD79-2971
API Well Number: 42-227-31602
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthit Unit #123
Field: Howard-Glasscock
County: Howard
Purchaser: Phillips Petroleum Company
Volume: 1.5 MMcf.

FERC Control Number: JD79-2972
API Well Number: 42-003-31709
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. E. Parker A/C-9 #88
Field: Three Bar (Yates)
County: Andrews
Purchaser: Northern Natural Gas Co.
Volume: 19 MMcf.

FERC Control Number: JS79-2973
API Well Number: 42-227-31604
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthit Unit #124
Field: Howard-Glasscock
County: Howard
Purchaser: Phillips Petroleum Company
Volume: 0.1 MMcf.

FERC Control Number: JD79-2974
API Well Number: 42-003-31548
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. E. Parker A/C-4 #85
Field: Three Bar (Yates)
County: Andrews
Purchaser: Northern Natural Gas Co.
Volume: 72 MMcf.

FERC Control Number: JD79-2975
API Well Number: 42-103-31734
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Jax M. Cowden "B" Well #64
Field: W.E.R. (Clearfork, Upper)
County: Crane
Purchaser: Phillips Petroleum Co.
Volume: 0.4 MMcf.

FERC Control Number: JD79-2976

API Well Number: 42-227-31199
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthit Unit #120
Field: Howard-Glasscock
County: Howard
Purchaser: Phillips Petroleum Company
Volume: 0.2 MMcf.

FERC Control Number: JD79-2977
API Well Number: 42-495-30523
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Haley Unit #1702
Field: Evetts (Pennsylvania)
County: Winkler
Purchaser: Natural Gas Pipeline Company of America
Volume: 130 MMcf.

FERC Control Number: JD79-2978
API Well Number: 42-227-31541
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthit Unit #122
Field: Howard-Glasscock
County: Howard
Purchaser: Phillips Petroleum Company
Volume: 0.3 MMcf.

FERC Control Number: JD79-2979
API Well Number: 42-103-31808
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. B. Tubb A/C-1, Well #144L
Field: Sand Hills (Tubb)
County: Crane
Purchaser: El Paso Natural Gas Company
Volume:

FERC Control Number: JD79-2980
API Well Number: 42-165-31236
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit, Well No. 9402
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 1MMcf.

FERC Control Number: JD79-2981
API Well Number: 42-165-31305
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit No. 6002
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 12MMcf.

FERC Control Number: JD79-2982
API Well Number: 42-165-31341
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit, Well No. 3902
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-2983
API Well Number: 42-165-31439
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit, Well No. 4202
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.

Volume: 62 MMcf.

FERC Control Number: JD79-2984
API Well Number: 42-227-31678
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthit Unit 127
Field: Howard-Glasscock
County: Howard
Purchaser: Phillips Petroleum Co.
Volume: 0.3 MMcf.

FERC Control Number: JD79-2985
API Well Number: 42-227-31681
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthit Unit 129
Field: Howard-Glasscock
County: Howard
Purchaser: Phillips Petroleum Co.
Volume: 0.1 MMcf.

FERC Control Number: JD79-2986
API Well Number: 42-165-30673
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit, Well No. 7802
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 13 MMcf.

FERC Control Number: JD79-2987
API Well Number: 42-165-31313
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit No. 5402
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 7MMcf.

FERC Control Number: JD79-2988
API Well Number: 42-165-30641
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit Well No. 8202
Field: Robertson, N. (Clearford 7100)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 12 MMcf.

FERC Control Number: JD79-2989
API Well Number: 42-165-31288
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Exxon Shell Fee No. 6
Field: Robertson, North (San Andres)
County: Gaines
Purchaser: Phillips Petroleum Company
Volume: 5 MMcf.

FERC Control Number: JD79-2990
API Well Number: 42-165-31287
Section of NGPA: 103
Operator: Exxon Corporation
Well name: Exxon Fee #8
Field: North Robertson (San Andres)
County: Gaines
Purchaser: Phillips Petroleum Co.
Volume: 1 MMcf.

FERC Control Number: JD79-2991
API Well Number: 42-165-31340
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit No. 5202
Field: Robertson, N. (Clearford 7100)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 4 MMcf.
FERC Control Number: JD79-2992
API Well Number: 42-165-31286
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Exxon Fee No. 9
Field: North Robertson (San Andres)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 2MMcf.

FERC Control Number: JD79-2993
API Well Number: 42-227-31540
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Douthitt Unit No. 121
Field: Howard-Glasscock
County: Howard

Purchaser: Phillips Petroleum Co.
Volume: 0.8 MMcf.

FERC Control Number: JD79-2994
API Well Number: 42-165-30679
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit Well No.
7902

Field: Robertson, N. (Clearford 7100)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-2995
API Well Number: 42-165-30677
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clearford) Unit, Well
#6602

Field: Robertson, North (Clearfork 7100)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-2996
API Well Number: 42-165-30680
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit #6502
Field: Robertson, N. (Clearford 7100)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-2997
API Well Number: 42-165-31437
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Robertson (Clfk) Unit #5502
Field: Robertson, N. (Clearford 7100)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 34 MMcf.

FERC Control Number: JD79-2998
API Well Number: 42-003-31536
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Means SA Unit #954
Field: Means
County: Andrews

Purchaser: Phillips Petroleum Co.
Volume: 1 MMcf.

FERC Control Number: JD79-2999
API Well Number: 42-003-31692
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Means SA Unit #866
Field: Means

County: Andrews
Purchaser: Phillips Petroleum Co.
Volume: 2 MMcf.

FERC Control Number: JD79-3000
API Well Number: 42-003-31539
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Means SA Unit #1266
Field: Means

County: Andrews
Purchaser: Phillips Petroleum Co.
Volume: 1 MMcf.

FERC Control Number: JD79-3001
API Well Number: 42-003-31182
Section of NGPA: 103
Operator: Exxon corporatin
Well Name: Means SA Unit #1272
Field: Means

County: Andrews
Purchaser: Phillips Petroleum Co.
Volume: 1 MMcf.

FERC Control Number: JD79-3002
API Well Number: 42-103-31803
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J. B. Tubb A/C-1, Well #144U
Field: San Hills (Judkins)
County: Crane

Purchaser: El Paso Natural Gas Co.
Volume: 48 MMcf.

FERC Control Number: JD79-3003
API Well Number: 42-165-30643
Section of NGPA: 103
Operator: Exxon Corporatin
Well Name: Robertson (Clfk) Unit, Well
#7002

Field: Robertson, N. (Clearford 7100)
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 13 MMcf.

FERC Control Number: JD79-3004
API Well Number: 42-165-31294
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Exxon Fee—Eubanks "BA" #5
Field: Robertson
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 6 MMcf.

FERC Control Number: JD79-3005
API Well Number: 42-483-30169
Section of NGPA: 103
Operator: CIG Exploration, Inc.
Well Name: Lott No. 1
Field: Lott Ranch (Morrow Upper)
County: Wheeler

Purchaser: Colorado interstate Gas Company
Volume: 300 MMcf.

FERC Control Number: JD79-3006
API Well Number: 42-165-31293
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Exxon Fee Eubanks "BA" #6
Field: Robertson
County: Gaines

Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-3007
API Well Number: 42-495-30953
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "9" #1 25232
Field: Arenoso (Strawn Detritus)

County: Winkler
Purchaser: El Paso NG
Volume: 127,500 MMcf.

FERC Control Number: JD79-3008
API Well Number:
Section of NGPA: 108
Operator: W. L. Pennington, Inc.
Well Name: Emmert 1019 ID #71788
Field: Panhandle, East
County: Collingsworth
Purchaser: El Paso Natural Gas Co.
Volume: 13 MMcf.

FERC Control Number: JD79-3009
API Well Number:
Section of NGPA: 108
Operator: W. L. Pennington, Inc.
Well Name: McFarland 201 ID #65558
Field: Panhandle, East
County: Collingworth
Purchaser: El Paso Natural Gas Co.
Volume: 11 MMcf.

FERC Control Number: JD79-3010
API Well Number: 42-165-30045
Section of NGPA: 102
Operator: Wesley West
Well Name: Sam B. Harrison No. 1
Field: Bedias, West (Chalk 8600')
County: Grimes.

Purchaser:
Volume.

FERC Control Number: JD79-3011
API Well Number: 42-495-30924
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "33-A" #1 25014
Field: Monahans, E. (Penn, Lower)
County: Winkler

Purchaser: El Paso NG
Volume: 194,550 MMcf.

FERC Control Number: JD79-3012
API Well Number: 42-495-30890
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "28-2" #1 24867
Field: Monahans, E. (Penn, Lower)
County: Winkler

Purchaser: El Paso NG
Volume: 94,790 MMcf.

FERC Control Number: JD79-3013
API Well Number: 42-495-30888
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "28" #1
Field: Monahans, E. (Penn, Lower)
County: Winkler

Purchaser: El Paso NG
Volume: 94,790 MMcf.

FERC Control Number: JD79-3014
API Well Number:
Section of NGPA: 103
Operator: Rial Oil Company
Well Name: Sealy & Smith "27-WW" #1
Field: Monahans, E. (Penn, Lower)
County: Winkler

Purchaser: El Paso NG
Volume: 4,300 MMcf.

FERC Control Number: JD79-3015
API Well Number: 42-239-31169
Section of NGPA: 103
Operator: R. H. Engelke
Well Name: United Methodist Gas Unit No.

Field: LaSalle (6700') (Proposed)
 County: Jackson
 Purchaser: Tennessee Gas Pipeline
 Volume: 182.5 MMcf.
 FERC Control Number: JD79-3016
 API Well Number: 42-239-31169
 Section of NGPA: 103
 Operator: R. H. Engelke
 Well Name: United Methodist Gas Unit No. 1-U
 Field: LaSalle (6300')
 County: Jackson
 Purchaser: Tennessee Gas Pipeline Co.
 Volume: 182.5 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-13555 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978.

April 24, 1979.

On March 27, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Nebraska

FERC Control Number: JD79-2934
 API Well Number: 42-219-32503
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: W. A. Coons, Well #43
 Field: Slaughter
 County: Hockley
 Purchaser: Amoco Producing Company
 Volume: 15 MMcf.
 FERC Control Number: JD79-2935
 API Well Number: 42-219-32419
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: W. A. Coons, Well #37
 Field: Kingdom (Abo Reef)
 County: Hockley
 Purchaser: Amoco Production Company
 Volume: 9 MMcf.
 FERC Control Number: JD79-2936

API Well Number: 42-219-31958
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: W. A. Coons Wells No. 23
 Field: Kingdom (Abo Reef)
 County: Hockley
 Purchaser: Amoco Production Company
 Volume: 2 MMcf.

FERC Control Number: JD79-2937
 API Well Number: 42-219-32321
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: W. A. Coons, Well No. 27
 Field: Kingdom (Abo Reef)
 County: Hockley
 Purchaser: Amoco Production Co.
 Volume: 2 MMcf.

FERC Control Number: JD79-2938
 API Well Number: 42-103-31511
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb A/C-1, Well-129L
 Field: Sand Hills (Tubb)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 188.

FERC Control Number: JD79-2939
 API Well Number: 42-103-31511
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb A/C-1, Well-129U
 Field: Sand Hills (Mcknight)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 120 MMcf.

FERC Control Number: JD79-2940
 API Well Number: 42-103-31536
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb A/C-1, Well/131
 Field: Sand Hills (Mcknight)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 413 MMcf.

FERC Control Number: JD79-2941
 API Well Number: 42-103-31464
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb F-14U
 Field: Sand Hills (Mcknight)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 10 MMcf.

FERC Control Number: JD79-2942
 API Well Number: 42-103-31465
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb F-15U
 Field: Sand Hills (Mcknight)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 27 MMcf.

FERC Control Number: JD79-2943
 API Well Number: 42-103-31757
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb A/C-2, Well =136L
 Field: Sand Hills (Tubb)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 24 MMcf.

FERC Control Number: JD79-2944
 API Well Number: 43-103-31900

Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb A/C 1 Well 164U
 Field: Sand Hills (Judkins)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 38 MMcf.

FERC Control Number: JD79-2945
 API Well Number: N/A
 Section of NGPA: 103
 Operator: Mitchell Energy Corporation
 Well Name: N. R. Roberts "A" #1
 Field: Greenwood (Atoka)
 County: Wise
 Purchaser: Nat. Gas Pipeline Co. of America
 Volume: 65.1 MMcf.

FERC Control Number: JD79-2946
 API Well Number: 42-103-31903
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J. B. Tubb A/C 1 Well 160L
 Field: Sand Hills (Tubb)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 5 MMcf.

FERC Control Number: JD79-2947
 API Well Number: N/A
 Section of NGPA: 103
 Operator: Michell Energy Corporation
 Well Name: J.V. Booth #6-L
 Field: Tidwell
 County: Wise
 Purchaser: Natural Gas Pipeline Co. Of America
 Volume: 4.3 MMcf.

FERC Control Number: JD79-2948
 API Well Number: 42 497 30499
 Section of NGPA: 103
 Operator: Michell Energy Corporation
 Well Name: CSEU #8-7
 Field: Caughlin (Strawn) East
 County: Wise
 Purchaser: Natural Gas Pipeline Co. of America
 Volume: .6MMcf.

FERC Control Number: JD79-2949
 API Well Number: 42 497 31193
 Section of NGPA: 103
 Operator: Michell Energy Corporation
 Well Name: CSWW #10-6
 Field: Caughlin (Strawn)
 County: Wise
 Purchaser: Natural Gas Pipeline Co. of America
 Volume: 2 MMcf.

FERC Control Number: JD79-2950
 API Well Number: N/A
 Section of NGPA: 103
 Operator: Michell Energy Corporation
 Well Name: Lida George #2
 Field: Chico West (Conglomerate 5700')
 County: Wise
 Purchaser: Natural Gas Pipeline Co. of America
 Volume: 3.5 MMcf.

FERC Control Number: JD79-2951
 API Well Number: 42 103 31750
 Section of NGPA: 103
 Operator: Exxon Corporation
 Well Name: J.B. Tubb A/C-1, Well #134L
 Field: Sand Hills (Tubb)
 County: Crane
 Purchaser: El Paso Natural Gas Co.
 Volume: 24 MMcf.

FERC Control Number: JD79-2952
API Well Number: 42-211-30962
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Wiggins Gas Unit No. 1, Well 2
Field: Mendota NW (Granite Wash)
County: Hemphill
Purchaser: Transwestern Pipeline Co.
Volume: 329 MMcf.

FERC Control Number: JD79-2953
API Well Number: 42 081 30653
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Lou E. Johnson Est. A/C, Well #24
Field: Jameson (Strawn)

County: Coke
Purchaser: El Paso Natural Gas Co.
Volume: 75 MMcf.

FERC Control Number: JD79-2954
API Well Number: 42 219 32328
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: W.A. Coons, Well No. 28
Field: Slaughter
County: Hockley
Purchaser: Amoco Production Co.
Volume: 90MMcf.

FERC Control Number: JD79-2955
API Well Number: 42 1032 31820
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: J.B. Tubb A/C 1 Well 150
Field: Sand Hills (Mcknight)
County: Crane
Purchaser: El Paso Natural Gas Co.
Volume: 40 MMcf.

FERC Control Number: JD79-2956
API Well Number: 42 003 31648
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #2823
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 5 MMcf.

FERC Control Number: JD79-2957
API Well Number: 42 003 31647
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #1921
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 1 MMcf.

FERC Control Number: JD79-2958
API Well Number: 42 211 30866
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Myrtle Flowers #2
Field: Mendota, N.W. (Granite Wash)
County: Hemphill
Purchaser: Transwestern Pipeline Co.
Volume: 894 MMcf.

FERC Control Number: JD79-2959
API Well Number: 42 393 30617
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Flowers Trust "B" #2
Field: Mendota, NW (Granite Wash)
County: Roberts
Purchaser: Transwestern Pipeline Company
Volume: 1400.

FERC Control Number: JD79-2960
API Well Number: 42 431 30665
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Lou E. Johnson Est. A/C 1, Well #23
Field: Jameson (Strawn)
County: Sterling
Purchaser: El Paso Natural Gas Co.
Volume: 20 MMcf.

FERC Control Number: JD79-2961
API Well Number: 42 003 31649
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Phillips Petroleum Company
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 5 MMcf.

FERC Control Number: JD79-2962
API Well Number: 42-003-31642
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #2621
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 27 MMcf.

FERC Control Number: JD79-2963
API Well Number: 42-003-31142
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #833
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 8 MMcf.

FERC Control Number: JD79-2964
API Well Number: 42-003-31645
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #1639
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 18 MMcf.

FERC Control Number: JD79-2965
API Well Number: 42-003-31139
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #429
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 4 MMcf.

FERC Control Number: JD79-2966
API Well Number: 42-003-31715
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: Fullerton Clearfork Unit #4826
Field: Fullerton
County: Andrews
Purchaser: Phillips Petroleum Company
Volume: 6 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of

Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-13556 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 5, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Wyoming Oil and Gas Conservation Commission

FERC Control Number: 5063
API Well Number: 49-037-21059
Section of NCPA: 108
Operator: Kenneth Luff, Inc.
Well Name: #3-23 Amoco Champlin
Field: Antelope
County: Sweetwater
Purchaser: Colorado Interstate Gas
Volume: 30 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-13557 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

**Notice of Determination by a
Jurisdictional Agency Under the
Natural Gas Policy Act of 1978**

April 24, 1979.

On March 30, 1979 the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Geological Survey Conservation Division

FERC Control Number: JD79-3017

API Well Number: 30039071460000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 119 N 11

Field: Tapacito-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 5.5 MMcf.

FERC Control Number: JD79-3018

API Well Number: 30039060630000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 12

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 11.7 MMcf.

FERC Control Number: JD79-3019

API Well Number: 30039067250000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 119 N 12

Field: Tapacito-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 14.6 MMcf.

FERC Control Number: JD79-3020

API Well Number: 30039061060000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 1

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 9.0 MMcf.

FERC Control Number: JD79-3021

API Well Number: 30039067110000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 119 N 9

Field: Tapacito-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 4.0 MMcf.

FERC Control Number: JD79-3022

API Well Number: 30039066710000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 119 N 3

Field: Tapacito-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 5.8 MMcf.

FERC Control Number: JD79-3023

API Well Number: 3039062910000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 120 C 4

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 10.0 MMcf.

FERC Control Number: JD79-3024

API Well Number: 30039060800000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 3

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 10.2 MMcf.

FERC Control Number: JD79-3025

API Well Number: 30039062510000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 120 C 10

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 7.0 MMcf.

FERC Control Number: JD79-3026

API Well Number: 30039061280000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 6

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 8.0 MMcf.

FERC Control Number: JD79-3027

API Well Number: 30039030610000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 5

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 8.0 MMcf.

FERC Control Number: JD79-3028

API Well Number: 30039062200000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 120 C 13

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 6.0 MMcf.

FERC Control Number: JD79-3029

API Well Number: 30039062370000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 120 C 11

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 9.9 MMcf.

FERC Control Number: JD79-3030

API Well Number: 30039056230000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 126 S 1

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 12.0 MMcf.

FERC Control Number: JD79-3031

API Well Number: 30039056640000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 126 S 5

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 1.0 MMcf.

FERC Control Number: JD79-3032

API Well Number: 30039056580000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 127 S 7

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 2.0 MMcf.

FERC Control Number: JD79-3033

API Well Number: 30039055720000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 126 S 11

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 10.0 MMcf.

FERC Control Number: JD79-3034

API Well Number: 30039056680000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 126 S 2

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 19.0 MMcf.

FERC Control Number: JD79-3036

API Well Number: 30039211630000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 17

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser:

Volume: 8.0 MMcf.

FERC Control Number: JD79-3035

API Well Number: 30039211950000

Section of NGPA: 108

Operator: Northwest Production Corporation

Well Name: Jicarilla 123 C 18

Field: Blanco, South-Pictured Cliffs Gas

County: Rio Arriba

Purchaser: Northwest Pipeline Corporation

Volume: 13.1 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-13558 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

**Notice of Determination by a
Jurisdictional Agency Under the
Natural Gas Policy Act of 1978**

April 25, 1979.

On April 12, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Geological Survey

FERC Control Number: JD79-5113
API Well Number: 30039069130000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 28-7 Unit 14
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 13.9 MMcf.

FERC Control Number: JD79-5114
API Well Number: 3004521110000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Dryden 7
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 19.3 MMcf.

FERC Control Number: JD79-5115
API Well Number: 30045600620000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Cundiff A 2
Field: Blanco-Mesaverde Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 2.9 MMcf.

FERC Control Number: JD79-5116
API Well Number: 30-045-22424
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Riddle D.3A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 178 MMcf.

FERC Control Number: JD79-5117
API Well Number: 30-045-22486
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Barrett 2A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 241 MMcf.

FERC Control Number: JD79-5118
API Well Number: 30-045-22398
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Fields 1A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 344 MMcf.

FERC Control Number: JD79-5119
API Well Number: 30-045-22358
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Day A #3-A

Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 215 MMcf.

FERC Control Number: JD79-5120
API Well Number: 30-045-22359
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Day A #4-A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 269 MMcf.

FERC Control Number: JD79-5121
API Well Number: 30045072480000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Storey C 1
Field: Aztec-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 11.7 MMcf.

FERC Control Number: JD79-5122
API Well Number: 30045063130000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Florance D 7
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 11.0 MMcf.

FERC Control Number: JD79-5123
API Well Number: 30039203110000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit 161 NP
Field: Otero-Chacra Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 4.4 MMcf.

FERC Control Number: JD79-5124
API Well Number: 30045132450000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Bolack C 4
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 5.0 MMcf.

FERC Control Number: JD79-5125
API Well Number: 30045070970000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Storey C 2
Field: Aztec-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 14.2 MMcf.

FERC Control Number: JD79-5126
API Well Number: 30045087510000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Sunray F 2
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 12.0 MMcf.

FERC Control Number: JD79-5127
API Well Number: 30045210410000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Grambling A 6
Field: Blanco, South-Pictured Cliffs Gas

County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 15.3 MMcf.

FERC Control Number: JD79-5128
API Well Number: 30-045-22747
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Jones A No. 1-A (Pictured Cliffs)
Field: South Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 44 MMcf.

FERC Control Number: JD79-5129
API Well Number: 30-045-22388
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Atlantic 6A (Mesaverde)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 322 MMcf.

FERC Control Number: JD79-5130
API Well Number: 30-045-22388
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Atlantic 6A (Pictured Cliffs)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 304 MMcf.

FERC Control Number: JD79-5131
API Well Number: 30-045-22815
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Sunray G 1A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 220 MMcf.

FERC Control Number: JD79-5132
API Well Number: 30045210860000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Hardie 11
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 17.9 MMcf.

FERC Control Number: JD79-5133
API Well Number: 30045210500000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Turner 6
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 16.8 MMcf.

FERC Control Number: JD79-5135
API Well Number: 30045069530000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Storey C 3
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 15.7 MMcf.

FERC Control Number: JD79-5136
API Well Number: 30045211390000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Hughes A 8
Field: Blanco-Pictured Cliffs Gas
County: San Juan

Purchaser: El Paso Natural Gas Company
Volume: 20.0 MMcf.
FERC Control Number: JD79-5137
API Well Number: 30045065230000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Florance D 6
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 16.8 MMcf.
FERC Control Number: JD79-5138
API Well Number: 30045064510000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Florance D 5
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 13.9 MMcf.
FERC Control Number: JD79-5139
API Well Number: 30039062340000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Klein 6
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 12.0 MMcf.
FERC Control Number: JD79-5140
API Well Number: 30045070590000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Michener A5
Field: Blanco-Mesaverde Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 8.0 MMcf.
FERC Control Number: JD79-5141
API Well Number: 30039059500000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit 53
Field: Ballard-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 18.6 MMcf.
FERC Control Number: JD79-5142
API Well Number: 30045064210000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Huerfanito Unit 93
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 5.5 MMcf.
FERC Control Number: JD79-5143
API Well Number: 30039068790000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 28-7 Unit 15
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 12.4 MMcf.
FERC Control Number: JD79-5144
API Well Number: 30039060560000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit 51
Field: Ballard-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company

Volume: 5.8 MMcf.
FERC Control Number: JD79-5145
API Well Number: 30039059700000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit 52
Field: Ballard-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 20.1 MMcf.
FERC Control Number: JD79-5148
API Well Number: 30039074060000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 28-5 Unit 2
Field: Blanco-Mesaverde Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 6.6 MMcf.
FERC Control Number: JD79-5147
API Well Number: 30039070350000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Rincon Unit 27
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 5.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204 file a protest with the Commission by May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13559 Filed 5-01-79; 8:45 am]
BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 24, 1979.

On March 30, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Department of the Interior Geological Survey

FERC Control Number: JD79-2715
API Well Number: 30039063110000
Section of NGPA: 108
Operator: Northwest Production Corporation

Well Name: Jicarilla 120 C 8
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 12.8 MMcf.
FERC Control Number: JD79-2736
API Well Number: 30-039-21380
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Champlin 7-A-25
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 67.525 MMcf.
FERC Control Number: JD79-2737
API Well Number: 3003921610
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Jicarilla "B" No. 1-A
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Gas Company of New Mexico
Volume: 63.875 MMcf.
FERC Control Number: JD79-2738
API Well Number: 3003921500
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Huron No. 3-A
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Gas Company of New Mexico
Volume: 30.0 MMcf.
FERC Control Number: JD79-2739
API Well Number: 30-005-60464
Section of NGPA: 103
Operator: DEPCO, Inc.
Well Name: Midwest Federal No. 2
Field: Sand Ranch-Atoka
County: Chaves
Purchaser: El Paso Natural Gas Company
Volume: 365 MMcf.
FERC Control Number: JD79-2740
API Well Number: 30039056460000
Section of NGPA: 108
Operator: Northwest Production Corporation
Well Name: Jicarilla 126 S 3
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 20.4 MMcf.
FERC Control Number: JD79-2741
API Well Number: 30039054790000
Section of NGPA: 108
Operator: Northwest Production Corporation
Well Name: Jicarilla 129 S 14
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 8.0 MMcf.
FERC Control Number: JD79-2742
API Well Number: 0567056150000
Section of NGPA: 108
Operator: Northwest Production Corporation
Well Name: Bondad 34-10 32 #1
Field: Ignacio Blanco (Mesaverde)
County: La Plata
Purchaser: Northwest Pipeline Corporation
Volume: 7.7 MMcf.
FERC Control Number: JD79-2743
API Well Number: 05067055930000
Section of NGPA: 108
Operator: Northwest Production Corporation
Well Name: Bondad 33-9 36 #21

Field: Ignacio Blanco (Mesaverde)
 County: La Plata
 Purchaser: Northwest Pipeline Corporation
 Volume: 18.0 MMcf.
 FERC Control Number: JD79-2744
 API Well Number: 05067055980000
 Section of NGPA: 103
 Operator: Northwest Production Corporation
 Well Name: Bondad 33-10 9 #13
 Field: Ignacio Blanco (Mesaverde)
 County: La Plata
 Purchaser: Northwest Pipeline Corporation
 Volume: 15.0 MMcf.
 FERC Control Number: JD79-2745
 API Well Number: 05067055700000
 Section of NGPA: 103
 Operator: Northwest Production Corporation
 Well Name: Bondad 33-10 8 #15
 Field: Ignacio Blanco (Mesaverde)
 County: La Plata
 Purchaser: Northwest Pipeline Corporation
 Volume: 13.0 MMcf.
 FERC Control Number: JD79-2882
 API Well Number: 30039062750000
 Section of NGPA: 103
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 120 C 14
 Field: Blanco, South-Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 8.4 MMcf.
 FERC Control Number: JD79-2934
 API Well Number: 30-045-23023
 Section of NGPA: 103
 Operator: Consolidated Oil & Gas, Inc.
 Well Name: Freeman No. 1-A
 Field: Blanco Mesaverde
 County: San Juan
 Purchaser: El Paso Natural Gas Company
 Volume: 136.875 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
 Secretary,
 [FR Doc. 79-13560 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

Appalachian Exploration & Development, et al.; Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 16, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

FERC Control Number: 5209
 API Well Number: 47-0812-0449-0000
 Section of NGPA: 102
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: T. H. Woolwine #2
 Field: Town
 County: Raleigh
 Purchaser: Cabot Corporation
 Volume: 18.3 MMcf.
 FERC Control Number: 5210
 API Well Number: 47-0812-0450-0000
 Section of NGPA: 102
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: F. F. Banks #4
 Field: Town
 County: Raleigh
 Purchaser: Cabot Corporation
 Volume: 41.9 MMcf.
 FERC Control Number: 5211
 API Well Number: 47-0152-1201-0000
 Section of NGPA: 103
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: Carper Dorsey #1
 Field: Pleasant
 County: Clay
 Purchaser: Cabot Corporation
 Volume: 72.4 MMcf.
 FERC Control Number: 5212
 API Well Number: 47-0152-1229-0000
 Section of NGPA: 103
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: Pauline Folgesong A-1
 Field: Pleasant
 County: Clay
 Purchaser: Cabot Corporation
 Volume: 132.8 MMcf.
 FERC Control Number: 5213
 API Well Number: 47-0152-1230-0000
 Section of NGPA: 103
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: Pauline Folgesong #1
 Field: Pleasant
 County: Clay
 Purchaser: Cabot Corporation
 Volume: 31.7 MMcf.
 FERC Control Number: 5214
 API Well Number: 47-0812-0448-0000
 Section of NGPA: 102
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: T. H. Woolwine #1

Field: Town
 County: Raleigh
 Purchaser: Cabot Corporation
 Volume: 42.1 MMcf.
 FERC Control Number: 5215
 API Well Number: 47-0672-0433-0000
 Section of NGPA: 103
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: C & H Corporation B-17
 Field: Jefferson
 County: Nicholas
 Purchaser: Cabot Corporation
 Volume: 10.9 MMcf.
 FERC Control Number: 5216
 API Well Number: 47-0672-0434-0000
 Section of NGPA: 103
 Operator: Appalachian Exploration & Devel., Inc.
 Well Name: C & H Corporation B-18
 Field: Jefferson
 County: Nicholas
 Purchaser: Cabot Corporation
 Volume: 70.3 MMcf.
 FERC Control Number: 5217
 API Well Number: 47-047-0751
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #C-18
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 26.0 MMcf.
 FERC Control Number: 5218
 API Well Number: 47-047-0747
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-42
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 26.0 MMcf.
 FERC Control Number: 5219
 API Well Number: 47-047-0748
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-41
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 26.0 MMcf.
 FERC Control Number: 5220
 API Well Number: 47-047-0745
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-23
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 30. MMcf.
 FERC Control Number: 5221
 API Well Number: 47-047-0743
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-47
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 40.0 MMcf.

FERC Control Number: 5222
 API Well Number: 47-047-0742
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #C-20
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 28.0 MMcf.

FERC Control Number: 5223
 API Well Number: 47-055-0063
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #D-10
 Field: Rock
 County: Mercer
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 25.0 MMcf.

FERC Control Number: 5224
 API Well Number: 47-047-0741
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-40
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 26.0 MMcf.

FERC Control Number: 5225
 API Well Number: 47-047-07738
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-21
 Field: Elkhorn
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 60.0 MMcf.

FERC Control Number: 5226
 API Well Number: 47-047-0756
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-51
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.
 Volume: 40.0 MMcf.

FERC Control Number: 5227
 API Well Number: 47-047-0752
 Section of NGPA: 103
 Operator: Texas International Petroleum Corp.
 Well Name: Pocahontas Land Corp. #A-53
 Field: North Fork
 County: McDowell
 Purchaser: Consolidated Gas Supply Corp.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a

protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
 Secretary,
 [FR Doc. 79-13634 Filed 5-1-79, 8:43 am]
 BILLING CODE 4550-01-M

Benson Montin Greer Drilling Corp., et al.; Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979

On April 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Department of the Interior Geological Survey

FERC Control Number: JD79-2716
 API Well Number: 0506706074
 Section of NGPA: 108
 Operator: Benson Montin Greer Drilling Corp.
 Well Name: Cinder Buttes D-15
 Field: Cinder Buttes Dakota
 County: La Plata
 Purchaser: Northwest Pipeline Corporation
 Volume: 10 MMcf.

FERC Control Number: JD79-2717
 API Well Number: 056706072
 Section of NGPA: 108
 Operator: Benson Montin Greer Drilling Corp.
 Well Name: Cinder Buttes P-2
 Field: Cinder Buttes Dakota
 County: La Plata
 Purchaser: Northwest Pipeline Corp.
 Volume: 8 MMcf.

FERC Control Number: JD79-2718
 API Well Number: 30039062960000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 120 C 9
 Field: Blanco, South-Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 8.0 MMcf.

FERC Control Number: JD79-2719
 API Well Number: 30039055390000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 126 S 13
 Field: Blanco, South-Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 2.2 MMcf.

FERC Control Number: JD79-2720
 API Well Number: 30039061980000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 117 E 1
 Field: Tapacito Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 3.0 MMcf.

FERC Control Number: JD79-2721

API Well Number: 30039065680000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 119 N 1
 Field: Tapacito Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 6.6 MMcf.

FERC Control Number: JD79-2722
 API Well Number: 30045096680000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Blanco 30-12 A 3
 Field: Flora Vista-Fruitland Gas
 County: San Juan
 Purchaser: Northwest Pipeline Corporation
 Volume: 1.0 MMcf.

FERC Control Number: JD79-2723
 API Well Number: 30045098670000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Blanco 30-12 1 FT
 Field: Flora Vista Fruitland Gas
 County: San Juan
 Purchaser: Northwest Pipeline Corporation
 Volume: 5.1 MMcf.

FERC Control Number: JD79-2724
 API Well Number: 30045097230000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Blanco 30-12 B 4
 Field: Flora Vista-Fruitland
 County: San Juan
 Purchaser: Northwest Pipeline Corporation
 Volume: 3.3 MMcf.

FERC Control Number: JD79-2725
 API Well Number: 30045066760000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: San Juan 27-8 C 6
 Field: Blanco, South Pictured Cliffs Gas
 County: San Juan
 Purchaser: Northwest Pipeline Corporation
 Volume: 10.0 MMcf.

FERC Control Number: JD79-2725
 API Well Number: 30045066760000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: San Juan 27-8 B 3
 Field: Blanco, South Pictured Cliffs Gas
 County: San Juan
 Purchaser: Northwest Pipeline Corporation
 Volume: 10.0 MMcf.

FERC Control Number: JD79-2727
 API Well Number: 30039055670000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 126 S 12
 Field: Blanco, South Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 11.0 MMcf.

FERC Control Number: JD79-2728
 API Well Number: 30039056520000
 Section of NGPA: 108
 Operator: Northwest Production Corporation
 Well Name: Jicarilla 126 S 4
 Field: Blanco, South Pictured Cliffs Gas
 County: Rio Arriba
 Purchaser: Northwest Pipeline Corporation
 Volume: 7.0 MMcf.

FERC Control Number: JD79-2729
 API Well Number: 3003907220000

Section of NGPA: 108
 Operator: El Paso Natural Gas Company
 Well Name: SJ 28-6 Unit
 Field: Blanco Mesaverde Gas
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Company
 Volume: 8.0 MMcf.
 FERC Control Number: JD79-2730
 API Well Number: 30039069690000
 Section of NGPA: 108
 Operator: El Paso Natural Gas Company
 Well Name: Rincon Unit 8
 Field: Blanco Mesaverde Gas
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Company
 Volume: 2.2 MMcf.
 FERC Control Number: JD79-2731
 API Well Number: 30039070480000
 Section of NGPA: 108
 Operator: El Paso Natural Gas Company
 Well Name: SJ 28-6
 Field: Blanco Mesaverde Gas
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Company
 Volume: 9.0 MMcf.
 FERC Control Number: JD79-2732
 API Well Number: 30039074430000
 Section of NGPA: 108
 Operator: El Paso Natural Gas Company
 Well Name: SJ 28-4 Unit 1
 Field: Blanco Mesaverde Gas
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Company
 Volume: 2.8 MMcf.
 FERC Control Number: JD79-2733
 API Well Number: 30039074190000
 Section of NGPA: 108
 Operator: El Paso Natural Gas Company
 Well Name: SJ 28-4 Unit 2
 Field: Blanco Mesaverde Gas
 County: Rio Arriba
 Purchaser: El Paso Natural Gas Company
 Volume: 2.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
 Secretary.
 [FR Doc. 79-13832 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

Cleveland Electric Illuminating Co., et al.; Notice of Supplements to Interconnection Agreement

April 26, 1979.

The Cleveland Electric Illuminating Company; Duquesne Light Company; Ohio Edison Company; Pennsylvania Power Company; The Toledo Edison Company (CAPCO Group.)

The filing Company submits the following:

Take notice that on April 23, 1979, the CAPCO Group filed Appendices 5 and 6 as supplements to Schedule E of the CAPCO Basic Operating Agreement dated as of January 1, 1975 which is filed with the Commission under the following Rate Schedule designations:

Company	Rate schedule
The Cleveland Electric Illuminating Company	FPC No. 13
Duquesne Light Company	FPC No. 14
Ohio Edison Company	FPC No. 120
Pennsylvania Power Company	FPC No. 29
The Toledo Edison Company	FPC No. 26

Appendix 5 and Appendix 6 to Schedule E of the CAPCO Basic Operating Agreement provide the basis for the determination of charges applicable to Unit Capacity and Energy transactions by the CAPCO member companies from Bruce Mansfield Unit No. 2 and Davis-Besse Unit No. 1, respectively. The services and compensation for Unit Capacity and Energy transactions from base load-CAPCO Units are set forth generally in Schedule E, with specific charges from particular CAPCO Units being set forth in Appendices to Schedule E as the particular Unit comes into commercial operation. It is requested that Appendix 5 become effective on October 1, 1977 and Appendix 6 become effective on November 21, 1977.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice should, on or before May 18, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.—20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents referred to herein are on file with the

Commission and available for public inspection.

Kenneth F. Plumb,
 Secretary.

[Docket ER79-328]
 [FR Doc. 79-13614 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

Earl D. Krapf; Notice of Application

April 26, 1979.

Take notice that on April 10, 1979, Earl D. Krapf (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Delmarva Power & Light Company, Public Utility.
 Vice President, Delmarva Power & Light Company of Maryland, Public Utility.
 Vice President, Delmarva Power & Light Company of Virginia, Public Utility.

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 May 18, 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. 79-13615 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

El Paso Natural Gas Co., et al.; Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 17, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Department of the Interior Geological Survey

FERC Control Number: JD79-5228
 API Well Number: 3004506274000
 Section of NGPA: 108
 Operator: El Paso Natural Gas Company
 Well Name: Bolack C 3

Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 7.0 MMcf.

FERC Control Number: JD79-5229
API Well Number: 30045210760000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Mudge 34 PC
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 12.4 MMcf.

FERC Control Number: JD79-5230
API Well Number: 30045210310000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Roelofs #5
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 17.2 MMcf.

FERC Control Number: JD79-5231
API Well Number: 3004521112000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Storey 9
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 12.0 MMcf.

FERC Control Number: JD79-5232
API Well Number: 30045208260000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Howell 10
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 15.0 MMcf.

FERC Control Number: JD79-5233
API Well Number: 30045211510000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Hardie 10
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 18.6 MMcf.

FERC Control Number: JD79-5234
API Well Number: 30045210910000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Storey 10
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 11.3 MMcf.

FERC Control Number: JD79-5235
API Well Number: 30045092880000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Sunray D 3
Field: Aztec-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 5.0 MMcf.

FERC Control Number: JD79-5236
API Well Number: 30-045-22418
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Gartner 4-A (Mesaverde)
Field: Blanco

County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 287 MMcf.

FERC Control Number: JD79-5237
API Well Number: 30-045-22418
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Gartner 4-A (Pictured Cliffs)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 289 MMcf.

FERC Control Number: JD79-5238
API Well Number: 30-045-22362
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Vandewart A #2-A (Mesaverde)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 413 MMcf.

FERC Control Number: JD79-5239
API Well Number: 30-045-22362
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Vandewart A #2A (Pictured Cliffs)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 166 MMcf.

FERC Control Number: JD79-5240
API Well Number: 30-045-22718
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Hughes 3-A (Mesaverde)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 330 MMcf.

FERC Control Number: JD79-5241
API Well Number: 30-045-22718
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Hughes 3-A (Pictured Cliffs)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 100 MMcf.

FERC Control Number: JD79-5242
API Well Number: 30-045-22462
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Fields 4A (Mesaverde)
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 494 MMcf.

FERC Control Number: JD79-5243
API Well Number: 30-045-22462
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Fields #4A (Fruitland)
Field: Undesignated
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 103 MMcf.

FERC Control Number: JD79-5244
API Well Number: 30-045-22524
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Sunray A 2-A
Field: Blanco

County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 438 MMcf.

FERC Control Number: JD79-5245
API Well Number: 30-045-22498
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: San Juan #11A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 351 MMcf.

FERC Control Number: JD79-5246
API Well Number: 30-045-22525
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Grambling C 4A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 440 MMcf.

FERC Control Number: JD79-5247
API Well Number: 30-045-22730
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Atlantic A 7A
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 307 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13633 Filed 5-1-79; 8:43 am]

BILLING CODE 6450-01-M

Gulf Oil Corp., et al.; Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 17, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

North Dakota State Industrial Commission
Oil and Gas Division

FERC Control Number: JD79-5282
API Well Number: 33-007-00203
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: E. E. Miller 1-10-3A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 69 MMcf.

FERC Control Number: JD79-5283
API Well Number: 33-007-00253
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: J. Kukla 1-4-2A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 157 MMcf.

FERC Control Number: JD79-5284
API Well Number: 33-007-00211
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Coe 1-28-2C
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 48 MMcf.

FERC Control Number: JD79-5285
API Well Number: 33-007-00251
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: J. Hurinenko 1-2-2A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 313 MMcf.

FERC Control Number: JD79-5286
API Well Number: 033-025-00123
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: P. Marinenko 2-32-2A
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 95 MMcf.

FERC Control Number: JD79-5287
API Well Number: 33-053-00709
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Kostelnak State 1-36-2B
Field: Little Knife
County: McKenzie
Purchaser: Montana Dakota Utilities
Volume: 74 MMcf.

FERC Control Number: JD79-5288
API Well Number: 33-025-00083
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: E. Marinenko 2-30-4D
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 131 MMcf.

FERC Control Number: JD79-5289
API Well Number: 33-025-00086
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: L. Kostelnak 1-30-2D
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities

Volume: 109 MMcf.
FERC Control Number: JD79-5290
API Well Number: 33-025-00098
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: State 2-18-2D
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 90 MMcf.

FERC Control Number: JD79-5291
API Well Number: 33-053-00702
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Lind 1-13-3C
Field: Little Knife
County: McKenzie
Purchaser: Montana Dakota Utilities
Volume: 120 MMcf.

FERC Control Number: JD79-5292
API Well Number: 33-007-00294
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Hurinenko State 1-2-3A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 70 MMcf.

FERC Control Number: JD79-5293
API Well Number: 33-007-00268
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Radloff 3-21-2B
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 57 MMcf.

FERC Control Number: JD79-5294
API Well Number: 33-053-00715
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: State Zabolotny 1-36-3C
Field: Little Knife
County: McKenzie
Purchaser: Montana Dakota Utilities
Volume: 154 MMcf.

FERC Control Number: JD79-5295
API Well Number: 33-007-00218
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Zabolotny 2-3-3A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 112 MMcf.

FERC Control Number: JD79-5296
API Well Number: 33-025-00092
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Sabrosky 2-31-3C
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 152 MMcf.

FERC Control Number: JD79-5297
API Well Number: 33-007-00246
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: State 2-16-4B
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 36 MMcf.

FERC Control Number: JD79-5298
API Well Number: 33-007-00263
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: J & G Hurinenko 1-1-4A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 90 MMcf.

FERC Control Number: JD79-5299
API Well Number: 33-007-00222
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: J. Tachenko 1-9-3B
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 219 MMcf.

FERC Control Number: JD79-5300
API Well Number: 33-025-0078
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Dale Dolezal 1-17-1A
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 6 MMcf.

FERC Control Number: JD79-5301
API Well Number: 33-025-00108
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Rose Glovatsky 1-20-1A
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 149 MMcf.

FERC Control Number: JD79-5302
API Well Number: 33-025-00077
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: E. Marinenko 1-31-2C
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 114 MMcf.

FERC Control Number: JD79-5303
API Well Number: 33-053-00691
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: P. Glovatsky USA 1-24-2A
Field: Little Knife
County: McKenzie
Purchaser: Montana Dakota Utilities
Volume: 89 MMcf.

FERC Control Number: JD79-5304
API Well Number: 33-053-00711
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Lind 2-13-2D
Field: Little Knife
County: McKenzie
Purchaser: Montana Dakota Utilities
Volume: 96 MMcf.

FERC Control Number: JD79-5305
API Well Number: 33-025-00109
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Kostenko State 1-20-4A
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 52 MMcf.

FERC Control Number: JD79-5306

API Well Number: 33-025-00074
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Martin Weber 2-18-4D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 91 MMcf.

FERC Control Number: JD79-5307
 API Well Number: 33-007-00217
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Hurinenko 1-10-2A
 Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 126 MMcf.

FERC Control Number: JD79-5308
 API Well Number: 33-007-00220
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Zabolotny 4-13-1A
 Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 54 MMcf.

FERC Control Number: JD79-5309
 API Well Number: 33-007-00240
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: G. Hurinenko 1-2-1A
 Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 161 MMcf.

FERC Control Number: JD79-5310.
 API Well Number: 33-007-00255.
 Section of NGPA: 102.
 Operator: Gulf Oil Corporation.
 Well Name: Coe 2-28-3C.
 Field: Little Knife.
 County: Billings.
 Purchaser: Montana Dakota Utilities.
 Volume: 21 MMcf.

FERC Control Number: JD79-5311.
 API Well Number: 33-007-00219.
 Section of NGPA: 102.
 Operator: Gulf Oil Corporation.
 Well Name: Zabolotny 3-3-2B.
 Field: Little Knife.
 County: Billings.
 Purchaser: Montana Dakota Utilities.
 Volume: 243 MMcf.

FERC Control Number: JD79-5312.
 API Well Number: 33-007-00208
 Section of NGPA: 102.
 Operator: Gulf Oil Corporation.
 Well Name: Miller 3-10-4B.
 Field: Little Knife.
 County: Billings.
 Purchaser: Montana Dakota Utilities.
 Volume: 126 MMcf.

FERC Control Number: JD79-5313.
 API Well Number: 33-007-00241
 Section of NGPA: 102.
 Operator: Gulf Oil Corporation.
 Well Name: G. Hurinenko 2-2-4A.
 Field: Little Knife.
 County: Billings.
 Purchaser: Montana Dakota Utilities.
 Volume: 216 MMcf.

FERC Control Number: JD79-5314.
 API Well Number: 33-025-00094.

Section of NGPA: 102.
 Operator: Gulf Oil Corporation.
 Well Name: Sabrosky 3-32-4B.
 Field: Little Knife.
 County: Dunn.
 Purchaser: Montana Dakota Utilities.
 Volume: 232 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
 Secretary.
 [FR Doc. 79-13627 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

Gulf Oil Corp., et al.; Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 17, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

North Dakota State Industrial Commission, Oil and Gas Division

FERC Control Number: 5315
 API Well Number: 33-007-00214
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Hurinenko 2-10-1A
 Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 243 MMcf.

FERC Control Number: 5316
 API Well Number: 33-025-0091
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Sabrosky 4-31-4C
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 68 MMcf.

FERC Control Number: 5317
 API Well Number: 33-007-00270
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: L. Burian 1-22-4A

Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 30 MMcf.

FERC Control Number: 5318
 API Well Number: 33-007-00215
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Tachenko 1-15-1B
 Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 164 MMcf.

FERC Control Number: 5319
 API Well Number: 33-007-00238
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Tedrow 1-11-1A
 Field: Little Knife
 County: Billings
 Purchaser: Montana Dakota Utilities
 Volume: 47 MMcf.

FERC Control Number: 5320
 API Well Number: 33-025-00085
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: F. Kostelnak 2-30-3D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 77 MMcf.

FERC Control Number: 5321
 API Well Number: 33-025-00080
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: F. Kostelnak 1-29-4D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 138 MMcf.

FERC Control Number: 5322
 API Well Number: 33-025-00107
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: L. Glovatsky 1-19-1A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 276 MMcf.

FERC Control Number: 5323
 API Well Number: 33-025-00068
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: L. Kostelnak 2-29-1D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 21 MMcf.

FERC Control Number: 5324
 API Well Number: 33-025-00093
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: Sabrosky 1-31-1C
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 161 MMcf.

FERC Control Number: 5325
 API Well Number: 33-025-00118
 Section of NGPA: 102
 Operator: Gulf Oil Corporation
 Well Name: F. Kostelnak 3-29-3A
 Field: Little Knife

County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 87 MMcf.
 FERC Control Number: 5328
 API Well Number: 33-025-0082
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Klatt 3-19-4B
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 114 MMcf.
 FERC Control Number: 5327
 API Well Number: 33-025-00084
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: E. Marinenko 3-30-1D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 112 MMcf.
 FERC Control Number: 5328
 API Well Number: 33-025-00123
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: P. Marinenko 2-32-2A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 95 MMcf.
 FERC Control Number: 5329
 API Well Number: 33-025-00109
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Kostenko State 1-20-4A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 52 MMcf.
 FERC Control Number: 5330
 API Well Number: 33-025-00074
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Martin Weber 2-18-4D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 91 MMcf.
 FERC Control Number: 5331
 API Well Number: 33-025-0084
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Elsie Marinenko 3-30-1D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 112 MMcf.
 FERC Control Number: 5332
 API Well Number: 33-025-00071
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Klatt 1-19-2A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 110 MMcf.
 FERC Control Number: 5333
 API Well Number: 33-025-00082
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Klatt 3-19-4B
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 114 MMcf.
 FERC Control Number: 5334
 API Well Number: 33-025-00118
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Florence Kostelnak 3-29-3A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 87 MMcf.
 FERC Control Number: 5335
 API Well Number: 33-025-00107
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Lillian Glovatsky 1-19-1A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 276 MMcf.
 FERC Control Number: 5336
 API Well Number: 33-025-00093
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Sabrosky 1-31-1C
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 161 MMcf.
 FERC Control Number: 5337
 API Well Number: 33-053-00709
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Kostelnak State 1-36-2B
 Field: Little Knife
 County: McKenzie
 Purchaser: Montana Dakota Utilities
 Volume: 74 MMcf.
 FERC Control Number: 5338
 API Well Number: 33-025-00083
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Elsie Marinenko 2-30-4D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 131 MMcf.
 FERC Control Number: 5339
 API Well Number: 33-025-00086
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Leonard Kostelnak 1-30-2D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 69 MMcf.
 FERC Control Number: 5340
 API Well Number: 33-025-00096
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: State 2-18-2D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 90 MMcf.
 FERC Control Number: 5341
 API Well Number: 33-053-00702
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Lind 1-13-3C
 Field: Little Knife
 County: McKenzie
 Purchaser: Montana Dakota Utilities
 Volume: 120 MMcf.
 FERC Control Number: 5342
 API Well Number: 33-025-00076
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Dale Dolezal 1-17-1A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 6 MMcf.
 FERC Control Number: JD5343
 API Well Number: 33-025-00108
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Rose Glovatsky 1-20-1A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 149 MMcf.
 FERC Control Number: JD5344
 API Well Number: 33-025-00075
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Dolezal State 1-7-3A
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 217 MMcf.
 FERC Control Number: JD5345
 API Well Number: 33-053-00711
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Lind 2-13-2D
 Field: Little Knife
 County: McKenzie
 Purchaser: Montana Dakota Utilities
 Volume: 98 MMcf.
 FERC Control Number: JD5346
 API Well Number: 33-025-00068
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Leonard Kostelnak 2-29-1D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume:
 FERC Control Number: JD5347
 API Well Number: 33-025-00080
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Florence Kostelnak 1-29-4D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 138 MMcf.
 FERC Control Number: JD5348
 API Well Number: 33-025-00095
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Florence Kostelnak 2-30-3D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume:
 FERC Control Number: JD5349
 API Well Number: 33-053-00691
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Pete Glovatsky USA 1-24-2A
 Field: Little Knife
 County: McKenzie
 Purchaser: Montana Dakota Utilities
 Volume:

FERC Control Number: 5350
 API Well Number: 33-025-00077
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Elsie Marinenko 1-31-2C
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 114 MMcf.

FERC Control Number: JD5351
 API Well Number: 33-025-00081
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Klatt 2-19-3D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 85 MMcf.

FERC Control Number: JD5352
 API Well Number: 33-025-00097
 Section of NGPA: 103
 Operator: Gulf Oil Corporation
 Well Name: Dolezal State 2-7-4D
 Field: Little Knife
 County: Dunn
 Purchaser: Montana Dakota Utilities
 Volume: 217 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
 Secretary.

[FR Doc. 79-13628 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Investigation of Practices Under Automatic Adjustment Clauses; Order Instituting Investigation of Practices Under Automatic Adjustment Clauses

Issued: April 26, 1979.

Section 205(f)(2) of the Federal Power Act¹ requires that at least every two years the Commission review, with respect to each public utility, practices under any automatic adjustment clause of each utility "to insure the efficient use of resources (including economical purchase and use of fuel and electric energy) under such clauses". PURPA defines an automatic adjustment clause

as a "provision of a rate schedule which provides for increases or decreases (or both) without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility".²

Pursuant to this requirement, the Commission intends to institute such a review of practices under automatic adjustment clauses employed by each public utility. This initial review will be conducted in addition to the ongoing field audits of the Commission, which will continue to examine all aspects of utility operations, including fuel programs, purchasing practices, management systems and other matters. The review will utilize the results of audits and other data filed with the Commission, in addition to the materials developed specifically by the review.

The Commission has determined that in order expeditiously to accomplish the review required under Section 208 of PURPA, it is appropriate to institute an investigation pursuant to Section 307(a) of the Federal Power Act.

The Commission has determined that in order to carry out the expeditious review required under section 208(f)(2), it is appropriate to appoint a designated officer of the Commission who, pursuant to section 307(b) of the Federal Power Act will be empowered to administer oaths, subpoena witnesses, take evidence, require production of relevant documents and utilize all other powers enumerated in Section 307(b) of the Federal Power Act.

The designated officer is directed to invite state public utility commissions to cooperate in the review. Upon conclusion of his inquiry, the designated officer shall report his findings and recommendations to the Commission. Based on the foregoing,

The Commission finds.—(1) It is necessary and appropriate for purposes of the Federal Power Act to institute an investigation pursuant to section 307(a) of the Federal Power Act into public utility practices under automatic adjustment clauses.

(2) It is necessary and appropriate to appoint a member of the Commission Staff as a designated officer of the Commission for the purposes of conducting this investigation.

The Commission orders.—(A) Pursuant to the Federal Power Act, and the Commission's Rules and Regulations thereunder, an investigation of public utility practices under automatic adjustment clauses is hereby instituted.

(B) It is ordered that for the purposes of this investigation, William W.

Lindsay is hereby designated an officer of this Commission and is empowered to administer oaths, and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant to the inquiry and to perform all other duties in connection therewith as prescribed by law, and to designate other staff members of the Commission as officers of the Commission with all powers herein enumerated.

(C) The designated officer shall report his findings and recommendations to the Commission.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

Lois D. Casbell,

Acting Secretary.

[FR Doc. 79-13616 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Lo Vaca Gathering Co., et al.; Notice of Change in Docket Numbers

April 26, 1979.

Take notice that the docket numbers of the following proceedings before the Commission have been changed, as follows:

Name of proceeding	Former docket No.	New docket No.
1. Lo Vaca Gathering Co.	RM73-3	GP79-3
2. Kansas Power & Light Co. v. Mesa Petroleum.	RM79-30	GP79-4

Take further notice that the above changes have been made pursuant to the establishment, by Notice dated April 17, 1979, of new docket prefixes for certain matters which pertain to the Natural Gas Policy Act.

Kenneth F. Plumb,
 Secretary.

[FR Doc. 79-13628 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Midwestern Gas Transmission Co.; Notice of Certification of Settlement

April 26, 1979.

Take notice that on April 19, 1979, Presiding Administrative Law Judge Curtis L. Wagner, Jr. certified to the Commission a proposed Stipulation and Agreement which, if approved, will resolve all of the issues in this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal

¹ Section 208 of the Public Utility Regulatory Policies Act of 1978 (PURPA) amended the Federal Power Act, adding, *inter alia*, Section 205(f)(2).

² Section 205(f)(4), Federal Power Act, as amended.

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should serve the same on all parties to this proceeding. Comments are due on May 11, 1979. All comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket RP78-23]
[FR Doc. 79-13617 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Mississippi Power Co.; Notice of Filing of Agreement

April 26, 1979.

The filing Company submits the following:

Take notice that Mississippi Power Company (MPC) on April 23, 1979, tendered for filing Supplement Agreement with Coast Electric Power Association (CEPA) under its FERC Electric Tariff Original Volume No. 1. This agreement provides for an increase in the contracted capacity at the New Crossroads delivery point of CEPA. To effect this change, MPC and CEPA have entered into a supplemental agreement under the Company's FERC Electric Tariff Original Volume No. 1 (Second Revised Sheet No. 14).

MPC agrees to deliver up to a maximum of 3,500 kilowatts at 46,000 volts at the entrance to the Customer's 46 KV switch installed in Customer's 46/12 KV substation said station being located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 3 South, Range 17 West, Pearl River County, Mississippi, and at the connections to the 46 KV extension to Collins Pipeline Pumping Station.

MPC states that this supplement will become effective on or about May 31, 1979, when the required additional facilities will be energized. MPC has requested the sixty day notice requirement be waived in order to avoid a delay in rendering service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 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.

[Docket ER79-325]
[FR Doc. 79-13618 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Montana Power Co.; Notice of Filing

April 26, 1979

The Filing Company submits the following:

Take notice that on April 23, 1979, the Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, in Docket No. ER 76-848, a summary of sales made under the Company's FPC Electric Tariff M-1 during March, 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 May 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket ER 79-327]
[FR Doc. 79-13619 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Natural Gas Policy Act of 1978; Notice of Receipt of Report of Determination Process

April 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	Date
Alabama State Oil and Gas Board ...	November 30, 1970.
State of Alaska Oil and Gas Conservation Commission.	December 11, 1970.
State of Arizona Oil and Gas Conservation Commission.	December 14, 1970.
Arkansas Oil and Gas Commission..	February 12, 1970.
State of California Department of Conservation Division of Oil and Gas.	December 4, 1970.
State of Colorado Department of Natural Resources.	December 5, 1970.
(Supplemental Report).....	April 4, 1979.
(Revised Supplemental Report)	April 10, 1979.
State of Florida Department of Natural Resources.	January 3, 1979.
State of Illinois, Department of Mines & Minerals, Oil and Gas Division.	January 5, 1970.
State of Indiana Department of Natural Resources.	December 20, 1970.
(Supplemental Report).....	March 26, 1979.
Kansas State Corporation Commission Conservation Division.	November 30, 1970.
Commonwealth of Kentucky Department of Mines and Minerals, Division of Oil and Gas Conservation.	February 5, 1979.
State of Louisiana Department of Conservation.	November 29, 1970.
State of Michigan, Department of Natural Resources, Geological Survey Division.	December 1, 1970.
State Oil and Gas Board of Mississippi.	November 30, 1970.
State of Montana Department of Natural Resources and Conservation.	January 29, 1970.
State of Nebraska Oil and Gas Conservation Commission.	December 15, 1970.
State of New Mexico Energy and Minerals Department, Oil Conservation Division.	November 29, 1970.
New York State Department of Environmental Conservation.	February 23, 1970.
State of North Dakota Geological Survey.	January 4, 1979.
State of Ohio Department of Natural Resources Division of Oil and Gas.	December 6, 1970.
State of Oklahoma Corporation Commission.	March 29, 1970.
Osage Agency, Osage County, Oklahoma Bureau of Indian Affairs.	April 2, 1970.
State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas.	December 26, 1970.
State of South Dakota Department of Natural Resource Development.	March 14, 1970.
State of Tennessee Oil and Gas Board.	December 19, 1970.
Railroad Commission of Texas	November 30, 1970.
United States Department of Interior, Geological Survey.	January 19, 1970.
State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining.	January 30, 1970.
Commonwealth of Virginia Department of Labor and Industry, Division of Mines and Quarries.	December 4, 1970.
West Virginia Department of Mines, Oil and Gas Division.	November 30, 1970.
State of Wyoming Office of Oil and Gas Conservation Commission.	December 4, 1970.

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.

[Docket RM79-3]
[FR Doc. 79-13625 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Nevada Power Co.; Notice of Compliance Filing

April 26, 1979.

Take notice that Nevada Power Company on April 19, 1979 tendered for filing in compliance with the Commission's Orders Approving Settlement issued July 21, 1977 (E-9104) and July 1, 1977 (ER76-40), and in response to deficiency letters dated January 19, 1979 (E-9104) and January 23, 1979 (ER76-40) revised rate schedules and revised statements pertaining to cost of service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 10, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket Nos. E-9104 and ER76-40]
[FR Doc. 79-13620 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Northern Natural Gas Co.; Notice of Further Extension of Time

April 23, 1979.

On April 2, 1979, Northern Natural Gas Company filed a motion for further extension of time for the filing of its case-in-chief. The motion states that the Commission's order of March 14, 1979, greatly expands the scope of the evidentiary hearing so that Northern requires additional time to prepare its case-in-chief adequately. The motion states that Staff Counsel and intervenors have no objection to the request.

Upon consideration, notice is hereby given that an extension of time is granted to and including June 12, 1979, for Northern to file and serve its case-in-chief. Staff shall prepare and serve its

statement of position on or before
August 10, 1979.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP71-107 (Phase II) (PGA79-1, R&D 79-1)]
[FR Doc. 79-13621 Filed 5-1-79; 8:45 am]

BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 10, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Ohio Department of Natural Resources
Division of Oil and Gas

FERC Control Number: JD79-2796
API Well Number: 3412724191**14
Section of NGPA: 103
Operator: Petro-Lewis Corporation
Well Name: Thalman #1, W.
Field: N/A
County: Perry
Purchaser: Not yet determined
Volume: 10.95 MMcf.

FERC Control Number: JD79-2797
API Well Number: 3411924381**14
Section of NGPA: 103
Operator: Irvin Producing Company
Well Name: Fred Dietz #1
Field: N/A
County: Muskingum
Purchaser: National Gas & Oil Corporation
Volume: 8 MMcf.

FERC Control Number: JD79-2798
API Well Number: 34-075-2-1530**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Fanny Miller Unit #11184
Field: Winesburg
County: Holmes
Purchaser: Columbia Gas Transmission
Volume: 11.5 MMcf.

FERC Control Number: JD79-2799
API Well Number: 3407521462**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Roy Miller Unit #1-35
Field: Winesburg
County: Holmes
Purchaser: Columbia Gas Transmission
Volume: 2 MMcf.

FERC Control Number: JD79-2800
API Well Number: 3403122248**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Irwin D. Frye Unit #1
Field: West Lafayette
County: Coshocton
Purchaser: Columbia Gas Transmission
Volume: .05 MMcf.

FERC Control Number: JD79-2801
API Well Number: 3403122729
Section of NGPA: 108
Operator: Jerry Moore, Inc.

Well Name: Robert G. Mohler #2
Field: Warsaw
County: Coshocton
Purchaser: Columbia Gas Transmission
Volume: 1 MMcf.

FERC Control Number: JD79-2802
API Well Number: 3403122602**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Oakleaf-Sharrock Unit #20193
Field: Newcomerstown
County: Coshocton
Purchaser: Columbia Gas Transmission
Volume: 8 MMcf.

FERC Control Number: JD79-2803
API Well Number: 3410321858**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: H. B. Owen #1
Field: Homerville
County: Medina
Purchaser: Columbia Gas Transmission
Volume: 1 MMcf.

FERC Control Number: JD79-2804
API Well Number: 3407521421**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Paint Mast #1
Field: Winesburg
County: Holmes
Purchaser: Columbia Gas Transmission
Volume: .5 MMcf.

FERC Control Number: JD79-2805
API Well Number: 3408321434**14
Section of NGPA: 108
Operator: James W. Mueller
Well Name: Pauline Freeman #1
Field: N/A
County: Knox
Purchaser: Columbia Gas Transmission Corp.
Volume: 2.732 MMcf.

FERC Control Number: JD79-2806
API Well Number: 3415722733**14
Section of NGPA: 108
Operator: Industrial Gas Associates
Well Name: Robert H. Colvin No. 1
Field: N/A
County: Tuscarawas
Purchaser: The East Ohio Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79-2807
API Well Number: 3415722735**14
Section of NGPA: 108
Operator: Industrial Gas Associates
Well Name: J.F. Ladrach No. 1
Field: N/A
County: Tuscarawas
Purchaser: The East Ohio Gas Company
Volume: 15. MMcf.

FERC Control Number: JD79-2808
API Well Number: 3407521448**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Levi Miller Unit #1-22
Field: Winesburg
County: Holmes
Purchaser: Columbia Gas Transmission
Volume: 2 MMcf.

FERC Control Number: JD79-2809
API Well Number: 3403122241**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Ralph E. Pollock #1

Field: West Lafayette
 County: Coshocton
 Purchaser: Columbia Gas Transmission
 Volume: 1 MMcf.
 FERC Control Number: JD79-2810
 API Well Number: 3416921620**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: R. Miller #2
 Field: Mt. Eaton
 County: Wayne
 Purchaser: Columbia Gas Transmission
 Volume: 3.8 MMcf.
 FERC Control Number: JD79-2811
 API Well Number: 3415122389**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: Alice N. Grove Unit # 11376
 Field: Wilmot
 County: Stark
 Purchaser: Columbia Gas Transmission
 Volume: 3.2 MMcf.
 FERC Control Number: JD79-2812
 API Well Number: 3407521469**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: E. Raber Unit #1-10
 Field: Winesburg
 County: Holmes
 Purchaser: Columbia Gas Transmission
 Volume: 3.9 MMcf.
 FERC Control Number: JD79-2813
 API Well Number: 3407521680**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: M.B. Raber & L.N. Yoder #11399
 Field: Walnut Creek
 County: Holmes
 Purchaser: Columbia Gas Transmission
 Volume: 5.9 MMcf.
 FERC Control Number: JD79-2814
 API Well Number: 3407521681**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: M. E. Miller & L. N. Yoder #11397
 Field: Walnut Creek
 County: Holmes
 Purchaser: Columbia Gas Transmission
 Volume: .3 MMcf.
 FERC Control Number: JD79-2815
 API Well Number: 3403122858**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: Klines Kaser #1
 Field: Warsaw
 County: Coshocton
 Purchaser: Columbia Gas Transmission
 Volume: 1.3 MMcf.
 FERC Control Number: JD79-2816
 API Well Number: 3407521598**14
 Section of NGPA: 108
 Operator: Jerry Moore, Inc.
 Well Name: Joseph E. Miller #11283
 Field: Benton
 County: Holmes
 Purchaser: Columbia Gas Transmission
 Volume: 1.1 MMcf.
 FERC Control Number: JD79-2817
 API Well Number: 3407522091**14
 Section of NGPA: 108
 Operator: Roscoe Baker
 Well Name: Robert P. & S. Darline Baker #5-
 B

Field: N/A
 County: Holmes
 Purchaser: Columbia Gas Transmission Corp.
 Volume: .46 MMcf.
 FERC Control Number: JD79-2818
 API Well Number: 3407520797**14
 Section of NGPA: 108
 Operator: Roscoe Baker
 Well Name: Robert P. & S. Darline Baker #1-
 C
 Field: N/A
 County: Holmes
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 1.85 MMcf.
 FERC Control Number: JD79-2819
 API Well Number: 3407521865**14
 Section of NGPA: 108
 Operator: Roscoe Baker
 Well Name: Robert P. & S. Darline Baker #1-
 B
 Field: N/A
 County: Holmes
 Purchaser: Columbia Gas Transmission Corp.
 Volume: .46 MMcf.
 FERC Control Number: JD79-2820
 API Well Number: 3407521879**14
 Section of NGPA: 108
 Operator: Roscoe Baker
 Well Name: Robert P. & S. Darline Baker #2-
 B
 Field: N/A
 County: Holmes
 Purchaser: Columbia Gas Transmission Corp.
 Volume: .46 MMcf.
 FERC Control Number: JD79-2821
 API Well Number: 3407521898**14
 Section of NGPA: 108
 Operator: Roscoe Baker
 Well Name: Robert P. & S. Darline Baker #3-
 B
 Field: N/A
 County: Holmes
 Purchaser: Columbia Gas Transmission Corp.
 Volume: .46 MMcf.
 FERC Control Number: JD79-2822
 API Well Number: 3407521890**14
 Section of NGPA: 108
 Operator: Morgan-Pennington, Inc.
 Well Name: Davenport No. 1
 Field: N/A
 County: Holmes
 Purchaser: Columbia Gas Transmission Corp.
 Volume: N/A
 FERC Control Number: JD79-2823
 API Well Number: 3405320196**14
 Section of NGPA: 108
 Operator: Neill C. Flemister, Jr.
 Well Name: Marjorie Thompson #1
 Field: N/A
 County: Gallia
 Purchaser: Columbia
 Volume: 13 MMcf.
 FERC Control Number: JD79-2824
 API Well Number: 34-11923121**14
 Section of NGPA: 108
 Operator: Dal-Ken Corporation
 Well Name: Gene C. Swingly #1
 Field: N/A
 County: Muskingum
 Purchaser: National Gas & Oil Corp.
 Volume: 14.148 MMcf.
 FERC Control Number: JD79-2825
 API Well Number: 34-03123151**14

Section of NGPA: 103
 Operator: Jadeoil, Inc.
 Well Name: Henry E. & Shirley C. Gahrke #1
 Field: N/A
 County: Coshocton
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 10 MMcf.
 FERC Control Number: JD79-2826
 API Well Number: 34-15320586**14
 Section of NGPA: 103
 Operator: The Goodyear Tire & Rubber
 Company
 Well Name: Goodyear — Stow #2
 Field: N/A
 County: Summit
 Purchaser: East Ohio Gas Co.
 Volume: 130 MMcf.
 FERC Control Number: JD79-2827
 API Well Number: 34-3415320585**14
 Section of NGPA: 103
 Operator: The Goodyear Tire & Rubber
 Company
 Well Name: Goodyear—Stow #1
 Field: N/A
 County: Summit
 Purchaser: East Ohio Gas Co.
 Volume: 45 MMcf.
 FERC Control Number: JD79-2828
 API Well Number: 34-15520730**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: D. & M. Bulter #3
 Field: N/A
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 32.4 MMcf.
 FERC Control Number: JD79-2829
 API Well Number: 34-15521013**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: J. & M. DeNiro Unit #1
 Field: N/A
 County: Trumbull
 Purchaser: East Ohio Gas Co.,
 Volume: 21.6 MMcf.
 FERC Control Number: JD79-2830
 API Well Number: 34-08322359**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Edgar Dougeon #1
 Field: N/A
 County: Knox
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 5 MMcf.
 FERC Control Number: JD79-2831
 API Well Number: 34-08322417**14
 Section of NGPA: 103
 Operator: Reliance Management Co
 Well Name: Charles Elliott #2
 Field: N/A
 County: Knox
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 6 MMcf.
 FERC Control Number: JD79-2832
 API Well Number: 34-08322542**14
 Section of NGPA: 103
 Operator: Reliance Management Co
 Well Name: Charles Elliott #3
 Field: N/A
 County: Knox
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 10 MMcf.
 FERC Control Number: JD79-2833

API Well Number: 34-3408322544**14

Section of NGPA: 103

Operator: Reliance Management Co.

Well Name: Charles Elliott #4

Field: N/A

County: Knox

Purchaser: Columbia Gas Transmission Corp

Volume: 15 MMcf.

FERC Control Number: JD79-2834

API Well Number: 34-15520641**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: I.D. Creed #1

Field: N/A

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 32.4 MMcf.

FERC Control Number: JD79-2835

API Well Number: 34-15521025**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: Gifford-Creed Unit #4

Field: N/A

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 39.6 MMcf.

FERC Control Number: JD79-2837

API Well Number: 34-15520628**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: T. & C. James #1

Field: N/A

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 18 MMcf.

FERC Control Number: JD79-2836

API Well Number: 3415520629**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: Gifford Creed Unit #3

Field: N/A

County: Trumbull

Purchaser: East Ohio Co.

Volume: 39.6 MMcf.

FERC Control Number: JD79-2838

API Well Number: 34-15520630**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: Gifford Creed Unit #2

Field: N/A

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 39.6 MMcf.

FERC Control Number: JD79-2939

API Well Number: 34-15520632**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: Gifford Creed Unit #1

Field: N/A

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 39.6 MMcf.

FERC Control Number: JD79-2840

API Well Number: 34-15520972**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: E. & J. Foltz #1

Field: N/A

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 10.8 MMcf.

FERC Control Number: JD79-2841

API Well Number: 34-11924434**14

Section of NGPA: 103

Operator: Partners Oil Company

Well Name: No. 1 Carpenter

Field: N/A

County: Muskingum

Purchaser: Columbia Gas Transmission Corp.

Volume: 890 MMcf.

FERC Control Number: JD79-2842

API Well Number: 34-01921214**14

Section of NGPA: 103

Operator: L & M Exploration, Inc.

Well Name: #1 D. Micheal Smith

Field: N/A

County: Carroll

Purchaser: Bonanza Gas Line.

Volume: 5000 MMcf.

FERC Control Number: JD79-2843

API Well Number: 34-01921215**14

Section of NGPA: 103

Operator: L & M Exploration

Well Name: McFarland #1

Field: N/A

County: Carroll

Purchaser: Bonanza Gas Line.

Volume: 6000 MMcf.

FERC Control Number: JD79-2844

API Well Number: 3401921008**14

Section of NGPA: 103

Operator: L & M Exploration

Well Name: Huff #1

Field: NA

County: Carroll

Purchaser: Bonanza Gas Line

Volume: 7300 MMcf.

FERC Control Number: JD79-2845

API Well Number: 3401921216**14

Section of NGPA: 103

Operator: L & M Exploration

Well Name: McFarland #2

Field: NA

County: Carroll

Purchaser: Bonanza Gas Line

Volume: 6000 MMcf.

FERC Control Number: JD79-2846

API Well Number: 3401921181**14

Section of NGPA: 103

Operator: L & M Exploration

Well Name: Merrick #1

Field: NA

County: Carroll

Purchaser: Bonanza Gas Line

Volume: 900 MMcf.

FERC Control Number: JD79-2847

API Well Number: 3401921128**14

Section of NGPA: 103

Operator: L & M Exploration

Well Name: McIntosh #1

Field: NA

County: Carroll

Purchaser: Bonanza Gas Line

Volume: 8000 MMcf.

FERC Control Number: JD79-2848

API Well Number: 3401921175**14

Section of NGPA: 103

Operator: L & M Exploration

Well Name: McIntosh #3

Field: NA

County: Carroll

Purchaser: Bonanza Gas Line

Volume: 6000 MMcf.

FERC Control Number: JD79-2849

API Well Number: 3405520278**14

Section of NGPA: 103

Operator: Inland Drilling Co., Inc.

Well Name: Lewin #1 #0278

Field: NA

County: Giauga Co

Purchaser: No Contract

Volume: 0.784 MMcf.

FERC Control Number: JD79-2850

API Well Number: 3401921144**14

Section of NGPA: 103

Operator: L & M Exploration Inc.

Well Name: Otte 7-B

Field: NA

County: Carroll

Purchaser: Bonanza Gas Line

Volume: 2000 MMcf.

FERC Control Number: JD79-2851

API Well Number: 3407322000**14

Section of NGPA: 103

Operator: Reliance Management Co.

Well Name: Sunday Creek Coal #23R

Field: NA

County: Hocking

Purchaser: Columbia Gas Transmission Corp.

Volume: 10 MMcf.

FERC Control Number: JD79-2852

API Well Number: 3415520689**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: D. & P. Bruno #1

Field: NA

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 14.4 MMcf.

FERC Control Number: JD79-2853

API Well Number: 3415520731**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: D. M. Butler #1

Field: NA

County: Trumbull

Purchaser: East Ohio Co.

Volume: 21.6 MMcf.

FERC Control Number: JD79-2854

API Well Number: 3415530729**14

Section of NGPA: 103

Operator: Berea Oil and Gas Corporation

Well Name: D. & M. Butler #2

Field: NA

County: Trumbull

Purchaser: East Ohio Gas Co.

Volume: 32.4 MMcf.

FERC Control Number: JD79-2855

API Well Number: 340732201**14

Section of NGPA: 103

Operator: Reliance Management Co.

Well Name: Sunday Creek Coal Co. #24 R

Field: NA

County: Hocking

Purchaser: Columbia Gas Transmission Corp.

Volume: 5 MMcf.

FERC Control Number: JD79-2856

API Well Number: 34075220388**14

Section of NGPA: 103

Operator: Buckeye Oil Producing Co.

Well Name: Wogamot 38#1

Field: NA

County: Holmes

Purchaser: Columbia Gas Transmission Corp.

Volume: 4 MMcf.

FERC Control Number: JD79-2857

API Well Number: 3407322041**14

Section of NGPA: 103

Operator: Reliance Management Co.

Well Name: Sunday Creek Coal Co. #32 R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 10 MMcf.
 FERC Control Number: JD79-2858
 API Well Number: 3407321988**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal #22 R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 6 MMcf.
 FERC Control Number: JD79-2859
 API Well Number: 3407322060**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal Co. #34 R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 6 MMcf.
 FERC Control Number: JD79-2860
 API Well Number: 3407322076**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal Co. #36 R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 6 MMcf.
 FERC Control Number: JD79-2861
 API Well Number: 3407322090**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal Co. #38R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 7 MMcf.
 FERC Control Number: JD79-2862
 API Well Number: 3411924048**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Martha Roll #2
 Field: NA
 County: Muskingum
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 3 MMcf.
 FERC Control Number: JD79-2863
 API Well Number: 3408322382**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Gerard Eisma #3
 Field: NA
 County: Knox
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 3 MMcf.
 FERC Control Number: JD79-2864
 API Well Number: 3403123060**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Ethel Reese #3
 Field: NA
 County: Coshocton
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 3 MMcf.
 FERC Control Number: JD79-2865
 API Well Number: 3408322548**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Charles Elliott #5

Field: NA
 County: Knox
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 15 MMcf.
 FERC Control Number: JD79-2866
 API Well Number: 3408322468**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Forrest Davidson #2
 Field: NA
 County: Knox
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 2 MMcf.
 FERC Control Number: JD79-2867
 API Well Number: 3407322017**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal Co. #25R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 15 MMcf.
 FERC Control Number: JD79-2868
 API Well Number: 3407322021**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal Co. #27R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 10 MMcf.
 FERC Control Number: JD79-2869
 API Well Number: 3407322028**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Sunday Creek Coal Co. #28R
 Field: NA
 County: Hocking
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 6 MMcf.
 FERC Control Number: JD79-2870
 API Well Number: 3415521116**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: A. Abrutz & J. Damato Unit #1
 Field: NA
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 25.2 MMcf.
 FERC Control Number: JD79-2871
 API Well Number: 3404520586**14
 Section of NGPA: 103
 Operator: Reliance Management Co.
 Well Name: Galon Rodabaugh #1
 Field: NA
 County: Fairfield
 Purchaser: Columbia Gas Transmission Corp.
 Volume: 12 MMcf.
 FERC Control Number: JD79-2872
 API Well Number: 3413321176**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: A. & W. Rothermal #1
 Field: NA
 County: Portage
 Purchaser: East Ohio Gas Co.
 Volume: 39.6 MMcf.
 FERC Control Number: JD79-2873
 API Well Number: 3415520623**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: Price Unit #1
 Field: NA

County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 54 MMcf.
 FERC Control Number: JD79-2874
 API Well Number: 3415521034**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: William Powell Unit #1
 Field: NA
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 23.4 MMcf.
 FERC Control Number: JD79-2875
 API Well Number: 3415520766**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: H. Schlact et al #2
 Field: NA
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 5.2 MMcf.
 FERC Control Number: JD79-2876
 API Well Number: 3415520736**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: H. Schlact et al #1
 Field: NA
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 5.1 MMcf.
 FERC Control Number: JD79-2877
 API Well Number: 3415521036**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: William Powell #1
 Field: NA
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 7.2 MMcf.
 FERC Control Number: JD79-2878
 API Well Number: 3415521095**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: Margret Ann Mealy #1
 Field: NA
 County: Trumbull
 Purchaser: East Ohio Gas Co.
 Volume: 21.6 MMcf.
 FERC Control Number: JD79-2879
 API Well Number: 3413321172**14
 Section of NGPA: 103
 Operator: Berea Oil and Gas Corporation
 Well Name: W. & H. Mangold #1
 Field: NA
 County: Portage
 Purchaser: East Ohio Gas Co.
 Volume: 7.5 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or

before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13631 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Public Service Co. of Indiana, Inc.; Notice of Compliance Filing

April 26, 1979.

Take notice that on March 29, 1979, Public Service Company of Indiana, Inc. (PSCI) tendered for filing revised FERC Electric Tariff Second Revised Exhibit I (Rate Schedule FERC No. 222). PSCI indicates that this filing is made in compliance with Ordering Paragraph (D) of the Commission's Order dated November 9, 1978.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before May 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket Nos. ER76-149 and E-9537]
[FR Doc. 79-13622 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Public Service Co. of Indiana, Inc.; Notice of Tariff Change

April 26, 1979.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on April 23, 1979 tendered for filing a Notice of Cancellation of Service Schedule F—Fuel Conservation Power And Energy contained in Modification No. 2 of the Interconnection Agreement between Indiana & Michigan Electric Company and Public Service Company of Indiana, Inc.

Service Schedule F, by its own terms, was cancelled on December 31, 1974. Public Service Company of Indiana, Inc. has requested waiver of the notice requirements under Section 35.11 of the Commission's Regulations in order that

the effective date of such Cancellation be December 31, 1974.

Copies of the filing were served upon Indiana & Michigan Electric Company and the Public Service Company of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulation Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 18, 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 the filing are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-324]
[FR Doc. 79-13623 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 12, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Montana Board of Oil and Gas Conservation

FERC Control Number: JD79-5148
API Well Number: 25-041-21007
Section of NGPA: 108
Operator: Tricentrol United States, Inc.
Well Name: Anderson 30-11-31-18
Field: Bullhook Unit—Tiger Ridge
County: Hill
Purchaser: Northern Natural Gas Company.
Volume: 11.4 MMcf.

FERC Control Number: JD79-5149
API Well Number: 25-041-21090
Section of NGPA: 108
Operator: Tricentrol United States, Inc.
Well Name: Beck 4-6-31-15
Field: Bullhook Unit—Tiger Ridge
County: Hill
Purchaser: Northern Natural Gas Company
Volume: 18 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is

treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13629 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 16, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Montana Department of Natural Resources and Conservation Board of Oil and Gas Conservation

FERC Control Number: JD79-5194
API Well Number: 25-005-21143
Section of NGPA: 108
Operator: Tricentrol United States, Inc.
Well Name: Shankle 21-11-31-18
Field: Tiger Ridge
County: Blaine
Purchaser: Northern Natural Gas Company
Volume: 18 MMcf.
FERC Control Number: JD79-5195
API Well Number: 25-005-21518
Section of NGPA: 108
Operator: Tricentrol United States, Inc.
Well Name: Loney 1-4-31-18
Field: Tiger Ridge
County: Blaine
Purchaser: Northern Natural Gas Company
Volume: 3.6 MMcf.

FERC Control Number: JD79-5196
API Well Number: 25-083-21185
Section of NGPA: 103
Operator: The Brikeroff Company
Well Name: Bond #1
Field: South Brorson Red River
County: Richland
Purchaser: Montana-Dakota Utilities Co.
Volume: 3235 MMcf.

FERC Control Number: JD79-5197
API Well Number: 25-005-21629
Section of NGPA: 108
Operator: Tricentrol United States, Inc.
Well Name: S-B Ranch 21-13-31-19
Field: Tiger Ridge
County: Blaine
Purchaser: Northern Natural Gas Company
Volume: 13.2 MMcf.
FERC Control Number: JD79-5198

API Well Number: 25-005-21777
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Finch 2-10-31-18
 Field: Tiger Ridge
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 1.2 MMcf.

FERC Control Number: JD79-5199
 API Well Number: 25-041-22041
 Section of NGPA: 103
 Operator: Tricentrol United States, Inc.
 Well Name: Nystrom 2-8X-30-15
 Field: Bullhook Unit-Tiger Ridge
 County: Hill
 Purchaser: Northern Natural Gas Company
 Volume: 365 MMcf.

FERC Control Number: JD79-5200
 API Well Number: 25-005-21413
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Vercruyssen 19-2-31-18
 Field: Tiger Ridge
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 17.5 MMcf.

FERC Control Number: JD79-5201
 API Well Number: 25-005-21187
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: State 16-11-31-18
 Field: Tiger Ridge
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 10.5 MMcf.

FERC Control Number: JD79 5202
 API Well Number: 25-015-21419
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Campbell 8-32-26-17
 Field: Sherard
 County: Chouteau
 Purchaser: Northern Natural Gas Company
 Volume: 1.9 MMcf.

FERC Control Number: JD79 5203
 API Well Number: 25-005-21403
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Hofeldt 10-2-30-18
 Field: Tiger Ridge
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 12 MMcf.

FERC Control Number: JD79 5204
 API Well Number: 25-005-21638
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Risely 11-6-31-18
 Field: Tiger Ridge
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 3 MMcf.

FERC Control Number: JD79 5205
 API Well Number: 25-005-21144
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Olson 23-7-31-17
 Field: Tiger Ridge
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 4.8 MMcf.

FERC Control Number: JD79 5208
 API Well Number: 25-005-21256

Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Robinson 11C-34-26-19
 Field: Sherard Unit
 County: Blaine
 Purchaser: Northern Natural Gas Company
 Volume: 17 MMcf.

FERC Control Number: JD79 5207
 API Well Number: 25-041-21811
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: Falk 3-1-31-14
 Field: Tiger Ridge BHNU
 County: Hill
 Purchaser: Northern Natural Gas Company
 Volume: 2.0 MMcf.

FERC Control Number: JD79 5208
 API Well Number: 25-041-21842
 Section of NGPA: 108
 Operator: Tricentrol United States, Inc.
 Well Name: State 29-1-32-15
 Field: Bullhook Unit-Tiger Ridge
 County: Hill
 Purchaser: Northern Natural Gas Company
 Volume: 19.8 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
 Secretary.
 [FR Doc. 79-13830 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

Tucson Gas & Electric Co.; Notice of Cancellation

April 26, 1979.

Take notice that Tucson Gas & Electric Company on April 18, 1979 tendered for filing a notice of cancellation, proposed to be effective April 30, 1979, of Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 10, effective date July 1, 1976, involving Arizona Power Cooperative.

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 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 May 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
 Secretary.
 [Docket No. ER79-323]
 [FR Doc. 79-13624 Filed 5-1-79; 8:45 am]
 BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Environmental Criteria and Assessment Office

Health Assessment Document for Tetrachloroethylene (Perchloroethylene); Availability of External Review Draft

The U.S. Environmental Protection Agency will make available on May 18, 1979, an external review draft of a Health Assessment Document for Tetrachloroethylene (Perchloroethylene). Address all written requests for copies to the Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (Attn: Ms. Diane Chappell). Telephone 919/541-3746, and a prerecorded message will provide instructions for placing a telephone request.

The Agency welcomes all comments pertaining to this document. The deadline for receipt of comments is July 18, 1979. Direct comments to Mark M. Greenberg of the address given above.

Dated: April 26, 1979.

Stephen J. Gage,
 Assistant Administrator for Research and Development.
 [Docket No. ECAO-HA-78-3; FRL 1215-1]
 [FR Doc. 79-13672 Filed 5-01-79; 8:45 am]
 BILLING CODE 6560-01-M

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 3125-EUP-146. Mobay Chemical Corporation, Kansas City, Missouri 64120. This experimental use permit allows the use of 3,000 pounds of the insecticide 1-

methylethyl 2-[[ethoxy[[1-methylethyl]amino]phosphinothioyl]oxy] benzoate on field corn to evaluate control of corn rootworm. A total of 2,500 acres is involved. The experimental use permit is effective from March 26, 1979 to March 26, 1980.

No. 3125-EUP-147. Mobay Chemical Corporation, Kansas City, Missouri 64120. This experimental use permit allows the use of 750 pounds of the insecticide 1-methylethyl 2-[[ethoxy[[1-methylethyl]amino]phosphinothioyl]oxy] benzoate on field corn to evaluate control of corn rootworm. A total of 750 acres is involved. The experimental use permit is also effective from March 26, 1979 to March 26, 1980.

No. 3125-EUP-148. Mobay Chemical Corporation, Kansas City, Missouri 64120. This experimental use permit allows the use of 5,000 pounds of the insecticide 1-methylethyl 2-[[ethoxy[[1-methylethyl]amino]phosphinothioyl]oxy] benzoate on field corn to evaluate control of corn rootworm. A total of 5,000 acres is involved; this program and the two above are authorized only in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Dakota, Texas, Virginia, and Wisconsin. This experimental use permit is also effective from March 26, 1979 to March 26, 1980. The permits will use the same active ingredient, but different formulations. A temporary tolerance for residues of the active ingredient in or on corn grain (except popcorn) has been established. (PM-16, Room: E-229, Telephone: 202/755-9315)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Statutory Authority.—Section 5 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: April 24, 1979.

Douglas D. Camp, Jr.

Acting Director, Registration Division.

[FRL 1215-2; OPP-50422]

[FR Doc. 79-13671 Filed 5-01-79; 8:45 am]

BILLING CODE 6560-01-M

Pesticide Programs; Receipt of Application to Register Pesticide Product Entailing a Changed Use Pattern

Elanco Products Co., PO Box 1750, Indianapolis, IN 46208, has submitted to the Environmental Protection Agency (EPA) an application to amend the registration of the product GRASLAN 20P (EPA Reg. No. 1471-109) containing 20% of the active ingredient tebuthiuron (N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea). The application received from Elanco Products Co. proposes that the use of pattern of this pesticide be changed to include use on rangeland. The application also proposes that the product be classified for general use.

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW., Washington DC 20460. The comments must be received by June 1, 1979 and should bear a notation indicating the EPA Reg. No. "1471-109". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, at the above address or by telephone at 202/755-2196. The label furnished by Elanco Products Co., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of this application to register GRASLAN 20P will be announced in the Federal Register. Except for such material protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136), the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will

be given in the Federal Register if an application is approved.

Dated April 27, 1979.

Douglas D. Camp, Jr.

Director, Registration Division.

[FRL 1215-7; OPP-31028]

[FR Doc. 13670 Filed 5-1-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

American National Creighton Co.; Formation of Bank Holding Company

April 24, 1979.

American National Creighton Company, Creighton, 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 95 per cent or more of the voting shares of The American National Bank of Creighton, Creighton, Nebraska. The factors that are considered in acting on the applications 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 no later than May 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, April 23, 1979.

Edward T. Mulrean,

Assistant Secretary of the Board.

[FR Doc. 79-13372 Filed 5-1-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 23, 1979.

A. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (finance and insurance activities; Indiana): to engage, through its subsidiary, The Financial Source, Inc., of Indiana, in arranging, making or acquiring loans and other extensions of credit such as would be made by a consumer finance company; making or acquiring loans and other extensions of credit such as would be made by a sales finance company, including purchasing installment sales finance contracts; servicing any such loans and other extensions of credit; and acting as agent or broker for the sale of life and accident and health insurance directly related to its extensions of credit and for the sale of property damage and liability insurance insuring collateral securing loans and other extensions of credit made directly by the subsidiary or securing sales finance contracts entered into by the subsidiary directly. These activities would be conducted from an office in Corydon, Indiana, serving Harrison and Crawford Counties, Indiana.

B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198:

Commerce Bancshares, Inc., Kansas City, Missouri (insurance activities; Arkansas, Illinois, Iowa, Kansas,

Missouri, Nebraska, Oklahoma): to act, through its subsidiary, CBI Insurance Agency, Inc., as agent or broker for the sale of certain property and casualty insurance directly related to extensions of credit by its bank and nonbank subsidiaries. These activities would be conducted from an office in Kansas City, Missouri, and from the offices of the applicant's bank and nonbank subsidiaries in Cassville, Bolivar, Bonne Terre, Brunswick, Columbia, Conway, Desloge, Excelsior Springs, Fenton, Festus, Florissant, Grandview, Hannibal, Harrisonville, Independence, Joplin, Kahoka, Kansas City, Kirksville, Kirkwood, Lebanon, Lexington, Martin City, Mendon, Mexico, Moberly, Poplar Bluff, St. Charles, St. Joseph, St. Louis, Springfield, Tipton, University City, and Willard, Missouri, and the geographic areas to be served are Missouri, 19 counties in Kansas, ten each in Arkansas and Illinois, eight in Iowa, four in Oklahoma, and two in Nebraska.

C. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, April 25, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-13573 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Notice of 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. 1483(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the

evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, unless otherwise noted, received by the appropriate Federal Reserve Bank not later than May 23, 1979.

A. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (finance activities; Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee): to engage, through a subsidiary, manufacturers Hanover Commercial Corporation (Del.), in making or acquiring loans and other extensions of credit such as would be made by a commercial finance company; and arranging or servicing such loans and other extensions of credit for any person. These activities would be conducted from an office in Atlanta, Georgia, serving the seven states listed in the caption to this notice.

B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City Missouri 64198:

First National Bancshares of Dodge City, Inc., Dodge City, Kansas (insurance activities; Kansas): to engage *de novo* as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by its subsidiary banks; and in the sale of any insurance for its subsidiary banks. These activities would be conducted from the premises of the applicant's subsidiary bank, First National Bank and Trust Company in Dodge City, and the geographic areas to be served are Ford, Gray, Hodgeman, Meade, Clark, Edwards, and Kiowa Counties, Kansas. Comments on this application must be received by the Federal Reserve Bank of Kansas City not later than May 17, 1979.

C. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, April 23, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-13574 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 24, 1979.

A. Federal Reserve Bank of Minneapolis, 250 Marquette Avenue, Minneapolis, Minnesota 55480:

First Bank System, Inc., Minneapolis, Minnesota (mortgage banking activities, Oklahoma): to engage, through its subsidiaries, FBS Homes, Inc., and FBS Financial, Inc., in mortgage banking, including the origination, purchase, sale, and servicing of real estate mortgage loans. These activities would be conducted from an office in Tulsa, Oklahoma, serving the northeast quarter of Oklahoma.

B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198:

Tipton Bancorporation, Inc., Tipton, Oklahoma (insurance activities; Oklahoma): to provide, through its subsidiaries, First Tipton Insurance

Agency, Inc., and First Tipton Business Trust, life and accident and health insurance directly related to extensions of credit by the applicant's subsidiary bank, First National Bank of Tipton. These activities would be conducted from the bank's premises in Tipton, Oklahoma, and the geographic area to be served is the northwest part of Tillman County, Oklahoma.

C. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, April 24, 1979.

Edward T. Mulrean,
Assistant Secretary of the Board.
[FR Doc. 79-13575 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of March 20, 1979

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 20, 1979.¹

The information reviewed at this meeting suggests that in the current quarter growth in real output of goods and services has moderated from the rapid rate in the last quarter of 1978, while the rise in prices has accelerated. In January and February the dollar value of total retail sales rose slightly further. Nonfarm payroll employment continued to expand over the two-month period, but in part because of severe weather, industrial production increased little. The unemployment rate in February, at 5.7 percent, was virtually unchanged from its level in January and in late 1978. Over recent months, on balance, the index of average hourly earnings has continued to rise rapidly.

The trade-weighted value of the dollar against major foreign currencies has shown no net change since early February. The U.S. trade deficit in January was larger than the monthly average in the fourth quarter of 1978, to some extent because of a bulge in imports of oil.

M-1 declined in both January and February, in part because of the continuing effects of the growth of the automatic transfer service. With market interest rates continuing high, inflows of the interest-bearing deposits included in M-2 and M-3 remained at reduced levels, despite substantial flows into money market certificates at both commercial banks and nonbank thrift institutions. Over the two months, consequently, M-2 changed little and M-3 grew at a relatively slow rate. The behavior of all three monetary aggregates was affected by shifts of funds from deposits to money market mutual funds and other liquid assets. Most market interest

rates have risen in recent weeks, after having declined in January.

Taking account of past and prospective developments in employment, unemployment, production, investment, real income, productivity, international trade and payments, and prices, it is the policy of the Federal Open Market Committee to foster monetary and financial conditions that will resist inflationary pressures while encouraging moderate economic expansion and contributing to a sustainable pattern of international transactions. The Committee agreed that these objectives would be furthered by growth of M-1, M-2, and M-3 from the fourth quarter of 1978 to the fourth quarter of 1979 within ranges of 1½ to 4½ percent, 5 to 8 percent, and 6 to 9 percent, respectively. The associated range for bank credit is 7½ to 10½ percent. These ranges will be reconsidered in July or at any time as conditions warrant.

In the short run, the Committee seeks to achieve bank reserve and money market conditions that are broadly consistent with the longer-run ranges for monetary aggregates cited above, while giving due regard to the program for supporting the foreign exchange value of the dollar and to developing conditions in domestic financial markets. Early in the period before the next regular meeting, System open market operations are to be directed at maintaining the weekly average federal funds rate at about the current level. Subsequently, operations shall be directed at maintaining the weekly average federal funds rate within the range of 9¼ to 10½ percent. In deciding on the specific objective for the federal funds rate the Manager shall be guided mainly by the relationship between the latest estimates of annual rates of growth in the March-April period of M-1 and M-2 and the following ranges of tolerance: 4 to 8 percent for M-1 and 3½ to 7½ percent for M-2. If, with approximately equal weight given to M-1 and M-2, their rates of growth appear to be significantly above or below the midpoints of the indicated ranges, the objective for the funds rate is to be raised or lowered in an orderly fashion within its range.

If the rates of growth in the aggregates appear to be above the upper limit or below the lower limit of the indicated ranges at a time when the objective for the funds rate has already been moved to the corresponding limit of its range, the Manager will promptly notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, April 20, 1979.

Murray Altman,
Secretary.
[FR Doc. 79-13282 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

First Newman Grove Bankshares Corp.; Formation of Bank Holding Company

First Newman Grove Bankshares Corp., Newman Grove, Nebraska, has applied for the Board's approval under

¹The Record of Policy Actions of the Committee for the meeting of March 20, 1979 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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 100 per cent of the voting shares (less directors' qualifying shares) of The First National Bank of Newman Grove, Newman Grove, 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 Reserve Bank, to be received not later than May 25, 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, April 25, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-13576 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

Independent Bankshares Corp.; Acquisition of Bank

Independent Bankshares Corporation, San Rafael, California, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(3)) to acquire 100 percent of the voting shares of Gold Country Bank, Grass Valley, California. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 24, 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, April 24, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-13577 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

Southeast Bancorporation; Formation of Bank Holding Company

Southeast Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First American State Bank of Grand Meadow, Grand Meadow, Minnesota. The factors that are considered in acting in 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 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, April 23, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-13578 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

The Charles Stewart Mott Foundation; Nonbanking Activities

The Charles Stewart Mott Foundation, Flint, Michigan, has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls The Wayne Oakland Bank, Royal Oak, Michigan.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that

are so small in relation to holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's power to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the offices of the Board of Governors or at the the Federal Reserve Bank of Chicago. Any request for a hearing on this matter 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.

Any views or requests for a 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 May 25, 1979.

Board of Governors of the Federal Reserve System, April 25, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR. Doc. 79-13580 Filed 5-1-79; 8:45 am]
BILLING CODE 6210-01-M

Third Bancshares Corp.; Formation of Bank Holding Company

Third Bancshares Corporation, Sedalia, Missouri, 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 50 per cent or more of the voting shares of Third National Bank, Sedalia, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 21, 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, April 23, 1979.

Edward T. Mulrean,

Assistant Secretary of the Board.

[FR Doc. 79-13579 Filed 5-1-79; 8:45 am]

BILLING CODE 6210-01-M

Wells Fargo & Co.

Wells Fargo & Company, San Francisco, California, 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)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage, through a subsidiary known as Central Western Insurance Company, in underwriting (pursuant to a reinsurance agreement) credit life insurance which is directly related to extensions of credit in Arizona by the Arizona offices of Applicant and its subsidiaries. These activities would be conducted from offices in the following cities: Scottsdale, Arizona; Marina del Rey, California; and San Francisco, California, and the geographic area to be served is 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 interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

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 May 23, 1979.

Board of Governors of the Federal Reserve System, April 25, 1979.

Edward T. Mulrean,

Assistant Secretary of the Board.

[FR Doc. 79-13581 Filed 5-1-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION**Federal Property Resources Service****Portion, Boron Air Force Station, Boron, Calif., D-Calif-1099; Transfer of Property**

Pursuant to section 2 of Pub. L. 357, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated July 6, 1978, and recorded January 10, 1979, the property comprising approximately 640 acres of unimproved land identified as a portion, Boron Air Force Station, Boron, California, has been conveyed to the State of California.

2. The above-described property was conveyed for wildlife conservation purposes in accordance with the provisions of Section 1 of said Pub. L. 80-537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: April 24, 1979.

Roy Markos,

Commissioner, Federal Property Resources Service.

[Wildlife Order 138]

[FR Doc. 79-13545 Filed 5-1-79; 8:45 am]

BILLING CODE 6820-96-M

Proposed Intervention in Utility Rate Proceeding, Massachusetts Department of Public Utilities, Boston Edison Co.

The Acting Administrator of General Services seeks to intervene in a proceeding before the Massachusetts Department of Public Utilities involving an application of the Boston Edison Company for an increase in rates charged for retail electric service. The Administrator of General Services represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW., Washington, D.C. 20405, telephone (202) 566-0726, on or before June 1, 1979, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry

shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4))

Dated: April 20, 1979.

Paul E. Gouklog,

Acting Administrator of General Services.

[Intervention Notice 88, Docket No. DPU 19991]

[FR Doc. 79-13544 Filed 5-1-79; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Office of the Assistant Secretary of Health****Health Maintenance Organizations; January List****Correction**

In F.R. Doc. 79-12660 appearing at page 24239 in the issue of Tuesday, April 24, 1979, the zip code tables should be corrected as follows:

1. Page 24240:

Orange County: column 7, line 5 should read 92686 instead of 92886.

Orange County: column 8, line 4 should read 92667 instead of 92677.

2. Page 24241, The second large table of zip codes, beginning with "Change to": the second column, line 19 should read 90840 instead of 90740.

BILLING CODE 4110-85-M

Health Care Technology Study Section et al.; Notice of Renewals

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the renewal by the Secretary, HEW, with Concurrence by the General Services Administration, of the following advisory committees:

Designation: Health Care Technology Study Section.

Purpose: The Study Section shall advise the secretary and make recommendations to the Director, National Center for Health Services Research, on research grant and contract applications in the information sciences (computer science, communications technology) and decision sciences (operations research, industrial engineering, health-care administration) bioengineering and related fields as applied to community health services, hospital medicine, and patient care. The members of this Study Section shall survey, as scientific

leaders, the status of research in their field.

* * * * *

Designation: Health Services Research Study Section.

Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, on research grant or contract applications relating to the delivery and acceptance of health services.

* * * * *

Designation: Health Services Developmental Grants Study Section.

Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning scientific and technical merit of health services developmental grant and contract applications reviewed.

Authority for these Committees will expire on August 8, 1979, unless the Secretary, HEW, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: April 27, 1979.

Wayne Richey, Jr.,

Acting Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-13046 Filed 5-1-79; 8:45 am]

BILLING CODE 4110-85-M

Office of Human Development Services, Administration for Children, Youth and Families

Child Welfare Research and Demonstration Grant Program, Demonstration Projects To Assess State's Foster Family Services Systems

AGENCY: Administration for Children, Youth and Families, Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for the Child Welfare Research and Demonstration Grant Program for Demonstration Projects to Assess State's Foster Family Services Systems.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for Child Welfare Research and Demonstration Grants for Demonstration Projects to Assess State's Foster Family Services Systems for Fiscal Years 1979/1980. This Program is authorized under the Social Security Act (Section 426, Part B, Title IV, 42 U.S.C. 626(a)(1)(A) and (B)).

DATES: Closing date for receipt of applications for FY 1979 grant funds is July 2, 1979; and for FY 1980 grant funds is January 30, 1980.

Scope of the Program Announcement

This Program Announcement is one of a series of Program Announcements for the Child Welfare Research and Demonstration Grants Program relating to the purpose and objectives of the Program. Competition for grant awards in other ACYF special emphasis areas in the Child Welfare Research and Demonstration Program will be announced separately in the Federal Register.

Program Purpose

The purpose of the Child Welfare Research and Demonstration Grant Program is to support major research and demonstration efforts in selected areas of high impact and national concern where the utilization of findings is expected to make a substantial contribution to the development and welfare of children and their families.

Program Goals and Objectives

The Children's Bureau is planning the second phase of a three-year series of twelve month demonstration grants (five to seven one year grants for each of three years). These grants will enable a total of fifteen to twenty-one states to staff and carry out (1) a review and assessment of their foster family services systems, developing recommendations for changes in policies, procedures, program and licensing standards, or legislation and regulations, (2) a revision of the state's regulations, or (3) a revision of foster family services manual.

These grants will provide funds for the staff resources which are necessary to coordinate the review, and for the organization of a Task Force which will study the state's foster family services system, utilizing the Standards for Foster Family Services System published by the American Public Welfare Association through a grant from the Children's Bureau.

The original APWA Standards have been revised and consolidated into a single set of guidelines, incorporating current foster care philosophy into statements of good professional practice. In fiscal year 1978, seven states were awarded grants to carry out assessments of programs, revise foster family care regulations, or revise family services manuals and program guidelines. These states were: Delaware, Kansas, Massachusetts, New Mexico, South Dakota, Texas and West Virginia.

The primary purposes of the grants to states are to carry out the program assessment and to make the changes which will bring their foster family services systems into accord with the Standards. The Standards address the quality and quantity of services needed to prevent placement, to make prompt decisions about alternatives for permanency for children in care, to establish and protect the rights of all parties involved and to provide high quality, temporary foster homes while the children are in care.

The projects must also work toward achieving the following additional benefits from the process and results of their effort:

A. Citizen Participation.—Citizen input into public programs including minority involvement is rapidly gaining recognition as a necessary and beneficial part of agency operation. Title XX's emphasis upon public participation in needs assessment and planning, various other legal mandates for accountability and the "right to know" give indication of the concerns Americans have about the way these programs affect their lives.

B. Education of the Public.—Participation in the process of assessment of programs or in revision of program rules, regulations and practice by persons outside the public agency produces a better understanding of the obstacles and constraints to good service. Understanding can result in support for the agency where none may have existed before.

C. Advocacy for Children and Families.—Awareness and understanding of problems can develop a strong advocate constituency (including minorities) for children and their families. Participants in a citizen-Agency Task Force can become knowledgeable members of action committees, local or national.

D. Legislative Support.—Citizen participants with influence in their communities or who have associations with decision makers can become strong spokespersons in Legislatures or in motivating Legislators towards the causes of foster children and their families.

E. Involvement of Foster Parents.—In many states, foster parents have had little opportunity for input into the development of program or assessing existing conditions. Their insights about foster children and experiential knowledge about how the system operates can bring an unique contribution to the process of program assessment. In addition, positive changes can result in the relationship

between Departments of Social Services and Foster Parents, with benefits to the permanency planning for foster children.

F. Impact Upon Public Agencies.—The insights provided in the Task Force method to agency patterns of administration can result in a fresh approach to program management and a healthy awareness of the rights of all citizens—foster children, their parents, staff, foster parents, and others affected by state policies—to fair treatment and quality services.

Eligible Applicants

The single state agency or its organizational unit responsible for social services to families and children which includes foster family care may apply. The seven states receiving these project grants in fiscal year 1978 may not apply.

Available Funds

Of the \$15.7 million appropriated by Congress for the Child Welfare Research and Demonstration Grant Program in Fiscal Year 1979, the Administration for Children, Youth and Families expects to award approximately \$200,000 for new grants for demonstration projects to assess State's Foster Family Services Systems. All awards will be for new grants. A new grant is the initial award made to support a project.

It is anticipated that between 10 to 14 states (five to seven during each Fiscal Year of 1979 and 1980) will be funded for twelve months each, with grants ranging from \$25,000 to \$50,000 depending upon the salary schedule, geographical size, and travel and per diem costs of the particular state. For example, those states with large geographical areas will incur expenses for Task Force members' travel different from smaller states. Salary levels for staff will also vary, depending upon factors pertinent to particular states.

Grantee Share of the Project

Program regulations require that all grantees share in the costs of projects. It is generally expected that grantees will provide at least five percent (5%) of total project costs. Grantee contributions must be project-related and may be in any or all of the budget categories as allowable under the Department's applicable cost principles in 45 CFR Part 74 Subpart Q.

The Application Process

Availability of Forms.—Application for a grant under the Child Welfare Research and Demonstration Grants Program must be submitted on standard

forms provided for this purpose. Application kits which include the forms, instructions and program information, including the Priority Statement for Fiscal Year 1979 must be obtained in writing from:

Susan Weber, Children's Bureau,
Administration for Children, Youth and
Families, P.O. Box 1182, Washington, D.C.
20013, Announcement Number 13606-791,
Telephone (202) 755-7820.

Application Submission.—One original and two copies of the grant application, including all attachments are required, and must be submitted to:

Grants Management Branch, Office of Human
Development Services, Room 341-F4
Hubert Humphrey Building, 200
Independence Avenue, SW., Washington,
D.C. 20201.

The applicant must clearly identify the program announcement number for which the application is to compete. The application must be signed by an individual authorized to act for the applicant institution and to assume for the institution the obligations imposed by the terms and conditions of the grant award.

A-95 Notification Process.—This program does not require the A-95 notification process.

Application Consideration.—The Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program.

Applications which are competitive and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families. Applications which are received before the first closing date will be considered for fiscal year 1979 funds.

The results of the review assist the Commissioner for the Administration for Children, Youth and Families in considering applications. The Commissioner's consideration also takes into account the comments of the HEW Regional Offices and the Headquarters ACYF staff. If the Commissioner has reached a decision to disapprove a competing grant application, the unsuccessful applicant is notified in writing. Successful applicants are notified through the issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grants, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Grant Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

1. That the estimated cost to the Government of the Project is reasonable considering the anticipated results;

2. That project personnel are or will be well qualified and the applicant organization has or will have adequate facilities and resources to conduct the project—and that assurance is given that a director or coordinator will be hired within a reasonable time who has sufficient background and experience in child welfare programs as well as skills in leadership and project management to carry out the activities and objectives of the project;

3. That insofar as practicable, the proposed procedures or work program, if well executed, is capable of attaining project objectives—and that this is demonstrated through submission of (1) a work plan with a timetable of task force operation—planning, organizational, information gathering, and reporting activities during the one year period and (2) a proposed schedule for implementation, appropriate training, monitoring and evaluation during the following year;

4. That the project objectives are identical with or are capable of achieving the specific program objectives defined in the program announcement;

5. That the Task Force membership is planned to include, in addition to agency staff-foster parents, private agency child welfare professionals, adoptive parents, legislators, related public agency staff, e.g., attorney general's office, health department, courts, and other appropriate citizen advocates;

6. That the proposal describes the applicant's understanding of the issues and problems, with a description of the state's foster family services system, its positive aspects as well as problems and constraints which are seen as obstacles to a high quality services program;

7. That a statement of commitment by the Commissioner of the Department is submitted, related to the purposes of the assessment or program revision, to the concept of citizen participation, and to the achievement of the recommendations of the Task Force, to the reasonable limits of his/her authority—and that this is accompanied by a general outline of the Department's forward plan for improvement of services to children and families at risk of separation.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement for fiscal year 1979 grant funds is July 2, 1979, and for fiscal year 1980 grant funds is January 30, 1980. An application will be considered received on time if:

- The application was sent by registered or certified mail not later than July 2, 1979 or January 30, 1980 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service; or

- The application is received on or before close of business, July 2, 1979 or January 30, 1980 in the Department of Health, Education, and Welfare mailroom in Washington, D.C. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare. A hand-delivered application must be delivered to Office of Human Development Services, Room 341-F4, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and close of business (Eastern Time), except Saturdays, Sundays and federal holidays. Applicants may wish to call the receiving office (245-2900) to confirm the exact time for close of business. *Applications received after the deadline or incorrectly sent to any Regional Office of the Department of Health, Education, and Welfare will not be accepted and will be returned to the applicant.*

(Catalog of Federal Domestic Assistance Program Number 13.608, Child Welfare Research and Demonstration Grant Program.)

Dated: April 23, 1979.

Blandina Ramirez,
Commissioner for Children, Youth and Families.

Approved: April 27, 1979.

Arabella Martinez,
Assistant Secretary for Human Development Services.

[Announcement No. 13608-792]
[FR Doc. 79-13044 Filed 5-1-79; 8:45 am]

BILLING CODE 4110-92-M

Child Welfare Research and Demonstration Grant Program; Projects To Demonstrate the Planning and Initiation of a Comprehensive Emergency Services Program

AGENCY: Administration for Children, Youth and Families Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for the Child Welfare Research and Demonstration Grant Program for Projects To Demonstrate the Planning and Initiation of A Comprehensive Emergency Services Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for Child Welfare Research and Demonstration Grants for Projects To Demonstrate the Planning and Initiation of a Comprehensive Emergency Service Program for Fiscal Years 1979/1980. This Program is authorized under the Social Security Act (Section 426, Part B, Title IV, 42 U.S.C. 626(a)(1)(A) and (B)).

DATES: Closing date for receipt of applications for fiscal year 1979 grant funds is July 2, 1979 and for fiscal year 1980 grant funds is January 30, 1980.

Scope of this Announcement.—This Program Announcement is one of a series of Program Announcements for the Child Welfare Research and Demonstration Grants Program relating to the purpose and objectives of the Program. Competition for grant awards in other ACYF special emphasis areas in the Child Welfare Research and Demonstration Program will be announced separately in the Federal Register.

Program Purpose

The purpose of the Child Welfare Research and Demonstration Grant Program is to support major research and demonstration efforts in selected areas of high impact and national concern where the utilization of findings is expected to make a substantial contribution to the development and welfare of children and their families.

Program Goals and Objectives

The purpose of the grants is to demonstrate the planning and initiation of a comprehensive system of emergency services which will assist children and their families during crises or emergency periods of time by achieving the following objectives:

1. Increase and improve outreach activities by strengthening the capabilities within a given community to identify, assist, and refer children and their family for services.
2. Provide *immediate* services to help families cope with or solve the problems causing the crisis or emergency.
3. Provide an assessment of what will be needed to keep a family together during or after a crisis or emergency period.

4. Where separation is necessary, provide time to make orderly foster care placements that most approximately meet individual needs of children.

The following component resources and services are those required to provide a comprehensive emergency services with a wide number of possible options:

24 Hour Emergency Intake—a service designed to utilize an answering service at night, on weekends, and holidays, and to screen calls and refer emergencies to the caseworker on call.

Emergency Caretakers—adults carefully selected and trained to go into homes to provide responsible care and supervision for children at a time when supervision is lacking because parents are either temporarily absent or incapacitated.

Emergency Homemakers—adults available for twenty-four hour assignments to maintain children in their own homes until the parent is able to resume their care or until it is decided that an alternate plan must be made for the children.

Emergency Foster Family Homes—homes which provide temporary care for children who cannot remain in their own homes.

Emergency Shelter for Families—a facility that provides temporary shelter for the entire family, rather than separating the children from their parents.

Emergency Shelter for Adolescents—for older children whose problems and needs cannot be dealt with in a foster family home.

Emergency Casework Services and Follow-up—ongoing casework services available in a formalized way to families in their efforts to cope with problems.

The network of resources and services described above must be developed and maintained in an ongoing system through a coordinating committee or council or *centrally* devised coordinating mechanism which assures that:

- Those providing emergency services work together to set common objectives for the program and to achieve common standards of quality and continuity of services;
- All families with minor children who are in need can be served;
- Services are available 24-hours a day, seven days a week;
- Those participating provide training to staff;
- Periodically evaluations are conducted as to whether or not the

purpose and objectives of the program are being achieved; and

- Bilingual personnel are available to serve children and families in areas where significant segments of the population speak a language other than English.

This grant program will provide funds for a state to demonstrate the planning of a statewide Comprehensive Emergency Services Program and the initiation of this statewide system beginning with one or more specified communities in the state. A specified community may be a municipality, a state agency's District or Region, or a logical grouping of several cooperating rural counties.

These funds are to be used to employ a project coordinator, other staff and provide support resources needed to plan and develop a comprehensive emergency services program over an 18-month period of time, coordinating, expanding or clarifying services which are already available in the area served. It is not intended that grant funds be used to pay for services except in those cases where a small amount of grant funds may be needed to demonstrate the effectiveness of a particular service which is not yet available.

The elements of this process should include the following:

- Establish a State Coordinating Committee;
- Review the existing resources and provisions available and identify needed resources;
- Arrange for the various elements of the Comprehensive Emergency Services system to be in place in the specified community;
- Develop a procedures manual and plan orientation and training for the persons involved in comprehensive emergency services;
- Initiate in the specified community or communities; and
- Make provisions for funding of the comprehensive emergency services system statewide after completion of the project.

Eligible Applicants

Any state public social service agency may apply. States which already have a statewide comprehensive emergency services program established or which are currently developing such a statewide program with funds from other sources are not eligible to apply. States must provide a written statement that they are not receiving funds from any other source for the purpose of this grant.

Available Funds

Of the \$15.7 million appropriated by Congress for the Child Welfare Research and Demonstration Grant Program in Fiscal Year 1979, the Administration for Children, Youth and Families expects to award approximately \$500,000 for new grants to demonstrate the planning and initiation of a comprehensive emergency system of emergency services. All awards will be for new grants. A new grant is the initial award made to support a project. It is anticipated that 10 to 12 grants will be awarded for each fiscal year of 1979 and 1980, making a total of 20 to 24 grants for the two-year period. The project period and budget period for each grant will be for 18 months each, with grants ranging between \$35,000 and \$45,000 depending on geographical size and population of area being served, salary schedule, and travel and per diem costs of the particular grantee.

Grantee Share of the Project

Program regulations require that all grantees share in the costs of projects. It is generally expected that grantees will provide at least five percent (5%) of total project costs. Grantee contributions must be project-related and may be in any or all of the budget categories as allowable under the Department's applicable cost principles in 45 CFR Part 74 Subpart Q.

The Application Process

Availability of Forms.—Application for a grant under the Child Welfare Research and Demonstration Grant Program must be submitted on standard forms provided for this purpose. Application kits which include the forms, instructions and program information, including the Priority Statement for Fiscal Year 1979 must be obtained in writing from:

Susan Weber, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, Announcement Number 13608-792, Telephone (202) 755-7820.

Application Submission.—One signed original and two copies of the grant application, including all attachments are required, and must be submitted to:

Grants Management Branch, Office of Human Development Services, Room 341-F4 Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The applicant must clearly identify the program announcement number for which the application is to compete. The application must be signed by an

individual authorized to act for the applicant institution and to assume for the institution the obligations designed by the terms and conditions of the grant award.

A-95 Notification Process.—This program does not require the A-95 notification process.

Application Consideration.—The Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families. Applications which are received before the first closing date will be considered for fiscal year 1979 funds.

The results of the review assist the Commissioner for the Administration for Children, Youth and Families in considering applications. The Commissioner's consideration also takes into account the comments of the HEW Regional Offices and the Headquarter's ACYF staff. If the Commissioner has reached a decision to disapprove a competing grant application, the unsuccessful applicant is notified in writing. Successful applicants are notified through the issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Grant Applications

Competing grant applications will be reviewed and evaluated against the following:

That the project objectives are identical with or are capable of achieving the specific program purpose and objectives defined in this priority statement.

That the proposal describes the current status of various component emergency services available and new services which must be developed.

That the proposal provides a detailed statement of project objectives, methodology, work plan and timetable that demonstrates the required results will be achieved within the 18-month period of the grant.

That the proposal documents that project personnel are or will be well qualified in the field of child welfare generally, and in protective and preventive services specifically.

That the estimated cost to the government is reasonable considering the anticipated results.

That letters are submitted from all key participating agencies and organizations documenting that they have read the proposal and that they will support the project and participate as described in the application.

That a plan is provided to develop the resources needed to continue the project after federal funding ceases, and to provide the four quarterly performance reports.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement for fiscal year 1979 grant funds is July 2, 1979; and for fiscal year 1980 funds is January 30, 1980. An application will be considered received on time if:

- The application was sent by registered or certified mail not later than July 2, 1979 or January 30, 1980 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Services; or

- The application is received on or before close of business, July 2, 1979 or January 30, 1980 in the Department of Health, Education, and Welfare mailroom in Washington, D.C.

- In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare. A hand-delivered application must be delivered to OHDS Room 341-F4, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and close of business (Eastern Time), except Saturdays, Sundays and federal holidays. Applicants may wish to call the receiving office (245-2900) to confirm the exact time for close of business. *Applications received after the deadline or incorrectly sent to any other Office of the Department of Health, Education, and Welfare will not be accepted and will be returned to the applicant.*

(Catalog of Federal Domestic Assistance Program Number 13.608, Child Welfare Research and Demonstration Grant Program)

Dated: April 23, 1979.

Blandina Ramirez,
Commissioner for Children, Youth and Families.

Approved: April 27, 1979.

Arabella Martinez,
Assistant Secretary for Human Development Services.

[Announcement No. 13608-793]
[FR Doc. 79-13643 Filed 5-1-79; 8:45 am]
BILLING CODE 4110-92-M

National Adoptive Parent Organizations To Expedite Adoption of American Children With Special Needs

AGENCY: Administration for Children, Youth and Families Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for the National Adoptive Parent Organizations To Expedite Adoption of American Children With Special Needs.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for the Demonstration Grants for National Adoptive Parent Organizations To Expedite Adoption of American Children With Special Needs for Fiscal Year 1979. This program is authorized under Pub. L. 95-266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Title II, Adoption Opportunities, 42 U.S.C. 5113).

DATES: Closing date for receipt of applications is July 2, 1979.

Scope of this Announcement.—This program announcement is one of two which will be issued under Title II, Pub. L. 95-266 for Fiscal Year 1979. The second program announcement is for Regional Adoption Resource Projects Demonstration grants. Competition for grant awards in other ACYF special emphasis areas will be announced separately in the Federal Register.

Program Purpose

The purpose of this program is to facilitate the elimination of barriers to adoption and to provide permanent home environments for children who would benefit by adoption, particularly children with special needs.

Program Goals and Objectives

The objectives of this grant program are to develop and demonstrate materials and processes by which adoptive parent organizations can work together with public and voluntary agencies to identify and recruit potential adoptive families for children with special needs, to assist selected adoptive families in the immediate post placement period and to provide general

public awareness about adoption and specific long range support to adoptive families.

Projects will be considered which address at least one of the following areas:

1. Develop, test, and disseminate materials for use by local adoptive parent groups to help them:
 - organize new groups
 - strengthen and/or refocus existing groups
 - gain access to appropriate agencies
 - advocate for needs of waiting children
 - recruit potential adoptive families, particularly minorities (Black, Hispanic, Native American), single parents, and families who have special qualifications for parenting special needs children
 - assist in the support of adoptive families during the period preceding and following adoption
 - develop public awareness of the problems and special needs of children who are in need of adoptive homes.
2. Develop and disseminate publications on waiting children with various types of special needs and on particular aspects of adoption which could be used by adoptive parent organizations and agencies in recruiting and sustaining adoptive families.

Eligible Applicants

Any national adoptive parent organization which can document that it meets the following criteria may apply for a grant under this announcement:

1. The organization is national in membership (e.g., covers at least 8-10 states which are not necessarily contiguous);
2. The organization has as its ongoing primary objective, focus and/or concern needs of waiting American children, particularly those with special needs; and
3. The membership, either of individuals or organization is predominantly prospective adoptive parents and adoptive parents.

Available Funds

The funds allocated to support the Fiscal Year 1979 demonstration grants for National Adoptive Parent Organizations to Expedite Adoption of American Children with Special Needs is \$200,000. It is anticipated that three (3) grants will be awarded, ranging from \$30,000 to \$75,000 each year for up to three years, depending on the size of the national group and the scope of the work plan.

All awards will be for new grants. A new grant is the initial award made to support a project. The budget period is

of one year duration. Projects will be supported for a period not to exceed three (3) years. Continuation funding will depend upon the satisfactory performance of the project, the availability of funds and at the option of the Federal Government. The assessment of satisfactory performance will be performed by the responsible DHEW program office on at least an annual basis and will be a major factor in consideration of all funding requests subsequent to the initial grant award.

Grantee Share of the Project

There is no cost sharing or matching requirements for grants under this program.

The Application Process

Availability of Forms.—Applications for a grant under the Demonstration Grants for National Adoptive Parent Organizations to Expedite Adoption of American Children With Special Needs must be submitted on standard forms provided for this purpose. Application kits which include the forms, instructions and program information, including the Priority Statement for Fiscal Year 1979 may be obtained in writing from:

Susan Weber, Children's Bureau,
Administration for Children, Youth and
Families, P.O. Box 1182, Washington, D.C.
20013, Attention: 13652-791, Telephone
(202) 755-7820.

Application Submission.—One original and six copies of the grant application, including all attachments, must be submitted to:

Grants Management Branch, Office of Human
Development Services, Room 341-F4,
Hubert Humphrey Building, 200
Independence Avenue SW., Washington,
D.C. 20201.

The applicant must clearly identify the program announcement number for which the application is to compete. The application must be signed by an individual authorized to act for the applicant institution and to assume for the institution the obligations imposed by the terms and conditions of the grant award.

A-95 Notification Process.—This program does not require the A-95 notification process.

Application Consideration.—The Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by

qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner for the Administration for Children, Youth and Families in considering competing applications. The Commissioner's consideration also takes into account the comments of the Headquarters Administration for Children, Youth and Families. If the Commissioner has reached a decision to disapprove a competing grant application, the unsuccessful applicant is notified in writing. Successful applicants are notified through the issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Applications

All competing grant applications will be reviewed and evaluated against the following criteria:

- Applicant demonstrates an understanding of the problems and related issues of the program objectives, their relationship to the needs of the population served, and includes a description of any special qualifications or relevant experience of the applicant which pertain to the requirements of the objective and fulfills the Proposal Requirements.

- Applicant demonstrates that the project objectives are identical with or capable of achieving one or more of the specific program areas defined in this program announcement under "Objective of the Grant Program."

- Applicant documents that the proposed project and/or consultants will be well-qualified in the area of special needs and other children in need of adoption and in the design and use of technical assistance resources and materials for this purpose. The applicant must also document that it has or will have adequate facilities and resources to conduct the project.

- Applicant describes an effective follow-up plan which addresses all of the following:

How the applicant will use the materials, model and other resources developed by the project;

How other adoptive parent groups will use the materials, models and other resourced developed by the project without relying on additional federal funds; and

How the ongoing results of the use of these materials can be assessed;

- That the estimated cost to the government and the project is reasonable considering the anticipated results.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is July 2, 1979. An Application will be considered received on time if:

- The application was sent by registered or certified mail not later than July 2, 1979 as evidence by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service; or

- The application is received on or before July 2, 1979 in the Department of Health, Education, and Welfare mailroom in Washington, D.C. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt, maintained by the Department of Health, Education, and Welfare. A hand-delivered application must be delivered to the Office of Human Development Services, Room 341-F4, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and close of business (Eastern Time), except Saturday, Sundays and federal holidays. Applicants may wish to call the receiving office (245-2900) to confirm the exact time for close of business. Applications received after the deadline or incorrectly sent to any Regional Office of the Department of Health, Education, and Welfare will not be accepted and will be returned to the applicant.

(Catalog of Federal Domestic Assistance
Program Number 13.852, Demonstration
Grants for National Adoptive Parent
Organizations to Expedite Adoption of
American Children With Special Needs)

Dated: April 23, 1979.

Elandice C. Ramirez,
Commissioner for Children, Youth and Families.

Approved: April 27, 1979.

Arabella Martinez,
Assistant Secretary for Human Development Services.

[Program Announcement No. 13652-791]

[FR Doc. 79-13642 Filed 5-1-79; 8:45 a.m.]

BILLING CODE 4110-82-M

Office on Domestic Violence

April 26, 1979:

This notice amends Part II of the Statement of Organization, Mission, Functions, and Delegations of Authority of the Department of Health, Education,

and Welfare, Office of Human Development Services (HDS) published in Volume 43, Number 147, of the Federal Register on July 31, 1978, 43 FR 33327-33347) to add an Office on Domestic Violence to the Administration for Children, Youth, and Families. Chapter DC, Administration for Children, Youth, and Families in the Federal Register is amended as follows, to incorporate the Office on Domestic Violence:

Department of Health, Education, and Welfare

Office of Human Development Services; Administration for Children, Youth, and Families

DC:00 Mission. *The Administration for Children, Youth, and Families (ACYF)* seeks to expand and improve the range of human services which promote sound development of children and youth and are supportive of families. Supports and encourages services which prevent or remedy the effects of abuse or neglect of children and youth. Investigates and reports on methods and approaches for improving and enriching the lives of children and youth and for strengthening American families.

DDC.10 Organization. *The Administration for Children, Youth, and Families* is headed by a Commissioner who reports directly to the Assistant Secretary for Human Development Services (ASHDS) and consists of:

- Office of the Commissioner (DC).
- Office on Domestic Violence (DCV).
- Office of Public Information and Education (DCE).
- Office of Regional/State and Community (DCR).
- Office of Planning, Research, and Evaluation (DCP); Planning, Management, and Policy Control Division (DCP1), Research, Demonstration, and Evaluation Division (DCP2).
- Office of Developmental Services (DCF); Day Care Division (DCF1), Head Start Bureau (DCF2).
- Office of Services for Children and Youth (DCS); Children's Bureau (DCS1), Youth Development Bureau (DCS2).

DC.20 Functions. *A. Office of the Commissioner (DC)* provides executive leadership, policy direction, management strategy, legislative liaison, and a focus to the Administration for Children, Youth, and Families in the administration of its duties. Serves as advisor to the Assistant Secretary for Human Development Services and other elements of DHEW in the area of children, youth and families.

B. Office on Domestic Violence (DCV) provides a central locus for policy planning, provision of information, and

coordination of activities related to domestic violence within the Department of Health, Education, and Welfare. Headed by a Director, who reports to the Commissioner of ACYF, the Office on Domestic Violence performs, or directs the performance of the following functions:

Provides Department-wide leadership for planning, promoting, developing, and monitoring activities related to domestic violence.

Establishes and maintains liaison with other Federal agencies that have or could have programs which relate to domestic violence, in order to coordinate and increase Federal responsiveness in the area.

Coordinates with the National Institute for Mental Health, National Institute on Alcoholism and Alcohol Abuse, the National Center on Child Abuse and Neglect, the Administration for Public Services, the Office of Family Assistance of the Social Security Administration, the Bureau of Community Health Services of the Public Health Service, Regional Offices, and other HEW components, the Department's policies and programs which relate to the problem of domestic violence. Develops, collects, and disseminates information regarding domestic violence, both in response to individual requests for information and as part of an ongoing information system. Coordinates these information dissemination activities with other existing Federal efforts.

Develops and monitors a Department-wide research and demonstration agenda related to preventing domestic violence and providing services to the perpetrators and victims of domestic violence. Provides technical assistance to professional and provider organizations and State and local governments in planning, developing, implementing, and evaluating domestic violence programs, including training programs related to domestic violence.

Plans, develops, and coordinates public awareness and education activities relating to domestic violence. Develops information to assist individuals and public and private organizations in identifying financial resources for domestic violence programs.

C. Office of Public Information and Public Education (DCE) develops a national information dissemination strategy and program to keep ACYF's various constituencies, as well as the general public, continually informed about ACYF program goals, activities and results.

Identifies the information needs of the public and furnishes advice and consultation to ACYF Commissioner and program managers concerning those needs. Advises staff on Freedom of Information Act requirements and assures timely responses to requests under the Act. In coordination with the HDS Office of Public Affairs, initiates and directs media arrangements for ACYF activities and programs and maintains continuing media relationships and contacts.

Provides leadership, liaison and technical assistance to regional and appropriate national constituent groups.

D. Office of Regional/State and Community Affairs (DCR) serves as the principal liaison between ACYF Headquarters and the ten Regional Offices for Children, Youth, and Families; assists in interpreting and disseminates policy and regulations to Regional Offices; assures Regional input in the process of developing policies and regulations; assists in the resolution of issues affecting the Regions. Monitors overall activities of the ACYF Regional Staff with special emphasis on collecting and analyzing data on funding action and other program implementation by the Regions. Serves as expert technical advisor to Regional Offices in the processing of appeals by Head Start grantees, including interpreting the regulations, procuring hearing examiners, and advising the Commissioner on appeals elevated to ACYF level for final decision. Assists the Commissioner in ensuring that Regional and Headquarters staff offices provide equal opportunity to all ACYF employees. Assists the Commissioner in ensuring citizen participation in ACYF decision making process. Serves as the Commissioner's staff unit for the enforcement of Executive Order No. 11246 and Titles VI, VII, and IX of the Civil Rights Act. Works closely with other ACYF units in Headquarters and Regions to establish and maintain relationships with national and local public interest groups.

E. Office of Planning, Research and Evaluation (DCP) provides leadership, direction, management strategy, and focus for the activities of the Planning, Management, and Policy Control Division and the Research, Demonstration and Evaluation Division and coordinates the activities of these two divisions.

1. Planning, Management, and Policy Control Division (DCP1) develops long range planning guidance, coordinates, and develops the annual five-year forward plan; analyzes key program issues; and articulates goals, strategies,

and budget projections. Develops guidance for the Major Initiative Tracking System (MITS); coordinates development of operational initiatives and implementation of processes for monitoring and reporting on progress toward achievement of MITS projects. Organizes Zero Base Budget process; develops policy guidance; and analyzes budgetary proposals. Works with OAM/HDS to prepare budget presentations for use at the Departmental, OMB, and Congressional levels. Analyzes existing and new legislation and existing and proposed regulations bearing upon programs affecting children, youth, and families; assesses impact on intended beneficiaries and existing services; and, as appropriate, coordinates development of implementation plans and regulatory materials. Provides and coordinates a central source for administrative services; manages timekeeping and payroll functions; develops staffing plans; coordinates the development of employees training plans; develops space utilization and communication plans; and maintains general liaison with personnel, staffing, and administrative offices at the OHDS level. Manages the Executive Secretariat; maintains correspondence control and other internal agency communications systems; and manages a system for ensuring the completion of action items from agency executive staff meetings. Provides primary liaison with OHDS staff offices including OAM, OPRE, and OPMC.

2. *Research, Demonstration, and Evaluation Division (DCP2)* coordinates planning for Section 426 (Title IV-B, Social Security Act) and other ACYF research and demonstration funds. Assists with the development of a Department-wide research strategy on children, youth, and families; administers the ACYF evaluation funds; coordinates the development of an ACYF-wide evaluation strategy. Provides leadership to the Federal Interagency Panel on Early Childhood Research and Development and the Federal Interagency Panel for Research and Development on Adolescence; collects, analyzes, and interprets research reports on child and family studies and identifies promising models for service programs; actively promotes the utilization of research findings; serves as clearinghouse for information related to research, demonstration, and findings in the area of child development and the family. Jointly with the National Center on Child Abuse and Neglect, develops policies, priorities, plans, and objectives for research and demonstration activities authorized by

Pub. L. 93-247, the Child Abuse Prevention and Treatment Act of 1974, as amended by Title I of Pub. L. 95-266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. Directly administers R&D efforts related to basic research and demonstration activities; provides coordination with OPRE in research, demonstration, and evaluation activities. Develops ACYF R,D,&E plan.

F. *Office of Developmental Services (DCF)* provides leadership, direction, management strategy and focus for the activities of the Head Start Bureau and the Day Care Division. Coordinates programs of these divisions and serves as advisor to the Commissioner.

1. *Day Care Division (DCF1)* develops policies, strategies, standards, manuals and guidance material for the conduct of experiments, demonstrations and operational programs in the field of day care. Identifies the need for applied R&D program; designs and monitors nationwide studies. Serves as an advocate for quality day care to meet the needs of children and families. Develops standards and regulations, model legislation, and legislative proposals. Coordinates interagency activities relating to day care policy. Identifies training and technical assistance needs and designs programs for States and local communities. Acts as liaison with the Appalachian Regional Commission. Actively encourages and advises Federal, State, and local providers on the development of effective day care services.

2. *Head Start Bureau (DCF2)* develops program and administrative management policy for the operation of Head Start programs. Provides guidance and technical assistance to Regional Offices and local programs. Plans and implements programs and projects to strengthen administrative and management capabilities of Head Start grantees. Develops and manages a system for Bureau-wide monitoring of Regional Office implementation of Head Start policies, priorities and systems. Coordinates the annual planning for technical assistance and training for Head Start grantees; and develops the annual Head Start budget. Designs, tests, and implements systems for data collection from grantees and Regional Offices describing Head Start program activities. Develops and maintains a statistical data base used for analysis and review of program operations and disseminates findings.

Reviews applications for and makes awards for Head Start programs serving primarily Native American children or children of Migratory Workers; monitors

and evaluates those programs; and develops and recommends policies for and provides staff support to the funded programs. Plans, provides, or arranges for technical assistance to Native American or Migrant Head Start programs and for training to the staff of these programs. Plans and conducts activities related to child abuse and child welfare services in Native American and Migrant communities. Provides technical and programmatic counsel and expertise in the areas of medical and dental services, nutrition, mental health services, social services, parent involvement, services to handicapped children and training and educational programs for staff of local Head Start programs. Assesses current policies in these areas and develops improved ones. Plans and administers projects to strengthen these programmatic areas. Plans, develops, tests, and directs the broad scale implementation of innovative programs for comprehensive child development services.

G. *Office of Services for Children and Youth (DCS)* provides leadership, direction, management strategy, focus, and coordination for the activities of the Children's Bureau and the Youth Development Bureau. Serves as advisor to the Commissioner on children and youth issues.

1. *Children's Bureau (DCS1)* advises the Commissioner on matters pertaining to conditions which affect the general well being of children. Develops policies and procedures for developing Child Welfare Services State Grant Program plans authorized under Title IV-B of the Social Security Act. Develops and interprets regulations, guidelines, instructions, and State allotments. Develops outlines for and processes fiscal requests from States forwarded by RO's. Monitors regional office State grants administration. Develops policies and oversees regional office technical assistance to States to enable them to meet requirements for State grants. Plans for, analyzes, and, in conjunction with regional offices, collects Child Welfare Program Services Data. Coordinates Child Welfare Services with other Federal agencies and non-Federal groups. Analyzes Regional Office monitoring and T/TA reports and provides program technical direction to Regional Offices.

Administers the Child Welfare Services training Program. Provides technical expertise in developing programmatic policies, standards, model laws, regulatory material, and guidelines. Studies current practices and problems, recommends action to meet

special needs of children at risk, and promotes replication of successful designs. Provides expert knowledge, training, and technical assistance to public and private social services agencies and organizations through development of innovative programs, suggested guidelines and program design features for comprehensive child welfare services. Through the National Center on Child Abuse and Neglect, acts as the principal agent within ACYF and the Department for development of policies, advice, and plans (including input to the ACYF Long Range Plan) on programs relating to the prevention, identification, and treatment of child abuse and neglect. Develops and interprets regulations, guidelines, and instructions for grants to assist State programs on child abuse and neglect and for provision of technical assistance. Compiles and prepares for publication training materials for personnel who are or intend to be engaged in the prevention, identification, and treatment of child abuse and neglect. Receives, processes, and reviews, either through the regional or headquarters office, all applications for demonstration grants or contracts authorized to prevent, identify and treat child abuse and neglect and makes recommendations thereon to the Commissioner, ACYF.

Establishes and operates a National Clearinghouse on Child Abuse and Neglect. Develops policies, priorities, plans, and objectives for research and demonstration activities relating to child abuse and neglect. Provides staff support to the Advisory Board on Child Abuse and Neglect in the conduct of its responsibilities, including the areas of standards development, reports preparation and program coordination.

2. *Youth Development Bureau (DSC2)* plans, develops, and implements an integrated program of research, demonstration, and evaluation to investigate and assess a broad range of programs delivering services to youth. Tests the effectiveness of various programs and service strategies in addressing the needs of youth and their problems. Analyzes and synthesizes reports of research, demonstration, and evaluation findings; disseminates findings which will impact on youth development and youth service programs; and recommends programs which will improve services to runaway and other youth in need of services. Develops or strengthens local facilities designed to meet the needs of runaway or other homeless youth and their families by providing temporary shelter, counseling, and aftercare and by

working to reunite the youth in their care with their families or provide an alternative appropriate living arrangement. Develops and implements policy for the management of facilities for runaway youth. Through the Regional Offices, monitors the facilities performance and analyzes results to improve their effectiveness. Designs, implements, and assesses contracts which provide technical assistance to the runaway facilities and short term training to their staff. Improves the services to runaway and other homeless youth through promulgation of model statutes, development of national programs and development of family/individual counseling techniques.

Serves as a youth advocate within ACYF and to other Federal agencies. Coordinates with other agencies whose programs impact on youth and serves as a clearinghouse for information on youth needs, problems and programs.

Dated: April 26, 1979.

Joseph A. Califano, Jr.,
Secretary.

[FR Doc. 79-13845 Filed 5-1-79; 8:45 am]

BILLING CODE 4110-92-M

National Institute of Education

Panel for the Review of Laboratory and Center Operations; Meeting

Notice is hereby given that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on May 18-19, 1979, in the Conference Center of the One Washington Circle Hotel, One Washington Circle, N.W., Washington, D.C. The Panel will meet from 9:00 a.m. until 5:00 p.m. on Saturday, May 19 and from 9:00 a.m. until 3:00 p.m. on Sunday, May 20.

The Panel for the Review of Laboratory and Center Operations is established under section 405 of the General Education Provisions Act, as amended by section 403(d) of the Education Amendments Act of 1976, 20 U.S.C. 1221e. Its functions include: (a) the review of long range plans submitted by the 17 existing regional educational laboratories and research and development centers to the National Institute of Education; (b) the review of the operations of the laboratories and centers; and (c) making recommendations for the improvement and continuation of individual laboratories and centers and for the support of new laboratories and centers.

The entire meeting will be open to the public. Although the agenda is still tentative it will consist of two main elements: (1) continued discussion of

federal dissemination policy and its impact on the improvement of educational practice and (2) continued discussion of the need for new laboratories and centers. The dissemination discussion will focus on two papers to be submitted to the Panel in advance of the meeting: one from the Council on Educational Development and Research (CEDaR) on the lab and center role in practice improvement, and one from the National Institute of Education on the NIE approach to dissemination and practice improvement.

Interested persons are invited to attend these sessions. Written statements relevant to an agenda item or any topic deemed of interest to the Panel may be submitted to the Panel staff at the address below.

Copies of the records of all Panel proceedings may be obtained through the office of the Panel staff. Minutes require approval by the Panel at a subsequent meeting and are available to the public two weeks following their approval.

In order to verify the tentative agenda, or assure adequate seating arrangements, persons likely to attend the Panel meeting may contact the Panel staff office as indicated below:

Panel for the Review of Laboratory and Center Operations, National Institute of Education, Washington, D.C. 20208, (202) 254-5510.

Dated: April 27, 1979.

Grady McGonagill,

Staff Director, Panel for the Review of Laboratory and Center Operations.

[FR Doc. 79-13838 Filed 5-1-79; 8:45 am]

BILLING CODE 4110-39-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado, White River Resource Area Grazing Use Proposal, Intent to Prepare an Environmental Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Craig District Office will be preparing an Environmental Statement (ES) in connection with determining range resource use and management on 1.5 million acres of Public Land in northwestern Colorado.

The proposed grazing management program has evolved from coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the proposed program are to enhance the vegetative resource, improve range

conditions, provide quality habitat for wildlife and wild horses, provide a continuous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archaeological and historical sites.

The ES will include alternatives to the proposed grazing management program. Some of the expected alternatives include no action, no livestock grazing, a substantial reduction in present livestock grazing, and forage allocations with differing emphases which would either optimize or reduce forage availability for livestock, wildlife, wild horses, or watershed protection.

The environmental statement will identify the impacts that can be expected from implementation of either the proposed grazing management program or one of the alternatives. The statement will not recommend any particular course of action but will be an analytical tool used to assist in making decisions for managing livestock grazing in the White River Resource Area.

Two public meetings will be held on May 8, 1979, at 1:00 p.m. and 7:00 p.m. at the Fairfield Center in Meeker, Colorado. The meetings will concentrate on determining the scope of the issues to be addressed in the ES, identifying the significant issues which must be discussed in detail in the ES, and identifying the issues that do not require detailed study.

For information concerning the proposed action or the environmental statement, contact the following individual:

B. Curtis Smith, Project Manager, Bureau of Land Management, USDI, Post Office Box 928, Meeker, Colorado 81641, Area Code: 303-878-5084.

Dated: April 23, 1979.

Dale R. Andrus,
State Director.
[FR Doc. 79-13546 Filed 5-1-79; 8:45 am]
BILLING CODE 4310-84-M

New Orleans; Availability of Outer Continental Shelf Official Protraction Diagram, Gulf of Mexico and South Atlantic Areas

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram, approved on the date indicated, is on file and available, for information only, in the New Orleans Outer Continental Shelf Office, Bureau of Land Management, New Orleans, Louisiana. 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 areas it represents.

Outer Continental Shelf Official Protraction Diagram

Description and Approval Date.

NG 17-11, Key West, January 29, 1979

2. Copies of this protraction diagram may be purchased for \$2.00 each from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Checks or money orders should be made payable to the Bureau of Land Management.

John L. Rankin,
Manager, New Orleans Outer Continental Shelf Office.
April 24, 1979.
[FR Doc. 79-13547 Filed 5-1-79; 8:45 am]
BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Revised System of Records

This is the notice of a revised personal records system entitled Claims—Interior Reclamation (Interior/LBR-5) previously published in the April 11, 1977 Federal Register for Privacy Act of 1974 Systems of Records.

The Revision is deemed necessary to accommodate the personal claims made to the Bureau of Reclamation for disaster assistance as a result of the Teton Dam failure. The authority for this addition comes from the Teton Dam Disaster Assistance Act, Public Law 94-400; 90 Stat. 1211. This proposed change has been communicated to the Office of Management and Budget, the Speaker of the House and the President of the Senate. Included in the publication of this notice is the Narrative Statement describing the change and a revised system notice.

Interested persons are invited to submit data, views or arguments related to this revised personal records system to the Privacy Act Officer, U.S. Department of the Interior, Washington, D.C. 20240. The revised system will, unless changed, be effective May 31, 1979.

Dated: April 25, 1979.

William L. Kendig,
Acting Deputy Assistant Secretary of the Interior.

Interior/LBR-5

SYSTEM NAME:

Claims—Interior, Reclamation—5.

SYSTEM LOCATION:

(1) Washington Office Manager, Bureau of Reclamation, U.S. Department of the Interior, Washington, DC 20240. (2) Reclamation offices numbered 3(a through 1), 4(a through i), 5(a through i), 6(a through i), 7(a through k), 8(a through h), and 9(a, c, e, f) in Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed Tort, Federal Employee, or Irrigation Claims, and claims under the Teton Dam Disaster Assistance Act, Public Law 94-400, 90 Stat. 1211.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records concerning claims—including the claims and supporting information submitted by the claimant, information developed concerning the claim and a record of the disposition of the claim after processing of the claim is complete.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Federal Tort Claims Act, 28 U.S.C. 240-2680, (2) military personnel and civilian employees Claims Act, 31 U.S.C. 240-243. (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriations Act, Public Law 93-393, 88 Stat. 782. (4) (Annual Public Works Appropriation Act of 1976, Public Law 94-100, 89 Stat. 1035, (5) Act of July 12, 1976, 90 Stat. 889, and (6) Teton Dam Disaster Assistance Act, Public Law 94-400, 90 Stat. 1211.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to analyze the facts and circumstances surrounding each accident, (b) for compilation of statistical data, (c) adjudicating tort, appropriation act, and employee claims. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or

necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit; (6) to Auditors from Office of the Inspector General, U.S. Department of Agriculture, Soil Conservation Service (SCS), Agricultural Stabilization and Conservation Service (ASCS) and Farmers Home Administration (FHA), Department of Housing and Urban Development, Army Corps of Engineers, and Federal Disaster Assistance Administration to ascertain whether benefits to individuals were duplicated by the several agencies involved in disaster programs; (7) to Department of Treasury (IRS) and State Department of Revenue and Taxation relative to furnishing information as necessary for compensation for loss of salary or income; (8) to Small Business Administration, Farmers Home Administration and Department of Housing and Urban Development when related to loans secured through these agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Complete file maintained in manual form in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

In accordance with approved Retention and Disposal Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Paperwork and Records Management Branch, U.S. Department of the Interior, Bureau of Reclamation, Washington, DC 20240.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above). See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 27.1.

RECORD SOURCE CATEGORIES:

Claimant. Investigations conducted by Reclamation offices and contractors, offices of the Department of the Interior, State or local government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

[FR Doc. 79-13835 Filed 5-1-79; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. New York Coffee & Sugar Exchange, Inc.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comment on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil No. 77 Civ 5038, *United States of America v. New York Coffee & Sugar Exchange, Inc.*, was received by the Department of Justice and is published herewith, together with Justice's response to the comment.

Dated: April 27, 1979.

Charles F. B. McAleer,
Special Assistant for Judgment Negotiations, Office of Operations, Antitrust Division.

Commodity Futures Trading Commission,
Washington, D.C., February 23, 1979.

Honorable Robert W. Sweet,
United States District Court Judge for the
Southern District of New York, United
States Courthouse, Foley Square, New
York, N.Y.

Re: *United States of America v. New York
Coffee and Sugar Exchange, Inc.*, 77 Civ.
5038 (S.D.N.Y.).

Dear Judge Sweet: This Commission is an independent federal regulatory agency established in April 1975 to administer and enforce the provisions of the Commodity Exchange Act, as amended ("Act").¹ Since that time the Commission has been vested with "exclusive jurisdiction" to regulate "accounts, agreements . . . and transactions involving" contracts for the future delivery of commodities (emphasis added).² The

¹U.S.C. § 1 *et seq.* (1976) as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 *et seq.* (1978). The Commission was established as an "independent agency of the United States Government" by the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, § 101, 88 Stat. 1389 *et seq.* (1974).

²Section 2(a)(1) of the Act, 7 U.S.C. § 2 (1976).

amendments to the Commodity Exchange Act in 1974, which created the Commission, also substantially expanded the coverage of the Act to encompass previously unregulated commodities, including sugar, and conferred broad powers on the agency over the operations of commodity exchanges in the United States.³

On January 17, 1979, pursuant to Section 5a(12) of the Commodity Exchange Act,⁴ the New York Coffee and Sugar Exchange, defendant in the above-referenced action, submitted to the Commission for its approval proposed changes in the Exchange's rules governing the operation of its sugar spot price committees.⁵ These committees are the subject of the instant litigation. The proposed rule changes purport to implement a stipulation and proposed consent judgment entered into between the Exchange and the Antitrust Division of the Department of Justice which have been filed with this Court and published for public comment in the Federal Register.⁶

Our examination of the stipulation and proposed consent decree reveals that neither refers to the Commodity Exchange Act or to this Commission's authority thereunder. For this reason, we wish to make clear to the parties and the Court that, as an independent agency, the Commission's authority and responsibilities are not and, as a matter of law, cannot be affected by the agreement between the Department of Justice and the New York Coffee and Sugar Exchange in this case. This is particularly so in view of the Commission's pervasive oversight functions which since 1975 Congress has entrusted to the Commission and which apply to the subject matter of the instant litigation.

Specifically, after a commodity exchange, such as the defendant, has been designated by the Commission as a "contract market" for futures trading in a particular commodity,⁷ that contract market must furnish to the Commission on a continuing basis copies of all its by-laws, rules and regulations.⁸ As part of its continuing oversight of contract market activities, the Commission has been authorized, under Section 5a(12) of the Act, to approve or disapprove all proposed changes to the rules of a contract market which relate to terms and conditions in contracts of sale of any commodity for which the contract market has been designated and which are executed on the contract market, or relate to other

³*Id.*

⁴U.S.C. § 7a(12) (1978).

⁵The Commission has determined the Exchange's rules to be of "major economic significance" and, therefore, has had these rules published in the Federal Register for a 30-day comment period, as required by the Commodity Exchange Act, as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, § 12, 92 Stat. 871 (1978). See 44 Fed. Reg. 6492 (February 1, 1979).

⁶43 Fed. Reg. 60342 (December 27, 1978).

⁷In order to obtain designation as a contract market, a commodity exchange must demonstrate its ability to the Commission to meet certain statutory requirements. Section 5 of the Act, 7 U.S.C. § 7. Once designation has been obtained, a contract market is required to satisfy other stringent requirements including enforcement of all contract market rules which have been approved by the Commission. Section 5a(8), 7 U.S.C. § 7a(8).

⁸Section 5a(1) of the Act, 7 U.S.C. § 7a(1).

trading requirements.⁹ In addition, if the Commission determines that it is necessary or appropriate to effect a change in the rules governing the operation of a contract market, it is expressly empowered by Section 8a(7) of the Act to "alter or supplement" those rules, 7 U.S.C. § 12a(7). And in exercising these continuing oversight responsibilities, Congress has entrusted antitrust functions to the Commission by providing that the Commission, in effectuating the purposes and policies of the Commodity Exchange Act, consider the antitrust laws and the anticompetitive implications of its approving or requiring a change in contract market rules.¹⁰

We trust that the foregoing will be of some assistance to the Court in its further consideration of this case.

Respectfully submitted,

Read P. Dunn, Jr.,

Commissioner for the Commission.

cc: Ralph T. Giordano, Esquire, Chief, New York Office, Antitrust Division, Department of Justice, 26 Federal Plaza, New York, N.Y. 10007.

Edmund R. Schroeder, Esquire, Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, New York, N.Y. 10004.

United States Department of Justice, Washington, D.C. 20530.

Hon. Read P. Dunn, Jr.,

Commissioner, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20851.

Re: *United States v. New York Coffee and Sugar Exchange, Inc.*, (S.D.N.Y. No. 77 Civ. 5039).

Dear Commissioner Dunn: This letter is in response to your letter of February 23, 1979 to Judge Sweet commenting on the proposed decree in the above case. In your letter you described the authority conferred on the Commodity Futures Trading Commission under various sections of the Commodity Exchange Act,¹ and noted that the proposed decree makes no reference to that authority. You also noted that the New York Coffee and Sugar Exchange, the defendant in this case, has submitted to the Commission for its approval, pursuant to Section 5a(12) of the Act, 7 U.S.C. 7a(12), rules reflecting the changes required by the proposed decree. You stated your view that the Commission's

⁹ Section 5a(12) provides in pertinent part that a contract market is required to submit to the Commission for its approval ". . . any bylaws, rules, regulations and resolutions made or issued by such contract market, or by the governing board thereof or any committee thereof which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirement except those relating to the setting of levels of margin. . . ."

¹⁰ Section 15 of the Act, 7 U.S.C. § 19 (1976) mandates that the Commission, "in requiring or approving any bylaw, rule, or regulation of a contract market", "Take into consideration the public interest to be protected by the antitrust laws and to endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act. . . ."

¹⁷ U.S.C. 1 et seq.

"pervasive oversight functions . . . apply to the subject matter of the instant litigation" and indicated that "the Commission's authority and responsibilities are not and, as a matter of law, cannot be affected by the agreement between the Department of Justice and the New York Coffee and Sugar Exchange" (Letter, p. 2).

We agree that the settlement reached by the parties to this litigation does not abrogate the Commission's statutory responsibilities. Nor does it relieve the Exchange of any responsibilities imposed on it by the Commodity Exchange Act. Conversely, of course, the existence of a regulatory agency with jurisdiction over the defendant does not abrogate the responsibility of the courts to enforce the antitrust laws, where neither the statutory language nor the legislative history clearly evidence a congressional intent to exempt the spot market reporting rules from the antitrust laws and there is no irreconcilable conflict between antitrust enforcement and the regulatory scheme. See, e.g., *Cantor v. District Edison Co.*, 428 U.S. 579 (1976); *Silver v. New York Stock Exchange*, 373 U.S. 341 (1963). In this case, no such conflict exists; entry of the proposed decree would be consistent with the provisions of the Commodity Exchange Act and would not impinge on the Commission's regulatory authority.

As you know, the Commodity Exchange Act contains no provision which expressly immunizes registered futures markets such as the New York Coffee and Sugar Exchange from antitrust challenges to their rules. Moreover, the legislative history indicates that Congress did not intend to create any antitrust exemption. In the course of drafting the 1974 amendments to the Act which created the Commodity Futures Trading Commission and established it as an independent regulatory agency, Congress considered adding such an express exemption, but ultimately rejected that approach. See H.R. Rep. No. 93-975, 93rd Cong., 2d Sess. 23-28 (1974).² Moreover,

² The bill on which the House Committee held hearings contained a section exempting such exchanges and others from the antitrust laws whenever they acted pursuant to a contract market rule required or specifically approved by the Commission under the Act. H.R. Rep. No. 93-975, *supra*, at 23. The House Committee explained that it deleted this provision in reliance on the "authoritative description of antitrust considerations" contained in a letter from the Justice Department, which it reprinted in full as part of the report. *Id.* at 23-28. That letter explained that, under existing precedent, the courts would recognize an implied immunity from the antitrust laws for activities approved by a regulatory agency which are necessary to make the regulatory act work and are not more restrictive than necessary, citing *Silver v. New York Stock Exchange*, 373 U.S. 341, 357 (1963). Thus, the letter explained, the antitrust laws remain fully applicable where there is no conflict with the regulatory statute. The Justice Department expressed concern that the proposed immunity provision would "permit exchanges to violate the antitrust laws, by establishing anticompetitive rules and regulations which are not necessary to fulfill any purpose of the Commodity Exchange Act, but which have nevertheless been approved by the Commission . . . simply because they do not violate the Commodity Exchange Act." *Id.* at 24.

Section 2 of the Act, 7 U.S.C. 2, which grants the Commission exclusive jurisdiction over accounts, agreements or transactions involving futures sales and over certain standardized contracts in the nature of margin accounts, specifies that "[n]othing in this section shall supersede or limit the jurisdiction conferred on courts of the United States or any State." The legislative history indicates that that sentence was added in response to suggestions that the section might otherwise be interpreted to preclude enforcement of the Federal antitrust laws or state commercial and contract law in the area of the Commission's exclusive jurisdiction. See *Commodity Futures Trading Commission Act: Hearing on S. 2485, S. 2372, S. 2837 and H.R. 13113 before the Senate Committee on Agriculture and Forestry*, 93rd Cong., 2d Sess. Pt. I 257-262 (1974) (statement of Hon. Peter W. Rodino, Jr., Chairman, House Judiciary Committee). See also, Testimony of Keith Clearwaters, Deputy Assistant Attorney General, *id.* Pt. 3 at 663; Testimony of James T. Halverson, Director, Bureau of competition, Federal Trade Commission, *id.* at 667-668. It seems clear, therefore, that Congress did not intend to bar antitrust enforcement against futures markets simply because they are subject to regulation by the Commission.

The absence of an express grant of antitrust immunity to regulated futures exchanges does not preclude the courts from recognizing an implied immunity in particular cases where the antitrust laws could not be applied to the conduct in question without seriously undercutting the goals of the regulatory system established by Congress. See *Gordon v. New York Stock Exchange, Inc.*, 422 U.S. 684 (1975); *United States v. National Association of Securities Dealers*, 422 U.S. 684 (1975); *Hughes Tool Co. v. Trans World Airlines, Inc.*, 408 U.S. 363 (1973). The Supreme Court has repeatedly instructed, however, that such repeals of the antitrust laws by implication from a regulatory statute are strongly disfavored and will only be recognized in cases of "plain repugnancy" between the antitrust laws and the regulatory provisions. See, e.g., *Gordon v. New York Stock Exchange, Inc.*, *supra*, 422 U.S. at 710-720; *Otter Tail Power Co. v. United States*, 410 U.S. 366, 372 (1973); *Carnation Co. v. Pacific Westbound Conference*, 383 U.S. 213, 217-218 (1966); *United States v. Philadelphia National Bank*, 374 U.S. 321, 350-351 (1963); *Silver v. New York Stock Exchange*, 373 U.S. 341, 357-361 (1963). According to the classic formulation of the test, announced in *Silver v. New York Stock Exchange*, *supra*, and quoted by the House Committee in its report on the 1974 amendments, "[r]epeal is to be regarded as implied only if necessary to make the [regulatory act] work, and even then only to the minimum extent necessary." 373 U.S. at 347; H.R. Rep. No. 93-95, *supra* at 28.

Thus, assuming that the Commodity Futures Trading Commission possesses jurisdiction over the practices which are the subject of the antitrust complaint the existence of agency jurisdiction does not by itself foreclose antitrust jurisdiction in the district court. "Activities which come under the jurisdiction of a regulatory agency

nevertheless may be subject to scrutiny under the antitrust laws." *Otter Tail Power Co. v. United States*, supra, 410 U.S. at 372; see also, *Gordon v. New York Stock Exchange*, supra, 422 U.S. at 692 (Stewart, J. concurring).

The existence of concurrent jurisdiction in this case would not present any "repugnancy" or conflict between Congress' antitrust and regulatory policies. The spot market reporting rules are not expressly authorized or required by the Commodity Exchange Act. Nor has the Commission required, or even expressly approved their promulgation. Compare *Gordon v. New York Stock Exchange*, supra; *United States v. National Association of Securities Dealers*, supra. Finally, there is no indication that application of the antitrust laws to the spot market reporting rules would frustrate Commission regulation in this area. In 1976 the Commission published a notice in the Federal Register announcing that it did not intend to review rules or by-laws relating to cash market trading, and that it would take no action against contract markets for failure to submit such rules for approval. 41 Fed. Reg. 40097 (1976). Although the Commission in 1977 instituted an inquiry into the cash reporting rules of three futures markets, including the defendants and subsequently suggested certain changes to the markets, it has not attempted to require changes of any kind even though its staff expressed disapproval of the defendant's rules because of their anticompetitive effect. See Inquiry Into Operations of Spot Price Committees on the New York Coffee and Sugar Exchange, Minneapolis Grain Exchange, and Kansas City Board of Trade (staff report), approved by the Commission (June 21, 1977) (Release No. 304-77). Compare, *Gordon v. New York Stock Exchange*, supra; *Hughes Tool Co. v. Trans World Airlines, Inc.*, supra. Under these circumstances we do not believe that it reasonably could be argued that it is necessary to imply an antitrust exemption for the conduct involved in this suit to avoid seriously undermining the regulatory scheme.³

³ We recognize that the Commission has expressed its willingness in a general policy statement to assist the courts in reconciling the requirements of the regulatory scheme and the antitrust laws through the doctrine of primary jurisdiction. See 41 Fed. Reg. 18471 (1976). This procedure properly may be invoked where the existence of an implied exemption from the antitrust laws depends on the resolution of a particular factual issue within the special competence of the agency or where the case requires the court to determine whether a regulatory statute or regulation has been violated. See, e.g., *Chicago Mercantile Exchange v. Deaktor*, 414 U.S. 113 (1973); *Ricci v. Chicago Mercantile Exchange*, 409 U.S. 289 (1973); *Port of Boston Marine Terminal Association v. Rederiaktiebolaget Transatlantic*, 400 U.S. 62 (1970). The court, however, retains final authority to determine whether an implied exemption from the antitrust laws should be recognized. *Gordon v. New York Stock Exchange*, supra, 422 U.S. at 686-688; *Chicago Mercantile Exchange v. Deaktor*, supra, 414 U.S. at 114-115; *Ricci v. Chicago Mercantile Exchange*, supra, 409 U.S. at 308-308. The court need not refer the case to the agency where there is no significant factual dispute within the special competence of the agency, no violation of the regulatory statute or the agency's rules is involved, and the court determines that a referral to the

Your letter to the Court did not state that you believe than any specific action by the Court or the parties is required in light of the Commission's responsibilities under the Commodity Exchange Act. In particular, you did not state any objection to the proposed rules or suggest that the Commission should or would disapprove them. Nor did you challenge the authority of the Court to entertain the suit or request that the decree not be entered. As we understand your letter, its purpose was merely to alert the Court to the provisions of the Commodity Exchange Act and to point out that the Commission is not a party to the proposed consent decree.⁴

We note that the defendant has consented to the entry of the decree, and has not objected that it would be insufficiently protected from conflicting requirements. Thus, entry of the decree at this time would not be likely to lead to an unseemly conflict between the Court and the Commission or to prejudice the defendant.

Accordingly, the Antitrust Division believes that there is a sound jurisdictional basis for the filing of the complaint in this case. It also believes that the Court clearly has jurisdiction to enter the proposed final judgment.

In accordance with the requirements of the Antitrust Procedure and Penalty Act (15 U.S.C. 16) your letter to Judge Sweet and this response will be published in the Federal Register and filed with the District Court in the Southern District of New York:

Sincerely,

Phillip F. Cody,
Attorney, Antitrust Division.

[FR Doc. 79-13653 Filed 5-1-79; 8:45 am]

BILLING CODE 4410-01-M

agency is unlikely to be of material assistance. See *Gordon v. New York Stock Exchange*, supra, 422 U.S. at 686-688; *Ricci v. Chicago Mercantile Exchange*, supra. In this case, the existence of an implied immunity does not depend on the answer to a factual issue within the Commission's special area of expertise. Nor does it require the application of the Commodity Exchange Act or the Commission's rules to a complex set of facts. Therefore, we do not believe that such a referral would be of material assistance to the Court.

⁴ If the Commission ordered changes in the rules inconsistent with the requirements of the decree, and if that order were held to be within its authority by the courts, the defendant could find itself subject to conflicting requirements, the mere possibility of a conflict between regulatory policy and antitrust enforcement, however, does not provide a sufficient justification for a refusal to enforce the antitrust laws. See *Cantor v. Detroit Edison Co.*, 428 U.S. 579, 598 (1976). A court may properly reserve consideration of an agency's power to order relief inconsistent with an antitrust decree until the conflict occurs. See *Otter Tail Power Co. v. United States*, supra, 410 U.S. at 376-377. See also *Ricci v. Chicago Mercantile Exchange*, supra, 409 U.S. at 304. Such a course seems particularly appropriate here. The possibility of conflict appears remote since the Commission has not raised any substantive objection to the decree and, indeed, has concluded that the challenged rules are anticompetitive and should be modified. Inquiry, supra. The Court remains free, of course, to modify the decree at a latter date if that seems appropriate in light of Commission findings. See Rule 60(b), F.R. Civ.P.

LEGAL SERVICES CORPORATION

Grants and Contracts

April 27, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996l, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. North Central Legal Assistance Program in Durham, North Carolina to serve Warren and Franklin Counties.
2. Legal Aid Society of Northwestern North Carolina in Winston-Salem, North Carolina to serve Iredell County.
3. Legal Services of Southern Piedmont in Charlotte, North Carolina to serve Stanly and Union Counties.
4. Legal Services of North Carolina in Raleigh, North Carolina to serve Alexander, Alleghany, Ashe, Avery, Camden, Cleveland, Currituck, Dare, Duplin, Edgecombe, Greene, Halifax, Haywood, Hoke, Lenoir, Lincoln, Mitchell, Montgomery, Moore, Nash, Northampton, Onslow, Perquimans, Pasquo, Rowan, Watuga, Wilkms, Wilson and Yancey Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, NE., 9th Floor, Atlanta, GA 30308.

Alice Daniel,

Acting President.

[FR Doc. 79-13570 Filed 5-1-79; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 27, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996l, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is

considering the grant application submitted by:

Legal Aid Society of Sacramento County, Inc. in Sacramento, California to serve Placer County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, San Francisco
Regional Office, 177 Post Street, Suite 890,
San Francisco, California 94104.

Alice Daniel,
Acting President.

[FR Doc. 79-13571 Filed 5-1-79; 8:45 am]

BILLING CODE 6820-35-M

National Advisory Committee on Oceans and Atmosphere

April 26, 1979.

Meeting

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on Thursday and Friday, May 17-18, 1979. The session will be open to the public and will be held in the Norman Watkins Building, Narragansett Bay Campus, University of Rhode Island. The sessions on both days will begin at 9:00 a.m.

The Committee, consisting of 16 non-Federal members, appointed by the President from State and local government, industry, science and other appropriate areas, was established by the Congress by Public Law 95-63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The tentative meeting schedule follows:

Thursday, May 17, 1979

9 a.m.-10:30 a.m., *plenary session:*
Opening Remarks, Chairman, NACOA.
Meetings Plans, Chairman, NACOA.

Marine Programs at the University of Rhode Island:
An Overview, Dr. John Knauss, Provost for Marine Affairs.
Examples of Ongoing Programs, Research. Air/Sea Interaction, Dr. Robert Duce, Oceanography.
Economic Impact of the Amoco Cadiz Oil Spill, Dr. Thomas Grigalunas, Resource Economics.
Public Service:
Coastal Ponds Project, Dr. Scott Nixon, Coastal Resources Center.
Marine Advisory Service, Ms. Sarah Callaghan, Coordinator, MAS.
Education:
Commercial Fisheries Programs, Capt. Geoffrey Motte, Fisheries and Marine Technology.
Marine Affairs Program, Dr. Louis Alexander.

10:30 a.m.-12 noon, *working group sessions.*

2 p.m.-5:30 p.m., *plenary session:*

Coast Guard R & D, RADM Alfred P. Manning, Chief of R & D, U.S. Coast Guard.

Discussion of NACOA Position Regarding Draft National Ocean Pollution R & D and Monitoring Plan, Dr. Alfred Keil, NACOA.

Discussion of NACOA Plan for the Study of the Federal Role in Civil Ocean Technology, Dr. Alfred Keil, NACOA.

Friday, May 18, 1979

9 a.m.-12 noon, *working group sessions.*

1 p.m.-3 m.p., *plenary session:*

Review of NACOA 8th Annual Report, Chairman, NACOA.

Discussion of NACOA Response to President's DNR Proposal Mr. Marne Dubs, NACOA.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Mr. John W. Connolly, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 2001 Wisconsin Avenue, N.W. (Suite 434, Page Building I), Washington, D.C. 20235. The telephone number is (202) 254-8418.

Dated: April 27, 1979.

Samuel H. Walinsky,
Executive Officer.

[FR Doc. 79-13554 Filed 5-1-79; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL COMMISSION ON AIR QUALITY

Plan of Study; Availability of Draft

The National Commission on Air Quality hereby gives notice that a draft of the Commission's Plan of Study will be made available at the Commission's May 7 meeting which is scheduled to begin at 10:00 a.m. in Room 311 of the Cannon House Office Building located at First Street SE., and Independence Avenue. A copy of the draft Plan will also be published that same week in the Federal Register. It is requested that public comments on the Plan be submitted in writing no later than June 9, 1979 to the Commission's office at 1730 K Street NW., Suite 207, Washington, D.C. 20006.

National Commission on Air Quality.

William H. Lewis, Jr.,
Director.

April 27, 1979.

[FR Doc. 79-13656 Filed 5-1-79; 8:45 am]

BILLING CODE 6820-38-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physiology, Cellular, and Molecular Biology; Subcommittee on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cell Biology of the Advisory Committee for Physiology, Cellular, and Molecular Biology.
Date and time: May 21, 22, and 23, 1979: 9:00 a.m. to 6:00 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Liselotte Mezger-Freed, Program Director for Cell Biology, Room 331-B, National Science Foundation, Washington, D.C. 20550. Telephone number 202/634-4117.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in cell biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 19, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13594 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Memory and Cognitive Processes of the Advisory Committee for Behavioral and Neural Sciences.
Date and time: May 21 and 22, 1979; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 628, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.

Contact person: Dr. Joseph E. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone: 202-634-1583.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13595 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Advisory Committee for PCM; Subcommittee on Genetic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended,

Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: May 24-26, 1979, 9:00 a.m.
Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Philip D. Harriman, Program Director, Genetic Biology Program, Room 328, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5985.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13596 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social Sciences.
Date and time: May 24-25, 1979—Thursday—9:00 a.m. to 6:00 p.m.; Friday—9:00 a.m. to 4:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of Meeting: Closed.

Contact person: Roland J. Liebert, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: 202 632-4204.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature,

including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13597 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group A, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and time: May 24-25, 1979; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 536, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Brian J. Johnson, Program Director, Biochemistry Program, Room 330, National Science Foundation, Washington, DC 20550, Telephone: 202/632-4260.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process of award.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Acting Committee Management Officer.
[FR Doc. 79-13598 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception.

Date and time: May 23 and 24, 1979, 9:00 a.m.—5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 1243, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Terrence R. Dolan, Program Director, Sensory Physiology and Perception, Room 310, National Science Foundation, Washington, D.C. (202) 634-1624.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(C), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13599 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and time: May 21 & 22, 1979; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 330, National Science Foundation,

Washington, DC, 20550, Telephone: 202/632-4260.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13600 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences.

Date and time: May 21, 22 and 23, 1979—9:00 a.m. each day.

Place: Rooms 340, 543 and 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Part Open—5/21—closed—9:00 a.m. to 5 p.m.; 5/22—open—9:00 a.m. to 5 p.m.; 5/23—open—9:00 a.m. to 5 p.m.

Contact person: Mr. Kent K. Curtis, Head, Computer Science Section, Room 339, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 632-7346. Anyone planning to attend this meeting should notify Mr. Curtis no later than 5/16/79.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Computer Science.

Agenda: Monday, May 21, 1979—9:00 a.m. to 5:00 p.m.—closed. Review and comparison of declined proposals (and supporting documentation) with successful awards under the Software Engineering Program, including review of peer review materials

and other privileged material. Preparation of a report based upon the above review.

Tuesday, May 22, 1979—9:00 a.m. to 5:00 p.m.—open.

9:00 a.m.—Introduction by Mr. Kent K. Curtis, Head, CSS/MCS.

9:30 a.m.—Briefing by Dr. John R. Pasta, DD/MCS.

10:30 a.m.—Discussion of Report on Software Engineering Program.

12:00 p.m.—Lunch.

1:00—Briefing by Dr. James A. Krumhansl, AD/MPE.

2:00 p.m.—Discussion of Long Range Plan for Support of Research in Computer Science.

Wednesday, May 23, 1979—9:00 a.m. to 5:00 p.m.—open.

9:00 a.m.—Continuation of Tuesday discussion of Long Range Plan.

12:00 p.m.—Lunch.

1:00 p.m.—Continuation of morning discussion of Long Range Plan.

3:00 p.m.—Adjourn.

Reason for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Director, NSF, pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13601 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Geography and Regional Science of the Advisory Committee for Social Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Geography & Regional Science.

Date and time: May 21, 1979—8:30 a.m. to 5:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Herbert L. Costner, Division Director, Room 314, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4286.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13602 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

International Decade of Ocean Exploration Ad Hoc Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subcommittee on the Studies in East Asia Tectonics and Resources Project of the Advisory Committee for Ocean Sciences.

Date and time: May 21, 1979—9:00 a.m. to 5:00 p.m.

Place: Department of Geology, Stanford University, Stanford, California.

Type of meeting: Closed.

Contact person: Mr. Edward M. Davin, International Decade of Ocean Exploration Section, Room 606, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7358.

Purpose of Ad Hoc Subcommittee: To provide the IDOE with additional expertise in the review and evaluation of proposals relating to oceanographic research related to the SEATAR Project.

Agenda: Detailed review and evaluation of proposals for support of the SEATAR Project.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13603 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

DOE/NSF Nuclear Science Advisory Committee 1979 Instrumentation Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Instrumentation Subcommittee of the Nuclear Science Advisory Committee.

Date and time: May 19, 1979—9:00 a.m.—6:00 p.m.; May 20, 1979—9:00 a.m.—5:00 p.m.

Place: Conference Room 321, National Science Foundation, Washington, D.C. Telephone (202) 632-4318.

Type of meeting: May 19, 1979—open; May 20, 1979—open.

Contact person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. Telephone (202) 632-4318.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: To provide advice on the continuing basis to both DOE and NSF on support for basic nuclear science in the United States.

Agenda: Formulation of the Subcommittee's Final Report.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-13604 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

Advisory Committee for International Programs; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.

Date: May 18, 1979.

Time: 12 p.m.—5 p.m. Friday, May 18, 1979.

Place: Room 1224, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Telephone: 202/632-5798.

Persons interested in attending the meeting should inform Dr. Bodo Bartocha before 5 p.m. on May 14, 1979.

Summary of minutes: May be obtained from the Committee Management Coordinator, Division of

Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Group: The Advisory Committee for International Programs provides advice, recommendations, and oversight concerning support for activities related to international scientific and technical cooperation.

Agenda

Friday, May 18, 1979

12:00-1:30: Brown Bag Lunch—Dr. Dorothy Zinberg, Chairperson, Advisory Committee.

Overview Remarks—Dr. Bodo Bartocha, Designated Foundation Official for Advisory Committee.

Relation of NSF International Science Programs to the Department of State—Mr. Thomas R. Pickering, Assistant Secretary, Bureau of Oceans & International Environmental and Scientific Affairs, DOS.

1:30-2:30: OMB Review of International Science Issues—Dr. Gail Pesyna, Budget Examiner, Office of Management and Budget.

2:30-2:45: Overview of Policy of NSF, International Science Programs—Dr. Richard C. Atkinson, Director, National Science Foundation.

2:45-3:00: Criteria for NSF Programs With Less Developed Countries—Dr. Jewell Plummer Cobb, National Science Board, PPC Subcommittee on International Science Activities.

3:00-3:30: Review and discussion of NAS Programs and Budget—Dr. Robert Brainard, Head, Europe Section.

3:30-4:00: INT Report on Budget Analysis, FY 76-78—Dr. Norman Neureiter, Advisory Committee Member.

4:00-5:00: 1. Issues for INT Advisory Committee related to its Charter. 2. General discussion.

M. Rebecca Winkler,
Committee Management Coordinator
[FR Doc. 79-13605 Filed 5-1-79; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Regulatory Guides Under Development

The Nuclear Regulatory Commission, in its continuing effort to provide for increased public participation in the regulatory process, is publishing the titles and scopes of regulatory guides under development as of March 16, 1979, and, where appropriate, the related national standards such as those of the American National Standards Institute (ANSI), American Nuclear Society (ANS), Institute of Electrical and Electronics Engineers (IEEE), and the

American Society of Mechanical Engineers (ASME). At the end of the title of the guide, the Office of Standards Development task number is given. This task number is temporarily used to identify the guide during its development.

The list was developed before the recent accident at the Three Mile Island Nuclear Station. It does not include any new guides or revisions to existing guides that may be found to be necessary as a result of ongoing investigations of that accident.

The primary purposes of regulatory guides are (1) to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and in some cases to delineate techniques used by the staff in evaluating specific problems or postulated accidents and (2) to provide guidance to applicants concerning certain of the information needed by the NRC staff in its review of applications for permits and licenses. Regulatory guides are not intended as substitutes for regulations, and therefore compliance with these guides is not required. Methods and solutions different from those set forth in the guides will be acceptable if they provide a basis for the findings requisite to the issuance or continuance of a permit or license by the Commission.

Although these guides are not yet available, suggestions in connection with the regulatory guides under development are encouraged and should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Following is the list of regulatory guides under development as of March 16, 1979, with the scope of the guide and any related national standards. The list is divided into two parts: existing guides that are being revised and new guides under development. This list will be updated and published periodically.

Regulatory Guides Being Revised

Division 1, Power Reactor Guides

Revision 3 to Regulatory Guide 1.3, Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Boiling Water Reactors (EM 027-2).

Scope: To provide acceptable assumptions that may be used in evaluating the radiological consequences of a loss-of-coolant accident for a boiling water reactor.

Related Standard: None.

Revision 2 to Regulatory Guide 1.12, Instrumentation for Earthquakes (EM 707-5).

Scope: To specify the seismic instrumentation acceptable to the NRC staff.

Related Standard: ANSI N18.5, Earthquake Instrumentation Criteria for Nuclear Power Plants.

Revision 2 to Regulatory Guide 1.13, Design Objectives for Light Water Reactor Spent Fuel Storage at Nuclear Power Stations (FP 701-5).

Scope: To describe acceptable fuel storage and handling systems with adequate safety under normal and postulated accident conditions.

Related Standard: ANS 210-1976, Design Objectives for Light Water Reactor Spent Fuel Storage Facilities at Nuclear Power Stations.

Revision 2 to Regulatory Guide 1.14, Reactor Coolant Pump Flywheel Integrity (SC 003-2).

Scope: To describe a method acceptable to the NRC staff of implementing Commission requirements to minimize the potential for failures of the flywheels of reactor coolant pump motors in light-water-cooled power reactors.

Related Standard: ASME Code.

Revision 5 to Regulatory Guide 1.16, Reporting of Operating Information—Appendix A Technical Specifications (RS 812-4).

Scope: To describe a program of reporting requirements for Appendix A technical specifications to health and safety of a facility license acceptable to the staff.

Related Standard: None.

Revision 1 to Regulatory Guide 1.25, Assumptions Used for Evaluating the Potential Radiological Consequences of a Fuel Handling Accident in the Fuel Handling and Storage Facility for Boiling and Pressurized Water Reactors (EM 802-4).

Scope: To provide guidance for dose calculation of a fuel handling accident.

Related Standard: None.

Revision 3 to Regulatory Guide 1.33, Quality Assurance Program Requirements (Operation) (RS 902-4).

Scope: To provide recommendations with regard to overall quality assurance program requirements for the operation phase of nuclear power plants.

Related Standard: ANSI N18.7-1976/ANS 3.2, Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants.

Revision 3 to Regulatory Guide 1.35, Inservice Inspection of UngROUTED Tendons in Prestressed Concrete Containments (SC 810-4).

Scope: To describe a basis acceptable to the NRC staff for developing an appropriate inservice inspection and surveillance program for ungrouted tendons in prestressed concrete containment structures of light-water-cooled reactors.

Related Standard: None.

Revision 1 to Regulatory Guide 1.46, Protection Against Pipe Whip Inside Containment (SC 001-3).

Scope: To describe an acceptable basis (1) for selecting the design locations and orientations of postulated breaks in fluid system piping and (2) for determining how to prevent pipe whipping that may result from such breaks.

Related Standard: ASME Code, Section III.

Revision 1 to Regulatory Guide 1.50, Control of Preheat Temperature for Welding of Low-Alloy Steel (SC 712-4).

Scope: To describe acceptable methods for controlling the preheat temperature for the welding of low-alloy steel. The revision will take into account present day fabrication expertise and current data from research programs.

Related Standard: ASME Code.

Revision 1 to Regulatory Guide 1.58, Qualification of Nuclear Power Plant Inspection, Examination, and Testing Personnel (RS 901-5).

Scope: To describe a method acceptable to the staff with regard to qualification of nuclear power plant inspection, examination, and testing personnel.

Related Standard: ANSI N45.2.6-1973, Qualification of Inspection, Examination, and Testing Personnel for the Construction Phase of Nuclear Power Plants.

Revision 3 to Regulatory Guide 1.59, Design Basis Floods for Nuclear Power Plants (SS 932-4).

Scope: To identify the design basis floods that nuclear power plants should be designed to withstand without loss of capability for cold shutdown and maintenance thereof.

Related Standard: ANSI N170-1976, Standards for Determining Design Basis Flooding at Power Reactor Sites.

Revision 1 to Regulatory Guide 1.71, Welder Qualification for Areas of Limited Accessibility (SC 603-4).

Scope: To provide guidance for qualifying welders to perform in areas of limited accessibility.

Related Standard: ASME Code.

Revision 1 to Regulatory Guide 1.80, Preoperational Testing of Instrument Air Systems (RS 709-4).

Scope: To describe an acceptable initial startup test program for instrument and control air systems. The

revision will (1) expand guide's scope to include non-safety-related air systems (as well as safety-related), (2) provide for detailed failure analysis of plant air systems, and (3) provide for preoperational tests to verify failure analysis.

Related Standard: None.

Revision 15 to Regulatory Guide 1.84, Design and Fabrication Code Case Acceptability—ASME Section III, Division 1 of (SC 902-4).

Scope: To present the NRC staff position on ASME Section III Code Cases related to design and fabrication. The guide is revised periodically to add code cases that have been judged acceptable and to remove code cases withdrawn by ASME.

Related Standard: ASME Code.

Revision 15 to Regulatory Guide 1.85, Materials Code Case Acceptability—ASME Section III, Division 1 (SC 903-4).

Scope: To present the NRC staff position on ASME Section III Code Cases related to materials. The guide is revised periodically to add code cases that have been judged acceptable and to remove code cases withdrawn by ASME.

Related Standard: ASME Code.

Revision 1 to Regulatory Guide 1.89, Qualification of Class 1E Equipment for Nuclear Power Plants (RS 042-2).

Scope: To provide guidance on qualification of electric equipment for nuclear power plants.

Related Standard: IEEE Std 323-1974, Standard for Qualifying Class 1E Equipment for Nuclear Power Generating Stations.

Revision 2 to Regulatory Guide 1.101, Emergency Planning for Nuclear Power Plants (SD 803-4).

Scope: To describe methods acceptable to the NRC staff for emergency planning for nuclear power plants.

Related Standard: None.

Revision 1 to Regulatory Guide 1.131, Qualification Tests of Electric Cables, Field Splices, and Connections for Light-Water-Cooled Nuclear Power Plants (RS 050-2).

Scope: To provide guidance for type tests of electric cables, field splices, and connections installed inside the containment of nuclear power plants.

Related Standard: ANSI/IEEE Std 383-1974, Type Test of Class 1E Electric Cables, Field Splices, and Connections for Nuclear Power Generating Stations.

Revision 1 to Regulatory Guide 1.133, Loose-Part Detection Program for the Primary System of Light-Water-Cooled Nuclear Power Plants (SC 523-4).

Scope: To describe a program acceptable to the NRC staff for loose-

part detection in the primary system of light-water-cooled reactors.

Related Standard: None.

Revision 1 to Regulatory Guide 1.135, Normal Water Level and Discharge at Nuclear Power Plants (SS 613-4).

Scope: To define criteria and methodology for determining ambient ground and surface water level and flow at time of occurrence of extreme design basis events.

Related Standard: None.

Revision 1 to Regulatory Guide 1.137, Fuel-Oil Systems for Standby Diesel Generators (RS 070-4).

Scope: To describe methods for the design and performance of fuel-oil systems for standby diesel generators.

Related Standard: ANSI N195-1976, Fuel-Oil Systems for Standby Diesel Generators.

Revision 1 to Regulatory Guide 1.139, Guidance for Residual Heat Removal (EM 801-4).

Scope: To describe a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the removal of decay heat and sensible heat after a reactor shutdown.

Related Standard: None.

Revision 1 to Regulatory Guide 1.140, Design, Testing, and Maintenance Criteria for Normal Ventilation Exhaust System Air Filtration and Adsorption Units of Light-Water-Cooled Nuclear Power Plants (FP 601-4).

Scope: To describe criteria acceptable to the NRC staff for design, testing, and maintenance of exhaust filtration and adsorption units.

Related Standard: None.

Revision 1 to Regulatory Guide 1.141, Containment Isolation Provisions for Fluid Systems (EM 705-5).

Scope: To describe a method acceptable to the NRC staff for complying with the Commission's requirements with respect to containment isolation of fluid systems.

Related Standard: ANSI N271-1976, Containment Isolation Provisions for Fluid Systems.

Revision 1 to Regulatory Guide 1.142, Safety-Related Concrete Structures for Nuclear Power Plants (Other Than Reactor Vessels and Containments) (SC 822-5).

Scope: To describe a method acceptable to the NRC staff with regard to safety-related concrete structures, other than reactor vessels and containments, for nuclear power plants.

Related Standard: ACI Standard 349-76, Code Requirements for Nuclear Safety Related Concrete Structure.

Division 3, Fuels and Materials Facilities

Revision 2 to Regulatory Guide 3.5, Standard Format and Content of License Applications for Uranium Mills (FP 703-4).

Scope: To provide specific guidance on the format and content of an application for an NRC Source Material License authorizing uranium mill activities. Major changes in the guide are anticipated to be in the areas of plant operation, operating procedures, radiation and environmental monitoring, and quality assurance.

Related Standard: None.

Revision 1 to Regulatory Guide 3.34, Assumptions Used for Evaluating the Potential Radiological Consequences of Accidental Nuclear Criticality in a Uranium Fuel Fabrication Plant (FP 065-4).

Scope: To Provide assumptions used to evaluate the magnitude and radiological consequences of a criticality accident in a uranium fuel fabrication plant.

Related Standard: None.

Revision 1 to Regulatory Guide 3.35, Assumptions Used for Evaluating the Potential Radiological Consequences of Accidental Nuclear Criticality in a Plutonium Processing and Fuel Fabrication Plant (FP 073-4).

Scope: To provide assumptions used by the staff to evaluate the magnitude and radiological consequences of a criticality accident in a plutonium processing and fuel fabrication plant.

Related Standard: None.

Revision 1 to Regulatory Guide 3.42, Emergency Planning for Fuel Cycle Facilities and Plants Licensed Under 10 CFR Parts 50 and 70 (FP 059-4).

Scope: To describe a method acceptable to the NRC staff for complying with requirements to provide emergency planning for fuel cycle facilities and nuclear power plants licensed under 10 CFR Parts 50 and 70.

Related Standard: None.

Revision 1 to Regulatory Guide 3.43, Nuclear Criticality Safety in the Storage of Fissile Materials (FP 709-5).

Scope: To provide guidance for the prevention of criticality accidents in the storage of fissile materials outside nuclear reactors.

Related Standard: ANSI N16.5-1975, Guide for Nuclear Criticality Safety in the Storage of Fissile Material.

Division 4, Environmental and Siting Guides

Revision 1 to Regulatory Guide 4.14, Measuring, Evaluating, and Reporting Radioactivity in Releases of Radioactive

Materials in Liquid and Airborne Effluents from Uranium Mills (ES 403-4).

Scope: To describe programs acceptable to the NRC staff for monitoring effluents from uranium mills.

Related Standard: None.

Revision 1 to Regulatory Guide 4.16, Measuring, Evaluating, and Reporting Radioactivity in Releases of Radioactive Materials in Liquid and Airborne Effluents from Nuclear Fuel Processing and Fabrication Plants (ES 404-4).

Scope: To describe methods acceptable to the NRC staff for measuring, evaluating, and reporting radioactivity in releases of radioactive materials in liquid and airborne effluents from nuclear fuel processing and fabrication plants.

Related Standard: None.

Division 5, Materials and Plant Protection

Revision 1 to Regulatory Guide 5.7, Control of Personnel Access to Protected Areas, Vital Areas, and Material Access Areas (SG 616-7).

Scope: To describe a method acceptable to the NRC staff of searching personnel prior to entry into a protected area and upon exit from a material access area, and of controlling access to protected, vital, and material access areas.

Related Standard: None.

Revision 1 to Regulatory Guide 5.12, General Use of Locks in the Protection and Control of Facilities and Special Nuclear Materials (SG 803-4).

Scope: To provide criteria acceptable to the NRC staff for selection and use of commercially available locks in protection of facilities and special nuclear materials. The revision will reflect more recent technical information and new regulations requiring more stringent physical protection.

Related Standard: None.

Revision 1 to Regulatory Guide 5.14, Visual Surveillance of Individuals in Material Access Areas, (SG 910-4).

Scope: To describe operational measures and physical features acceptable to the staff for the implementation of visual surveillance of individuals in material access areas.

Related Standard: None. Revision 1 to Regulatory Guide 5.18, Limit of Error Concepts and Principles of Calculation in Nuclear Materials Control (SG 518-5).

Scope: To identify concepts, principles, and referenced methods acceptable to the staff for calculating limits of error in nuclear materials control.

Related Standard: ANSI N15.16-1974, Limits of Error Concepts and Principles

of Calculation in Nuclear Materials Control.

Revision 1 to Regulatory Guide 5.28, Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Materials (SG 905-4).

Scope: To identify concepts, principles, and methods acceptable to the staff for determining significant shipper-receiver differences.

Related Standard: ANSI N15.17-1974, Concepts and Principles for the Statistical Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Materials.

Revision 2 to Regulatory Guide 5.44, Perimeter Intrusion Alarm Systems (SG 479-4).

Scope: To describe six types of perimeter intrusion alarm systems and set forth acceptable criteria for their performance and use.

Related Standard: None.

Revision 2 to Regulatory Guide 5.52, Standard format and Content for the Physical Protection Section of a License Application (for Facilities Other Than Nuclear Power Plants) (SG 712-4).

Scope: To provide guidance on the format and content of the physical protection section of a license application for facilities other than nuclear power plants. The guide will be revised to include changes resulting from the safeguards upgrade and guard training rules.

Related Standard: None.

Revision 1 to Regulatory Guide 5.57, Shipping and Receiving Control of Special Nuclear Material (SG 484-4).

Scope: To describe acceptable procedures with regard to the control of special nuclear materials during shipment and receipt by a licensee.

Related Standard: None.

Division 7, Transportation Guides

Revision 1 to Regulatory Guide 7.8, Load Combinations for the Structural Analysis of Shipping Casks (SC 527-4).

Scope: To establish load combinations for the structural analysis of shipping casks acceptable to the NRC staff for complying with the requirements of Appendices A and B to 10 CFR Part 71.

Related Standard: None.

Division 8, Occupational Health

Revision 4 to Regulatory Guide 8.8, Information Relevant to Ensuring That Occupational Radiation Exposures at Nuclear Power Stations Will Be As Low As Is Reasonably Achievable (ALARA) (OH 507-4).

Scope: To provide guidance to meet the criterion during design, construction, operation, and decommissioning of light-water-reactor power plants that

exposures of station personnel to radiation during routine operation will be ALARA.

Related Standard: ANSI Z88.2-1969, Practices for Respiratory Protection.

Revision 1 to Regulatory Guide 8.18, Information Relevant to Ensuring That Occupational Radiation Exposures at Medical Institutions Will Be As Low As Reasonably Achievable (OH 606-4).

Scope: To recommend methods for maintaining occupational exposures ALARA in medical institutions.

Related Standard: None.

Revision 1 to Regulatory Guide 8.19, Occupational Radiation Dose Assessment in LWR Power Plants—Design Stage Man-Rem Estimates (OH 612-4).

Scope: To describe a method acceptable to the NRC staff for performing an assessment of collective occupational radiation dose during preliminary design stage as well as during construction after completion of design for a light-water-cooled power reactor.

Related Standard: None.

Revision 1 to Regulatory Guide 8.20, Applications of Bioassay for I-125 and I-131 (OH 712-4).

Scope: To provide criteria for the development and implementation of a bioassay program for handling or processing I-125 or I-131.

Related Standard: None.

Revision 1 to Regulatory Guide 8.21, Health Physics Surveys for Byproduct Material at NRC-Licensed Processing and Manufacturing Plants (OH 707-4).

Scope: To identify types and frequencies of surveys for processing byproduct material or manufacturing such material for distribution.

Related Standard: None.

Division 10, General Guides

Revision 1 to Regulatory Guide 10.5, Guide for the Preparation of Applications for Type A Licenses of Board Scope for Byproduct Material (OH 603-4).

Scope: To inform applicants of the desired format and information to be submitted when applying for a Type A Byproduct Material License of broad scope.

Related Standard: None.

Revision 1 to Regulatory Guide 10.6, Guide for the Preparation of Applications for Use of Sealed Sources and Devices for the Performance of Industrial Radiography (IP 602-4).

Scope: To provide guidance for licensing radiography programs.

Related Standard: None.

Revision 1 to Regulatory Guide 10.7, Guide for the Preparation of Applications for Licenses for Laboratory

Use of Small Quantities of Byproduct Material (OH 610-4).

Scope: To identify information needed by the NRC staff to evaluate an application for a specific license for laboratories using millicurie quantities of byproduct material.

Related Standard: None.

New Regulatory Guides Under Development**Division 1, Power Reactor Guides****Interim Guide on Tornado Missiles (EM 501-4).**

Scope: To provide reasonably conservative design missile descriptions for power plant design against missiles based on licensing assessment of recent applications.

Related Standard: None.

Single-Failure Criteria for Light-Water Reactor Plant Fluid Systems (EM 622-5).

Scope: To define application of single-failure criteria to light-water reactor fluid systems.

Related Standard: ANSI N658-1976, Single Failure Criteria for Pressurized Water Reactor Fluid Systems.

Earthquake Instrumentation Data Handling for Nuclear Power Plants (EM 706-5).

Scope: To specify the retrieval and processing of the instrumentation data recorded during an earthquake to determine whether the Operating Basis Earthquake has been exceeded.

Related Standard: ANS 2.10, Guidelines for Retrieval, Review, Processing, and Evaluation of Records Obtained from Seismic Instrumentation (Under development).

Pressurized Water Reactor and Boiling Water Reactor Containment Spray System Design Criteria (EM 710-5).

Scope: To provide guidelines for the design, performance, testing, maintenance, instrumentation, and control and acceptable methods for analyzing the heat removal and fission product removal effectiveness of light-water reactor containment spray systems.

Related Standard: ANSI N581, Pressurized Water Reactor and Boiling Water Reactor Containment Spray Design Criteria, (Under development).

Criteria for Safety-Related Permanent Dewatering Systems (FP 811-4).

Scope: To define acceptable geotechnical and hydrologic engineering design bases and criteria for permanent dewatering systems that are depended on to serve safety-related purposes, including consideration for facility decommissioning.

Related Standard: None.

Criteria for Electric Instrumentation and Control System Portions of Protection Systems, Protective Action Systems, and Auxiliary Supporting Features (RS 609-5).

Scope: To provide guidance in the design of electric instrumentation and control system portions of protection systems, protective action systems, and auxiliary supporting features.

Related Standard: IEEE Std 603-1977, Criteria for Safety Systems for Nuclear Power Generating Stations.

Criteria for Lightning Protection for Nuclear Power Plants (RS 705-4).

Scope: To provide acceptable criteria for the design of lightning protection for nuclear power plants.

Related Standard: None.

Application of Torque Switches in Safety-Related Motor-Operated Valves (RS 801-4).

Scope: To describe methods acceptable to the NRC staff for correct application of torque switches in safety-related motor-operated valves to ensure compatibility of the valve assembly with the system's operating conditions.

Related Standard: None.

Qualification Test for Cable Penetration Fire Stops for Use in Nuclear Power Plants (RS 809-5).

Scope: To describe methods acceptable to the NRC staff for establishing type tests for qualifying the performance of cable penetration fire stops when mounted in rated fire barriers.

Related Standard: IEEE Std 634-1978, Standard Penetration Fire Stop Qualification Test.**Qualification of Electric Modules for Nuclear Power Plants (RS 811-5).**

Scope: To provide qualifications and criteria for electric modules for nuclear power plants acceptable to the NRC staff.

Related Standard: IEEE Std 381-1977, Criteria for Type Tests of Class IE Modules Used in Nuclear Power Plant Generating Stations.

Meteorological Extreme Air Temperatures for the Design and Operation of Nuclear Power Plants (SS 603-9).

Scope: To provide guidance to applicants concerning extreme ambient air temperatures and associated return intervals to be considered in the design temperatures of structures, components, and systems.

Related Standard: None.

Extreme Wind Speeds in Coastal Areas for the Design and Operation of Nuclear Power Plants (SS 604-9).

Scope: To provide guidance to applicants concerning speeds and

associated recurrence intervals in coastal areas to be considered in the design wind speed specified for safety-related nuclear power plant structures, components, and systems.

Related Standard: None.

Procedures and Criteria for Assessing Soil Liquefaction Potential at Nuclear Facility Sites (SS 718-4).

Scope: To provide criteria for identifying sites requiring detailed investigation; to describe procedures and limitations and laboratory and field investigations; and to discuss analytical and empirical studies, margins of safety, and important issues.

Related Standard: None.

Foundation and Earthwork Construction for Nuclear Power Plants (SS 719-4).

Scope: To identify foundation and earthwork construction activities important to safety and to describe preferred practices, acceptable performance criteria, control measures, and quality assurance requirements.

Related Standard: None.

Snow and Ice Accumulations for the Design and Operation of Nuclear Power Plants (SS 723-4).

Scope: To provide guidance to applicants concerning snow and ice accumulation and associated recurrence intervals to be considered in the design basis specified for safety-related nuclear power plants structures, systems, and components.

Related Standard: None.

Atmospheric Dispersion Models for Potential Accident Consequence Assessments at Nuclear Power Plants (SS 724-4).

Scope: To provide guidance to applicants concerning procedures for determining atmospheric dispersion conditions used in assessing consequences of potential reactor accidents made to determine the exclusion area, low population zone, and population center distance as required by 10 CFR Part 100.

Related Standard: None.

Geologic Mapping of Excavations for Nuclear Power Plants (SS 805-4).

Scope: To identify geologic conditions and special or adverse foundation conditions that should be mapped in excavations to describe acceptable techniques for mapping and photographing excavations. To describe acceptable methods for presenting geologic maps and data to the NRC staff.

Related Standard: None.

Guidance for Content of Licensing Applications for Light-Water-Reactor Reload Fuel (SC 521-4).

Scope: To provide guidelines with regard to content of licensing

applications for reload fuel with respect to review of safety-related issues.

Related Standard: None.

Ultrasonic Testing (UT) of Reactor Vessel Welds During Inservice Examination (SC 705-4).

Scope: To provide recommendations and supplement the present ASME code procedure and information requirements so that greater consistency may be obtained between ultrasonic examination of flaws.

Related Standard: ASME Code.

Requirements for Qualification Tests and Production Tests for Piping and Equipment Snubbers (SC 708-4).

Scope: To provide guidance on the requirements for the qualification and production tests of piping and equipment snubbers with normal-condition load ratings not greater than 100,000 pounds.

Related Standard: None.

Code Case Acceptability—ASME Section XI, Inservice Inspection (SC 721-4).

Scope: To present the NRC staff position on ASME Section XI Code Cases. The guide will be revised and updated to include the changing status of Section XI Code Cases.

Related Standard: ASME Code.

Ultrasonic Testing (UT) of ASME Class 1 and 2 Austenitic Piping Systems (SC 802-4).

Scope: To describe methods acceptable to the NRC staff for the ultrasonic testing of ASME Class 1 and 2 austenitic piping systems.

Related Standard: None.

Determining Prestressing Forces for Inspection of Prestressed Concrete Containment Structures (SC 807-4).

Scope: To describe methods of determining the prestressing forces for inspection purposes.

Related Standard: None.

Methods of Analysis and Design of Reinforced Concrete Containment Structures (SC 808-4).

Scope: To provide information regarding acceptable methods of analysis and design of reinforced concrete containments, based primarily on Article CC-3000 of ASME Section III, Division 2, Code for Concrete Reactor Vessels and Containments. In areas where the NRC finds provisions of the Code improper or insufficient for licensing purposes, the staff will provide supplementary guidelines.

Related Standard: ASME Code.

Construction and Testing of Concrete Containments (Articles CC-4000-7000 of ASME Section III, Division 2, Code for Concrete Reactor Vessels and Containments) (SC 814-5).

Scope: To give the NRC staff's position on the acceptability for NRC licensing actions of Articles CC-4000-7000 of ASME Section III, Division 2.

Related Standard: ASME Code.

Division 3, Fuels and Materials Facilities Guides

Guidance on the Design of an Independent Spent Fuel Storage Installation (Water-Basin Type) (FP 605-4).

Scope: To provide guidance on the design of an independent spent fuel storage installation (Water-Basin Type).

Related Standard: ANSI/ANS 57.7, Design Criteria for an Independent Spent Fuel Storage Installation (Water-Basin Type) (Under development).

Standard Format and Content of License Applications for UO₂ Fuel Fabrication Facilities (FP 716-4).

Scope: To provide specific guidance on the format and content of a license application for uranium in a fuel fabrication facility. Regulatory Guide 3.39, Standard Format and Content of License Applications for Plutonium Processing and Fuel Fabrication Plants, will be used as a starting document and will be revised to reflect applicable public comments and any differences in requirements between license applications for mixed oxide facilities and those for UO₂ facilities.

Related Standard: None.

Standard Format and Content of License Applications for Class A (High-Level) Radioactive Waste Storage and Disposal in a Deep Geologic Repository (FP 805-4).

Scope: To provide guidance concerning the format and content of applications to license receipt, possession, storage, and disposal of Class A waste in deep geologic repositories.

Related Standard: None.

Standard Format and Content of License Applications for Management and Disposal of Class B and Class C Radioactive Waste (FP 808-4).

Scope: To identify the type of information needed and the format desired by the NRC staff to expedite review of applications for licenses to manage and dispose of Class B and Class C radioactive waste.

Related Standard: None.

Calculational Models for Estimating Radiation Doses From Airborne Radioactive Materials Resulting From Uranium Milling Operations (RH 802-4).

Scope: To provide standard models for assessing doses from routine radioactive effluents from mills and UF₆ facilities.

Related Standard: None.

Operational Inspection and Surveillance of Embankment Retention Systems for Uranium Mill Tailings (SC 722-4).

Scope: To describe in greater detail, as a supplement to Regulatory Guide 3.11, a basis for developing an appropriate inservice inspection and surveillance program for earth and rockfill embankments used to retain uranium mill tailings.

Related Standard: None.

Division 4, Environmental and Siting Guides

Preparation of Environmental Reports for High-Level Waste Repositories (ES 724-4).

Scope: To provide a standard format and content for environmental reports to be submitted with license applications for high-level waste repositories.

Related Standard: None.

Guidance for Establishing Site-Related Parameters for Site Selection and Design of an Independent Spent Fuel Storage Installation (FP 604-4).

Scope: To provide site-related parameters acceptable to the NRC staff for the selection and design of sites for independent spent fuel storage installations.

Related Standard: ANS 2.19, Guidelines for Establishing Site-Related Parameters for Site Selection and Design of an Independent Spent Fuel Storage Installation (Under development).

Site Suitability Criteria for Nuclear Fuel Cycle Facilities (SD 726-4).

Scope: To provide guidance on suitability of sites for fuel cycle facilities.

Related Standard: None.

Hydrologic Design Criteria for Water-Control Structures Not Related to Radiological Safety and Constructed for Nuclear Power Plants (SS 518-4).

Scope: To provide design criteria for water control structures for nuclear power plants.

Related Standard: None.

Geochronologic Techniques Applied to Nuclear Power Plant Siting (SS 702-4).

Scope: To provide guidance to applicants and consultants on the use of geochronologic techniques in determining the "absolute" age of geologic materials and dating fault movement.

Related Standard: None.

Division 5, Materials and Plant Protection Guides

Mass Calibration Techniques for Nuclear Material Control (SG 601-5).

Scope: To identify acceptance calibration techniques applicable to control of special nuclear material.

Related Standard: N15.19-1975, Volume Calibration Techniques for Nuclear Material Control.

Standard Format and Content for the Physical Protection Plan for Strategic Special Nuclear Material in Transit (SG 606-1).

Scope: To identify the information to be provided in a physical protection plan for strategic special nuclear material in transit and describe a uniform format for presenting the information.

Related Standard: None.

Standard Format and Content for the Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance (SG 705-9).

Scope: To identify the information to be included in a physical security plan for the protection of special nuclear material of moderate or low strategic significance and to describe a uniform format for presenting the information.

Related Standard: None.

Division 8, Occupational Health Guides

Health Physics Surveys at Uranium Mills (OH 710-4).

Scope: To provide guidance regarding health physics surveys that should be performed in uranium mills.

Related Standard: None.

Bioassay for Tritium (OH 713-4).

Scope: To provide criteria for a tritium bioassay program.

Related Standard: None.

Bioassay for Fission and Corrosion Products (OH 714-4).

Scope: To provide criteria for a bioassay program for fission and corrosion products.

Related Standard: None.

Radiation Protection Training at Nuclear Power Plants (OH 717-4).

Scope: To describe the elements of a training program, including content, frequency, and approach, consistent with the requirements of 10 CFR Part 19, § 19.12, and 10 CFR Part 20, § 20.1(c).

Related Standard: None.

Radiation Protection Training at Uranium Fuel Fabrication Plants (OH 718-4).

Scope: To provide guidance regarding the content and frequency of radiation protection training at uranium fuel fabrication plants.

Related Standard: None.

Radiation Safety Officer Qualifications for Large-Scale Programs (OH 722-4).

Scope: To provide guidance on educational and experience qualifications for radiation safety officers at materials license facilities.

Related Standard: None.

Audible-Alarm Dosimeters (OH 804-4).

Scope: To recommend the proper use of pocket dosimeters that alarm and discuss performance requirements for them.

Related Standard: None.

Division 10, General Guides

Preparation of Applications for Teletherapy (TP 608-4).

Scope: To provide a format for preparation of application for teletherapy.

Related Standard: None.

Preparation of Applications for Licenses to Manufacture or Distribute Smoke Detectors (TP 819-5).

Scope: To provide a format for license applications to manufacture or distribute smoke detectors.

Related Standard: International Standard NEA-1977, Recommendations for Ionization Chamber Smoke Detectors in Implementation of Radiation Protection Standards.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 24th day of April 1979.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 79-13590 Filed 5-1-79; 8:45 am]

BILLING CODE 7590-01-M

Victor E. Anderson; Standards for Protection Against Radiation; Extension of Comment Period

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the period within which the public may comment on a petition for rule making from Mr. Victor E. Anderson, 59 Baird Avenue, Paulsboro, New Jersey. The Filing of Petition for Rule Making was published in the Federal Register on February 28, 1979 (44 FR 11284); the comment period would have expired April 30, 1979. Mr. Anderson's petition requested the Commission to amend its regulation, "Standards for Protection Against Radiation", to require that health physics personnel be certified by the Commission; the proposed amendments provide for the certification of health physicists on five levels—trainee, junior, senior, supervisor, and master health physicists—and also for revocation, as well as certification and validation, of certificates.

NEW COMMENT PERIOD EXPIRES: May 30, 1979.

ADDRESSES: Written comments or suggestions concerning the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7086.

Dated at Washington, D.C. this 28th day of April 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[Docket No. PRM20-13]

[FR Doc. 79-13591 Filed 5-1-79; 8:45]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Redelegation of Minority Small Business and Capital Ownership Development Activities

Corrections

In FR Doc. 79-12052 appearing at page 23145 in the issue of Wednesday, April 18, 1979, make the following changes:

1. On page 23146, second column, fourth line of the paragraph numbered 2, insert "J" after "1980."; and in the third column, the heading for the section lettered C and the first paragraph should have read as follows:

"C. Chief, Government Contracts Division (Contracting Officer)

1. Section 8 (a)(1)(A) Contracting Authority."

BILLING CODE 1505-01-M

Paramount Funds, Ltd.; Application for a License To Operate as a Small Business Investment Company (Proposed License No. 06/06-0216)

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1978)), under the name of Paramount Funds, Ltd., (Applicant), 303 Beck Building, 400 Travis Street, Shreveport, Louisiana

71101, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers and directors are as follows:

William Lee Rudd III, 103 Topango, Shreveport, La. 71115, President, Director.
Braxton Glasgow III, 572B Oneonta, Shreveport, La. 71106, Secretary, Treasurer, Director.
W. L. Rudd, Jr., Drawer "A", Waskom, Texas 75692, Director.

It is proposed that the Applicant will begin its operations with an initial paid-in capital and paid-in surplus of \$1,001,500. The total authorized shares is 500,000 shares of common stock with no par value. Each share of stock has equal voting power. There will be no more than fifteen beneficial owners of common stock upon the initial funding of the Applicant. It is anticipated that no stockholder will own 10 percent or more of the issued and outstanding stock. Messrs. Rudd and Glasgow will each own 7.5 percent.

The Applicant proposes to conduct its operations in the States of Louisiana, Arkansas, Mississippi and Texas. Also, the Applicant will establish a diversified investment policy.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "I" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Shreveport, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 24, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[Proposed License No. 06/06-0218]

[FR Doc. 79-13550 Filed 5-1-79; 8:45 am]

BILLING CODE 8025-01-M

Oklahoma; Declaration of Disaster Loan Area

The above numbered Declaration (see 44 FR 24180), is amended in accordance with the President's declaration of April 13, 1979, to include Cotton County in the State of Oklahoma. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named county and adjacent counties within the State of Oklahoma. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on June 13, 1979, and for economic injury until the close of business on January 14, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 23, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area #1615, Amdt. 1]

[FR Doc. 79-13548 Filed 5-1-79; 8:45 am]

BILLING CODE 8025-01-M

Texas; Declaration of Disaster Loan Area

Nolan County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by tornadic winds, hail, rain and flooding which occurred on March 21, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7½ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 25, 1979, and for economic injury until the close of business on January 24, 1980, at: Small Business Administration, District Office, 712 Federal Office Building, U. S. Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 24, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area 1619]

[FR Doc. 79-13549 Filed 5-1-79; 8:45 am]

BILLING CODE 8025-01-M

Associate Deputy Administrator for Programs; Delegation of Authority

Delegation of Authority No. 1-A (Revision 6) (43 FR 36744) is hereby revised to read as follows:

I. Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, the Small Business Investment Act of 1958, 72 Stat. 689, as amended, authority is hereby delegated

to the following officials in the following order:

1. Associate Deputy Administrator for Programs
2. Assistant Deputy Administrator for Support Services
3. General Counsel
4. Associate Administrator for Finance and Investment

To perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator, any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under Section 7(a)(6), 9(d) and 11 of the Small Business Act, as amended.

II. Anyone designated by the Administrator as acting due to a vacancy in one of the positions listed above remains in the line of succession; otherwise in the absence of one of the above, the authority moves to the next position.

III. This delegation is not in derogation of any authority residing in the above listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

Effective Date: May 2, 1979.

Dated: April 26, 1979.

A. Vernon Weaver,
Administrator.

[Delegation of Authority No. 1-A (Rev. 7)]

[FR Doc. 79-13647 Filed 5-1-79; 8:45 am]

BILLING CODE 8025-01-M

Capital Corp. of America

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1978)), for transfer of control of Capital Corporation of America (CCA), 1521 Walnut Street, Philadelphia, Pennsylvania 19102, a Federal Licensee under the Small Business Investment Act of 1958, (the Act), as amended (15 U.S.C. 661 et seq.). The proposed transfer of control of CCA, which was licensed August 9, 1962, is subject to the prior written approval of SBA.

Pursuant to a Letter of Intent, addressed to Messrs. Martin M. Newman and Barton M. Banks of CCA, dated December 21, 1978, Mr. Henry Ginsburg, investment group representative, has offered to purchase an amount of common shares of CCA

which, when issued will be at least 51 percent of the issued and outstanding shares of CCA for \$500,000. Messrs. Henry Ginsburg and Leonard Sandburg will be the only two individuals owning ten percent or more of the issued and outstanding stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than May 17, 1979, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Philadelphia, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: April 26, 1979.

Peter F. McNeish,
Deputy Associate Administrator for Finance and Investment.

[License No. 08/03-0040]
[FR Doc. 79-13648 Filed 5-1-79; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on June 20, 1979 of the Working Group on Accounting Standards of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m.-12:30 p.m. The meeting will be held in Room 1105 of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public. The public will be admitted into the building beginning at 9:15 a.m.

The purpose of the meeting will be to discuss the work in the OECD relating to questions on international accounting standards. A member of the State Department will brief the Committee and the public on the results of an April 3-5 session of the OECD Ad Hoc Working Group on Accounting Standards.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: April 24, 1979.

Clifford G. Bond,
Acting Executive Secretary.

[Public Notice CM 8-169]
[FR Doc. 79-13606 Filed 5-1-79; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Interdepartmental Coordination Study

AGENCY: Department of Transportation, Office of Secretary.

ACTION: Request for public comments.

SUMMARY: Section 160 of the Surface Transportation Assistance Act of 1978 requires the Department of Transportation to conduct an Interdepartmental Coordination Study and report the results to the President and the Congress. The purpose of this notice is to advise the public of this study and to invite comments from interested parties.

DATE: Written comments and recommendations should be submitted on or before July 1, 1979.

ADDRESS: Responses should refer to the Interdepartmental Coordination Study and be submitted in writing to the Director, Office of Environment and Safety, U.S. Department of Transportation, Washington, D.C. 20590. Comments received will be available for public inspection during normal working hours in room 9422, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Don Ryan, Office of Environment and Safety, Room 9422, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4391.

SUPPLEMENTARY INFORMATION: An Interdepartmental Coordination Report to the President and to the Congress is required by Section 160 of the Surface

Transportation Assistance Act of 1978, which reads as follows:

"(a) The Secretary of Transportation shall make a full and complete investigation and study with the cooperation of the Secretaries of the Departments of Energy, Housing and Urban Development, and Commerce, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget of—

"(1) All those factors affecting the integration of the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws;

"(2) The parallel among all rules, regulations, administrative reviews, and approvals pursuant to the Acts referred to in paragraph (1) of this subsection;

"(3) All those factors affecting the availability and coordination of funding sources to achieve improved air quality, energy conservation, and transportation efficiency;

"(4) The degree to which urban growth, development, and Federal funding to urban areas is predicated upon compliance with the Clean Air Act requirements and plans to attain air quality standards;

"(5) The feasibility of permitting tolls and other user charges on roads and highways on the Federal-aid systems as part of a state implementation plan under the Clean Air Act.

"(b) The results of investigation and study described in subsection (a) of this section shall be reported to the President and the Congress no later than one year following the date of enactment of this section.

"(c) Nothing in this section shall be construed to amend, stay, or in any other way restrict or limit any authority or duty under the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws."

The August 11, 1978, report by the House Committee on Public Works and Transportation includes the following explanation of Section 160:

"This study is necessary because of the need to reconcile the various requirements of each of these laws, and if conflicts exist between their requirements, to identify them and investigate possible legislative or other alternatives to resolve such conflicts.

"The Federal rules and regulations developed in response to these laws have often been blamed for wasteful duplication taxing the resources of many

local, regional, and State agencies to their limits. Also, the various Federal agency interventions into the planning process required by these laws have been of major concern to many local and regional agencies. Apparently, somewhat conflicting demands have been placed on regional planning agencies by different Federal agencies, each wanting to meet the objectives of its specific law. The local, regional, and State agencies have complained that they do not have the resources necessary to reconcile the conflicting Federal requirements resulting in none of the Federal objectives being met.

"There is a clear and immediate need to examine these laws together and to identify all the resources, both Federal and non-Federal currently available to local, regional, and State agencies to achieve the objectives of these laws and to determine if any legislative changes are required and additional resources are needed."

This notice invites public comment to assist the Department in preparing the report. Specifically, interested parties are invited to identify and describe problems which exist and offer recommended solutions.

Issued in Washington, D.C. on April 24, 1979.

John J. Fearnside,
Deputy Under Secretary.

[OST File No. 63; Notice 79-5]
[FR Doc. 79-13613 Filed 5-1-79; 8:45 am]
BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Applications; Decision-Notice

Correction

In FR Doc. 79-1353, published at page 3345, on Tuesday, January 16, 1979, on page 3347, in the first column, in the first paragraph reading "MC 41347", in the eighth line, "common carrier" should be corrected to read "contract carrier".

BILLING CODE 1505-01-M

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, and Intrastate Applications.

April 21, 1979.

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

The following petitions seek
modification or interpretation of existing

operating rights authority, or
reinstatement of terminated operating
rights authority.

All pleadings and documents must
clearly specify the suffix (e.g. M1F, M2F)
numbers where the docket is so
identified in this notice.

An original and one copy of protests
to the granting of the requested
authority must be filed with the
Commission within 30 days after the
date of this notice. Such protests shall
comply with Special Rule 247(e) of the
Commission's *General Rules of Practice*
(49 CFR 1100.247)* and shall include a
concise statement of protestant's
interest in the proceeding and copies of
its conflicting authorities. Verified
statements in opposition should not be
tendered at this time. A copy of the
protest shall be served concurrently
upon petitioner's representative, or
petitioner if no representative is named.

MC 89684 (Subs 49, 54, 57, 58, 63, 74,
78, 81, 85, 91, 92, pending 100 and
pending 103, M1F) (Notice of filing of
petition for modification of the
restriction), filed February 16, 1979.
Petitioner: WYCOFF COMPANY,
INCORPORATED, 560 South 300 West
St., Salt Lake City, UT 84110.
Representative: Warren A. Goff, 2008
Clark Tower, 5100 Poplar Ave.,
Memphis, TN 38137. Petitioner holds
motor *common carrier* Certificates in
MC 89684 Subs 49, 54, 57, 58, 63, 74, 78,
85, 91, and 92, issued January 18, 1971,
December 30, 1968, August 8, 1969,
August 8, 1969, September 21, 1970,
January 14, 1971, November 27, 1972,
May 14, 1974, June 7, 1976, January 6,
1978, and November 28, 1978,
respectively. Petitioner also seeks to
modify (1) MC 8968 Sub 100, filed
October 17, 1977, published December
22, 1977, and April 27, 1978, and the
decision was served March 19, 1979, and
(2) MC 89684 Sub 103, filed June 23, 1978,
and published August 31, 1978. All of
which authorizes or seeks authorization,
transporting general commodities,
(except articles of unusual value, classes
A and B explosives, household goods as
defined by the Commission,
commodities in bulk, and commodities
requiring special equipment), between
specified points in ID, OR, UT, WY, AZ,
NV, CO, MT, and CA, with certain
restrictions including a restriction
against the transportation of packages
or articles weighing more than 200
pounds in the aggregate from one
consignor at one location to one
consignee at one location during a single
day. MC 89684 Sub 100, by decision

*Copies of Special Rule 247 (as amended) can be
obtained by writing to the Secretary, Interstate
Commerce Commission Washington, D.C. 20423.

served March 19, 1979, grants general
commodities (except classes A and B
explosives, commodities in bulk,
commodities which require special
equipment, and household goods as
defined by the Commission), over
irregular routes, between Elko and
Wendover, NV, on the one hand, and, on
the other, points in Washoe, Storey,
Carson City, Humboldt, Pershing,
Churchill, Lander, Eureka, and White
Pine Counties, NV, restricted (1) to the
transportation of packages or articles
each not exceeding 100 pounds in
weight, and (2) against the
transportation of shipments of packages
or articles weighing in the aggregate
more than 200 pounds from one
consignor to one consignee on any one
day. Applicant may tack the authority in
Sub 100 with its presently held
authority. Sub 100 is conditioned to the
withholding of the certificate for a period
of 30 days from the date of publication
in the Federal Register. MC 89684 Sub
103, is published as a grant in the FR
issue of August 31, 1978, 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 Las Vegas, NV, and those
points in CA in an area bounded by a
line beginning at the point the Ventura
County-Los Angeles County boundary
line intersects the Pacific Ocean, then
along that county line to junction CA
Hwy 118, then along CA Hwy 118 to
Sepulveda Blvd., then along Sepulveda
Blvd. to Chatsworth Drive, then along
Chatsworth Drive to the corporate
boundary of the city of San Fernando,
then along that corporate boundary to
Maclay Ave., then along Maclay Ave.,
and its extension to the Angeles
National Forest boundary, then along
the Angeles National Forest boundary
and San Bernardino National Forest
boundary to Mill Creek Rd. (CA Hwy
38), then along Mill Creek Rd., to Bryant
St., then along Bryant St. to and
including the unincorporated community
of Yucaipa, then along Yucaipa Blvd. to
junction Interstate Hwy 10, then along
Interstate Hwy 10 to Redlands Blvd.,
then along Redlands Blvd. to Barton Rd.,
then along Barton Rd. to La Cadena Dr.,
then along La Cadena Dr. to Iowa Ave.,
then along Iowa Ave., to CA Hwy 60,
then along CA Hwy 60 and U.S. Hwy
395 to and including the March Air
Force Base, then along CA Hwy 91
(including the entire city of Riverside) to
junction CA Hwy 55 and CA Hwy 91,
then along CA Hwy 55 to junction
Interstate Hwy 5, then along Interstate

Hwy 5 to junction CA Hwy 1, then along CA Hwy 1 to the Pacific Ocean, then along the shoreline of the Pacific Ocean then to point of beginning, restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any 1 day. By the instant petition, petitioner seeks to modify the aggregate weight limits from one consignor to one consignee on one day from 200 to 500 pounds.

MC 103721 (Sub-2) (MIF) (Notice of filing of petition to modify certificate), filed February 2, 1979. Petitioner: INDIAN VALLEY BULK CARRIERS INC., Ridge Road, Tylersport, PA 18971. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Petitioner holds a motor *common carrier* certificate in MC 103721 Sub 2 issued October 31, 1972, authorizing transportation over irregular routes, as pertinent, of *such bulk commodities* as are transported in dump vehicles, between points in Philadelphia, Delaware, Chester, and Montgomery Counties, PA, on the one hand, and, on the other, points in NJ. By the instant petition, petitioner seeks to modify the base territory to include Lancaster, Berks, Lehigh and Northampton Counties, PA.

MC 114301 (Subs 17, 26, 43, and 82) (MIF) (Notice of filing of petition to modify certificates), filed January 24, 1979. Petitioner: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1511 K Street, N.W., Washington, DC 20005. Petitioner holds motor *common carrier* certificates in MC 114301 Subs 17, 26, 43, and 82, issued December 15, 1977. MC 114301 Sub 17 authorizes transportation, over irregular routes, of *Meat scraps, dry feed, and other dry feed ingredients* (except phosphate rock, lime, and limestone, and products of these three ingredients), in bulk, in tank and pneumatic Hopper-type vehicles), between points in DE, MD, points in that part of NJ north of NJ Hwy 33, and Wildwood, Lakewood, Elmer, and Tuckerton, NJ, PA, VA, WV (except Willow Island, WV, as an origin point), and DC. Restriction: Service authorized herein is subject to the following restriction: (1) No transportation of urea will be performed from Belle, WV; (2) no transportation will be performed of meat scraps from Baltimore, MD, to Accomack and Northampton Counties, VA, and that part of DE on and south of the Chesapeake and Delaware Canals; and (3) no transportation will be

performed from Allentown and Nazareth, PA. MC 114301 Sub 26 authorizes transportation, over irregular routes, of *Meat scraps, dry feed and other dry feed ingredients* (except phosphate rock, lime, and limestone, and products of phosphate rock, lime and limestone), in bulk, between points in DE, MD, points in that part of NJ north of NJ Hwy 33, Wildwood, Lakewood, Elmer and Tuckerton, NJ, PA, VA, WV (except Willow Island, WV, as an original point), and DC. Restriction: The service authorized herein is restricted against the transportation (1) of urea from Belle, WV. (2) of meat scraps from Baltimore, MD, to points in Accomack and Northampton Counties, VA, and that part of DE on and south of the Chesapeake and Delaware Canals, (3) of such seafood by-products as may be used as feed ingredients from points in Northumberland, Richmond, Westmoreland, and Lancaster Counties, VA, to points in NJ, PA, DE, MD, and DC; and (4) restricted against the performance of any transportation from Allentown and Nazareth, PA. MC 114301 Sub 43 authorizes transportation, over irregular routes, of *Dry animal feed, dry animal feed ingredients, dry poultry feed, and dry poultry feed ingredients*, in bags, (except lime, limestone, and products thereof, crushed or ground), between points in DE, MD, PA, VA, WV, DC, and points in that part of NJ north or west of a line beginning at the DE Memorial Bridge, near Wilmington, DE, and extending along the NJ Turnpike to junction NJ Hwy 33, and then along NJ Hwy 33 to the Atlantic Ocean at Neptune, NJ (except points in Sussex, Morris, Bergen, Hudson, Essex, and Union Counties, NJ). Restriction: The authority granted herein is restricted against the transportation of (1) the above-specified commodities from points in the commercial zones of Allentown, Nazareth, and Philadelphia, PA, as defined by the Commission, (2) fish meal, from points in Northumberland, Richmond, Westmoreland, and Lancaster Counties, VA, (3) Crab meal from points in the commercial zones of Honga and Marion, MD, as defined by the Commission to points in the commercial zone of Harrisburg, PA, as defined by the Commission, and (4) fish meal and fish meal products, (a) from points in the commercial zone of Lewes, DE, as defined by the Commission, to points in the commercial zone of Orefield, PA, as defined by the Commission, and (b) from points in the commercial zone of Port Monmouth, NJ, as defined by the Commission, to points in PA and to

points in the commercial zones of Baltimore, Frederick, and Hagerstown, MD, as defined by the Commission. MC 114301 Sub 82 authorizes transportation, over irregular routes, of *Dry feed and dry feed ingredients*, from points in DE, MD, PA, VA, that part of NJ north of NJ Hwy 33, Wildwood, Lakewood, Elmer, and Tuckerton, NJ, and that part of NJ north or west of a line beginning at the DE Memorial Bridge, near Wilmington, DE, and extending along the NJ Turnpike to junction NJ Hwy 33, and then along NJ Hwy 33 to the Atlantic Ocean at Neptune, NJ (except points in Sussex, Morris, Bergen, Hudson, Essex, and Union Counties, NJ), to points in ME, NH, VT, MA, CT, RI, and NY. By the instant petition, petitioner seeks to modify the above authorities by (1) modify Sub 17 so that the commodity description reads: "Feed and feed ingredients, in bulk (except liquid); delete the exceptions on WV, and delete the restriction paragraph. (2) Modify the Sub 26 commodity description to read "Feed and feed ingredients, in bulk (except liquid);" delete the exception to WV; and also delete the restriction paragraph. (3) Modify the Sub 43 commodity description to read Feed and feed ingredients (except bulk), and to delete the restriction paragraph. (4) Modify the Sub 82 commodity description to read "Feed and feed ingredients (except liquid in bulk)", and also to delete the restriction paragraph.

MC 115331 (Sub-390) (M1F) (Notice of filing of petition to modify certificate), filed November 7, 1978. Petitioner: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW, Washington, DC 20036. Petitioner holds a motor *common carrier* certificate in MC 115331 Sub 390 issued March 2, 1977, authorizing transportation, over irregular routes, of *Feed supplement and drugs*, in containers, from Lee's Summit, MO, to points in AR, IL, IN, IA, KY, MI, MN, NE, OH, PA, TN, and WI. By the instant petition, petitioner seeks to modify the commodity description to read: "Feed and feed ingredients, animal and poultry medicated health products, and pesticides."

MC 120910 (Sub-4) (M1F) (Notice of filing of petition to modify certificate), filed January 29, 1979. Petitioner: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Petitioner holds a motor *common carrier* certificate in MC 120910 Sub 4 issued January 3, 1974 and

served February 15, 1974, authorizes transportation, over regular and irregular routes, as follows: (A) Over irregular routes: (1) *Plastic pipe*, from the facilities of Central Foundry Company, located at Holt, AL, to points in Hancock, Harrison and Jackson Counties, MS, Benton, Washington, Madison, Carroll, Newton, Boone, Marion, Searcy, Stone, IZard, Fulton, Sharp, Lawrence, Randolph, Clay, Greene, Craighead, and Mississippi Counties, AR, Newton, McDonald, Barry, Stone, Taney, Christian, Douglas, Ozark, Howell, Oregon, Ripley, Carter, Butler, Stoddard, Mississippi, New Madrid, Dunklin, and Permisco Counties, MO, restricted to the transportation of traffic originating at the facilities of Central Foundry Company at Holt, AL. (2) *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, and articles of unusual value), between Tuscaloosa, AL, on the one hand, and, on the other, points within 75 miles of Tuscaloosa, AL, that are located in the State of AL. Restriction: The operations authorized immediately above are restricted to the transportation of traffic (a) originating at Tuscaloosa, AL, and points in its commercial zone, and delivered to connecting carriers at those points in AL within 75 miles of Tuscaloosa, or (b) received from connecting carriers at those points in AL within 75 miles of Tuscaloosa and destined to Tuscaloosa and points in its commercial zone. (3) *Building materials, farm products, fertilizer, gravel, household goods, and sand*, between points in AL within a radius of 100 miles of Greensboro, AL, including Greensboro, AL. (B) Over regular routes: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) Between Coffeeville, AL, and Mobile, serving all intermediate points except as noted below: From Coffeeville over AL Hwy 69 to Jackson, AL, then over AL Hwy 13 to Mobile, and return over the same route. Restriction: The operations authorized immediately above are restricted against the transportation of traffic between (a) Mobile and Jackson, AL, or (b) intermediate points between Mobile and Jackson, AL, on the one hand, and, on the other, Mobile, and Jackson, AL. By the instant petition, petitioner seeks to modify the above authority by (1) Broadening the commodity description in (A)(1) to read Pipe, valves, fittings,

hydrants, castings and accessories thereof, (2) delete the territorial description of (A)(1) which reads "Hancock, Harrison and Jackson Counties, MS, Benton, Washington, Madison, Carroll, Newton, Boone, Marion, Searcy, Stone, IZard, Fulton, Sharp, Lawrence, Randolph, Clay, Greene, Craighead, and Mississippi Counties, AR, and (3) Delete the restriction from (A) (2).

MC 124211 (Sub-112) (M1F) (Notice of filing of petition to modify certificate), filed February 6, 1979. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 124211 Sub 112 issued July 6, 1971, authorizing transportation over irregular routes of (in part): *Junk, scrap, and waste materials* (except scrap meats, scrap paper, and waste paper, and except waste materials in bulk), Between points in Nebraska, on the one hand, and, on the other, points in the United States (including Alsaka, but excluding Hawaii and except from points in Nebraska to Chicago, Ill., and Kansas City and St. Louis, Mo.). By the instant petition, petitioner seeks to modify that portion of the above certificate to read: *Junk, scrap, and waste materials* (except waste materials in bulk), and *hides and parts* thereof, Between points in Nebraska, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 124211 (Sub-262) (M1F) (Notice of filing of petition to modify certificate), filed January 29, 1979. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Ne 68101. Representative: Thomas L. Hilt (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 124211 Sub 262 issued June 21, 1978 authorizing transportation over irregular routes of: Non-ferrous junk, non-ferrous scrap, non-ferrous metals, and non-ferrous waste materials (except waste materials, in bulk, and except hides and parts of hides), Between points in the United States (except Alaska and Hawaii). Restrictions: The authority is restricted against the transportation of traffic between points in the United States, on the one hand, and, on the other, points in Sarpy County, Nebr., and the facilities of Aaron Ferer & Sons Company located in Douglas County, Nebr., and restricted against the transportation of commodities which, because of their size and weight, require the use of special equipment. By the instant petition, petitioner seeks to

modify the above authority to read: *Junk, scrap, metals and metal articles, and waste, materials* (except hides and parts of hides, and except waste materials in bulk), Between points in the United States (except Alaska and Hawaii).

MC 124211 (Sub-281) (M1F) (Notice of filing of petition to modify certificate), filed December 12, 1978. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988, DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 124211 Sub-281 issued February 24, 1978, authorizes transportation, over irregular routes, of *such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), from the facilities of (1) Akrosil Corporation at or near Menasha, WI, (2) Appleton Papers Division of NCR at or near Appleton, Combined Locks, and Portage, WI, (3) Badger Paper Mills, Inc., at or near Peshtigo, WI, (4) George Banta Company, Inc., and subsidiaries at or near Neenah, Menasha, and Rhinelander, WI, (5) Bay West Division of Mosinee Paper Corporation at or near Green Bay and Columbus, WI, (6) Bergstrom Paper Company at or near Neenah, WI, (7) Brown Company at or near Eau Claire and Ladysmith, WI, (8) Callenor Company, Inc., at or near Menomonee Falls, WI, (9) Central Paper Company, at or near Menasha, WI, (10) Flambeau Paper Co., at or near Park Falls, WI, (11) Georgia Pacific Corporation at or near Tomahawk, WI, (12) Gilbert Paper Co., at or near Menasha, WI, (13) Hoffmaster Co., Inc., at or near Oshkosh, WI, (14) Kimberly Clark Corporation at or near Neenah, WI, (15) Midtec Paper Corp., Inc., at or near Kimberly, WI, (16) Pacon Corp., at or near Appleton, WI, (17) Thilmany Pulp & Paper Co., Division of Hammermill Paper at or near Kaukauna, WI, (18) Ward Paper Company at or near Merrill, WI, (19) Wausau Paper Mills Co., at or near Brokaw, WI, (20) Weyerhaeuser Company at or near Rothschild, WI, (21) Wisconsin Paper Group, Inc., at or near Menasha, WI, (22) Wisconsin Tissue Mills, Inc., at or near Menasha, WI, (23) Consolidated Papers, Inc., at or near Appleton, Biron, Stevens Point, and Wisconsin Rapids, WI, and (24) Fort Howard Paper Company, at or near Green Bay, WI, to points in AL, AR, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the above-named

facilities and destined to points in the above-named States (except that the destined-to restriction shall not apply to movements in foreign commerce). By the instant petition, petitioner seeks to modify the territorial description and restriction to read: from points in WI, to points in AL, AR, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to the transportation of traffic originating at points in WI and destined to points in the above-named states (except that the destined-to restriction shall not apply to movements in foreign commerce).

MC 124211 (Sub-297 (M1F) (Notice of filing of petition to modify certificate), filed January 21, 1979. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988, DTS, Omaha, NE 68101. Representative: Thomas L. Hill (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 124211 Sub-297 issued July 31, 1978, authorizes transportation, over irregular routes, of *Replacement automotive parts and such commodities* as are dealt in and used by manufacturers and distributors of replacement automotive parts, motor vehicle accessories, supplies and equipment (except in bulk), from the facilities of the Allen Group, Inc., its divisions and subsidiaries, in Los Angeles and Orange Counties, CA, to points in the United States (except AK and HI). By the instant petition, petitioner seeks to modify the above certificate by deleting the facility references so the territorial description will read: From points in Los Angeles and Orange Counties, CA to points in the United States (except AK and HI).

MC 124841 (Sub-7) (M1F) (Notice of filing of petition to modify permit), filed December 13, 1978. Petitioner: D. D. JACOBS, INC., Route 5, Dell Avenue, Walla Walla, WA 99362. Representative: George R. Labissoniere, 1100 Norton Building, Seattle, WA 98104. Petitioner holds a motor *contract carrier* permit in MC 124841 Sub-7 issued May 30, 1972 authorizes transportation, over irregular routes, as pertinent, of (1) *Beet Pulp*, from Wheeler, Moses Lake, Quincy, and Toppenish, WA, to points in Umatilla County, OR, under a continuing contract(s) with Archie Harris Feed Lot, of Milton-Freewater, OR, and (2) *Malt beverages and wine*, from points in CA, to Pendleton, OR, and Kennewick and Walla Walla, WA, under a continuing contract(s) with the (a) Pendleton Distributing Co., (b) Granger Distributing Company, of Kennewick, WA, and (c) Dee Dee Distributing Co. of Walla Walla, WA. By the instant petition, petitioner seeks to modify the above authority by

substituting Pendleton Grain Growers, Inc. as the contracting shipper for Archie Harris Feed Lot of Milton-Freewater, OR in (1) above, and also to substitute Hewitt Distributing Company as the contracting shipper for Dee Dee Distributing Co. in (2) (a) above.

MC 133841 (Sub-1) (M1F) (Notice of filing of petition to modify certificate), filed January 23, 1979. Petitioner: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a motor *common carrier* certificate in MC 133841 Sub-1 issued December 20, 1974, authorizing transportation, over irregular routes, of *Machinery* (except machinery used in the manufacture of paper), between Scranton, PA, on the one hand, and, on the other, points in NY. By the instant petition, petitioner seeks to modify the above certificate by substituting points in PA for Scranton, PA.

MC 133841 (Sub-2) (M2F) (Notice of Filing of Petition To Modify Certificate), filed February 14, 1979. Petitioner: DAN BARCLAY, INC., P.O. Box 426, Lincoln Park, NJ 07035. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a motor *common carrier* certificate in MC 133841 Sub 2 issued August 14, 1978, authorizing transportation, over irregular routes, of *Air pollution control, solar cooling, and heating units, and equipment, materials, and supplies* used in the manufacture and installation thereof (except commodities in bulk, between the facilities of the Edwards Engineering Corporation, located at or near Pompton Plains, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). By the instant petition, petitioner seeks to modify the commodity description by adding *Machinery*.

MC 140030 (Sub-4) (M1F) (Notice of Filing of Petition To Modify Permit), filed December 28, 1978. Petitioner: RAY KURTZ AND LINDA FARLEY, d.b.a. PLASTICEXPRESS, P.O. Box 5593, Orange, CA 92668. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Petitioner holds a motor *contract carrier* permit in MC 140030 Sub 4 issued June 13, 1978, authorizing transportation over irregular routes, (1) *Lubricating oil, oil products and lubrication filters*, (a) from Vernon, CA to points in AZ and NV, (b) from Alameda, CA to points in NV and OR, and (2) *Pallets, vats, and containers* of over 35-gallon capacity, from points in AZ, NV, and OR, to Vernon and

Alameda, CA. RESTRICTIONS: The Authority granted herein is subject to the following conditions: (i) The traffic generating at Vernon and Alameda, CA above is restricted against the transportation thereof in bulk, in tank vehicles, (ii) The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with The Pennzoil Company. By the instant petition, petitioner seeks to modify the above authority by adding OR as a destination state in (1)(a) above.

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before June 1, 1979. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 107839 (Sub-173) (2d Republication), filed September 12, 1977, published in the FR issues of October 6, 1977 and November 16, 1978, and republished this issue. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSIT, INC., 2121 East 67th Avenue, Denver, Co 80216. Representative: Edward L. Gordon, P.O. Box 16106, Denver, CO 80216. A Decision of the Commission, Division 1, decided March 8, 1979, and served March 20, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (A)(1) *foodstuffs*, (2) *Pharmaceutical materials, supplies, and products*, (3) *chemicals*, (4) *alcoholic beverages*, (5) *tobacco products*, (6) *pet foods*, and (7) *such commodities as are dealt in by distribution or consolidation warehouses* for the commodities

described in (1) through (6), when moving in the same vehicle at the same time as the commodities described in (1), (2), (3), (4), (5), or (6), (except commodities in bulk, in (1) through (7), in vehicles equipped with mechanical refrigeration, (a) from Denver, CO, to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to traffic originating at (or moving from storage-in-transit at) Denver, CO, or the facilities of Nobel, Inc., at Albuquerque, NM, and destined to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and (b) from points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), to Denver, CO, restricted to traffic originating at points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and destined to (or moving to storage-in-transit at) Denver, CO, or the facilities of Nobel, Inc., at Albuquerque, NM, provided that parts (a) and (b) may be tacked in connection with shipments which originate at or are destined to the facilities of Nobel, Inc., at Albuquerque, NM; and (B) *foodstuffs*, (except in bulk), between the facilities of Packers' Cold Storage, at Laramie, WY, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to traffic originating at and destined to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 119789 (Sub-456F) (Republication), filed April 10, 1978, published in the FR issue of July 27, 1978, and republished this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). A Decision of the Commission, Review Board Number 3, decided February 15, 1979 and served March 27, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *pet food*, in packages, from the facilities of Far Mar Company, at or near Hutchinson, KS, to points in OH, KY, NC, SC, VA, WV, MD, NJ, NY, PA, DE, CT, RI, MA, ME, VT,

NH, TN, MS, AL, GA, FL, IN, and the District of Columbia, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addition of MS as a destination State.

MC 23618 (Sub-29F) (Republication), filed June 1, 1978, published in the FR issue of July 13, 1978, and republished this issue. Applicant: McALISTER TRUCKING CO., a corporation, d.b.a. MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. A Decision of the Commission, Review Board Number 2, decided March 1, 1979, and served March 27, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *underground tunnel support systems, steel beams, steel tank heads, structural steel plates, nuts, bolts, machinery, and machinery parts*, from the facilities of (a) Commercial Shearing, Inc., at Youngstown, OH, (b) Gregory Galvanizing Company, at Canton, OH, (c) Commercial Stamping and Forging Company, at Bedford Park, IL, (d) Young Galvanizing Company, at Pulaski, PA, (e) Dura Bond Corporation, at Export, PA, and (f) Hanlon Gregory Company, at Pittsburgh, PA, to points in the United States (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description by adding steel tank heads; and indicate service from the facilities of Gregory Galvanizing Company, at Canton, OH; Young Galvanizing Company, at Pulaski, PA; Dura Bond Corporation, at Export, PA; and Hanlon Gregory Company, at Pittsburgh, PA.

MC 138018 (Sub-36) (Republication), filed October 14, 1977, published in the FR issue of October 27, 1977, and republished this issue. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant). A Decision of the Commission, Division 1, decided March 8, 1979, and served March 20, 1979, finds that the present and future public convenience and necessity

require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (A)(1) *foodstuffs*, (2) *pharmaceutical materials, supplies, and products*, (3) *chemicals*, (4) *alcoholic beverages*, (5) *tobacco products*, (6) *pet foods*, and (7) such commodities as are dealt in by *distribution or consolidation warehouses* for the commodities described in (1) through (6), when moving in the same vehicle at the same time as the commodities described in (1), (2), (3), (4), (5), or (6) (except commodities in bulk, in (1) through (7), in vehicles equipped with mechanical refrigeration, (a) from Denver, CO, to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to traffic originating at (or moving from storage-in-transit at) Denver, CO, or the facilities of Nobel, Inc., at Albuquerque, NM, and destined to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and (b) from points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), to Denver, CO, restricted to traffic originating at points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and destined to (or moving to storage-in-transit at) Denver, CO, or the facilities of Nobel, Inc., at Albuquerque, NM, provided that parts (a) and (b) may be tacked in connection with shipments which originate at or are destined to the facilities of Nobel, Inc., at Albuquerque, NM; and (B) *foodstuffs* (except in bulk), between the facilities of Packers' Cold Storage, at Laramie, WY on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI) restricted to traffic originating at and destined to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 144119 (Republication), filed December 23, 1977, published in the FR issue of February 16, 1978, and republished this issue. Applicant: HANSEN CONSOLIDATORS, INC., 5986 East Slauson Avenue, City of Commerce, CA 90046. Representative: Miles L. Kavalier, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. A Decision of the Commission, by the

Initial Decision of Administrative Law Judge William A. Shue, served December 19, 1978, becomes effective March 6, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Such commodities as are dealt in by health food distributors* (except in bulk), in motor vehicles equipped with temperature control devices, as follows: From the warehouse facilities of Hansen Consolidators, Inc., located at or near La Mirada, CA, to the facilities of, Shiloh Farms, located at Sulphur Springs, AR and Martindale, PA; Golden Lotus, located at Denver, CO; York Health Products, located at Miami, FL; Tree of Life, located at St. Augustine, FL; Chicago Natural Foods, Inc., located at South Holland, IL; Garden Food Products, located at Chicago, IL; Heilbrunn and Friends, located at Indianapolis, IN; Blooming Prairie Warehouse, Inc., located at Iowa City, IA; Miller Products, located at Glen Burnie, MD; New England Health Foods, located at Brockton, MA; Llama Trading Company, located at Greenfield, MA; Caramagno Distributors, located at Detroit, MI; Health Food Distributors, located at Troy, MI; Midwest Natural Foods, located at Ann Arbor, MI; Pave Company, located at Minneapolis, MN; Shadowfax, located at Binghamton, NY; Can-Am Foods Limited and Peter Neuer Distributors, located at New York City, NY; Balanced Foods, located at North Bergen, NJ; Quality Kitchen, located at Akron, OH; A. B. Wise and Sons, Inc., located at Cincinnati, OH; Natural Foods, located at Toledo, OH; World Wide Organic Foods, located at Cornwells Heights, PA; Beautiful Foods, located at Philadelphia, PA, and Rivendale, located at Dallas, TX. Restriction: The above authority is restricted to traffic destined to the named points, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier, Broker, Water Carrier, and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's General 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 of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 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 (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected.

MC 57591 (Sub-19F) (Correction), filed April 4, 1978, previously noticed in the FR issued of June 29, 1978. Applicant: EVANS DELIVERY CO., INC., P.O. Box 268, Pottsville, PA 17901. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except Household Goods, Bulk Commodities, Class A and B Explosives, and Commodities requiring special equipment), between Philadelphia, PA., on the one hand, and, on the other, York, Williamsport and Scranton, PA. (Hearing site: Philadelphia, PA)

Note.—In addition to local traffic sought by this application, applicant intends to interchange traffic at Philadelphia and points within its commercial zone having an origin or destination at points beyond the Philadelphia Commercial Zone. Common control may be involved. The purpose of this correction is to indicate the request for interchange.

MC 119493 (Sub-221F), filed July 17, 1978, and previously published in the Federal Register on September 12, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from (a) the facilities of Thomas & Proetz Lumber Company, at or near St. Louis, MO, and Nashville, IL, and (b) the facilities of Floyd A. Rice Lumber Company, Inc., at

or near Harrison, AR, to points in IA, MO, WI, MN, ND, SD, NE, KS, and CO, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: St. Louis, MO, or Chicago, IL.)

Note.—The purpose of this republication is to correct a destination State and to restrictively amend the application.

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-13601. Authority sought for purchase by MONROE CONTRACTORS EQUIPMENT, INC., WILLIAM E. MULLER, AND JOSEPH W. JOSLIN, 1640 Penfield Rd., Rochester, NY 14625 of the entire operating rights of Canandaigua Express, Inc., PO Box 161, Canandaigua, NY 14424. Applicants' representative: S. Michael Richards/Raymond A. Richards, 44 North Ave., PO Box 225, Webster, NY 14580. Operating rights sought to be purchased: *General Commodities*, with exceptions, as a *common carrier*, over irregular routes, between points in Ontario County, NY, on the one hand, and, on the other, points in Monroe, Ontario, Wayne, and Yates Counties, NY; between points in Monroe County, NY, on the one hand, and, on the other, points in Wayne and Yates Counties, NY as described in Certificate No. MC 133129. Vendee holds only temporary authority in MC-FC-77349. Vendee is authorized to operate under temporary lease of a portion of Certificate NO. MC 71337 as a common carrier between

Rochester, NY, on the one hand, and, on the other, points in the States of PA, NJ, CT, MA, IN, IL, WI, VA, WV, KY, TN, NC, SC, FL, and GA. Vendee is affiliated with M.C.E. Transportation Co., Inc. authorized to operate under Permit No. MC 134653 (Sub. No. 2) generally in the States of NY, NJ, RI, CT, MA, VT, NH, and ME, therefore, dual operations may be involved. Vendee intends to tack the authority to be purchased and existing authority at Rochester, NY. Application has been made for temporary authority under Section 210a(b).

Note.—MC 144710 (Sub-1F), is a directly related matter.

MC-F-13837F. Authority sought for purchase by UTAL CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield UT of the operating rights of BRAY LINES, INC., 1401 North Little Street, Cushing, OK through the purchase of authority contained in MC 112822 Sub. No. 183 (in part), and for control by Glade Holfeltz and Duane Barker. Representatives: Earl H. Scudder, Jr., P.O. Box 82028, 500 The Atrium, Lincoln, NE 68501 (attorney for the transferee) and Edward T. Lyons, 1660 Lincoln Street, Suite 1600, Denver, CO 80264 (attorney for the transferor). Operating rights sought to be purchased: **IRREGULAR ROUTES: Forest products** (except paper and paper products), *lumber, composition board, plywood, flooring, millwork, molding, doors, wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in CA to points in ID, MT, NE, NV, ND, OR, SD, TN, UT, WA, and WY, with no transportation for compensation on return except as otherwise authorized. *Composition board, flooring, millwork, molding, doors, wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in CA, to points in IL and IA, with no transportation for compensation on return except as otherwise authorized. *Forest products* (except paper and paper products), *lumber, composition board, plywood, and millwork*, from points in AZ and NM to points in CA, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in all States in the United States (except AK, HI and the District of Columbia). Application has been filed for temporary authority under Section 210a(b). Hearing site: Denver, CO.

MC-F-13858F. Transferee: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Transferors: LTL Perishables, Inc., Ajax Transfer Company, and

Dakota Express, Inc., 550 East Fifth Street, South St. Paul, MN 55106. Transferee's Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transferor's Representative: Donald L. Stern, 610 Xerox Building, 7171 Mercy Road, Omaha, NE 68106. Authority sought for the purchase by Transferee of portions of the operating rights of the three Transferors as follows: LTL Perishables, Inc. MC 135874, Sub-No. 31, Foodstuffs, Kansas City, KS, to points in IA, MN, WI, ND, SD and NE restricted to traffic originating at and destined to; Sub-No. 39, Frozen Foods from a plant site near Beaver Dam and Milwaukee, WI to IA, KS, MO and NE, restricted to shipments originating at and destined to; Sub-40, Foodstuffs from named shipper in Duluth, MN to points in IA, NE, SD, MO and KS restricted to traffic destined to named States and restricted against serving named facilities in IA, IL and MN; Sub-No. 51, Frozen Foods from named plant site in Omaha, NE, to points in IA, MN, MO (with exceptions), WI and IL (with exceptions) restricted to traffic originating at and destined to; Sub-No. 72, Frozen Foodstuffs from named facility at Green Bay, WI, to MN (except Twin Cities), ND and SD, restricted to traffic originating at and destined to; Sub-No. 83, Frozen Foodstuffs from facilities of Pillsbury Company at Minneapolis, MN, to points in States west of the Mississippi River, except AZ and MN, and Materials and Supplies from destination States to Pillsbury Company at Minneapolis, MN, restricted to traffic originating at and destined to. Ajax Transfer Company MC 138896, Sub-No. 6, Meat and Packing House Products as defined and Foodstuffs between points in MN (except Twin Cities) on one hand, and on the other, points in WI and upper MI, restricted in part at Albert Lea and New Brighton, MN, and restricted to shipments originating at or destined to the named States; Sub-No. 11, Foodstuffs from a named facility at Madison, WI, to ND, restricted to traffic originating at and destined to. Dakota Express, Inc. MC 83217, Sub-No. 60, Foodstuffs from a named shipper in Iowa City and Muscatine, IA, to points in MN, ND, and SD, restricted to traffic originating at and destined to; Sub-No. 64G, Foodstuffs from points in MN to points in ND, SD (except named points), seven named counties in Northwestern IA and 20 named counties embracing the northern portion of NE. All of the above authorities and the authorities to be retined by the Transferors are subject to various amendments so that Transferors will not retain any authority which

duplicates that being sold. Applicant holds authorities authorizing the transportation of various food items in many of the States in the authority to be purchased. No duplicate authority is sought. Application has been filed for temporary authority under Section 210a(b). Hearing Site: Minneapolis, MN.

Note.—MC 103798 (Sub-30F), is a directly related matter.

MC-F-13912F. Authority sought for purchase by FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213, with General Cartage Co., 1511 Pearl Street, Waukesha, WI 53186. Attorney: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Operating rights sought to be controlled and merged: MC 28551, *irregular routes: General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, Between points and places in Milwaukee, WI. Between Milwaukee, WI, on the one hand, and, on the other, points and places in West Milwaukee, Wauwatosa, and West Allis, WI. MC 28551 (Sub-3), *irregular routes: (1) General commodities*, in containers, and (2) *empty containers*, Between points in Milwaukee, Waukesha, Jefferson, Ozaukee, Racine, Walworth, and Washington Counties, WI. Restriction: The operations authorized herein are restricted to the transportation of shipments having a prior or subsequent movement by rail or water. MC 28551 (Sub-4), *irregular routes: (1) Used household goods*, in containers, and (2) *commodities* which because of size or weight require the use of special equipment or special handling, and *materials, parts, and supplies* incidental to the transportation, installation, or maintenance of commodities, which because of size or weight require the use of special equipment or special handling. Between Milwaukee and Waukesha, WI, on the one hand, and, on the other, points in Wisconsin. Restriction: The authority granted herein is subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations, in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. MC 28551 (Sub-5) (pending but administratively final). *Irregular routes:*

(1) *General commodities*, in containers, and (2) *empty containers*, Between the rail terminus of the Soo Line Railroad at Waukesha, WI, on the one hand, and, on the other, points in Wisconsin (except those in Milwaukee, Waukesha, Jefferson, Ozaukee, Racine, Walworth and Washington Counties, WI), restricted to the transportation of shipments having a prior or subsequent movement by rail. Vendee is authorized to operate as a common carrier in all states in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). A directly related application seeking elimination of gateways is being simultaneously filed.

Note.—MC 138144 (Sub-45F) is a directly related matter.

MC-F-13925F. Authority sought for purchase by K-A EXPRESS, INC., 2630½ West Beverly Boulevard, Montebello, CA 90640 of the operating rights of the Kansas-Arizona Motor Express, Inc., of same address, and of control of such rights through the transaction. Representative: Bruce E. Mitchell, Serbe & Mitchell, PC, 3390 Peachtree Road, NE, Atlanta, GA 30329. Operating rights sought to be transferred: Meats, Fresh or Frozen PHP, Lard, Canned Meats, Dairy products, etc., as a contract carrier, from points in IA and SD to CO, TX, NM, AZ, CA, NV, WY, UT, MT, ID, OR and WA. K-A Express, Inc., holds no authority from this Commission. However, both K-A Express, Inc. and Kansas Arizona Motor Express Inc. are owned by the same stockholders, Jack E. Pressney, 2630½ W. Beverly Blvd, Montebello, CA 90640, Burl G. Varner and James R. Varner, both of 14714 S. Avalon Blvd, Gardena, CA 90248. Application has not been filed for temporary authority under section 210a(b).

MC-F-13928F. Authority sought for purchase by ECKERT TRUCKING, INC., 1090 East Springettsbury Avenue, York, PA 17403, of a portion of the operating rights of Shanahan Motor Lines, Inc., 1001 Fairview Street, Camden, NJ 08104, of control of such rights through the transaction. Representative: Norman T. Petow, 43 North Duke Street, York, PA 17401. Operating rights sought to be transferred: Contractors' materials, supplies and equipment, as a common carrier over irregular routes between Philadelphia, PA on the one hand, and, on the other, points in NY, NJ, MD and DE (Modified to exclude New York, NY commercial zone, NJ and DE), with restrictions. Vendee is authorized to operate as a common carrier in the States of PA, WV, VA, DE, NJ, MD, DC,

NY, CT, RI, NC, and MA. Application has been filed for temporary authority under section 210a(b).

MC-F-13931F. Authority sought for purchase by FREEMAN TRUCK LINE, INC., 419 Jackson Avenue, Oxford, MS 38655 of a portion of the operating rights of C-B-C Transports, Inc., a Mississippi corporation, general partner, and M. A. Creekmore, Jasper V. Bennett, and Oscar Caradine, limited partners, d.b.a. "C-B-C Transports," a limited partnership, 845 Percy Street, Greenville, MS 38701, and for acquisition by D. E. Freeman, Jr., D. E. Greeman, Sr. and Patricia Freeman, all of 419 Jackson Avenue, Oxford, MS 38655, of control of such rights through purchase. Attorney: Douglas C. Wynn, P.O. Box 1295, Greenville, MS. Operating rights sought to be purchased: General commodities (except articles of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and cement in containers) as a common carrier over irregular routes between Belzoni, Rolling Fork and Yazoo City, MS, on the one hand, and, on the other, Jackson and Vicksburg, MS. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Transferee is authorized to operate pursuant to Certificate No. MC-22179 and subs as a common carrier of general commodities in the States of MS and TN. Approval of the proposed transaction will result in Transferee acquiring operating authority to render through service between Memphis, TN and Jackson, MS and between Jackson and Vicksburg, MS by tacking at the Yazoo City, MS Gateway, and between Memphis, TN and Belzoni and Rolling Fork, MS by tacking at the Vicksburg Gateway. (Hearing site: Memphis, TN, Jackson, MS or Greenville, MS.)

Note.—MC 141853 (Sub-3F) is a directly related matter.

MC-F-13941F. Authority sought for the merger into RED BALL MOTOR FREIGHT, INC., of Red Ball Motor Freight of California, Inc., both of 3177 Irving Boulevard, Dallas, TX 75247, and for acquisition by RBM TRANSPORTATION SYSTEMS, INC. and TELECON CORP., both of 2424 Houston Natural Gas Building, 1200 Travis Street, Houston, TX 77002, of control of the rights and properties of Red Ball Motor Freight of California, Inc., through the transaction. Attorney: Russell R. Sage, Suite 400, Overlook Building, 6121 Lincolnia Road,

Alexandria, VA 22312. Operating rights sought to be merged: General commodities, with exceptions, as a common carrier over a network of regular routes in the State of California, all as specifically described in No. MC 98967 (Sub-3). This notice does not purport to be a complete description of the operating rights of Red Ball Motor Freight of California, Inc. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the operating rights of Red Ball Motor Freight of California, Inc. Red Ball Motor Freight, Inc. is authorized to operate as a common carrier in the States of AL, AZ, AR, CA, CO, FL, GA, KS, LA, MO, MS, NM, OK, TN and TX. Application has not been filed for temporary authority under Section 210a(b) of the Act.

Note.—Red Ball Motor Freight of California, Inc. is a wholly-owned subsidiary of Red Ball Motor Freight, Inc. This merger application is filed pursuant to the direction of the Commission in MC-F-13536 to eliminate duplicating operating authority between the two companies.

Note.—MC 2229 (Sub-205F) is a directly related matter.

MC-F-13943F. Authority sought to purchase by T.F.S., INC., Box 126, Rural Route 2, Grand Island, NE 68801, of a portion of the operating rights of Edgar W. Long, Inc., 3815 Old Wheeling Road, Zanesville, OH 43701, of control of such rights through the transaction. Representatives: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, and Richard H. Brandon, 220 West Bridge Street, Dublin, OH 43017. Operating rights, as a *common carrier*, over irregular routes, sought to be transferred: (1) *Glassware*, from Jeannette, PA, to points in FL, LA and AR, with no transportation for compensation on return except as otherwise authorized; from Columbus, OH, to points in FL, LA (except points in the New Orleans LA, Commercial Zone, as defined by the Commission), and AR, with no transportation for compensation on return except as otherwise authorized; (2) *Glassware*, from Columbus, OH, to New Orleans, LA, and points in that part of WV on and east of a line beginning at the WV-VA state line near Bluefield, WV, and extending along WV Hwy. 20 to junction with WV Hwy 4 near Rock Cave, WV, thence north along WV Hwy 4 to the junction of U.S. Hwy 219 near Elkins, WV, thence north along U.S. Hwy 219 to the WV-MD state line, and to points in AL, AZ, CA, CO, GA, ID, MS, MT, NM, NV, ND, OR, SC, SD, TN, TX, UT, WA and WY, Restriction: The authority granted herein is restricted to the transportation of

shipments originating at the named origins; (3) (a) *Glassware*, from Jeannette, PA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, with no transportation for compensation on return except as otherwise authorized, (b) *Chinaware and stoneware*, from Sebring, OH, to points in the destination states listed in (a) above, with no transportation for compensation on return except as otherwise authorized, (c) *Plastic ware*, from Lake City and Girard, PA, to points in the destination states listed in (a) above, with no transportation for compensation on return except as otherwise authorized, and (4) (a) *Glassware*, from Jeannette, PA, to points in AL, GA, MS, OK, TX, KS, MO, ND, and SD; (b) *Plastic ware*, from Lake City and Girard, PA, to points in AL, GA, MS, OK, TX, KS, MO, ND, SD and FL; and (c) *Chinaware, porcelainware and stoneware*, from Sebring and Bedford Heights, OH, to points in AL, GA, MS, OK, TX, KS, MO, ND, SD, and FL. T.F.S., Inc. holds authority as a contract carrier conducting operations between various points in the U.S. for the account of Oxford Cheese Corporation, Ag Service, Inc., Morgen Manufacturing Co., Bonsail Pool Co., and Endicott Clay Products Co. Application has been filed for temporary authority under Section 210a(b).

MC-F-13948F. Authority sought for control by CRANE CO., 300 Park Avenue, New York, NY 10022, of Wanatah Trucking Co., Inc., Box 247, Wanatah, IN 46390, by purchase of a majority of the stock of Medusa Corp., 3615 Warrensville Center Road, Shaker Heights, OH 44122, which corporation presently controls Wanatah Trucking Co., Inc. Attorney: David C. Todd, Patton, Boggs & Blow, 2550 M Street, NW., Washington, D.C. 20037. Operating rights sought to be controlled: *Grain, Feed, Fertilizer, Cement blocks, Livestock*, as a common carrier, over irregular routes, from, to, and between specified points in Indiana and Illinois as more specifically described in certificate of registration No. MC 113569. Approval of the transaction will result in the applicant being in control of both a rail carrier (in Colorado and Wyoming) and a motor carrier (in Indiana). Wanatah Trucking Company, Incorporated. In addition, Medusa Corporation controls a rail carrier (in Ohio), the Toledo, Angola, and Western Railway Company. The TA & W has received Commission approval for abandonment of its entire line in AB-169, effective March 14, 1979. None of the rail or motor carriers involved in this application are authorized to serve

origin or destination points in common with those authorized to be served by any of the other carriers.

MC-F-13954F. Transferee: NORTH PENN TRANSFER, INC., Box 230, Routes 63 and 202, Lansdale, PA 19446. Transferor: National Transportation Co., d.b.a. National Transport 101, c/o Edgar H. Booth, Esquire, 405 Park Avenue, New York NY 10022. Representative: John W. Frame, ICC Practitioner, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC-9876, MC-9876, Sub 21, and MC-9876, Sub 22, as follows over *Regular Routes*, (1) *General Commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between New Freedom, PA and junction U.S. Hwys 1 and 9 near Woodbridge, NJ, serving all intermediate points in Pennsylvania: From New Freedom over Pennsylvania Hwy 516 to junction unnumbered hwy (formerly U.S. Hwy 111), thence over unnumbered highway via Loganville to junction I-83 (formerly U.S. Hwy 111), thence over I-83 to York, PA, thence over U.S. Hwy 30 to junction Business Route U.S. Hwy 30 (formerly portion of U.S. Hwy 30), thence over Business Route U.S. Hwy 30 via Coatesville, PA to junction U.S. Hwy 30, thence over U.S. Hwy 30 to Philadelphia, PA, and thence over U.S. Hwy 1 to junction U.S. Hwy 9, and return over the same route. Restriction: Service over the routes specified under the commodity description next above shall be limited to the transportation of traffic moving in said carrier's vehicles to or from points in Connecticut or Massachusetts on, or authorized to be served in connection with, said carrier's routes authorized hereinabove. (2) *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, serving the plant site of P. H. Glatfelter Company at Spring Grove, PA, as an off-route point in connection with carrier's otherwise authorized regular route operations between New Freedom, PA, and junction U.S. Hwys 1 and 9 near Woodbridge, NJ. (3) *General commodities*, except those of unusual value, those requiring special equipment, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other

lading, between Newark, NJ and Lancaster, PA, in connection with carrier's presently authorized regular route operations between Lancaster, PA, and Newark, NJ, over U.S. Hwys 30, 1, and 9, serving no intermediate points: From Newark over U.S. Hwy 22 to Allentown, PA, thence over U.S. Hwy 222 to Lancaster, and return over the same route. Restriction: The service authorized herein is restricted to traffic moving to and from points in Connecticut, Massachusetts, and Rhode Island. Vendee is authorized to operate as a common carrier in the States of PA, DC, DE, MD, NY, NJ, CT, and VA. Application has not been filed for temporary authority under section 210a(b) of the Act.

MC-F-13958F. Transferee: HEUERTZ TRUCKING, INC., 425 First Street, NW, LeMars, IA 51031. Transferor: Siouxland Express, Inc. Representative: D. Douglas Titus, Esq., Titus, Holman, Myers & Teichgraeber, Suite 510 Benson Building, Sioux City, IA 51101. Attorney for transferor: Bradford E. Kistler, Esq., Nelson & Harding, 1200 N Street, Lincoln, NE 68501. Authority sought for purchase by transferee of the operating rights of transferor (portion) as set forth in Certificates No. (1) MC-129413 (base docket), and (2) MC-129413 (Sub-1), as follows: (1) *Commodities: liquid chemicals and liquid fertilizers*, in bulk, in tank vehicles, irregular routes, from Port Neal Industrial Complex, Woodbury County, IA, and Big Soo Terminal, Woodbury County, IA, and the facilities of Terra Chemicals International, Inc., American Cynamid Company, and Morsanto Company, located at Woodbury County, IA, and Dakota County, NE, to points in CO, IL, IA, KA, MO, NE, MN, ND, OK, SD, WI, and WY. Restriction: Restricted to traffic originating at points in the above origin areas and destined to points in the above destination areas; (2) *Commodities: liquid chemicals and liquid fertilizers, and liquid fertilizer materials derived from petroleum and petroleum products*, in bulk, irregular routes, from the facilities of Terra Chemical International, Inc., Air Park West, Lincoln, NE, to points in CO, IA, KA, MO (except St. Louis), SD, and WY. Restriction: Restricted to traffic originating at the facilities of Terra Chemical International, Inc., Air Park West, Lincoln, NE, and destined to the named destination states. Transferee presently holds emergency temporary authority under MC-145737 R-3 and R-4; it seeks § 210a(b) authority. Application has been filed for temporary authority under section 210a(b).

MC-F-13960F. Authority sought for purchase by WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712, of a portion of the operating rights of Monkem Co., Inc., P.O. Box 1196, Joplin, MO 64801, and for acquisition by Wayne Daniel, Charles A. Daniel, Wesley W. Daniel, Dan A. Daniel, and Doris Daniel, all of P.O. Box 303, Mount Vernon, MO 65712, of control of such rights through the transaction. Attorney: Harry Ross, 58 South Main Street, Winchester, KY 40391. Operating rights sought to be transferred: MC-119493 (Sub-55), Diatomite and mixture of distomaceous earth and alkyl naphthalene and sodium sulfonate, as a common carrier over irregular routes from points in NV (except Las Vegas and Henderson), to points in AR, IL, IN, IA, KS, KY, LA, MO, NE, and OK; and containers, from points in the above-named destination States, to points in NV (except Las Vegas and Henderson). MC-119493 (Sub-No. E22), New bags and containers (except glass and cardboard containers), as a common carrier over irregular routes, from points in AL, MS, and TN to points in NV (except Las Vegas and Henderson). Vendee is authorized to operate as a common carrier in the States of WA, OR, CA, NV, ID, UT, AZ, NM, CO, MT, WY, ND, SD, KS, TX, MO, NE, OK, LA, AR, MS, TN, KY, OH, IN, IL, MI, WI, MN, FL, and AL, and as a contract carrier in the States of MO, AZ, TX, FL, GA, IL, OH, PA, MD, MA, NJ, NY, RI, DC, CT, DE, and VA. Application has not been filed for temporary authority under section 210a(b).

MC-F-13961F. Authority sought for purchase by VAN BRUNT & SON, INC., Box 192, Old Bridge, NJ 08857, of a portion of the operating rights of Crouthamel, Inc., P.O. Drawer U, Oaks, PA 19456, and for acquisition by Fred C. Herman, Joyce D. Herman, and Fred J. Herman, all of Box 192, Old Bridge, NJ 08857, of control of such rights through the transaction. Attorney: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over irregular routes between points within one mile of Philadelphia, Norristown, Bridgeport and Conshohocken, PA including the points named; between Philadelphia on the one hand, and, on the other, points in PA within 25 miles of Philadelphia City Hall. Vendee is authorized to operate as a common carrier within the States of NY, NJ, PA, and DE. Application has not been filed for temporary authority under section 210a(b).

MC-F-13962F. Authority sought for control by Gerald Ragle, Route 1, P.O. Box 48, Tolar, TX 76476 of Bagle Transport Lines, Inc., 9632 Palo Pinto Road, Fort Worth, TX 76116 through stock ownership. Applicant's attorney Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Principal operating rights of Bagle Transport Lines, Inc. as a contract carrier sought to be controlled: (1) MC-144228TA, *lamps and lamp parts*, for the account of Angelo Bros. Co., over irregular routes, between the facilities of Angelo Bros. Co., at Arlington, TX, Chicago, IL, Los Angeles, CA, Miami, FL, and Philadelphia, PA; (2) MC-144228 (Sub-No. 3TA) *Ductile iron pipe fittings and foundry supplies* utilized in the manufacture of ductile iron pipe fittings, for the account of EBAA Iron, Inc., over irregular routes, between Eastland, TX, on the one hand, and, on the other, Primos, PA; Chicago, IL; South Barre and Stoughton, MA; Hayward, CA; New York City, NY; Southington, CT; Provo, UT; Seattle, WA; Portland, OR; and Louisville, KY; and (3) MC-144228 Sub 4F, *Heat sentrys, attic fans, louver vents, and parts and machinery used in the manufacture of the foregoing commodities*, between the facilities of Henry N. Butler Company, at or near Mineral Wells, TX, on the one hand, and on the other, points in the United States (except Alaska, Hawaii, and Texas), under continuing contract with Henry N. Butler Company. The aforementioned summary is generally the commodities and territory involved. Gerald Ragle holds no authority from the Commission. However, Gerald Ragle is the sole shareholder of Lone Star Carriers, Inc. operating under MC-133805 and subs thereunder as a common carrier of specified commodities throughout the United States generally. (Hearing site: Dallas or Fort Worth, TX)

MC-F-13969F. Authority sought by TOSE, INC., 424 West Fourth Street, Bridgeport, PA 19405, for purchase of a portion of the operating rights of RETAIL DELIVERY SERVICE, INC., a Bankrupt, formerly of P.O. Box 487, Dover, NJ 07801, and for acquisition by LEONARD H. TOSE, 424 West Fourth Street, Bridgeport, PA 19405, of control of such rights through the purchase. Applicant's Attorney: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. Operating rights sought to be transferred: (1) *Parcels and packages* (no single parcel or package to exceed 50 pounds in weight), *garments and furs* on hangers, for storage, and *damaged, defective, refused or exchanged merchandise* on return,

Between points in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., Camden, Gloucester, Salem, Cumberland, Atlantic and Cape May Counties, N.J., that part of Burlington and Mercer Counties, N.J., bounded by a line beginning at the Delaware River at Washington Crossing, N.J., and extending through Hamilton Square, N.J., and Allentown, N.J., to Camden County line at New Jersey Highway 534, and New Castle County, Del. Restriction: The authority granted in (1) above is restricted to transportation between retail department stores, specialty shops, mail-order houses, premium redemption stores, and other retail stores and the branches and warehouses of such stores, on the one hand, and, on the other, the customers thereof. (2) *Such merchandise* as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, (a) From Camden, N.J., to New York, N.Y., Washington, D.C., points in Fairfield, Hartford, and New Haven Counties, Conn., Albany, Columbia, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Suffolk, Sullivan, Ulster and Westchester Counties, N.Y., and points in Delaware, Maryland, New Jersey and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized in (2)(a) above shall be limited to retail store delivery service (including deliveries for premium redemption companies and mail-order houses) and no service shall be rendered in the transportation of any shipment weighing in excess of 50 pounds. For the purpose of this restriction, a package or group of packages from a single consignor to a single consignee at a single destination shall be considered a shipment. (b) Between New York, N.Y., Washington, D.C., points in Fairfield, Hartford, and New Haven Counties, Conn., Dutchess, Nassau, Orange, Putnam, Rockland, Schoharie, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Delaware, Maryland, New Jersey, and Pennsylvania. Restriction: The service authorized in (2)(b) above is subject to the following conditions: No traffic shall be transported between Washington, D.C., on the one hand, and, on the other, points in Maryland. No traffic shall be transported from Newark, Del., and points within the commercial zone of Newark, Del. (except Wilmington, Del.), to Washington, D.C. and points in Maryland. No traffic shall be transported between points in Albany,

Columbia, Fulton, Greene, Montgomery, Rensselaer, and Schenectady Counties, N.Y. The service authorized shall be restricted against the transportation of any shipment weighing more than 250 pounds. For the purpose of this restriction a package or group of packages from a single consignor to a single consignee at a single destination shall be considered a shipment. (c) Between Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, and Schenectady Counties, N.Y. (d) From Newark, Del., to Washington, D.C., and points in Maryland, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized in (2) (c) and (d) above is subject to the following conditions: The service authorized shall be limited to delivery to the customers (ultimate consumers) of retail stores, premium redemption companies, and mail-order houses, and the transportation of shipments of this character returned by such customers to the shippers, and shall be restricted against transportation of any commodity intended for resale, manufacturing, or other commercial processing. No transportation shall be provided for any shipment weighing more than 250 pounds for the purpose of this restriction, a package or group of packages from a single consignor to a single consignee at a single destination shall be considered a shipment. Vendee is authorized to operate as a common carrier in the States of PA, NY, MD, NJ, VA, DC, DE, CT, and MA. Application has been filed for temporary authority under Section 210a(b). *Note:* Tose, Inc. has reclaimed these rights by foreclosure on a security interest, subject to ICC approval.

MC-F-13970F. Authority sought for acquisition of control of EDWARDS TRANSFER & STORAGE COMPANY, Post Office Box 7795, Columbus, OH 43207, through acquisition of the stock of UNITED TRANSPORT INDUSTRIES, INC., Post Office Box 1161, Akron, OH 44306, and control of such rights and properties by John J. Brutvan through the transaction. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled under MC 38799 and MC 38799 Sub 3 authorize motor common carrier service, over irregular routes; transporting: *Shrubbery, seeds, and bulbs*, from Columbus, OH to points and places in OH within 100 miles of Columbus; between points and places in Columbus, OH; *general commodities*, (usual exceptions) from Columbus, OH to points and places in OH within 60

miles of Columbus; between points and places in Columbus, OH; *household goods*, as defined by the Commission between Franklin Co., OH on the one hand, and, on the other, points in MI, IN, IL, KY, WV, NY, and PA, traversing MD and NJ for operating convenience only; and *such commodities* as require the use of special equipment by reason of size or weight, between points and places in OH within 60 miles of Columbus, including Columbus. United Transport Industries, Inc. is a non-carrier which controls Miller Transfer & Rigging Co., and irregular route common and contract carrier of specified commodities in 48 states. Application has not been filed for temporary authority.

MC-F-13971F. Authority sought by HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, MA 02740, to purchase a portion of the operating rights of D.F. Bast, Inc., 1425 N. Maxwell Street, Allentown, PA 18001. Applicants' representatives: Francis W. McInerny, 1000 16th Street, NW, Washington, DC 20036, and John Bonner, 1425 N. Maxwell Street, Allentown, PA 18001. Operating rights to be purchased: *general commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, silk, rayon, and products and materials of textile mills, commodities in bulk, those injurious or contaminating to other lading, and commodities requiring special equipment), over *irregular routes*, between Allentown, PA, and points within 30 miles of Allentown, on the one hand, and, on the other, points in New York. Transferee is a common carrier by motor vehicle authorized to conduct operations pursuant to Certificate No 30204, and sub numbers thereunder, in the states of CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and WV, and the province of Quebec, Canada. Application has been filed for temporary authority under 49 USC Section 11349. (Hearing site Washington, D.C.)

MC-F-13973F. Authority sought for purchase by BAYVIEW TRUCKING, INC., 7080 Florin-Perkins, Sacramento, CA 95828, of all of the operating rights of Donald G. Olson, an individual, 611 Polk Street, Port Townsend, WA 98368, and for acquisition by Harold F. Culy, 7080 Florin-Perkins, Sacramento, CA 95828, of control of such rights through the purchase. Transferor's Attorney: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transferee's Attorney: Ann Pougiales, Loughren and Hagerly, 100 Bush Street, 21st Floor, San

Francisco, CA 94104. Operating Rights to be purchased: Frozen fruits, frozen berries, and frozen vegetables from Albany, OR and Seattle, Kent, Arlington, and Stanwood, WA to Los Angeles, CA. Vendee also holds authority under MC 121626TA, and has pending before the Commission an application in MC 121626 (Sub-9F), to transport perishable foods from certain points in California to certain points in Washington. Application has been filed for temporary authority under Section 210 (a) (b).

MC-F-13976F. Authority sought for purchase by H. M. KELLY, INC., R.D. No. 3, New Oxford, PA 17350 of the operating rights of ALLEN F. SEESHOLTZ, Box 3755, R.D. No. 3, Berwick, PA 18603, and for acquisition by Edmond B. Frock, Jr., R.D. No. 3, New Oxford, PA 17350 of control of such rights through the transaction. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Operating rights, as a contract carrier, over irregular routes, sought to be transferred: *Lamps components, parts and accessories for lamps and materials, supplies and equipment* used or useful in the manufacture, distribution, or installation of lamps, between Berwick, PA and Long Beach, CA, under contract or contracts with Fulton Manufacturing Co., Inc., of Berwick, PA; *fiberglass screening*, from Compton, CA to the plant site of new York Wire Co., at Chicago, IL, and to Elizabethville and York, PA, under contract or contracts with Oxford Mills, incorporated, division of New York Wire Company of Compton, CA; *steel pipe and specialty hardware*, from Genessee, PA to Los Angeles, CA, under contract or contracts with Cooper Slide Sales, Inc., of Genessee, PA; and *insulated electrical wire and electrical wiring devices*, from Doylestown, PA to Los Angeles, CA, under contract or contracts with Triboro Electric Corporation of Doylestown, PA. Vendee is authorized to transport as a common carrier in DE, CT, IL, IN, KY, MD, MA, ME, MI, NC, NH, NJ, NY, PA, RI, TN, VT, VA, WV and DC. Application has not been filed for temporary authority under Section 210a(b).

Motor Carrier of Passengers

MC-F-13979F, filed March 20, 1979. Transferee: BLUE & WHITE LINES, INC., 516 West Plank Road, Altoona, PA 16602. Transferor: WILLETTS TRAVEL, INC., P.O. Box 40, Frostburg, MD 21532. Applicants' representatives: William A. Chesnutt, Attorney, 1776 F Street, NW., Washington, D.C. 20006 and W. Stevens

Hidey, Attorney, 110 Washington Street, Cumberland, MD 21502. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates of Public Convenience and Necessity at MC-119919 (Sub-Nos. 1, 8 and 9) issued September 4, 1974, November 26, 1975, and May 19, 1976, respectively, as follows: Regular Routes: Passengers and their baggage, between Frostburg, MD, and the sites of the Charles Town and Shenandoah Race Tracks at or near Charles Town, WV, serving all intermediate points between Frostburg, MD, and Romney, WV, from Frostburg over U.S. Hwy. 40 to Cumberland, MD, thence over MD Hwy. 28 to the MD-WV State line, thence over WV Hwy. 28 to Romney, WV, thence over U.S. Hwy. 50 to Winchester, VA, thence over VA Hwy. 7 to Berryville, VA, thence over U.S. Hwy. 340 to the site of the Charles Town and Shenandoah Race Tracks at or near Charles Town, and return over the same route. Irregular Routes: Passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Allegany County, MD, and extending to points in that part of PA on and west of U.S. Hwy. 15 and on and south of U.S. Hwy. 22, points in that part of WV on, east, and north of a line beginning at the OH-WV State line and extending south along WV Hwy. 18 to junction WV Hwy. 47, thence east along WV Hwy. 47 to junction U.S. Hwy. 33, and thence along U.S. Hwy. 33 to the WV-VA State line, points in that part of VA on and north of U.S. Hwy. 50, including Winchester, VA, and points in the District of Columbia. Passengers and their baggage, in the same vehicle with passengers, in charter operations, beginning and ending at points in Garrett County, MD, and extending to points in PA, MD, DE, VA, WV, and D.C. Passengers and their baggage in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Allegany County, MD and extending to points in the U.S. (including AK but excluding HI). Beginning and ending at points in Garrett County, MD, and extending to points in the U.S. (including AK but excluding HI and points in Mineral County, WV). SUBJECT to the right of the Commission to impose such terms and conditions, if any, as may be deemed necessary to insure that the operations performed by carrier are limited to bonafide special operations, in round-trip sight-seeing and pleasure tours. Passengers and their baggage in the same vehicle with passengers, in round trip charter

operations, beginning and ending at points in Garrett County, MD, and extending to points in the U.S. (including AK but excluding HI and points in PA, MD, DE, VA, WV, and D.C.). Passengers and their baggage, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Washington County, MD, and extending to points in the U.S. (including AK but excluding HI). Passengers and their baggage, in the same vehicle with passengers, in round-trip charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Mineral County, WV, and at Berkeley Springs, Moorefield, Petersburg, and Romney, WV, and extending to points in the U.S. (including AK but excluding HI). Irregular Routes: Passengers and their baggage, in the same vehicle with passengers, in round-trip charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in PA bounded by a line commencing at junction PA Hwy. 160 and the PA-MD State line and extending along PA Hwy. 160 to junction U.S. Hwy. 219, thence along U.S. Hwy. 219 to junction PA Hwy. 281, thence along PA Hwy. 281 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to its junction with the PA-MD State line and thence along the PA-MD State line the junction PA Hwy. 160 (the point of beginning), including those points in the above described highways, and State line, and extending to points in the U.S. (including AK but excluding HI). RESTRICTED against the performance of charter operations beginning and ending at Berlin and Somerset, PA. Beginning and ending at points in WV bounded by a line commencing at the junction of U.S. Hwy. 50 and the WV-MD State line and extending westerly along U.S. Hwy. 50 to junction WV Hwy. 72, thence along WV Hwy. 72 to junction U.S. Hwy. 219, thence along U.S. Hwy. 219 to junction WV Hwy. 32, thence along WV Hwy. 32 to junction WV Hwy. 93, thence along WV Hwy. 93 to junction WV Hwy. 42, thence along WV Hwy. 42 to junction U.S. Hwy. 220, thence along U.S. Hwy. 220 to its junction with the WV-MD State line, and thence along the WV-MD State line to junction U.S. Hwy. 50 (the point of beginning), including those points on the described highways and State line, and extending to points in the U.S. (including AK but excluding HI). Passengers and their baggage, in special charter operations, between points in Mineral County, WV, and Allegany County, MD, on the one hand, and on

the other, the Greater Pittsburgh International Airport, at or near Pittsburgh, PA, the Washington-Baltimore International Airport, at or near Baltimore, MD, the Washington National Airport, near Washington, D.C., and Dulles International Airport, at or near Herndon, VA. RESTRICTED (a) to the transportation of passengers having a prior or subsequent movement by air, and (b) against the transportation of more than 12 passengers (not including the driver or children under 12 years of age) in any one vehicle at the same time. Regular Routes: Passengers and their baggage, express, and newspapers, in the same vehicle with passengers, between Hagerstown, MD, and Keedysville, MD, serving all intermediate points: from Hagerstown over MD Hwy. 65 via Lappans, MD to Sharpsburg, MD, thence over MD Hwy. 34 to Keedysville, and return over the same route. Between Kearneysville, WV, and the Newton D. Barker General Hospital, WV, serving no intermediate points: From Kearneysville over WV Hwy. 9 to Newton D. Barker General Hospital, and return over the same route. Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Hagerstown, MD, and Smithsburg, MD, serving all intermediate points: From Hagerstown over unnumbered highway via Chewsville and Cavetown, MD, to Smithsburg, and return over the same route. Between Sharpsburg, MD, and Charles Town, WV, serving all intermediate points: From Sharpsburg over MD Hwy. 34 to the MD-WV State line, thence over WV Hwy. 48 to junction WV Hwy. 9, thence over WV Hwy. 9 to Charles Town, and return over the same route. Passengers and their baggage, and newspapers in the same vehicle with passengers, between Hagerstown, MD, and Kearneysville, WV, serving no intermediate points: From Hagerstown over I-81 to junction WV Hwy. 9, thence over WV Hwy. 9 to Kearneysville, and return over the same route. Transferee holds ICC authority at MC 46614 and MC 46614 (Sub-7). Vendee is authorized to operate as a common carrier in the States of PA and MD. Application has been filed for temporary authority under section 210a(b).

MC-F-13980F. Applicant: WILLIAMS S. MEISLER, 1103 East Franklin Street, Evansville, IN 47711. Representative: Warren C. Moberly, Attorney at Law, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought for continued control by William S. Meisler, 1103 East Franklin Street, Evansville, IN, 47711, of WALT'S

DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN, 47711, and to continue to control MEISLER CARTAGE, INC., 1103 East Franklin Street, Evansville, IN, 47711, as follows: *WALT'S DRIVE-A-WAY SERVICE, INC.*, possesses permanent and temporary common carrier authority to transport *truck-mounted cranes, chassis for self-propelled cranes, self-propelled drilling equipment, mine, well, and quarry drilling machinery*, in drive-away service, from various specified cities in the United States to points located in all of the United States, including Alaska, but excluding Hawaii. *MEISLER CARTAGE, INC.*, possesses permanent authority to operate as a common carrier over irregular routes in the transportation of *general commodities* (except those of unusual value, Classes A and B explosives, a household goods as defined by the Commission, commodities in bulk, in tank vehicles and in dump vehicles, and those requiring special equipment), between Evansville, IN, on the one hand, and, on the other, Albion, Grayville, and West Salem, IL. Such authority is restricted to the transportation of shipments having a prior or subsequent movement by rail. The aforementioned summary embraces generally the commodities and territory involved but does not intend to define precisely the scope of authority of the carriers for which approval of continuing control is sought. The precise and specific authorities can be found under MC 126717*, and all subs thereunder, and under MC 142315. Further, as indicated by the authorities described herein, the type of operations of the two carriers are entirely separate and distinct and cannot be confused or commodities of one carrier handled by the other. WILLIAM S. MEISLER, holds no authority from this Commission. However, he owns controlling stock in both WAT'S DRIVE-A-WAY SERVICE, INC. and MEISLER CARTAGE, INC. Application has not been filed for temporary authority under section 210a(b).

MC-F-13981F. Authority sought for purchase by WAYNE DANIEL TRUCK LINE, INC., P.O. Box 303, Mount Vernon, MO., 65712, of a portion of the operating rights of B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy 221 South, Forest City, NC., 28043; and for WESSLEY WAYNE DANIEL, SR.; WESSLEY WAYNE DANIEL, JR.; CHARLES A. DANIEL; DAN A. DANIEL; MRS. DORIS DANIEL to acquire control of said operating rights through the purchase. And and B AND P

MOTOR LINES, INC., of the same address as above to purchase a portion of the operating rights of WAYNE DANIEL TRUCK LINE, INC., of the same address as above; and for R. D. WORKMAN, COY LAMBERT, and ALMA MOOREE WORKMAN, to acquire control of said operating rights through the purchase. Applicants' attorney: Clyde W. Carver, P.O. Box 720434, Atlanta, GA., 30328. Operating rights of B AND P MOTOR LINES, INC., sought to be transferred: Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, as a common carrier, over irregular routes, from the facilities of Kraft, Inc., at Springfield, MO, to points in AZ, CA, CO, NM, OK, and TX. Operating rights of WAYNE DANIEL TRUCK LINE, INC., sought to be transferred: Electrical appliances and electric motors, as a common carrier, over irregular routes, from the facilities of Superior Electric Products, Inc., at Cape Girardeau, MO, to points in FL, GA, AL, NC, SC, and MS. Wayne Daniel Truck, Inc., is authorized to operate as a common or contract carrier within all points in the continental United States, except points in ME, NH, VT, and WV. Dual operations may be involved. B and P Motor Lines, Inc., is authorized to conduct operations as a common or contract carrier within all points in the continental United States. Dual operations may be involved. No application has been filed for temporary authority under Section 210a(b).

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission on or before June 1, 1979. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy.

MC 2229 (Sub-205F), filed March 1, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Applicant's representative: Russell R. Sage, Suite 400, Overlook Building, 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between San Francisco, CA, and Roseville, CA: From San Francisco over Interstate Highway 80 to Roseville, and return over the same route; (2) between Sacramento, CA and Redlands, CA: From Sacramento over California Highway 99 to junction with Interstate Highway 5 at or near Wheeler Ridge, CA, thence over Interstate Highway 5 to its junction with Interstate Highway 10, then over Interstate Highway 10 to Redlands, and return over the same route; (3) between San Francisco, CA, and Placerville, CA: From San Francisco over Interstate Highway 80 to its junction with Interstate Highway 580, then over Interstate Highway 580 to its junction with Interstate Highway 205, then over Interstate Highway 205 to its junction with Interstate Highway 5, then over Interstate Highway 5 to its junction with California Highway 99, then over California Highway 99 to its junction with U.S. Highway 50, then over U.S. Highway 50 to Placerville, and return over the same route; (4) between junction California Highway 120 and Interstate Highway 5 at Mossdale Wye, CA, and junction California Highways 120 and 108 at Yosemite Junction, CA: From junction California Highway 120 and Interstate Highway 5 at Mossdale Wye over California Highway 120 to junction California Highways 120 and 108 at Yosemite Junction, and return over the same route; (5) between Yosemite Junction, CA, and Dardanelle, CA: From Yosemite Junction over California Highway 108 to Dardanelle, and return over the same route; (6) between Fairfield, CA, and Clements, CA: From Fairfield over California Highway 12 to Clements, and return over the same route; (7) between Clements, CA and Jackson, CA: From Clements over California Highway 88 to

Jackson, and return over the same route; (8) between junction California Highway 4 and Interstate Highway 80 near Pinole, CA, and Stockton, CA: From junction California Highway 4 and Interstate Highway 80 near Pinole over California Highway 4 to Stockton, and return over the same route; (9) between junction California Highway 33 and Interstate Highway 205 near Tracy, CA, and Maricopa, CA: From junction California Highway 33 and Interstate Highway 205 over California Highway 33 to Maricopa, and return over the same route; (10) between the California-Oregon State Line near Pelican Beach, CA, and San Ysidro, CA: From the California-Oregon State Line over U.S. Highway 101 to its junction with Interstate Highway 5 at Los Angeles, then over Interstate Highway 5 to San Ysidro, CA, and return over the same route; (11) between junction California Highway 1 and U.S. Highway 101 near Oxnard, CA, and junction of U.S. Highway 101 and Interstate Highway 5 near Capistrano Beach, CA: From junction California Highway 1 and U.S. Highway 101 near Oxnard over California Highway 1 to junction with Interstate Highway 5 near Capistrano Beach, and return over the same route; (12) between Roseville, CA, and Yuba City, CA: From Roseville over California Highway 65 to California Highway 20, thence over California Highway 20 to Yuba City, and return over the same route; (13) between Ignacio, CA, and Vallejo, CA: From Ignacio over California Highway 37 to Vallejo, and return over the same route; (14) between Marysville, CA, and Oroville, CA: From Marysville over California Highway 70 to Oroville, and return over the same route; (15) between Riverside, CA, and San Diego, CA: From Riverside over U.S. Highway 395 to San Diego, and return over the same route; (16) between Gilroy, CA, and Califa, CA: From Gilroy over California Highway 152 to Califa, and return over the same route; and (17) between Oakland, CA, and San Jose, CA: From Oakland over California Highway 17 to San Jose, and return over the same route. Service is authorized at all intermediate points on the foregoing routes, and at all off-route points located within 25 miles of said routes. Restrictions: (a) No local service shall be provided between the San Francisco Commercial Zone, on the one hand, and, on the other, points in Marin, Sonoma, or Napa Counties located north of San Rafael, CA; and (b) no service shall be provided locally between points in the Los Angeles Commercial Zone. (If a hearing is deemed necessary applicant requests it be held at Washington, D.C.)

Note.—The foregoing authority is possessed by Red Ball Motor Freight of California, Inc., a wholly-owned subsidiary of applicant. At present applicant and Red Ball Motor Freight of California, Inc. may interchange shipments with one another at Los Angeles, CA. The purpose of this application is to remove a tacking restriction at Los Angeles, CA on the aforesaid authority and such application is a matter directly related to the merger of Red Ball Motor Freight of California, Inc. into applicant in MC-F 13941F published in a previous section of this Federal Register, which merger application was filed pursuant to the direction of the Commission in No. MC-F-13536. Common control may be involved.

MC 103798 (Sub-30F), filed January 26, 1979. Applicant: MARTEN TRANSPORT, INC., Route 3, Mondovi, Wisconsin 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, Minnesota 55402. Authority sought as a common carrier by motor vehicle over irregular routes transporting, *foodstuffs* (except commodities in bulk) from points in Wisconsin and the Upper Peninsula of Michigan to points in North Dakota, and South Dakota and points in Osceola, O'Brien, Cherokee, Woodbury, Sioux, Lyon, Monona, and Plymouth Counties, Iowa, and points in Burt, Cuming, Staton, Madison, Boone, Box Butte, Sioux, Dawes, Cherry, Brown, Rock, Keya Paha, Holt, Knox, Cedar, Dixon, Antelope, Pierce, Wayne, and Thurston Counties, Nebraska. Restriction: Restricted to the transportation of shipments originating in Wisconsin or the Upper Peninsula of Michigan. (Hearing site: St. Paul, MN.)

Note.—The purpose of this application is to eliminate the gateway of points in MN and is a directly related application to MC-F-13858F published in a previous section of this FR issue.

MC 109538 (Sub-30F), filed March 2, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, WI 54701. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (a) Between points in Illinois within a 50-mile radius of Palatine, IL, and (b) between points in Illinois within a 50-mile radius of Palatine, IL, on the one hand, and, on the other, all points in Illinois. (Hearing site Chicago, Ill.)

Note.—This application is directly related to the proceeding pending in MC-F-13922F,

Chippewa Motor Freight, Inc.—Purchase—Norwood Cartage Company, Inc., published in the February 23, 1979, issue of the Federal Register. Note: The purpose of this application is to convert a certificate of Registration to a certificate of public convenience and necessity.

MC 111594 (Sub-85F), filed February 21, 1979. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)—*General Commodities* (except Classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1)—Between points in IL on the one hand, and, on the other, Cincinnati, Reading and Columbus, OH. The purpose of this filing is to eliminate the gateway of Peoria, IL; (2)—Between points in IL on the one hand, and, on the other, points in IN and points in OH on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Lawrenceville, IL. (3)—Between the St. Louis, MO—East St. Louis, IL Commercial Zone, on the one hand, and, on the other, points in IL. The purpose of this filing is to eliminate the gateway of East St. Louis, IL. (4)—Between points in IL on the one hand, and, on the other, points in IL within a 50 mile radius of Batavia, Illinois. The purpose of this filing is to permit the tacking of the (2) two non-radial authorities. (B)—*General Commodities* (except household goods, as defined by the Commission), between points in IL, on the one hand, and, on the other, points in that part of IL and IN (except Chicago, IL) bounded by a line beginning at Zion, IL, and extending in a southwesterly direction to Grays Lake, IL, thence in a southeasterly direction to Libertyville, IL, thence in a southwesterly direction through Lake Zurich, Barrington, Elgin, Plato Center and Sycamore, IL to DeKalb, IL, thence in a southeasterly direction through Aurora and Plainfield, IL to Joliet, IL, thence in a northeasterly direction through Gary, IN to Lake Michigan, thence in a northwesterly direction along the shore of Lake Michigan to a point directly east of Zion, IL, and thence in a westerly direction to point of beginning. The purpose of this filing is to permit the tacking of the two (2) non-radial authorities. (C)—*Liquid chemicals*, in bulk, in tank vehicles, from points in IL to points in IN, OH, MI, NY, LA, DE and WI. The purpose of this filing is to eliminate the gateway of

Waukegan, IL. (D)—Acids and Chemicals, in bulk, in tank, or hopper-type vehicles, from points in IL to points in IN, IA, KS, KY, MI, MN, MO, OH and WI. The purpose of this filing is to eliminate the gateway of the Stauffer Chemical Company plantsite located at Chicago Heights, IL. (E)—Acids, Chemicals, Fertilizer and Fertilizer ingredients (except Cryogenic Liquids), in bulk, in tank vehicles, from points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, SD and WI. The purpose of this filing is to eliminate the gateway of the Apple River Chemical Company plantsites at or near Niota, IL and East Dubuque, IL. (Hearing site: Chicago, Ill.)

Note.—This gateway elimination application is related to the Section 5 application filed by C W Transport, Inc. for the purchase of the operating rights and specified properties of Trans-Illinois Express, Inc. in Docket MC-F-13920F, published in the March 8, 1979, issue of the Federal Register.

MC 141853 (Sub-3F), filed February 14, 1979. Applicant: C-B-C TRANSPORTS, A Limited Partnership [by C-B-C Transports, Inc., General Partner], 845 Percy Street, Greenville, MS 38701. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a common carrier by motor vehicle 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, commodities requiring special equipment, and cement in containers], between Belzoni, Rolling Fork and Yazoo City, MS, on the one hand, and, on the other, Jackson and Vicksburg, MS. This application is directly related to the Application filed under the title Freeman Truck Line, Inc.—Purchase (Portion) C-B-C Transports, Docket No. MC-F-13931F, published in a previous section of this Federal Register. (Hearing site: (1) Memphis, TN; (2) Jackson, MS; (3) Greenville, MS.)

Note.—The purpose of the instant Application is to remove from the authority sought to be transferred by C-B-C to Freeman the following Restriction: "Restriction: The authority granted above is restricted to the transportation of traffic having a prior or subsequent movement by rail, water, or motor vehicle."

MC 138144 (Sub-45F), filed January 29, 1979. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wisconsin 53213. Representative: Daniel C. Sullivan, Esq., 10 South LaSalle Street, Suite #1600, Chicago, Illinois 60603. Authority sought to operate as a motor *common carrier*, over irregular routes, transporting: (1)

Commodities which because of size or weight require the use of special equipment or special handling. Between points in Niles, Maine, Leyden, Norwood Park, Proviso, Berwyn, Lyons, Stickney, Worth, Thornton, Bloom, Rich, New Lenox, Joliet, Lockport, Homer, Orland, Bremen, Palos, Lemont, DuPage, Lisle, Downers Grove, Milton, York, Addison, Bloomingdale, Schaumburg, Elk Grove, Palatine, Wheeling, Northfield, and New Trier Townships, IL, that part of Lake County, IN, North of U.S. Highway 30, and Chicago, IL, on the one hand, and, on the other, points in Wisconsin. Gateways eliminated: Chicago, IL and its Commercial zone and the Milwaukee, WI Commercial Zone. (2) *General commodities*, in containers, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and iron and steel articles, which, because of size or weight, require special equipment, between the plant site of the Bethlehem Steel Corp., in Burns Harbor, Porter County, IN, on the one hand, and, on the other, points in Jefferson County, WI. Restriction: The authority granted above is restricted to the transportation of shipments originating at, or destined to, the plant site of Bethlehem Steel Corporation, in Burns Harbor, Porter County, IN. Gateways eliminated: points in Milwaukee, Waukesha, Ozaukee, Racine, Walworth, and Washington, Counties, WI. (3) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which, because of size or weight require the use of special equipment or special handling. From Portage, IN to points in WI. Gateways eliminated: Chicago, IL and its Commercial Zone and Milwaukee, WI. (4) *Such commodities* as are manufactured or distributed by manufacturers of (1) buildings, complete, knocked down, or in sections; (2) building sections and panels; (3) component parts, materials, and supplies for (1) and (2); and (4) parts, accessories, and equipment used in the installation of (1), (2), and (3), which, because of size or weight require the use of special equipment or special handling. From points in WI, to points in the U.S. (except AK and HI). Gateways eliminated: Brookfield, WI, a point in the Milwaukee, WI Commercial Zone. (5) *Such commodities* as are manufactured and distributed by manufacturers of (1) auto frames and auto frame parts; (2) railway car parts; (3) iron powder; (4) iron and steel articles; (5) water heaters and boilers; (6) garbage disposal; (7) livestock feeding equipment; (8) parts

and accessories for (1), (2), (3), (4), (5), (6), (7); and (9) equipment, materials, and supplies used in the manufacture and distribution of (1), (2), (3), (4), (5), (6), (7), and (8) which, because of size or weight require the use of special equipment or special handling, (except commodities in bulk). Between points in Niles, Maine, Leyden, Norwood Park, Proviso, Berwyn, Lyons, Stickney, Worth, Thornton, Bloom, Rich, New Lenox, Joliet, Lockport, Homer, Orland, Bremen, Palos, Lemont, DuPage, Lisle, Downers Grove, Milton, York, Addison, Bloomingdale, Schaumburg, Elk Grove, Palatine, Wheeling, Northfield, and New Trier Townships, IL, that part of Lake County, IN north of a line extending from the IL-IN State line east through Maynard and Hobart, IN, to the Lake-Porter County Line, inclusive of the points specified, Chicago, IL and points in WI, on the one hand, and, on the other, points in IL, WI, Lake and Porter Counties, IN and St. Louis, MO. (Hearing site: Milwaukee, WI.)

Note.—The purpose of this application is to eliminate the gateways as specified above, and is a directly related application to MC-F-13912F published in a previous section of this FR issue.

MC 144710 (Sub-1F), Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Rd., Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities which because of weight or size require the use of special equipment*, between Monroe, Ontario, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in CT, MA, NJ, and PA, and (2) *Household goods*, as defined by the Commission, between Monroe, Ontario, Wayne and Yates Counties, NY, on the one hand, and, on the other, points in CT, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI. Note: The purpose of this application is to eliminate the gateway of Rochester, NY. This is a matter directly related to a Section 5 finance proceeding in MC-F-13601, published in a previous section of this Federal Register issue. (Hearing site: Syracuse, NY.)

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property [49 CFR 1042.4(c)(11)].

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 1, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 59583 (Deviation No. 58), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662, filed March 9, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, GA over Interstate Hwy 85 to Charlotte, NC, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Atlanta, GA over U.S. Hwy 41 to junction GA Hwy 293, then over GA Hwy 293 to junction unnumbered hwy near Emerson, GA, then over unnumbered hwy via Cartersville, GA to Cass Station, GA, then over U.S. Hwy 411 to Rome, GA, then over U.S. Hwy 27 to Chattanooga, TN, (2) From Chattanooga, TN over U.S. Hwy 64 to Murphy, NC, then over U.S. Hwy 19 to Asheville, NC, and (3) From Asheville, NC over U.S. Hwy 74 to Kings Mountain, NC, then over U.S. Hwy 29 to Charlotte, NC, and return over the same routes.

MC 59680 (Deviation No. 102), STRICKLAND TRANSPORTATION CO., INC., 11353 Reed Hartman Hwy., Cincinnati, OH 45241, filed March 9, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, TX over U.S. Hwy 75 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to St. Louis, MO, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, TX over U.S. Hwy 67 to Greenville, TX, then over TX Hwy 24 to Paris, TX, then over U.S. Hwy 82 to Texarkana, TX, then over U.S. Hwy 67 to Little Rock, AR, then over U.S. Hwy 70 to Memphis, TN, then over U.S. Hwy 63 to Jonesboro, AR, then over AR Hwy 1 to Paragould, AR, then over AR Hwy 1W to junction

U.S. Hwy 62, then over U.S. Hwy 62 to Corning, AR, then over U.S. Hwy 67 to St. Louis, MO and return over the same route.

MC 69833 (Deviation 29), filed March 9, 1979. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad, Vice President-Regulation, Associated Truck Lines, Inc., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *General Commodities*, with usual exceptions, over a deviation route as follows: From junction U.S. Hwy 6 and unnumbered Hwy (formerly U.S. Hwy 27) at Waterloo, IN, via U.S. Hwy 6 to junction U.S. Hwy 6 and U.S. Hwy 24; then via U.S. Hwy 24 to Toledo, OH, and return over the same route for operating convenience only. Carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Hwy 6 and U.S. Hwy 27 at Waterloo, IN, via U.S. Hwy 27 to Fort Wayne, IN; then via U.S. Hwy 30 to junction U.S. Hwy 30S; then via U.S. Hwy 30S to Lima, OH; then via U.S. Hwy 25 to Toledo, OH, and return over the same route.

MC 69833 (Deviation 30), filed March 9, 1979. APPLICANT: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad, Vice President-Regulation, Associated Truck Lines, Inc., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *General Commodities*, with usual exceptions, over a deviation route as follows: From junction U.S. Hwy 30 and U.S. Hwy 24 at Fort Wayne, IN, then over U.S. Hwy 24 to junction U.S. Hwy 24 and U.S. Hwy 25 at Toledo, OH, and return over the same route for operating convenience only. Carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, IN; then via U.S. Hwy 30 to junction U.S. Hwy 30S; then via U.S. Hwy 30S to Lima, OH; then via U.S. Hwy 25 to Toledo, OH, and return over the same route.

MC 87909 (Deviation No. 2), KROBLIN TRANSPORTATION SYSTEMS, INC., P.O. Box 5000, Waterloo, IA 50704, filed March 9, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, NE over

Interstate Hwy 80 to Lincoln, NE and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Stromsburg, NE over U.S. Hwy 81 to junction NE Hwy 92, then over NE Hwy 92 Omaha, NE and (2) From Stromsburg, NE over U.S. Hwy 81 to junction NE Hwy 2, then over NE Hwy 2 to Lincoln, NE and return over the same routes.

Note.—This deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the authority expires, this deviation, if authorized, will likewise expire.

MC 112713 (Deviation No. 57), YELLOW FREIGHT SYSTEM INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, KS 66207, filed March 9, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, MO over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to Harrisonville, MO and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, MO over U.S. Hwy 66 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Harrisonville, MO and return over the same route.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 1, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 739) (Cancels Deviation No. 733), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed March 9, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of

passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction VA Hwy 69 and U.S. Hwy 52 over VA Hwy 69 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Charlotte, NC, with the following access routes: (a) From Hillsville, VA over U.S. Hwy 58 to junction Interstate Hwy 77, (b) From junction VA Hwy 775 and U.S. Hwy 52 near Fancy Gap, VA, over VA Hwy 775 to junction Interstate Hwy 77, and (c) From Mt. Airy, NC over NC Hwy 89 to junction Interstate Hwy 77 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction VA Hwy 69 and U.S. Hwy 52 over U.S. Hwy 52 via Hillsville, VA and Mt. Airy, NC to Winston-Salem, NC, then over U.S. Hwy 158 to Mocksville, NC, then over U.S. Hwy 64 to Statesville, NC, then over NC Hwy 115 via Shepherd, Mooresville, Davidson and Huntersville to junction U.S. Hwy 21, then over U.S. Hwy 21 to Charlotte, NC, and return over the same route.

MC 74761 (Deviation No. 13), TAMAMI TRAIL TOURS, INC., 200 Spring St., NW, Atlanta, GA 30303, filed March 9, 1979. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Atlanta, GA over Interstate Hwy 75 to Macon, GA and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers the same property over a pertinent service route as follows: From Atlanta, GA over combined U.S. Hwys 19 and 41 to junction U.S. Hwys 19 and 41, then over U.S. Hwy 19 to Thomaston, GA, then over GA Hwy 74 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Macon, GA and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR

1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Iowa Docket No. MV-A-79-7, filed February 20, 1979. Applicant: VAN WYK FREIGHT LINES, INC., 1018 Washington St., Grinnell, IA 50112. Representative: Russell H. Wilson, 3839 Merle Hay Rd., Suite 200, Des Moines, IA 50310. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities between the points presently authorized to be served and North English, Williamsburg, Millersburg and Guernsey, IA. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Transportation Regulation Board, Iowa Department of Transportation, 300 4th Street, Des Moines, IA 50319, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 29362 (Sub-5), filed March 19, 1979. Applicant: WESTERN MOTOR FREIGHT, INC., 1430 W. Sheridan, Oklahoma City, OK 73106. Representative: Barney W. Miller, 2600 City National Bank Tower, Oklahoma City, OK 73102. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Authority sought to operate intrastate as provided under 47 O.S. 166, and authority to operate interstate as provided under Sec. 206(a)(6), Part II of the Interstate Commerce Act, over the following routes: General commodities (except Classes A and B explosives, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment) (1) Between Oklahoma City, OK, and Carnegie, OK, serving the intermediate points of Hinton, Lookeba, Binger, Gracemont, Anadarko and Fort Cobb, and *passing through but not serving* Yukon and El Reno; From Oklahoma City West on Interstate Hwy 40 to its junction with U.S. Hwy 281, then south on U.S. Hwy 281 to its junction with OK Hwy 9, then west on OK Hwy 9 to Carnegie, and return over the same route; (2) Between Oklahoma City, OK, and Altus, OK, serving the

intermediate points of Manitou, Frederick and Tipton, and *passing through but not serving* Lawton, Indianola and Cache; From Oklahoma City, OK, southwest via the H.E. Bailey Turnpike to its junction with U.S. Hwy 62, then west on U.S. Hwy 62 to its junction with U.S. Hwy 183, then south on U.S. Hwy 183 to Frederick, OK, then west and north on OK Hwy 5 to Tipton, then west on OK Hwy 5 to its junction with U.S. Hwy. 283, then north on U.S. Hwy 382 to Altus, and return over the same route. NOTICE: Notice is given that application includes the request to utilize applicant's present authority and, if granted, the authority sought in this application, to provide service to, from and between all points under applicant's combined authorities. Proposed towns to be served: Route 1—Oklahoma City, Hinton, Lookeba, Binger, Gracemont, Anadarko, Fort Cobb, and Carnegie. Route 2—Frederick, Manitou, Tipton, and Altus. Location of proposed terminals: Frederick and Anadarko. Total mileage of routes: Route (1): 143 miles, Route (2): 145 miles. ALL TOWNS NOTED ARE TO BE SERVED DAILY, 5 DAYS EACH WEEK, MONDAY THROUGH FRIDAY. Intrastate, interstate and foreign commerce authority sought. Hearing: April 25, 1979, at 9:00 o'clock a.m., in the Oklahoma Corporation Commission's Referee's Court Room, Second Floor, Jim Thorpe Office Bldg., Oklahoma City, OK. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, OK 73105, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2990, filed March 15, 1979. Applicant: ELMER'S MOTOR EXPRESS, INC., P.O. Box 343, Utica, NY 13503. Representative: John L. Alfano, Esq., 550 Mamaroneck Ave., Harrison, NY 10528. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Over Regular routes: General commodities: Between the Cities of Syracuse and Utica (via NY Thruway) serving Utica for the purpose of joinder only with the irregular route authority also applied for. Over Irregular route: Between Utica, on the one hand, and, on the other, points in Essex, Franklin, Hamilton, Herkimer and Oneida Counties. NOTE: No duplicating authority sought. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, Time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of

Transportation, 1220 Washington Ave., State Campus Bldg., #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 6985 (Sub-3), filed March 14, 1979. Applicant: TENNESSEE MOTOR LINES, INC., 402 Maplewood Ave., Nashville, TN 37201. Representative: Edward C. Blank II, P.O. Box 1004, 805 S. Garden St., Columbia, TN 38401. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities except Class A & B explosives, household goods as defined by the Commission, and commodities in bulk and commodities requiring special handling or equipment, between Knoxville, TN, and Chattanooga, TN (limited to that portion of the commercial zone of Chattanooga, TN, located in Tennessee), from Knoxville via I-75 and U.S. Hwys 11 & 70 (St Rt. 2) to Chattanooga and return over the same routes, serving all points in Bradley, McMinn, and Monroe Counties, TN, as off-route points, said service in connection with all of carrier's existing authority as issued by the Tennessee Public Service Commission and registered with the Interstate Commerce Commission, and co-extensive authority in interstate and foreign commerce pursuant to the Interstate Commerce Act. Intrastate, interstate and foreign commerce authority sought Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Volume No. 14]
[FR Doc. 79-13498 Filed 5-1-79; 8:45 am]
BILLING CODE 7035-01-M

Administrative Staff; Office Relocation

Effective April 30, 1979, the administrative staff of the Interstate Commerce Commission's Office of Hearings will move its offices in Washington, D.C. from the ICC's headquarters building on Constitution Avenue to the 1900 L Street Office Building. This staff is responsible for the management and processing of all ICC cases assigned for public hearings.

The 1900 L Street office space has previously been occupied by the ICC's Rail Services Planning Office.

New telephone numbers for contacting the Hearings Office administrative staff, including Chief Judge Robert M. Glennon and Assistant Chief Judge James E. Hopkins, effective on April 30, will be:

Chief Judge Robert M. Glennon, (202) 254-6984.

Secretary, Alice T. Durham, 254-6984.
Asst. Chief Judge James E. Hopkins, 254-6983.
Secretary, Emily R. Sample, 254-6983.

In addition to Judges Glennon and Hopkins, and the administrative staff, the offices of 19 other ICC judges will be moved to the 1900 L Street location. The remaining staff of ICC judges, including Assistant Chief Judge William J. Bateman, will remain in the Commission's headquarters building on Constitution Avenue. Judge Bateman's telephone number there, 275-7502, remains unchanged.

A complete telephone directory of all ICC judges—those remaining at the headquarters building and those moving to L Street—is available from the ICC's Office of Communications and Consumer Affairs.

All correspondence specifically directed to Chief Judge Glennon or Assistant Chief Judge Hopkins, as well as copies of pleadings or other communications concerning the ICC's Office of Hearings, should be addressed as follows: Office of Hearings, ICC, 1900 L Street, N.W., Washington, D.C. 20036.

H. Gordon Homme, Jr.,
Secretary.
[FR Doc. 79-13664 Filed 5-1-79; 8:45 am]
BILLING CODE 7035-01-M

Assignment of Hearings

April 27, 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.

AB 7 (Sub-60), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, Abandonment near Iron Ridge and Fond du Lac in Dodge & Fond du Lac Counties, Wisconsin, now assigned for hearing on May 7, 1979, at Fond du Lac,

Wisconsin and will be held in County Court House, 190 South Main.
MC 120761 (Sub-43F), Newman Bros. Trucking Company, now assigned for hearing on May 14, 1979 at Houston, Texas and will be held in Room 5212, Federal Building, 515 Rush Avenue.
MC 124692 (Sub-224F), Sammons Trucking, now assigned for hearing on May 21, 1979, at Dallas, Texas and will be held in Room 5A15-17, New Federal Building.
MC 4405 (Sub-581F), Dealers Transit, Inc., now assigned for hearing on May 23, 1979 at Dallas, Texas and will be held in Room 5A15-17, New Federal Building.
MC 82841 (Sub-229F), Hunt Transportation, Inc., now assigned for hearing on May 23, 1979, at Dallas, Texas and will be held in Room 5A15-17, New Federal Building.
MC 106398 (Sub-856F), National Trailer Convoy, Inc., now assigned for hearing on May 25, 1979, at Dallas, Texas and will be held in Room 5A15-17, New Federal Building.
MC 23618 (Sub-42F), McAllister Trucking Company, now assigned for hearing on May 25, 1979, at Dallas, Texas and will be held in Room 5A15-17, Federal Building.
MC 109692 (Sub-72F), Grain Belt Transportation Company now assigned for hearing on May 23, 1979, at Dallas, Texas and will be held in Room 5A15-17, New Federal Building.

H.G. Homme, Jr.,
Secretary.

[Notice No. 81]
[FR Doc. 79-13666 Filed 5-1-79; 8:45 am]
BILLING CODE 7035-01-M

Fourth Section Application for Relief

This application for long-and-short-haul relief has been filed with the I.C.C. Protests are due at the I.C.C. on or before May 17, 1979.

FSA No. 43687, Southwestern Freight Bureau, Agent's No. B-808, rates on petroleum and petroleum products, in tank-carloads, from stations in Southwestern Territory, to stations in IRC and WTL Territories, effective May 18, 1979, in Supp. 20 to its Tariff SWFB 4682, ICC SWFB 4682. Grounds for relief—revision in minimum weights and rate structure.

By the Commission.

H. G. Homme, Jr.,
Secretary.
[FR Doc. 79-13665 Filed 5-1-79; 8:45 am]
BILLING CODE 7035-01-M

Fourth Section Application for Relief

This application for long-and-short-haul relief has been filed with the I.C.C. Protests are due at the I.C.C. on or before May 17, 1979.

FSA No. 43688, Southwestern Freight Bureau, Agent's No. B-809, rates on roofing and building materials, from Sherry, Ark., to stations in Southern

Territory, effective May 25, 1979, in Supp. 28 to its Tariff SWFB 4693, ICC SWFB 4693. Grounds for relief—market competition; modified short-line distance formula and grouping.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-13668 Filed 5-1-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Applications; Decision-Notice

Decided: April 18, 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 § 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

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.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect 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 transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's 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 transportation policy of 49 U.S.C. § 10101 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(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before June 1, 1979 (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

H. G. Homme, Jr.,

Secretary.

MC 35807 (Sub-93F), filed January 30, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, and securities*, (a) between New Orleans, LA, and points in LA, and (b) between Atlanta, GA, and points in GA, under continuing contract(s) with banks and banking institutions. (Hearing site: New Orleans, LA, or Atlanta, GA.)

MC 42146 (Sub-21F), filed January 29, 1979. Applicant: A. G. BOONE COMPANY, 1812 West Morehead Street, Charlotte, NC 28208. Representative: Floyd C. Hartsell (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 grocery and food business houses*, between points in Mecklenburg County, NC, and Washington County, TN, on the one hand, and, on the other, Brooklyn, NY, points in Baltimore County, MD, Blair County, PA, NC, SC, TN, and VA, under continuing contract(s) with Rainbo Baking Company of Charlotte, NC. (Hearing site: Charlotte, NC, or Atlanta, GA.)

MC 42487 (Sub-879F), filed July 26, 1978, previously noticed in the FR issue of December 21, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a Delaware Corporation, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives,

household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and automobiles), (1) between Billings, MT and junction U.S. Hwys 28 and 30, near Ogallala, NE: from Billings over Interstate Hwy 90 to junction U.S. Hwy 87 near Buffalo, WY, then over U.S. Hwy 87 to junction U.S. Hwy 26 near Casper, WY, then over U.S. Hwy 26 to junction U.S. Hwy 30 near Ogallala, (2) between junction Interstate Hwys 90 and 25 near Buffalo, WY, and junction Interstate Hwy 25 and U.S. Hwy 26 near Casper, WY, over Interstate Hwy 25, serving the termini for purpose of joinder only, (3) between Cheyenne, WY, and junction U.S. Hwys 26 and 30 near Ogallala, NE: from Cheyenne over Interstate Hwy 80 to junction U.S. Hwy 30 near Pine Bluffs, WY, then over U.S. Hwy 30 to junction U.S. Hwy 26, serving the intermediate point of junction Interstate Hwy 80 and U.S. Hwy 30 for the purpose of joinder only, (4) between junction U.S. Hwys 26 and 30 near Ogallala, NE, and Des Moines, IA: from junction U.S. Hwys 26 and 30 over U.S. Hwy 30 to junction NE Hwy 25 near Sutherland, NE, then over NE Hwy 25 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 235, then over Interstate Hwy 235 to Des Moines, serving the junctions of NE Hwy 25 and Interstate Hwy 80 and Interstate Hwys 80 and 680, west of Omaha, NE, and Interstate Hwys 680 and 80, northeast of Omaha, NE, as intermediate points for the purpose of joinder only, (5) between Pine Bluffs, WY and junction Interstate Hwy 80 and U.S. Hwy 30 over Interstate Hwy 80, and (6) between junction Interstate Hwys 80 and 680, west of Omaha, NE and Interstate Hwys 680 and 80, northeast of Omaha, NE, over Interstate Hwy 680, serving the termini for the purpose of joinder only. In (1) through (4) above, return over the same routes. In (1) through (6) above serving no intermediate points (except as noted above), and serving the junction of U.S. Hwys 26 and 30 for purposes of joinder only, as alternate routes for operating convenience only. (Hearing site: Washington, DC, or Chicago, IL.)

Note.—This republication is to include part (3) of the territorial description and in (1)–(4) return over the same route.

MC 43487 (Sub-898F), filed January 29, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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), serving the facilities of Honda of America Manufacturing, Inc., near Marysville, OH, as an off-route point in connections with carriers presently authorized regular-route operations. (Hearing site: Columbus, OH.)

MC 42487 (Sub-901F), filed January 29, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, 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), serving the facilities of Gerber Industries, Inc., at St. Peters, MO as an off-route point in connection with carrier's presently authorized regular-route operations. (Hearing site: St. Louis, MO.)

MC 55896 (Sub-110F), filed January 26, 1979. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: John C. Scherbarth, 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 *iron and steel articles*, between Cincinnati, OH, and Muncie, IN, restricted to the transportation of traffic having prior or subsequent movement by water. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 USC § 11343(a) [formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Detroit, MI, or Cincinnati, OH.)

MC 59317 (Sub-13F), filed January 11, 1979. Applicant: BISOM TRUCK LINE, INC., 725 First Street North, Newton, IA 50208. 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 *chipboard*, from Menasha, WI, to Newton, IA. (Hearing site: Des Moines, IA, or Omaha NE.)

MC 63417 (Sub-189F), filed January 29, 1979. 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 (1) *glass bulbs, glass rods, glass tubing, glassware, metal racks, cullet, electric lamps, batteries, battery chargers, lighting fixtures, holiday decorations, packaging materials, steel nestainers, lamp ballast wire, metals, displays, paints, lamp bases, compressed gases in cylinders, electric cord sets, and lamp outfits*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between Winchester, VA, St. Louis, MO, and points in OH, on the one hand, and, on the other, points in AL, CT, DE, GA, KY, MA, MD, MS, NC, NJ, NY, OH, PA, RI, SC, TN, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of the General Electric Company. (Hearing site: Cleveland, OH, or Roanoke, VA.)

MC 63417 (Sub-190F), filed January 31, 1979. 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 (1) *tile, tile facing and flooring, and china bathroom fixtures*, and (2) *materials and supplies* used in the installation and maintenance of the commodities named in (1) above, from Fayette, AL, to points in FL, GA, IL, IN, KY, MD, NC, OH, PA, SC, TN, VA, WV, and DC. (Hearing site: Roanoke, VA, or Philadelphia, PA.)

No. MC 77016 (Sub-19F), filed January 16, 1979. Applicant: BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, OH 45203. Representative: George M. Catlett, Suite 708 McClure Building, Frankfort, KY 40601. 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 Madison, IN, and Vevay, IN, over IN Hwy 56 serving all intermediate points; (2) between St. Louis, MO, and Red Bud, IL: from St. Louis, over Interstate Hwy 7 to junction IL Hwy 3, then over IL Hwy 3 to Red Bud, and return over the same route, serving all

intermediate points; (3) between St. Louis, MO, and Antonia, MO, from St. Louis over Interstate Hwy 55 to junction State Hwy M, then over State Hwy M to Antonia, and return over the same route, serving all intermediate points; (4) between Louisville, KY, and Cincinnati, OH, over Interstate Hwy 71, serving no intermediate points, but serving the junction of Interstate Hwy 71 and KY Hwy 227 for the purpose of joinder only; and (5) between the junction of Interstate Hwy 71 and KY Hwy 227 and Madison, IN: from the junction of Interstate Hwy 71 and KY Hwy 227 over KY Hwy 227 to junction U.S. Hwy 42, then over U.S. Hwy 42 to junction KY Hwy 36, then over KY Hwy 36 to junction U.S. Hwy 421, then over U.S. Hwy 421 to Madison, and return over the same route, serving all intermediate points. RESTRICTION: Service at Louisville, KY, and points within its commercial zone located wholly in KY is restricted against the handling of traffic originating at, destined to, or interchanged at Maysville, KY, and points within its commercial zone located wholly in KY. (Hearing sites: St. Louis, MO, Cincinnati, OH, and Louisville, KY, each for one week.)

MC 78687 (Sub-58F), filed January 30, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry animal and poultry feed, and dry animal and poultry feed ingredients*, (1) between points in CT, DE, ME, MD, NH, NJ, NY, OH, PA, MA, RI, VT, VA, and WV, and (2) between points in Seneca and Wyoming Counties, NY, on the one hand, and, on the other, points in IL and IN. (Hearing site: New York, N.Y.)

MC 93186 (Sub-6F), filed January 29, 1979. Applicant: EUDELL WATTS, III d.b.a. WATTS TRANSFER COMPANY, 825 First Avenue, Rock Island, IL 61201. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. 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 IL, IN, MI, MO, OH, and WI. (Hearing site: Chicago, IL.)

MC 93236 (Sub-1F), filed January 30, 1979. Applicant: BONDY CARTAGE

LIMITED, P.O. Box 429, Windsor, Ontario, Canada N9A6L7.

Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *automobiles, trucks, and motor vehicle parts*, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, between points in OH and MI, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at Detroit, MI. (Hearing site: Columbus, OH.)

MC 102616 (Sub-973F), filed January 26, 1979. Applicant: COASTAL TANK LINES, INC., 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 *liquid chemicals*, in bulk, in tank vehicles, from Marquette, MI, to points in WI and MN. (Hearing site: Washington, DC, or Chicago, IL.)

MC 106037 (Sub-6F), filed January 28, 1979. Applicant: ROADWAY TRANSPORT LIMITED, 25 Belfield Road, Rexdale, Ontario, Canada M9W 1E8. Representative: Robert G. Gawley, P.O. Box 184, Buffalo, NY 14221. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *automobiles, trucks, and buses*, and (2) *parts and accessories* for the commodities named in (1) above, moving in mixed loads with the commodities named in (1) above, in initial and secondary movements, in driveaway and truckaway service, (a) between points in Washtenaw County, MI, and the ports of entry on the international boundary line between the United States and Canada at points in MI, and (b) between Detroit and Port Huron, MI, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada in MI. CONDITION: The person or persons who appear to be engaged in common control must either file an application under 49 USC § 11343(a) [formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Buffalo, NY, or Detroit, MI.)

MC 107107 (Sub-473F), filed January 26, 1979. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, FL 33054.

Representative: Ford W. Sewell (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 food business houses* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between the facilities of Kraft, Inc., located in Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties GA, on the one hand, and, on the other, points in AL, KY, LA, MS, NC, SC, TN, VA, and WV, restricted to the transportation of traffic originating at or destined to the above named points. (Hearing site: Atlanta, GA.)

MC 107496 (Sub-1183F), filed January 30, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *ground slag*, in bulk, from Gary, IN, to points in IA. (Hearing site: Des Moines, IA or Chicago, IL.)

MC 111427 (Sub-8F), filed January 30, 1979. Applicant: ROBERT CURTIS, d.b.a. BOB CURTIS TRUCKING, INC., P.O. Box 606, Winner, SD 57580. Representative: Don A. Bierle, P.O. Box 38, 322 Walnut Street, Yankton, SD 57078. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, from St. Paul, MN, to Tripp, Gregory, Charles Mix, Yankton, Brule, Davison, Lyman, Hutchinson, Turner, Hanson, McCook, Bon Homme, Sanborn, and Jerauld Counties, SD. (Hearing site: Winner or Yankton, SD.)

MC 113646 (Sub-16F), filed January 24, 1979. Applicant: JEFFERSON TRUCKING COMPANY, a corporation, P.O. Box 17, National City, MI 48748. 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 (1) *building materials, gypsum and gypsum products*, and (2) *materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between Wilmington, NC, on the one hand, and, on the other, points in AL, GA, and SC, under continuing contract(s) with Gold Bond Building Products Division National Gypsum Company of Charlotte, NC. (Hearing site: Charlotte, NC.)

MC 115826 (Sub-377F), filed January 29, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, 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 *such commodities* as are dealt in or used by grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Los Angeles, CA to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Denver, CO.)

MC 118457 (Sub-23F), filed January 19, 1979. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher Street, West Allis, WI 53227. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Meats, meat products, meat byproducts, 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 commodities in bulk, (and those destined in (1) above), in vehicles equipped with mechanical refrigeration. From points in WI, to points in IL, IN, KY, the Lower Peninsula of MI, MO, and OH; restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI or Chicago, IL.)

Note.—Applicant holds authority under Subs-3, 8, 9, 11, 13, and 16 which duplicates in part that sought in this application. Applicant states that the purpose of this application is to substitute single-line service for existing joint-line service, and to add destination States which it can now serve only under certain Subs..

MC 118457 (Sub-24F), filed January 29, 1979. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher Street, West Allis, WI 53227. Representative: Jack Meyer, 1330 Marine Plaza, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Pet Incorporated, Frozen Foods Division, at (a) Benton Harbor, MI, (b) Frankfort, MI, and (c) Hart, MI, to Louisville, KY, and points in IL, IN,

and WI. (Hearing site: Milwaukee, WI, or St. Louis, MO.)

MC 119777 (Sub-355F), filed January 11, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *heat exchangers* or equalizers for air, gas or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* used in the installation and manufacture of commodities named in (1) and (2) above, from points in Montgomery County, TN, to points in the United States (except AK and HI). (Hearing site: Nashville, TN or Louisville, KY.)

Note.—Dual operations may be involved.

MC 123407 (Sub-522F), filed January 29, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 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 *construction materials, and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation at or near (1) Lockland, OH and (2) Camden and Texarkana, AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Chicago, IL.)

MC 123407 (Sub-523F), filed January 29, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 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 *roofing granules*, in bags, from Kremlin, WI, to South Bend, IN. (Hearing site: Washington, DC.)

MC 123407 (Sub-533F), filed January 31, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 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 (1) *batteries*, and (2) *fiberglass and*

cellulose products, from San Antonio, TX, to points in the United States (except AK and HI), and (3) materials and supplies used in the manufacture of the commodities named in (2) above, in the reverse direction. (Hearing site: San Antonio or Houston, TX.)

MC 123407 (Sub-534F), filed January 31, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 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 *aluminum and aluminum products*, between the facilities of U.S. Reduction Co., at or near (a) East Chicago, Gary, and Hammond, IN, (b) Aurora, Alton, and Madison, IL, (c) Toledo, OH, (d) Fontana, CA, (e) Russellville, Anniston, and Sheffield, AL, and (f) Marietta, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125996 (Sub-71F), filed January 29, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. 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), (1) from the facilities of John Morrell & Co., at (a) Sioux Falls, SD, (b) Estherville, and Sioux City, IA, and (c) Worthington, MN, to points in CA, and (2) from the facilities of Sioux-Pefm Packing Co., Inc., at (a) Omaha, NE, and (b) Sioux Center, and Sioux City, IA, to points in AZ, CA, ID, NV, OR, UT, and WA, restricted in (1) and (2) above to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL, or Salt Lake City, UT.)

MC 125996 (Sub-92F), filed January 29, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, SALT LAKE CITY, UT 84125. Representative: Mac R. Reber (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *frozen potato products*, from Nampa, ID, Hermiston, OR and Connell and Moses

Lake, WA, to Mason City, IA. (Hearing sites: Des Moines, IA or Chicago, IL.)

Note.—Dual operations may be involved.

MC 127306 (Sub-9F), filed January 30, 1979. Applicant: M.W. MC CURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. 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 *chemicals, cleaning compounds, petroleum and petroleum products*, in containers, from the facilities of Witco Chemical Corp. at Houston, TX to points in AZ, CA, CO, ID, NV, NM, OR, UT and WA. (Hearing sites: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 127756 (Sub-1F), filed October 26, 1978. Applicant: SERVICE TRANSPORT LINES, INC., 618 Galveston Street, P.O. Box 1232, West Sacramento, CA 95691. Representative: Donald H. Chase (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, automobiles, trucks, and buses), over I. Regular routes (a) Between the San Francisco Bay Area (*the San Francisco Bay area* includes all points in the cities of San Francisco, San Jose, and Richmond, and the unincorporated community of San Pablo, and those points within a boundary beginning at the San Francisco-San Mateo County boundary 1 mile west of U.S. Hwy 101, then south along a line 1 mile west of and parallel to U.S. Highway 101 to the railroad right-of-way of the Southern Pacific Company at Arastradero Road, then southeast along the said right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente, then easterly along Pollard Road to West Parr Avenue, then easterly along West Parr Avenue to Capri Drive, then south along Capri Drive to East Parr Avenue, then easterly along East Parr Avenue to the Southern Pacific Company railroad right-of-way, then south along said right-of-way to the Campbell-Los Gatos city limits, then east to the San Jose-Los Gatos Road, then northeast along San Jose-Los Gatos Road to Foxworthy Avenue, then east along Foxworthy Avenue to Almaden Road, then south along Almaden Road to Hillsdale

Avenue, then east along Hillsdale Avenue to U.S. Hwy 101, then northwest along U.S. Hwy 101 to Tully Road, then northeast along Tully Road to White road, then northwest along White Road to McKee Road, then southwest along McKee Road to Capitol Avenue, then northwest on Capitol Avenue to CA Hwy 17 (Oakland Road), then north on CA Hwy 17 to Warm Springs, then north along unnumbered highway via Mission San Jose and Niles to Hayward, then north along Foothill Boulevard to Seminary Avenue, then east along Seminary Avenue to Mountain Boulevard, then north on Mountain Boulevard and Moraga Avenue to Estates Drive, then west on Estates Drive, Harbord Drive and Broadway Terrace to College Avenue, then north on College Avenue to the University of California Campus in Berkeley, serving all points in Berkeley on the said campus, then from the campus north on Euclid Avenue to Marin Avenue, then west on Marin Avenue to Arlington Avenue, then north on Arlington Avenue to U.S. Hwy 40 (San Pablo Avenue); then north along U.S. Hwy 40 to the Richmond city limits; and from the Richmond city limits over Garrard Boulevard to Point Richmond, then southwest across San Francisco Bay to the nearest part of San Francisco, then west and south around the city and county of San Francisco to the point of beginning), and Sacramento, Stockton, Manteca, and Modesto, CA, serving all intermediate points and off-route points within 15 miles of the specified highways, restricted against service at the plants and facilities of Pacific Clay Products, (b) between Richmond, CA, and Sacramento, CA, over U.S. Hwy 40, (c) between Hayward, CA, to Sacramento, CA; from Hayward over U.S. Hwy 50 to Stockton, CA, then over U.S. Hwys 50 and 99 to Sacramento, and return over the same route, (d) between Stockton, CA, to Modesto, CA, over U.S. Hwy 99 serving the intermediate point of Manteca, CA, and (e) between Manteca, CA, and junction CA Hwy 120 and U.S. Hwy 50, over U.S. Hwy 120; II. Irregular routes (a) between points in the San Francisco Bay area as described in (1)(a) above, (b) between points within 15 miles of Sacramento, including Sacramento, and (c) between points within 15 miles of Modesto, including Modesto, restricted against the transportation of traffic of clay pipe, clay pipe fittings, brick and flue lining, sacked fire clay, concrete utility vaults, and burial vaults. (Hearing site: Sacramento or San Francisco, CA.)

Note.—The purpose of this application is to remove the restriction except commodities requiring mechanical refrigeration or temperature control from applicants certificate of public convenience and necessity issued in MC-127756.

MC 128007 (Sub-133F), filed January 22, 1979. Applicant: HOFER, INC., 20th and Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bentonite clay and lignite coal*, from points in Phillips County, MT and Big Horn and Crook Counties, WY, to points in AR, CO, IL, IN, LA, KS, IA, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY, and (2) *lignite coal*, from points in Bowman County, ND, to points in LA, NM, OK, and TX, restricted to the transportation of traffic originating at the facilities of American Colloid Company. (Hearing: Chicago, IL; Kansas City, MO.)

MC 128436 (Sub-2F), filed January 25, 1979. Applicant: THOMAS L. QUINN, P.O. Box 244, Brockway, PA 15824. Representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, from points in Jefferson and Elk Counties, PA, to those points in NY on and west of Interstate Hwy 81, under continuing contract(s) with the P and N Coal Company of Punxsutawney, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 129326 (Sub-31F), filed January 29, 1979. Applicant: CHEMICAL TANK LINES, INC., Highway 60 West, P.O. Box 432, Mulberry, FL 33860. Representative: Mark D. Russell, Suite 406-9, Walker Bldg., 734 15th Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dry urea*, in bulk, in tank vehicles, from Savannah, GA, to Auburndale, FL, and (2) *liquid resin*, in bulk, from the facilities of USS Chemicals, at or near Bartow, FL, to points in AL, AR, GA, LA, NC, SC, TN, and TX. (Hearing site: Tampa, FL, or Washington, DC.)

MC 129537 (Sub-33F), filed January 30, 1979. Applicant: REEVES TRANSPORTATION CO., a corporation, Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting (1) *floor covering and carpet padding*, and (2) *materials, equipment, and supplies* used in the installation and manufacture of the commodities named in (1) above, between points in Floyd, Bartow, Chattooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa, and Troup Counties, GA, on the one hand, and, on the other, points in AL. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 134477 (Sub-318F), filed January 29, 1979. 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 *malt beverages*, in containers from Trenton, NJ, to St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-319F), filed January 30, 1979. 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 *cleaning and washing compounds, buffing and polishing compounds, textile softener, lubricants, hypochlorite solution, deodorants, disinfectants, and paint*, (except commodities in bulk), from the facilities of Economics Laboratory, Inc., at or near Avenel, NJ, to points in IL, IN, MI, OH, and PA. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-152F), filed January 29, 1979. Applicant: J. B. HUNT TRANSPORT, INC., 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) *Containers and container closures*, from Springdale, AR, to points in TX; (2) *Materials equipment and supplies* used in the manufacture and distribution of containers and container closures, from Cincinnati, OH, to Springdale, AR. (Hearing site: Cincinnati, OH.)

MC 135797 (Sub-175F), filed January 26, 1979. Applicant: J. B. HUNT TRANSPORT, INC., 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) *such commodities* as are

dealt in or used by grocery and food business houses, (except commodities in bulk), between the facilities of Ralston Purina Company at points in the United States (except AK and HI), on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: St. Louis, MO.)

MC 136077 (Sub-12F), filed January 29, 1979. Applicant: REBER CORPORATION, 2216 Old Arch Road, Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Building, 100 South Broad Street, Philadelphia, PA 19110. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime*, from the facilities of G. & W. H. Carson, Inc., at Plymouth Meeting, Montgomery County, PA, to points in GA. (Hearing site: Philadelphia, PA.)

MC 138076 (Sub-12F), filed January 26, 1979. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salvage electrical substations, salvage distribution transformers, and salvage electrical wire*, from points in AZ, AR, CO, IL, IN, IA, LA, MN, MO, NE, NM, ND, OK, SD, TX, and WY, to points in Dickinson and Saline Counties, KS, and (2) *reconditioned electrical substations, reconditioned distribution transformers and electrical wire*, in the reverse direction. (Hearing site: Kansas City, MO.)

MC 138256 (Sub-16F), filed January 31, 1979. Applicant: INTERIOR TRANSPORT, INC., N. 2128 Waterworks, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg, Seattle, WA 98101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tubular steel boat trailer manufacturing materials*, from Seattle, WA, and Chicago, IL, to the facilities of E-Z Loader in Spokane, WA, and (2) *parts and accessories for boat trailers*, from the facilities of E-Z Loader in Spokane, WA, to the facilities of E-Z Loader in OH, all of the operations in (1) and (2) above to be performed under continuing contract(s) with E-Z Loader Trailer Co., Inc., of Spokane, WA. (Hearing sites: Seattle, or Spokane, WA.)

Note.—Dual operations may be involved.

MC 138627 (Sub-57F), filed January 30, 1979. Applicant: SMITHWAY MOTOR

XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Peoria, IL, to points in AR, IA, KS, MN, MO, NE, ND, OK, SD, and WI. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 139457 (Sub-14F), filed January 20, 1979. Applicant: G. L. SKIDMORE d.b.a. JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned and preserved foodstuffs*, and (2) *canned and packaged animal food*, from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to points in AR, under continuing contract(s) with Campbell Soup (Texas) Inc., of Paris, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 142167 (Sub-4F), filed January 17, 1979. Applicant: MICHAELSEN TRUCK LINE, INC., 1619 South Garfield, Mason City, IA 50401. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Bldg., Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *soybean meal* (except liquid in bulk or in tank vehicles), from the facilities of Farmers Grain Dealers Association of Iowa at or near Mason City, IA, to points in Clark, Marathon, Wood, Portage, Waupaca, Outagamie, Brown, Oconto, Kewaunee, Manitowoc, Calumet, Winnebago, Green Lake, Fond Du Lac, Sheboygan, Dodge, Jefferson, and Walworth Counties, WI, under continuing contract(s) with Farmers Grain Dealers Association of Iowa, of Mason City, IA, (2) *meat scraps* (except liquid commodities in bulk or in tank vehicles), from Dakota City, NE Milwaukee, and New London, WI, and Austin and Minneapolis, MN, to the facilities of Mason City By-Products at or near Mason City, IA, continuing contract(s) with Mason City By-Products of Mason City, IA. (Hearing site: Des Moines, IA or Minneapolis-St. Paul, MN.)

MC 142447 (Sub-9F), filed January 29, 1979. Applicant: LOUISIANA-PACIFIC TRUCKING CO., a corporation, P.O. Drawer AB, New Waverly, TX 77358. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA. To operate as a *contract*

carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sawdust and shavings*, from the facilities of the Louisiana-Pacific Corporation at or near Carthage, TX, to the facilities of Olinkraft, Inc.

Particleboard Plant at or near Lillie, LA, under continuing contract(s) with the Louisiana-Pacific Corporation of Portland, OR. (Hearing site: Houston, TX.)

MC 143267 (Sub-50F), filed January 29, 1979. Applicant: CARLTON ENTERPRISE, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street NW., Washington, D.C. 20005. To operate as a *common carrier*, by motor vehicle, in interstate for foreign commerce, over irregular routes, transporting *plastic pipe and plastic pipe fittings*, from the facilities of Kyova Corporation, at or near Bethel, CT, and Urbana, OH, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Cleveland, OH, or Washington, D.C.)

MC 143436 (Sub-28F), filed January 30, 1979. 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, department stores and drug stores, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Boyle-Midway at or near Chicago, IL, to points in IN, KY and OH, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing sites: Indianapolis, IN or Chicago, IL.)

MC 144117 (Sub-27F), filed January 29, 1979. Applicant: T. L. C. LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. 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 Wilson Foods Corporation at (a) Cedar Rapids, IA, (b) Des Moines, IA,

(c) Monmouth, IL, and (d) Peoria, IL, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 144117 (Sub-28F), filed January 29, 1979. Applicant: T. L. C. LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese, cheese products, and synthetic cheese products*, (except commodities in bulk), from the facilities of Fisher Cheese Company, at or near Wapakoneta, OH, to points in AZ, AR, CA, CO, KS, LA, MO, NV, NM, OK, TX, and UT. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 144407 (Sub-5F), filed January 19, 1979. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, NJ 07444. 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 (1) *household appliances*, and (2) *materials, equipment, and supplies* used in the manufacture or sale of the above named commodities (except in bulk), between the facilities of the Edison Products Co., Division of White-Westinghouse Corporation, at or near Edison, NJ, on the one hand, and, on the other, points in IL, IN and OH, restricted to the transportation of traffic originating at and destined to the above named points. (Hearing site: New York, NY or Washington, DC.)

MC 144626 (Sub-2F), filed January 24, 1979. Applicant: TRANS NATIONAL EXPRESS, INC., 520 Otter Hole Road, West Milford, NJ 07480. 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 (1) *sprinklers and sprinkling systems*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities named in (1) above, (except commodities in bulk), between the facilities of Melnor Industries at or near Moonachie, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 144827 (Sub-18F), filed January 29, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview Street,

Memphis, TN 38118. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *air conditioning units and heating units*, (except commodities which because of size or weight require the use of special equipment), from points in Davidson County, TN, to points in AL, AR, CT, IL, IN, LA, MI, MS, NJ, NY, OH, OK, PA, and TX. (Hearing site: Nashville, TN.)

MC 145406 (Sub-13F), filed January 28, 1979. Applicant: MIDWEST EXPRESS, INC., 380 E. Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. 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 Packerland Packing Co., Inc., at or near Green Bay, Eau Claire, and Chippewa Falls, WI, to points in CA. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145406 (Sub-14F), filed January 28, 1979. Applicant: MIDWEST EXPRESS, INC., 380 E. Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *natural cheese, cheese products, and cheese packaging materials*, (1) from the facilities of Mountain Farms, Inc., at Hyde Park, UT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, and WA, and (2) from points in IA, MN, and WI, to the facilities of Mountain Farms, Inc., at Hyde Park, UT. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145586 (Sub-1F), filed January 29, 1979. Applicant: DONALD M. MAULDING & DICK M. MAULDING, d.b.a. MAULDING BROS. TRUCKING, 204 Cincinnati, Box 181, Greenup, IL 62828. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *concretes slats*, from Casey and Roanoke, IL, to points in IN, IA, KY, MO, OH, TN, and WI, under continuing contract(s) with Brim Slats, Inc., of Casey, IL. (Hearing site: St. Louis, MO.)

MC 145797 (Sub-4F), filed January 30, 1979. Applicant: NANCY TRANSPORTATIONS, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: Herbert Alan Dubin, 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 *foodstuffs*, (1) from the facilities of Sunmark, Inc., at or near Itasca, IL, to the facilities of Sunmark, Inc., at or near St. Louis, MO, and (2) from the facilities of Sunmark, Inc., and Raskas Dairy, Inc., at or near St. Louis, MO, to points in CT, MA, NJ, NY, NC, PA, and SC. (Hearing site: St. Louis, MO; or Washington, D.C.)

MC 145837 (Sub-1F), filed January 26, 1979. Applicant: WIRT TRANSPORT CO., a corporation, 400 Martin Street, Bay City, MI 48706. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed ingredients and sunflower seeds*, in dump vehicles, from points, in MI, to the facilities of the Overseas Blending and Transfer Company, at Essexville, MI, under continuing contract(s) with I. S. Joseph Company, of Minneapolis, MN. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 145917 (Sub-1F), filed January 30, 1979. Applicant: CHARLES J. STALLMAN, d.b.a. STALLMAN TRUCKING, 4457 West Montana, Chicago, IL 60639. Representative: Robert J. Gill, 29 South La Salle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap paper*, between the facilities of Ajax Recycling, Inc., at or near Chicago, IL, on the one hand, and, on the other, points in WI and IN, under continuing contract(s) with Ajax Recycling, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

[Permanent Authority Decisions Volume No. 38]

[FR Doc. 79-13680 Filed 5-1-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Applications; Decision-Notice

Decided: April 17, 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.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

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.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect 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 transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's 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 transportation policy of 49 U.S.C. § 10101 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(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before June 1, 1979 (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 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,
Secretary.

MC 2754 (Sub-31F), filed January 24, 1979. Applicant: NEUENDORF TRANSPORTATION CO., a corporation,

121 S. Stoughton Rd., P.O. Box 588, Madison, WI 54701. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. 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), between Chicago, IL and Milwaukee, WI, over Interstate Hwy 94, as an alternate route for operating convenience only, serving no intermediate points. (Hearing site: Chicago, IL, or Madison, WI.)

MC 95304 (Sub-29F), filed January 24, 1979. Applicant: NORTHERN NECK TRANSFER, INC., P.O. Box 168, King George, VA 22485. Representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. 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 Jones & Laughlin Steel Corporation, at Pittsburgh and Aliquippa, PA, to points in VA. (Hearing site: Washington, DC.)

MC 105984 (Sub-22F), filed November 20, 1978, previously noticed in the FR of March 22, 1979. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, a corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Ft. Worth, TX 76116. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and materials, equipment, and supplies* used in the manufacture and installation of plastic articles (except commodities in bulk, in tank vehicles), between the facilities of Robintech Incorporated, at or near Wichita Falls, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas or Ft. Worth, TX.)

Note.—This republication states the correct sub-number.

MC 106074 (Sub-83F), filed January 22, 1979. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, NC 28043. Representative: William E. Collier, 447 Calumet Place, San Antonio, TX 78209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, (except in bulk), in vehicles equipped with mechanical refrigeration, from points in CA, to points in AL, CT, FL, GA, IL, IN, IA, MI, MN, MO, NJ, NY, NC, OH, PA,

SC, TN, TX, VA, WI, and D.C. (Hearing site: Dallas, TX, or Washington, D.C.)

Note.—Dual operations may be involved.

MC 106644 (Sub-273F), filed January 23, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum and aluminum products*, and (2) *materials, equipment and supplies* used in the manufacture of aluminum and aluminum products (except commodities in bulk, in tank vehicles), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Columbia, SC, or Washington, D.C.)

MC 106674 (Sub-360F), filed January 25, 1979. 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 *iron and steel articles*, from the facilities of Jones and Laughlin Steel Corporation, at Aliquippa, and Pittsburgh, PA, to points in VA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109154 (Sub-16F), filed January 29, 1979. Applicant: BAYLOR TRUCKING, INC., Rural Route 1, Milan, IN 47031. Representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter, paper, and paper products*, and (2) *materials and supplies* used in the printing business, between Detroit, MI, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, NJ, NY, OH, PA, VT, VA, and DC. (Hearing site: Columbus, OH, or Indianapolis, IN.)

MC 112184 (Sub-65F), filed November 28, 1978. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Rd., Newbury, OH 44065. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemical products, petroleum products, oil additives, and gasoline additives*, in bulk, in tank vehicles, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, in bulk, in tank vehicles, between points in

the United States (except AK and HI), under continuing contract(s) with The Lubrizol Corporation, of Wickliffe, OH. (Hearing site: Columbus, OH.) Condition.—Issuance of this permit is subject to prior or coincidental cancellation, at applicant's written request, of MC-112184 Sub 19 and MC-112184 Sub 51.

Note.—Dual operations may be involved.

MC 112304 (Sub-170F), filed January 29, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: Fred Schmits (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *zinc alloy ingots and aluminum ingots*, between the facilities of (a) Aluminum Smelting and Refining Co., Inc., and (b) Certified Alloys Co., at Maple Heights, OH, on the one hand, and, on the other, 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 manufacturing and processing of the commodities named in (1) above, (except commodities in bulk), from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities named in (1) above. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 113855 (Sub-462F), filed January 12, 1979, previously noticed in the Federal Register of February 23, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 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 (1) *water treating equipment, pollution control equipment, metal fabrications, and machinery*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, between the facilities of Belco Pollution Control Corp., in Fairfield, NJ, on the one hand, and on the other, points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.)

Note.—This republication correctly states the location of the facilities.

MC 113974 (Sub-57F), filed January 25, 1978. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Ave., Dravosburgh, PA 15034. Representative: James D. Porterfield (same 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 installation of building materials (except commodities in bulk), from the facilities of Bird & Son, Inc., at Chicago, IL, to points in AR, KS, KY, IN, IA, MI, MN, MO, NE, ND, OH, OK, SD, TN, and WI. (Hearing site: Washington, DC.)

MC 114194 (Sub-209F), filed January 18, 1979. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. To operate as a *common 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. (Hearing site: St. Louis, MO, or Columbus, OH.)

MC 114194 (Sub-210F), filed January 26, 1979. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid feed*, in bulk, from Olin, IA, to points in IL, MN, MO, and WI. (Hearing site: St. Louis, MO.)

MC 114284 (Sub-79F), filed November 8, 1978. Previously noticed in the Federal Register issue of February 23, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 South Portland, P.O. Box 82307, Oklahoma City, OK 73108. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. 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 Section 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 AZ, AR, CA, IL, IA, MO, NE, NM, NV, OK, TX, and SD, restricted to the transportation of traffic originating at the named origin. (Hearing site: Wichita, KS.)

Note.—This republication states the correct origin.

MC 115654 (Sub-125F), filed January 22, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry Seaton, 929 Pennsylvania Building, 425 Thirteenth St. NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Mumford Refrigerated Warehouse, at or near Atlanta, GA, to points in AL, AR, KY, LA, MS, and TN. (Hearing Site: Nashville, TN, or Atlanta, GA.)

MC 115654 (Sub-126F), filed January 23, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. 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 grocery business houses, and (2) *packinghouse products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN, to points in AL, AR, GA, IL, KY, LA, MS, MO, OH, TN, and those in MI on and south of U.S. Hwy 10. (Hearing site: Nashville, TN, or Indianapolis, IN.)

MC 116254 (Sub-250F), filed January 17, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petrochemicals and naphtha distillates*, in bulk, in tank vehicles, from the facilities of Union Oil Company of California Refinery, at Nederland, TX, to points in AL, AR, FL, GA, LA, MS, and TN. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 117644 (Sub-50F), filed January 23, 1979. Applicant: D & T TRUCKING COMPANY, INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. 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, (except hides and commodities in bulk), from the facilities of Armour & Co., at or near Huron, SD, to points in AL, GA, FL, NC, SC, TN, MS, LA, and KY, under continuing contract(s) with Armour Fresh Meat Company, of Phoenix, AZ. (Hearing site: Minneapolis, MN, or Phoenix, AZ.)

MC 119654 (Sub-64F), filed January 24, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th St., Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. 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 or used by manufacturers of paper and paper products (except commodities in bulk), and (2) *waste paper*, between points in IL, IN, KY, MI, MO, OH, WI, and those in PA on and west of a line beginning at the NY-PA State line and extending along U.S. Hwy 219 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the PA-WV State line, restricted in (1) above to the transportation of traffic originating at or destined to the facilities of Alton Box Board Company. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119654 (Sub-65F), filed January 24, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th St., Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers*, and (2) *accessories* for glass containers, in mixed loads with glass containers, from the facilities of Thatcher Glass Manufacturing Co., a Division of Dart Industries, at Lawrenceburg, IN, to points in IL, MI, MO, and WI, restricted to the transportation of traffic originating at the above-named origin or destined to the above-named destinations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 124154 (Sub-72F), filed January 24, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. 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 (1) *agricultural chemicals* and (2) *materials and supplies* used in the manufacture of agricultural chemicals, (a) between Valdosta, GA, on the one hand, and, on the other, points in IA, IL,

IN, KS, NE, and MS, and (b) between Tifton, GA, on the one hand, and on the other, points in IA, KS, MO, and NE. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 125894 (Sub-10F), filed January 26, 1979. Applicant: J&R SCHUGEL TRUCKING, INC., 301 North Water St., New Ulm, MN 56073. Representative: Rober S. Lee, 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 *feed ingredients*, from Cedar Rapids, IA, to points in IL, IN, MI, MN, ND, OH, SD, and WI. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 126844 (Sub-67F), filed January 23, 1979. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. 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 (1) *bananas*, and (2) *pineapples*, which are otherwise exempt from economic regulation under 49 U.S.C. 10525(a)(6), when transported in mixed loads with bananas, from Wilmington, DE, to points in CT, DE, GA, IL, IN, KS, KY, MD, MI, MN, MO, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 127705 (Sub-63F), filed September 11, 1978, previously noticed in the Federal Register of November 2, 1978. Applicant: KREVEDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier* by motor vehicle, over irregular routes, transporting *glass containers, plastic articles, caps, covers, and lids*, (1) from Knox, Marienville, and Parker, PA, to the facilities of General Warehousing in Clearfield County, PA, and (2) from the facilities of General Warehousing in Clearfield County, PA, to points in NY, OH, MI, KY, IN, IL, WV, and WI. (Hearing site: Washington, DC.)

Note.—This republication modifies the commodity description.

MC 134064 (Sub-21F), filed January 23, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. 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 Globe Products Company, at or near, Clifton, NJ, to points in AL, GA, FL, LA, MS, NC, SC, and TN. (Hearing site: Atlanta, GA, or New York, NY.)

MC 135874 (Sub-158F), filed January 18, 1979. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street S., So. St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except commodities in bulk), from points in WI, to points in AL, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, MA, MD, ME, MI, MO, NC, NE, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and DC. (Hearing site: Greenbay, WI.)

MC 136844 (Sub-2F), filed January 19, 1979. Applicant: HENRY BRISTOL d.b.a. B & B TRANSPORT & LEASE, P.O. Box 149, Route 1, Reinking Road, Hampshire, IL 60140. 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) *materials, equipment and supplies* used in the manufacturing of electrical devices and products, (except commodities in bulk), between the facilities of TriBoro Electric Corp., and Mohawk Devices & Waterbury Products, in Doylestown, PA, and Hightstown, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with TriBoro Electric Corp., of Doylestown, PA. (Hearing site: Chicago, IL, or Philadelphia, PA.)

MC 138404 (Sub-13F), filed January 24, 1979. Applicant: DALE FOWLER & MERLE TRAPP, d.b.a. D & M TRANSPORT, P.O. Box 38, Spragueville, IA 52074. Representative: Dale Fowler (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *heat transfer products*, and (2) *components for heat transfer products*, from Maquoketa, IA, to the facilities of (a) Cat Tractor Company, at or near, Mossville, Peoria, Aurora, and Morton, IL, (b) General Thermodynamics Inc., at or near, Milwaukee, WI, and (c) Helgesen Industries, at or near, Hartford, WI. (Hearing site: Washington, DC.)

MC 140024 (Sub-138F), filed January 25, 1979. Applicant: J. B. MONTGOMERY, INC., (a Delaware Corporation), 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from Baltimore, MD, Portsmouth, VA, and New York, NY, to points in OH, MI, IL, IA, KS, MO, NE, and CO, restricted to the transportation of traffic having a prior movement by water. (Hearing site: New York, NY.)

MC 140024 (Sub-139F), filed January 25, 1979. Applicant: J. B. MONTGOMERY, INC., (a Delaware Corporation), 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clothing*, from Secaucus, NJ, to Cleveland, OH, Dallas, TX, and Detroit, MI. (Hearing site: New York, NY.)

MC 141804 (Sub-164F), filed January 19, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 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 (1) *plastic lids, plastic dishes, plastic tumblers, and styrene bevettes*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Mt. Sterling, OH, City of Industry, CA, Renton, WA, Phoenix, AZ, Shreveport, LA, and Ft. Worth, and Dallas, TX. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-165F), filed January 24, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 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 *motor vehicle parts, motor vehicle accessories, and machinery parts*, (1) from Detroit, Benton Harbor, and Warren, MI, Toledo, OH, Milwaukee, WI, and Woodstock, and Chicago, IL, to Bowling Green, KY, Paris, TN, and Water Vaalley, MS, (2) from Nashville, TN, to points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI) and (3) from Long Beach, CA, to Bowling Green, KY, and Nashville, TN. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-166F), filed January 24, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 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 *footwear*, from those points in the United States in and east of MN, IA, MO, AR, and TX, to Santa Ana, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-168F), filed January 29, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 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 *musical instruments, musical accessories, electrical sending equipment, and electrical receiving equipment*, (1) from South Haven and Grand Rapids, MI, to Pennsauken, NJ, Chicago, IL, Jacksonville, FL, and Seattle, WA, and points in Los Angeles and Orange Counties, CA, and (2) from East Orange, NJ, to Chicago, IL, and points to CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 144184 (Sub-3F), file January 26, 1979. Applicant: R. T. PUGH MOTOR TRANSPORTATION, INC., 233 Whaley Avenue, Lancaster, OH 43130. Representative: James Duvall, 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 *cullet*, in bulk, in dump vehicles, from Marion, OH, to Winchester, IN. (Hearing site: Columbus, OH.)

MC 145054 (Sub-10F), file January 25, 1979. Applicant: COORS TRANSPORTATION COMPANY, A Corporation, 5101 York Street, Denver, CO 80216. Representative: David R. Parker, 717-17th Street, Suite 2600, Denver, CO 80202. 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 stores, from the facilities of Safeway Stores, Inc., at Dallas and Denison, TX, to the facilities of Safeway Stores, Inc., at Denver, CO. (Hearing site: Denver, CO.)

MC 145154 (Sub-2F), file January 29, 1979. Applicant: YOUNG'S TRANSPORTATION COMPANY, A Corporation, 3310-L Ella Blvd., Houston, TX 77018. Representative: Eric Meierhoefer, Suite 423, 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 (1) *floor coverings* and (2) *materials and supplies*

used in the manufacture, sale and installation of floor coverings, between points in GA, on the one hand, and, on the other, points in TX. (Hearing site: Houston, TX.)

MC 145864F, filed November 13, 1978, previously noticed in the FR of February 23, 1979 as MC 145684F. Applicant: PARAGON TRANSPORTATION CO., INC., 680 Purchase St., New Bedford, MA 02741. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005.

Note.—This republication correctly states the MC number.

MC 146124F, filed January 10, 1979. Applicant: ROBINSON TERMINAL WAREHOUSE CORPORATION, 2 Duke St., Alexandria, VA 22313. Representative: William F. Etherington, 1200 Mutual Bldg., Richmond, VA 23219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *groundwood printing paper*, from the facilities of Bear Island Paper Company, at Doswell, VA, to (1) the facilities of The Washington Post Company, at Washington, DC, under continuing contract(s) with The Washington Post Company, of Washington, DC, (2) the facilities of (a) the Evening Star Newspaper Company, at Washington, DC, (b) Robinson Terminal Warehouse Corporation, at Alexandria, VA, and in Fairfax County, VA, and (c) Dow-Jones, Inc., at White Oaks, MD, in (2) above under continuing contract(s) with Bear Island Paper Company, of Greenwich, CT, restricted in (2)(b) to the transportation of traffic having a subsequent movement in foreign commerce. (Hearing site: Richmond or Alexandria, VA.)

[Permanent authority decisions Volume No. 41]
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Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the

operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 1936 (Sub-1TA), filed March 26, 1979. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 15224. Representative: William J. Lavelle, Esquire, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. *Iron and steel articles*, from the facilities of Republic Steel Corporation located in Canton, OH to the facilities of Brenco, Inc. located in Petersburg, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Steel Corporation, P.O. Box 700, Canton, OH 44701. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 26396 (Sub-238TA), filed March 30, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. The Waggoners, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Galvanized steel* from Farrell, PA to Watertown, SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mr. Galvanized, Inc., P.O. Box 129, Great Neck, NY 11021. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 35807 (Sub-98TA), filed March 22, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302.

Representative: Francis J. Mulcahy—Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. *Coin, currency and securities* between Omaha, NE and points in NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Reserve Bank of Kansas City, 925 Grand Avenue, Federal Reserve Station, Kansas City, MO 64198. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 48386 (Sub-13TA), filed April 5, 1979. Applicant: GRAVER TRUCKING, INC., Route 7, Box 7655, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Sand, gravel and stone*, from Mount Bethel, PA, to Totowa, NJ, for 150 days. An underlying ETA seeks 90 days authority. Supporting shipper: Co-Operative Concrete Corporation, 355 Minisink Road, Totowa, NJ 07512. Send protests to: ICC, Wm. J. Green Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 51146 (Sub-683TA), filed March 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Pet food and equipment, materials, and supplies* used in the manufacture and distribution of pet food between Perham, MN on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, ME, MD, MA, MI, MO, NH, NY, OH, PA, RI, VT, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tuffy, Div. of Starkist Foods, Inc., P.O. Box 190, Perham, MN 56573. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 100666 (Sub-453TA), filed March 28, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Applicant is seeking authority to operate a common carrier over irregular routes transporting *glass* from the facilities of LOF Glass, Inc. at or near Laurinburg, NC to points in LA, OK, TX, and WI, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 U.S. Postal Service Bldg.,

701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-454TA), filed April 5, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Authority is being sought to operate as a common carrier over irregular routes transporting *asbestos cement pipe, fittings and materials and supplies used in the installation thereof (except in bulk)* from St. Louis, MO to points in AR, CO, KS, NE, OK, LA, and TX, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): CertainTeed Corporation, P.O. Box 1100, Blue Bell, PA 19422. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102567 (Sub-223TA), filed April 2, 1979. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. *Pulp mill liquids, in bulk, in tank vehicles* (1) between the plantsites of International Paper Co. at or near Natchez, MS and Mobile, AL; and, (2) Between the plantsites of International Paper Co. at or near Bastrop, LA and Moss Point, MS, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting Shipper(s): International Paper Company, P.O. Box 160707, Mobile, AL 36616. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102567 (Sub-224TA), filed March 29, 1979. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. (1) *Liquid Plastic Resins*, and (2) *Glycols (Polypropylene Glycol)*, in bulk, in tank vehicles between the plantsites of Chemetics Systems, Inc. at Monticello, AR, on the one hand, and, on the other, points in TX, for 180 days. Applicant has filed an underlying ETA seeking up to 30 days. Supporting Shipper(s): Chemetics Systems, Inc., 2006 Gladwick St., Compton, CA 90220. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102616 (Sub-987TA), filed March 28, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). *Petroleum*

and petroleum products, in bulk, in tank vehicles, from Warren, PA, to Cleveland, Geneva, Strongsville, Ashtabula, Kent, Ravenna, Girard, Warren, Hubbard, Canton, Columbus, Marion, and Sandusky, OH; and from Niles, OH, to Barkeyville, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Refining Company, P.O. Box 780, Warren, PA 16365. Send protests to: Mary Wehner, D/S, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 102616 (Sub-988TA), filed March 28, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). *Toluol*, in bulk, in tank vehicles, from Toledo, OH, to Clinton, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Superior Oil Co., Inc., 400 W. Regent Street, Indianapolis, IN 46225. Send protests to: Mary Wehner, D/S, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 103926 (Sub-88TA), filed March 22, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Agricultural machinery, implements, attachments and parts thereof* from the facilities of Allis-Chalmers at or near La Porte, IN to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allis-Chalmers Corporation, P.O. Box 512, Milwaukee, WI 53201. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 110686 (Sub-59TA), filed March 30, 1979. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherland, Suite 400, 1150 Connecticut Ave., Washington, D.C. 20036. *General commodities* (except explosives and commodities in bulk) moving on bills of lading of direct air carriers or air freight forwarders, between Lycoming County, PA, and Philadelphia, PA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Five Star Air Freight, Montgomery, PA 17752, Koppers Company, Inc., Sprout-Waldron Div., Muncy, PA 17756. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 110817 (Sub-27TA), filed March 26, 1979. Applicant: E. L. FARMER & COMPANY, P.O. Box 3512, Odessa, TX

79760. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. *Petroleum products, paints, stains and varnishes* (except in bulk), in packages and containers, when such commodities are used in furtherance of or incidental to marine and ocean transportation, including export and/or coastwise movement, from the facilities of Mobil Oil Corporation at Houston, TX and Beaumont, TX to points in TX, LA, and MS, for 180 days. Supporting shipper(s): Mobil Oil Corporation, 8350 North Central Expressway, Campbell Centre Suite 522, Dallas, TX 75206. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 114457 (Sub-482TA), filed March 7, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, same address as applicant. (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery, chain grocery and food business houses; and (2) materials, ingredients, and supplies used in the manufacture, distribution and sale of the products in (1) above* between the facilities of Ralston Purina Company at or near Clinton and Davenport, IA, on the one hand, and, on the other, points in IL, IN, KY, MI, MN, MO, OH, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-495TA), filed March 28, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *Meats, meat products, and meat by-products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers (except commodities in bulk) as described in Sections A, C, and D of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766*, between the facilities of Lauridsen Foods, Inc. at or near Britt, IA on the one hand, and, on the other, points in the states of CT, DE, DC, GA, IL, IN, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and

Company, Manager of Transportation, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 115826 (Sub-440TA), filed March 28, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Bananas and agricultural commodities* exempt from regulation under Section 10526 (a) (6) of the Interstate Commerce Act when transported in mixed loads with bananas, from the facilities of Del Monte Banana Co., Port Hueneme, CA to points, in CO, ND, SD, AZ, TX, IN, ID, WY, IA, MN, KS, WI, IL, NE, UT, KY, MI, and NM. Restricted to transportation of traffic having prior movement by water, for 180 days. An identical ETA seeks 90 days authority. Supporting shipper(s): Del Monte Banana Company, 1201 Brickell Avenue, Miami, FL 33101. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 117786 (Sub-53TA), filed March 27, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery and feed business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution and sale of the products in (1) above*, between the facilities of Ralston Purina Company at or near Denver, CO and points in AZ and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 119577 (Sub-24TA), filed March 16, 1979. Applicant: OTTAWA GARAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp. in E. Chicago, IN to points in IA and points in IL on and north of U.S. Highway 36 and Taylorville, IL for 180 days. Supporting shipper(s): Jones and Laughlin Steel Corp., 3001 Dickey Road, East Chicago, IN 46312. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 119656 (Sub-57TA), filed March 20, 1979. Applicant: North Express, Inc.,

219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, Suite 945-9000 Keystone Crossing, Indianapolis, IN 46240. *Iron and steel articles*; from the facilities of Republic Steel Corp at Cleveland, Elyria, Youngstown, Warren, Canton, Massillon and Niles, OH to points in IL, IN and MI for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Republic Steel Corporation, 224 East 131st Street, Cleveland, OH 44108. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123987 (Sub-18TA), filed April 5, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: Jewett Scott, Jr. (same as above). *Pre-cast concrete modular crypt units*, from Denver, CO to points in AZ, CA, ID, KS, MT, NE, NM, ND, OK, OR, SD, TX, UT, WA, and WY, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): DUWE Precast Concrete Products, Inc., 1770 S. Koeller St., Denver, CO. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206, Federal Building, Amarillo, TX 79101. Supporting shipper(s): DUWE Precast Concrete Products, Inc., 1770 S. Koeller St., Denver, CO. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 123987 (Sub-19TA) filed April 5, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: Jewett Scott, Jr. (same as above). *Light weight flue liner*, from Denver, CO to points in AR, OK, TX, and LA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Castalite Mfg., Inc., P.O. Box 4122, Denver, CO 80204. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206, Federal Building, Amarillo, TX 79101. Supporting shipper(s): Castalite Mfg., Inc., P.O. Box 4122, Denver, CO 80204. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 123407 (Sub-560TA), filed March 12, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Plastic articles and materials* (except in bulk) from the facilities of United Foam Corporation

located in Bremen, IN to points in AR, FL, ND, SD, and TX for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): United Foam Corporation, 1111 West Dewey Street, Bremen, IN 46506.

MC 123407 (Sub-561TA), filed March 14, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., Sawyer Center, Route 1, Chesterton, IN 46304. *Lumber, lumber products, wood products and millwork*; from the facilities of Plus Wood Inc. located in Oshkosh, WI to points in AR, CO, IA, KS, KY, LA, MS, MO, NE, OH, OK, PA, and TX, for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Plus Wood, Inc., P.O. Box 2248, Oshkosh, WI 54903. Send protests to: Annie Booker, Interstate Commerce Commission, Room 1386, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604.

MC 123407 (Sub-562TA), filed March 12, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., Sawyer Center, Route 1, Chesterton, IN 46304. *Lubricants and petroleum products*, (except in bulk), from Toledo, OH to Minneapolis, Duluth, and Silver Bay, MN and Eau Claire, WI, for 180 days. Supporting shipper(s): Gopher State Oil Company, 2500 Delaware Street, SE, Minneapolis, MN 55414. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123407 (Sub-563TA), filed March 13, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same as applicant). *Plastic sewer pipe, plastic drain pipe, and plastic fittings* from the facilities of Lapco Industries, Inc. at Columbus, OH to points in IL, IN, MI, OH, PA, and WV, for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Lapco Industries, Inc., 3232 Cleveland Avenue, Columbus, OH 43224. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123407 (Sub-564TA), filed March 12, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same as applicant). *Zinc die castings and plastic*

injection moldings, from St. Paul, MN and Turtle Lake, WI to Rushville, IN for 180 days. Supporting shipper(s): Hartzell Corporation, 2516 Wabash Avenue, St. Paul, MN 55114. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123407 (Sub-565TA), filed March 13, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., Sawyer Center, Route 1, Chesterton, IN 46304. *Metal roofing and siding and fabricated metal products*; and (2) *Materials and supplies used in the manufacture of the commodities named in (1) above*: (1) from Gridley, IL, and Jackson, GA to points in AL, AR, CA, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NE, NM, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, WA, and WI; and (2) from the destination states named in (1) above to Gridley, IL and Jackson, GA for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Fabral, Alcan Building Products, Div. of Alcan Aluminum Corporation, P.O. Box 6977, Cleveland, OH 44101. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123476 (Sub-42TA), filed March 29, 1979. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Industrial Ct., Arnold, MO 63010. Representative: David G. Dimit (address same as above). *Expanded plastic products* with facing on one or more sides (except in bulk), between Hamilton, OH, on the one hand, and, on the other, all points in the US on or East of U.S. Hwy. 85, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dow Chemical Company, P.O. Box 36000, Strongsville, OH 44136. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 126736 (Sub-117TA), filed March 19, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow (same as applicant), *Ferrous sulfate*, in bulk, from Baltimore, MD and South Amboy, NJ to points in AL, FL and GA. for 180 days. An underlying ETA has been filed. Supporting shipper(s): Davis Chemical Division, Davis Water & Waste Industries, P.O. Box A, Tallavest, FL 33588. Send protests to: G. H. Fauss, Jr., D/S, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 129296 (Sub-3TA), filed March 29, 1979. Applicant: M & D HAULING, INC., 260 Jordan Ave., Montoursville, PA 17754. Representative: John M. Musselman, P.O. Box 1146, Harrisburg, PA 17108. *Salt*, in packages, from Silver Springs, NY, to points in MD and VA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER: Morton Salt Company, 110 N. Wacker Drive, Chicago, IL 60606. SEND PROTESTS TO: ICC, Wm. J. Green, Jr. Federal Bldg., Philadelphia, PA 19106. Supporting shipper(s): Morton Salt Company, 110 N. Wacker Drive, Chicago, IL 60606. Send protests to: ICC, Wm. J. Green, Jr. Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 134286 (Sub-96TA), filed March 7, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)*, from the Clorox Company facilities located at Kansas City, MO to Adams, Arapahoe, and Denver Counties, CO and Denver, CO and its commercial zone, for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): G. W. Junginger, The Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 135797 (Sub-197TA), filed March 27, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same as applicant). *Foodstuffs* from points in CA, FL, and MI to Greenfield, MA, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Llama Trading Co., P.O. Box 1030, Greenfield, MA 01301. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 136357 (Sub-4TA), filed April 6, 1979. Applicant: BEST TRANSPORTATION CORPORATION, S. Washington Ave. & River St., Scranton, PA 18505. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) *Range or stove hoods, exhaust fans, electric heaters* other than portable, and parts for installation of the above commodities, between Old Forge, PA, and Hartford, WI, and from Old Forge, PA, to Atlanta, GA, Wilkesboro, NC, Fort Lauderdale, FL, and points in NY, NJ, CT, VT, ME, NH, MA, and RI; and (2) *Materials and supplies* used in

the manufacture of commodities in (1) above, from Atlanta, GA to Old Forge, PA, for 150 days. Supporting shipper(s): Broan Manufacturing Co., Inc., 525 Bridge St., Old Forge, PA 18518. An underlying ETA seeks 90 days authority. Send protests to: ICC, Wm. J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, PA 19106.

MC 136786 (Sub-151TA), filed February 22, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: William L. Libby, 7525 Mitchell Road, Eden Prairie, MN 55343. *Meats, meat products, meat by-products and articles* distributed by meat packinghouses 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 Swift & Co. at or near Glenwood, Marshalltown, Des Moines and Sioux City, IA and Grand Island and Omaha, NE to points in AZ, CA, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Herbert J. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138126 (Sub-36TA), filed April 2, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd. P.O. Box 47, Federalsburg, MD 21632. Representative: Robert H. D'Armi (same as above). *Canned foodstuffs*, from Bridgeville, DE to points in IL, IN, MI, and WI, for 90 days. Supporting shipper(s): Wayne Bennett, H. P. Cannon & Son, Inc., Railroad Ave., Bridgeville, DE 19933. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 138157 (Sub-135TA), filed April 5, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Motor vehicle parts, tools and accessories (except commodities which because of size or weight require the use of special equipment)*, from the facilities of The Allen Group, Inc., Located at or near Los Angeles, CA to points in MT, WY, CO, NM, KS, NE, SD, ND, MN, WI, IA, IL, MO, IN, MI, OH, KY, WV, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, and ME, for 180 days. Restriction: Restricted to traffic originating at the facilities of The Allen Group, Inc. Supporting shipper(s): The Allen Group, Inc., 19914 So. Via Baron St., Compton, CA 90220. Send protests to: Glenda Kuss, TA, ICC,

Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 139577 (Sub-36TA), filed March 29, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. (1) *Cookies* from the facilities of Ripon Foods, Inc. and Heritage Wafers, Ltd. at Ripon, WI to points in MD, MA, NJ, NY, OH, PA & RI; (2) *Materials, equipment and supplies used in the manufacture or distribution of cookies* from points in MD, MA, NJ, NY, OH, PA & RI to the facilities of Ripon Foods, Inc. and Heritage Wafers, Ltd. at Ripon, WI, restricted to traffic originating at or destined to the facilities of Ripon Foods, Inc. and Heritage Wafers, Ltd. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ripon Foods, Inc., Heritage Wafers, Ltd., Oshkosh St., Ripon, WI 54971. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619 Milwaukee, Wisconsin 53202.

MC 140596 (Sub-7TA), filed April 4, 1979. Applicant: NEWPORT AIR FREIGHT, INC., Airport Road, Newport, VT 05855. Representative: Cecil Wright (same address as applicant). Common, irregular routes: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), *all on a priority basis with prior or subsequent movement by air*. Between Caledonia, Essex and Orleans Counties, VT on the one hand, and on the other, Logan International Airport at or near East Boston, MA, for 180 days. Supporting Shipper(s): There are approximately 14 statements of support attached to the application which may be examined at the ICC in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: ICC, P.O. Box 548, Montpelier, VT 05602.

MC 140656 (Sub-3TA), filed March 26, 1979. Applicant: TROCHU TRUCKING SERVICES, LTD., Box 8, Station T, Calgary, AB, Canada T2H 2G7. Representative: Charles E. Johnson, 418 East Rosser Avenue, Bismarck, ND 58501. *Dry fertilizer and dry fertilizer materials* from ports of entry on the U.S.-Canada International Boundary line to points in WA, OR, MT, ID, CA and AZ, in foreign commerce only, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sherritt

Gordon Mines Limited, Fort Saskatchewan, AB, Canada T8L 2P2. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 140827 (Sub-11TA), filed March 30, 1979. Applicant: MARKET TRANSPORT, LTD., 33 Middlefield Rd. N.E., Portland OR 97211. Representative: Nick I. Goyak, O'Connell, Goyak, Hagen, Elliott & Krage, P.C., 555 Benjamin Franklin Plaza, One S.W. Columbia, Portland, OR 97258. Bananas and agricultural commodities exempt from regulation under Section 10526(a)(b) of the Interstate Commerce Act when transported in mixed loads with bananas, from the facilities of Del Monte Banana Co. at Port Huoneme, CA to points in OR, UT, and WA, for 180 days. A corresponding ETA was filed March 30, 1979 for 30 + 2 and a Permanent will be filed within 60 days. Supporting shipper(s): Del Monte Banana Company, 1201 Brickell Ave., Miami, FL 33101. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 141097 (Sub-21TA), filed March 29, 1979. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhofer, Suite 423, 1511 "K" Street, N.W., Washington, DC 20005. *Contract: Irregular: General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between points in the United States (except Alaska and Hawaii) under continuing contract or contracts with E. I. du Pont de Nemours & Co. (Inc.) of Wilmington, DE, for 180 days. Supporting shipper(s): E. I. du Pont de Nemours & Company, 1007 Market Street, Wilmington, DE 19898. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141167 (Sub-8TA), filed March 29, 1979. Applicant: LANGDON TRANSPORTATION, INC., 5202 Industry Avenue, Pico Rivera, CA 90860. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract: Irregular: (1) Plastic articles (except commodities in bulk)*, from the facilities of Amoco Container Company, located at La Mirada, CA, to Phoenix, Flagstaff, Tucson and Yuma, AZ, Salt Lake City, UT, Dallas and Fort Worth, TX, Seattle, WA, and Las Vegas,

NV; (2) *Materials, equipment and supplies*, used in the manufacture of (1) above (except commodities in bulk and requiring special equipment), (a) Between the facilities of Amoco Container Company, located at La Mirada, CA, Orlando, FL, Monroe, GA, Seymour, IN, Mora and St. Paul, MN, Langhorne, PA, Beech Island, SC, and Chippewa Falls, WI; (b) From Tarpon Springs, FL, New Hyde Park, NY, Greer, SC, and Arlington, TX, to the facilities of Amoco Container Company located at La Mirada, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Amoco Container Company, 15221 Canary Avenue, La Mirada, CA 90637. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California.

MC 141747 (Sub-6TA), filed March 27, 1979. Applicant: DONALD ENGLE AND JAMES ENGLE, d.b.a. ENGLE BROTHERS FARMS, Rural Route 1, Rector, AR 72461. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Dry fertilizer* between points in the states of AL, AR, IL, IN, KY, LA, MO, MS and OK, for 180 days as a common carrier over irregular routes. Supporting shipper(s): W. R. Grace & Company, Agricultural Group/Chemicals, P.O. Box 277, Memphis, TN 33801. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142246 (Sub-4TA), filed March 29, 1979. Applicant: VAN WYK, INC., C Street, Box 433, Sheldon, IA 51201. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Contract carrier: irregular routes: Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles*, from the facilities of Dubuque Packing Co., at LeMars, IA to points in IL, IN, KS, MN, NE, ND, SD, and WI, under a continuing contract or contracts with Dubuque Packing Co. at LeMars, IA, for 180 days. Supporting shipper(s): Richard Ernst, Dubuque Packing Co., LeMars, IA 51031. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142257 (Sub-2TA), filed March 28, 1979. Applicant: STYER TRANSPORTATION CO., 2045 Iberia Avenue, Lakeville, MN 55044. Representative: Charles E. Nieman, 615

Minnesota Federal Building, Minneapolis, MN 55402. *Kitchen, wall and base cabinet, bathroom vanities, and accessories (except commodities in bulk in tank vehicles)* between Lakeville, MN and all points in ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Merillat Industries, Inc., Traffic Manager, 2075 West Beecher Road, Adrian, MI 49221. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144116 (Sub-1TA), filed March 29, 1979. Applicant: TRANSPORT MOTOR SERVICE, INC., 5353 Topanga Canyon Blvd., Suite 1A, Woodland Hills, CA 91364. Representative: Fred H. Makensen, c/o Murchison and Davis, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. *Contract: Irregular: Food products and materials*, between Evansville, IN, on the one hand, and on the other, Braddock, NJ; Doylestown and New Holland, PA; New York and Bayshore, NY; Gloucester, Boston and Everett, MA; Cambridge, MD; Amarillo, TX; Ponchatoula, LA; Philadelphia, PA for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Modern Maid Food Products, Inc., 200 Garden City Plaza, Garden City, NY 11530. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144186 (Sub-2TA), filed March 22, 1979. Applicant: SUPERIOR TRANSFER, INC., 2669 Merchant Drive, Baltimore, MD 21230. Representative: Ronald N. Cobert, Esq., Suite 501, 1730 M St., NW., Washington, DC 20036. *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 the facilities utilized by Streamline Shippers Association, Inc., at Baltimore, MD, to Los Angeles, and San Francisco, CA, Dallas and Houston, TX; and from the facilities utilized by Streamline Shippers Association, Inc. at Los Angeles and San Francisco, CA, Dallas and Houston, TX, to Baltimore, MD, Washington, DC, Richmond, VA, Philadelphia, PA and New York, NY. Supporting shipper(s): Ray Camero, Streamline Shippers Association, Inc., P.O. Box 3608 Terminal Annex, Los Angeles, CA 90051. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 144557 (Sub-9TA), filed April 5, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3428 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Sugar*, (except in bulk), from the facilities of Godchaux-Henderson Sugar Co., Inc., at or near Reserve and Kenner, LA, to points in AL, AR, FL, GA, IL, IA, KY, MS, MO, NC, OH, OK, SC, TN, TX, VA, WI, WV, IN, KS, MI, and NE for 180 days. Supporting shipper(s): Gadchaux-Henderson Sugar Company, Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 144667 (Sub-6TA), filed March 27, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE, 68501. *Lumber, lumber products and wood products*, from points in OR to Scottsbluff County, NE. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scottsbluff Sash and Door, Inc., P.O. Box 420, Scottsbluff, NE 69361. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, Lincoln, NE 68508.

MC 145217 (Sub-1TA), filed March 29, 1979. Applicant: RICHARD McNAY, INC., Representative: Joel H. Steiner, Esquire, 39 South Lasalle St., Chicago, Illinois 60603. *Limestone and limestone products from the facilities of Calcium Carbonate Company at Quincy, IL to those points in IN on and west of U.S. Highway 31, points in IA on and south of U.S. Highway 20 and on and east of U.S. Highway 10 and to points in MO for 180 days*. An underlying ETA seeks 90 days authority. Supporting shipper(s): Calcium Carbonate Company, 3150 Gardner Expressway, Quincy, IL 62301. Send protests to: Charles D. Little, District Supervisor, ICC, RM 414, 527 East Capitol Ave., Springfield, IL 62701.

MC 145317 (Sub-6TA), filed April 5, 1979. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, TX 78217. Representative: Thomas S. Musser, 9022 Perrin Beitel Road, San Antonio, TX 78217. Applicant applies for common carrier authority over irregular routes to transport *Fly ash, in bulk, in tank vehicles* from Titus County, Texas to points in LA. Supporting shipper(s): Gifford-Hill & Company, Inc., P.O. Box 47127, Dallas, TX 75247. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce

Commission, Room B-400 Federal Building, 727 E. Durango St., San Antonio, TX 78206.

MC 145546 (Sub-1TA), filed March 27, 1979. Applicant: CARL MEDLIN d.b.a., MEDLIN TRUCKING, 5890 Wood Sorrel Drive, Littleton, CO 80123. Representative: Randall Allen (same address as above). *Contract carrier*: irregular routes: *Meat* from Denver, CO to points in NY, NJ and PA, for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): United Packing Co., 5000 Clarkson St., Denver, CO. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 145557 (Sub-3TA), filed March 30, 1979. Applicant: LIBERTY TRANSPORT, INC., 4614 South 40th Street, St. Joseph, Missouri 64503. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklyn, Liberty, Missouri 64068. *Fertilizer and/or fertilizer ingredients*, from the facilities of the Brunswick River Terminal located at or near Brunswick, MO to points in AR, IL, IN, IA, KS, KY, NE, OK and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): First Miss Inc., P.O. Box 328, Ft. Madison, IA. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 146116 (Sub-2TA), filed February 5, 1979. Applicant: LOCUST HARDWARE CO., INC., P.O. Box 265, Locust NC 28097. Representative: Webster S. Medlin, 43 Union Street, South, Concord, NC 28025. *Brick* from Van Wyck, SC and facilities of Boren Clay Products at or near Monroe, NC and to points in NC, SC, VA, GA, FL and TN, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Ashe Brick Company, Van Wyck, SC 29744; Boren Clay Products Company, P.O. Box 779, Monroe, NC 28110. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 146117 (Sub-1TA). Applicant: D.C., INC., 712 South York, Mechanicsburg, PA 17055. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Merchandise, equipment, and supplies*, sold, used or distributed by a manufacturer of cosmetics between Newark, DE and York, PA on the one hand, and, on the other, all points in Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,

Juniata, Lancaster, Lebanon, Mifflin, Perry and York counties in PA. Supporting shipper(s): Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 146157 (Sub-2TA), filed January 29, 1979. Applicant: HARVEY PELLETIER, d.b.a. PELLETIER TRANSPORT, North Troy, VT 05859. Representative: John P. Monte, Box 568, 61 Summer Street, Barre, VT 05641. (1) *Quadractors (4-wheel drive, all season agricultural vehicle)*, from North Troy, VT to points in the U.S. (except AK and HI); (2) *materials, equipment and supplies used in the manufacture of Quadractors*, from points in the U.S. (except AK and HI) to North Troy, VT; (3) *Farm machinery and equipment* from Syracuse and Canastota, NY; NY-NJ Port Authority; Springfield, MA and Hartford, CT to St. Albans and Newport, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Traction, Inc., North Troy, VT 05859; (2) W. S. Mitchell, Inc., 738 East Main St., Newport, VT 05855; (3) Bourbeau International, Inc., Crest Road, St. Albans, VT 05478. Send protests to: ICC, P.O. Box 548, Montpelier, VT 05602.

MC 146247 (Sub-1TA), filed March 19, 1979. Applicant: DELTA MOTOR EXPRESS, INC., 1309 Fifth Street, N.E., Washington, DC 20002. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, DC 20005. *Bananas and agricultural commodities otherwise exempt from regulation under 49 U.S.C. 510526(6) when transported in mixed shipments with bananas*, from Baltimore, MD, Wilmington, DE, the New York, NY, Commercial Zone (as defined by the Commission) and Charleston, SC, to points in DE, DC, MD, NJ, NY, PA, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645; Del Monte Banana Company, P.O. Box 011940, Miami, FL 33101; Castle & Cooke Foods, Inc., 350 Motor Parkway, Hauppauge, NY 11787. Send protests to: Carol Rosen, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 146256 (Sub-2TA), filed February 15, 1979. Applicant: SHORT LINE TRUCKING CO., INC., P.O. Box 20026, Louisville, Ky. 40220. Representative: Lavern R. Holdeman, Peterson, Bowman, Swanson & Johanns, P.O. Box 81849, Lincoln, Neb. 68501. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting (1) Such commodities as are dealt in by wholesale and retail chain, grocery and food business houses (except frozen commodities and commodities in bulk), from the facilities of Colgate-Palmolive Company, Inc., at or near Jeffersonville, IN., to Cincinnati, OH, and points in its commercial zone; (2) Plastic bottles from Cincinnati, OH, and points in its commercial zone, to the facilities of Colgate-Palmolive Company, Inc., at or near Jeffersonville, IN., to Cincinnati, OH, and points in its commercial zone; (2) Plastic bottles from Cincinnati, OH, and points in its commercial zone, to the facilities of Colgate-Palmolive Company, Inc., at or near Jeffersonville, IN. Supporting shipper(s): H. Robert Schroeder, Traffic Mgr., Colgate-Palmolive Company, Inc., State & Woerner Sts., Jeffersonville, IN 47130. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

MC 146266 (Sub-2TA), filed March 27, 1979. Applicant: P. & P. TRUCKING, Route 2, Box 477, Fort Smith, AR 72916. Representative: Jim Pate (same address as applicant). *Galvanized sheet and coil steel*, from Hennington, IL to Fort Smith, AR, for 180 days and a contract carrier over irregular routes. Supporting shipper(s): General Electric Company, 4811 South Zero Street, Fort Smith, AR 72901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 146297 (Sub-2TA), filed March 5, 1979. Applicant: FRANK, LOUIS, AND JERRY PRASIFKA, d.b.a. PRASIFKA BROS., P.O. Drawer "S," Hutchins, TX 75141. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Wheels, hubs, wheels with tires, brakes and brake parts, spindles, cranes and crane parts*, from Dresden, TN, to points in AR, MS, OK, and TX for 180 days. ETA seeking 90 days filed. Supporting shipper(s): Dico Company, Inc., Dresden, Tennessee. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13012, Dallas, TX 75242.

MC 146327 (Sub-1F), filed March 28, 1979. Applicant: UNITED TRUCKING COMPANY, P.O. Box 1158, Miles City, MT 59301. Representative: Joe Gerbase, Anderson, Brown, Gerbase, Cebull & Jones, 100 Transwestern Bldg., Billings, MT 59101. *Paper and paper products* (except in bulk) and *commodities produced or distributed by manufacturers or converters of paper and paper products* (except commodities

in bulk) from points in Portage and Wood Counties, WI to points in MT, CA, OR, WA and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469; Consolidated Papers, Inc., P.O. Box 50, Wisconsin Rapids, WI 54494. Send protests to: Paul J. Labane, DS, ICC, 1602 First Avenue North, Billings, MT 59101.

MC 146367 (Sub-TA), filed February 5, 1979. Applicant: COAL CORNERS, INC., Aberdeen, Ky. 42261. Representative: Rudy Yessin, Attorney, 314 Wilkinson St., Frankfort, Ky. 40601. Authorities sought to operate as a moor common carrier, over irregular routes, to transport COAL, between points in KY, TN, and IN. Supporting shipper(s): (3) Tri-Coal Energies, Inc., Rt. 1, Cromwell, Ky. 42333; Alley Cassity Coal Co., Inc., P.O. Box 23305, Nashville, TN 37202; Golden R Coal Co., Rt. 1, Cromwell, Ky. 42333. Send protests to Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

MC 146376 (Sub-1TA), filed March 7, 1979. Applicant: ALL-TOW BOAT MOVING LTD., 8533 Barnet Highway, Burnaby, B.C. V0M 1E0. Representative: Michael D. Duppenthaler, 211 S. Washington, St., Seattle, WA 98104. *Boats*, between the Port of Entry on the U.S.-Canada International Boundary line at or near Blaine, WA, on the one hand, and on the other points in WA, for 180 days. Canadian traffic will be originating at or destined to points in B.C. and AB Canada. An underlying ETA seeks 90 days authority. Supporting shipper(s) Cooper Enterprises Ltd., 1642 Langan Ave., Port Coquitlam, B.C. V3C 1K5; Denny Barnes, Inc., 10511 Milford Dr., Richmond, B.C. V7A 4J8. Compass Point Yachts Ltd., 8331 River Road, Richmond, B. C. VB6X 1Y1. Send protests to: Shirley M. Homes, T/A, ICC 858 Federal Bldg., Seattle, WA 98174.

MC 146457 (Sub-1TA), filed March 28, 1979. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Sand, and sand with additives*, from Oregon, IL to points in IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Resin Corporation, A Division of CPC International, Inc., Devil's Backbone Rd., Oregon, IL 61601. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146497 (Sub-2TA), filed March 13, 1979. Applicant: BURNHAM TRUCKING CO., 52 Fletcher Street, Ayer, MA 01432.

Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. Contract irregular. *Fruits, berries, juices, fruit and berry products and supplies and materials* used in the manufacture, sale and distribution of juices and fruit and berry products, except in bulk. Over irregular routes between the facilities of the New England Apple Products Co., Inc. at Littleton, MA on the one hand, and on the other, points in ME, VT, MA, RI, CT, NY, NJ, PA, MD, DE, DC, WV, VA, NC, SC, GA, FL, IN, OH, IA, IL, MI, MO, KY, & TN. Supporting shipper(s): New England Apple Products Co., Inc., P.O. Box 425, Littleton, MA 01460. Send protests to: Glenn A. Eady, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 146526 (Sub-1TA), filed March 30, 1979. Applicant: D.T.D., INC., 301 College Highway, Southwick, MA 01077. Representative: Patrick A. Doyle, Esq., 60 Robbins Road, Springfield, MA 01104. Contract carrier: irregular routes: *Log homes and supplies necessary for their erection*, from Berkshire County, MA to ME, NH, VT, RI, CT, NY, PA, OH, WV, VA, DE, NJ, MD, NC, IN, KY, IL, IA, MO, WI, MN, and MI, for 180 days, for the account of Country Log Homes, Inc. An underlying ETA was granted 90 days authority. Supporting shipper(s): Country Log Homes, Inc., Route 7, Ashley Falls, MA. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 146536 (Sub-2TA), filed March 19, 1979. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: Edwin M. Snyder, Sullivan & Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *Tractors*, except truck tractors, from the plant site of Ford Motor Company at Romeo, MI to points in AL, FL, GA, KY, NC, SC, and TN, for 180 days. The operations authorized herein are restricted to the transportation of traffic (a) originating at the above named origin point, and (b) destined to points in the named destination states, except that restriction (b) above shall not apply to traffic moving in foreign commerce. Supporting shipper(s): J. O. Darnell, Supervisor, Forward Planning & Analysis, Ford Motor Company-Ford Tractor Operations, 2500 E. Maple Rd., Troy, MI 48084. Send protests to: C. R. Flemming, DS, ICC, 225 Federal Building, Lansing, MI 48933.

MC 146547 (Sub-1TA), filed March 28, 1979. Applicant: RAYMOND SHOWMAN, d.b.a., RAYMOND SHOWMAN AND SONS TRUCKING, Route 86, R.D. No. 1, Edinboro, PA 16412.

Representative: John L. Alden-Stiverson and Alden, 1396 West Fifth Avenue, Columbus, OH 43212. *Lime and limestone products* from Conneaut, OH to points in PA on and west of U.S. Route 219 for 180 days. An underlying ETA seeks 90 days operating authority. Supporting shipper(s): Agway, Inc., P.O. Box 4933, Syracuse, NY 13221; Frank Mills, Box 6 South Main Street, Millvillage, PA 16427. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 146557 (Sub-1TA), filed March 19, 1979. Applicant: R. B. STUCKY & N. M. STUCKEY, S&S Dairies, Route 2, Moundridge, KS 67107. Representative: Clyde N. Christey, Suite 110L, 1010 Tyler, Kansas Credit Union Bldg., Topeka, KS 66612. *Liquid sweetners*, in bulk, from Muncie, KS & Keokuk, IA to Denver, CO. *Liquid sweeteners*, in bulk, from Keokuk, IA and Johnstown and Wheatridge, CO. to Hutchinson, KS; *Liquid ice cream novelty mix*, from Denver, CO. to Hutchinson, KS; *Liquid Sweeteners*, in bulk, between Denver, CO and Hutchinson, KS; *Plastic jugs* from Hutchinson, KS to points in MO, NE, CO & OK; for 180 days, common, irregular; 90-day ETA filed simultaneously; Supporting shipper: Jackson Ice Cream Co., Inc., 2600 E. 4th, Hutchinson, KS 67501. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS. 67202.

MC 146576 (Sub-1TA), filed March 13, 1979. Applicant: K.G.L., INC., 2270 S.W. 36th Street, Fort Lauderdale, FL 33312. Representative: Frank J. Hathaway, 7615 Biscayne Boulevard, Miami, FL 33138. Contract carrier—Irregular route: *Medical diagnostic equipment and supplies; chemicals and related articles* requiring temperature controlled equipment between Coulter Diagnostics plant at Hialeah, FL, on the one hand, and, on the other, all points and places in the U.S. excluding AK and HI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coulter Diagnostics, 740 West 83rd St., Hialeah, FL 33014. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOP, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 146577 (Sub-1TA), filed March 26, 1979. Applicant: UNITED HAULING CORPORATION, 3rd and Railroad, Caldwell, Idaho 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Scrap metal and compressed automobile bodies and parts*, from the facilities of United Metal & Scrap Co.,

Inc., located at Caldwell, ID to Portland, OR, Seattle, WA, Los Angeles, CA, Geneva, UT, and the commercial zones thereof, and Salt Lake County, UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Metal & Scrap Co., Inc., 3rd and R.R., Caldwell, ID 83605. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 146606 (Sub-1TA), filed March 23, 1979. Applicant: BRUNNER DRILLING & MANUFACTURING, INC., P.O. Box C, Elroy WI 53929. Representative: James Spiegel, 6425 Odana Rd., Madison, WI 53719. *Rough iron or steel castings* from Reedsburg, WI to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grede Foundries, Inc., P.O. Box 2649, Milwaukee, WI 53226. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 146607 (Sub-1TA), filed March 30, 1979. Applicant: SILICA TRANSPORT, INC., Highway 69 East, Melbourne, AR 72556. Representative: Louis Tarlowski, Union Life Building, Little Rock, AR 72201. *Dry fertilizer in bulk in pneumatic tank trailers and in bags*, from Memphis, TN to points in AR and MO, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Swift Agricultural Chemicals Corp., 340 Interstate No. Pkwy., Suite 150, Atlanta, GA 30339; USS Agri-Chemicals Division, United States Steel Corporation, 233 Peachtree Street, N.E., Atlanta, GA 30303. Send protests to: William H. Land Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 146607 (Sub-2TA), filed March 30, 1979. Applicant: SILICA TRANSPORT, INC., Highway 69 East, Melbourne, AR 72556. Representative: Louis Tarlowski, Union Life Building, Little Rock, AR 72201. *Granulated boiler slag* in bulk in pneumatic tank trailers from Memphis, TN to points in AR, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Masonite Corporation, P.O. Box 4777—Valley Road, Meridian, MS 39301. Send protests to: William H. Land Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 146647 (Sub-1TA), filed March 22, 1979. Applicant: JIM STRATTON, d.b.a. THE STRATTON COMPANY, 201 Second Street, Kaycee, WY 82639. Representative: Jim Stratton (same address as applicant). *Contract carrier:*

irregular routes: *Oilfield machinery, equipment, materials, and supplies*, from Seattle, WA to Casper, WY, for the account of Herman Karst Enterprises, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Herman Karst Enterprises, Inc., Box 1749, Casper, WY 82602. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105 Federal Bldg. & Court House, 111 South Wolcott, Casper, WY 82601.

MC 146656 (Sub-1TA), filed March 30, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract carrier; irregular routes: Polyurethane foam*, from Baltimore and Jessup, MD to points in New Jersey, that part of New York on and south of I-84, and Philadelphia, PA, under a continuing contract with William T. Burnett & Company, Inc., for 180 days. Supporting shipper(s): Leslie Sigman, William T. Burnett & Co., Inc., 1550 Bush St., Baltimore, MD 21230. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 146666 (Sub-1TA), filed March 26, 1979. Applicant: EDWARD R. CORCORAN d.b.a. CORCORAN TRUCKING, P.O. Box 31135, Billing, MT 59107. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Bananas and agricultural commodities exempt from regulation under Section 10526(a)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from the facilities of Del Monte Banana Co. at Port Hueneme, CA to points in CA, MN, MT, NE, ND, SD and WY, restricted to the transportation of traffic having a prior movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Del Monte Banana Company, 1201 Brickell Ave., Miami, FL 33101. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146696 (Sub-1TA), filed March 27, 1979. Applicant: AGRI-BUILDING SYSTEMS, INC., P.O. Box 130, 2nd and Euclid, Waukomis, OK 73773. Representative: G. Gene Anderson, (same address as applicant). *Pre-engineered metal buildings*, from Houston, TX, to Paoli, Moore, Ponca City, Clinton, & Waukomis, OK, and Emporia, KS, and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North

Central Builders, 221 Westbury Road, Ponca City, OK 74601; Jordan's Metal Buildings, Rt. 1, Paoli, OK 73074; Sondad Inc., Steel Bldg. Division, 204 Choctaw, Clinton, OK 73601; Beddingfield Const. Co., Inc., P.O. Box 6450, Moore, OK 73153; Virgil J. Morris Sales & Service, 620 Anderson, Emporia, KS 66801. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 146717 (Sub-1TA), filed March 26, 1979. Applicant: Jack Meyer and Buddy C. Moore d.b.a. MIDWEST VIKING, Johnson, NE 68378. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Titanium and nickel base ingots and billets and steel billets and scrap material thereof*, between the facilities of Viking Metallurgical at or near Verdi, NV, on the one hand, and, on the other, Reading and Sharon, PA; New Hartford, NY; Detroit, Whitehall and Jackson, MI; Fort Wayne, IN; Houston, TX; Monroe, NC; Seattle, WA; Vernon, CA; Owensboro, KY; and Nashville, TN; (2) *Lumber and plywood*, from points in CA and NV to points in IA, IL, IN, MI, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Midwest Lumber Associates, 600 West Main, P.O. Box 187, Sun Prairie, WI 53590; (2) Viking Metallurgical, a subsidiary of Quanex, P.O. Box 339, I Erik Circle, Verdi, NV 89439. Send protests to: Max H. Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 115826 (Sub-382TA), (Republication), filed January 10, 1979, and published in the Federal Register issue of February 15, 1979, and republished in this issue. Applicant: W. J. DIGBY, INC., 6015 East 58th St., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). *Foodstuffs*, (except in bulk), from Ontario and Buena Park, CA to points in AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc. 500 Peshtigo Court, Chicago, IL 60690. Send protests to: H. C. Ruoff, DS, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. The purpose of this republication is to indicate the proper territorial description.

MC 145566 (Sub-TA), (Republication), filed October 2, 1978, and published in the Federal Register issue of November 21, 1978, and republished as corrected this issue. Applicant: B & K ENTERPRISES, 7950 South 27th St., Oak Creek, WI 53154. Representative: Terry

W. Kultgen, 5605 Brookhaven Dr. Racine, WI 53406. *Heavy and specialized commodities or articles* requiring special equipment or special handling outside the scope of the certificates of general commodities, motor carriers, from the facilities of Oven Systems Inc., at New Berlin, WI, on the one hand, and on the other, points in NJ, MD, VA, KY, PA, OH, WV, and IN, for 180 days. Supporting shipper(s): Oven Systems, Inc., 3000 South 160th St., New Berlin, WI 53151. Send protests to: Gail Daugherty, TA, ICC, Bureau of Operations, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202. The reason for this republication is to indicate the territorial description in this application.

MC 133566 (Sub-128TA), filed December 30, 1979 and published in the Federal Register issue of February 16, 1979 and republished as corrected this issue. Applicant: GANGLOFF & DOWNHAM TRUCKING, INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, 1 World Trade Center, Suite 4959, New York, NY 10048. *Malt Liquor*. From Trenton, NJ, to points in FL, GA, LA, IL, IN, KS, KY, MN, NE, MO, OH, TN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champale, Inc., 1024 Lambertson Street, Trenton, NJ 08611. Send protests to: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 106037 (Sub-5TA), filed November 21, 1978, and published in the Federal Register issue of January 29, 1979 and republished as corrected this issue. Applicant: ROADWAY TRANSPORT LIMITED, 25 Selfield Road, Rexdale, Ontario, Canada M9W 1E8. Representative: Robert G. Gawley, P.O. Box 184, Buffalo, NY 14221. *Automobiles, Trucks and buses and parts and accessories thereof*, moving at the same time with the vehicles of which they are a part and on which they are to be installed in initial and secondary movements in driveaway and truckaway service, from ports of entry on the International Boundary line between United States and Canada located on the Detroit River to Willow Run, MI, on traffic having a prior movement in foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Motors of Canada Limited, Oshawa, Ontario L1G 1K7. Send protests to: ICC, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202. The purpose of this republication is to show the

complete scope of the application as previously omitted.

MC 118457 (Sub-18TA), filed December 18, 1978 and published in the Federal Register issue of January 31, 1979 and republished as corrected this issue. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher Street, West Allis, WI 53227. Representative: Donald S. Mullins, 4704 West Irving Park Rd., Chicago, IL 60641. *Packing House Products*, from the facilities of Birchwood Meat & Provision Co. and Kenosha Beef International in Kenosha County, WI, to points in the District of Columbia and the States of CT, DE, GA, ME, MD, MA, NH, NM, NY, NC, PA, RI, SC, TN, VT, VA, and WV, for 180 days. Supporting shipper(s): Birchwood Meat & Provision Co., P.O. Box 639, Kenosha, WI 53141. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Rm. 619 Milwaukee, WI 53202.

By the Commission.

H. G. Homma, Jr.

Secretary.

[Notice No. 00]

FR Doc. 79-13059 Filed 5-1-79; 8:45 am]

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Sunshine Act Meetings

Federal Register

Vol. 44, No. 86

Wednesday, May 2, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Reserve System.....	5
Occupational Safety and Health Review Commission.....	6, 7
Postal Rate Commission.....	8
Postal Service.....	9
Securities and Exchange Commission.	10

1

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, May 2, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting to follow the open meeting.

MATTERS TO BE CONSIDERED.

Agenda, Item Number, and Subject

- Hearing—1—Petition for extraordinary relief and supplement thereto in the Miami, Fla., FM license renewal proceeding. (Docket No. 20826).
- Hearing—2—Certification to the Commission in the U.S. Department of Defense versus the Chesapeake and Potomac Telephone Companies and the American Telephone and Telegraph Company complaint proceeding (Docket No. 21138).
- Hearing—3—Petitions for reconsideration and related interlocutory pleadings in the George T. Herreich (KAIT-TV), Jonesboro, Arkansas, television renewal proceeding (Docket No. 19292).
- General—1—Transfer of Chicago Regional Branch from the Private Radio Bureau to the Field Operations Bureau.
- Complaints and Compliance—1—Results of an investigation into the affairs of KND Broadcasting Corp., licensee of Radio Station WKND, Windsor, Connecticut.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 27, 1979.

[S-855-79 Filed 4-30-79; 2:21 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, May 2, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

- Hearing—1—Joint request for approval of settlement agreement in the Flint, Michigan, comparative FM proceeding (Docket Nos. 20572 and 20574).
- General—1—Criminal Conviction Question on Applications for Commercial Radio Operator Licenses.
- General—2—Temporary Authorization for Restricted Radiotelephone Operator Permits.
- General—3—Waiver of Antenna Tower Painting Requirements for Radio Tower of Telegraph-Herald, Inc., licensee of KFMD, Dubuque, Iowa.
- General—4—Amendment of Parts 2 and 15 of the Commission's Rules concerning wireless microphones.
- General—5—Modification of Public Notice required by the Sunshine Act.
- General—6—Creation of Sunshine Agenda.
- Private Radio—1—Amendment of Part 83 of the rules to require that remote control units used in conjunction with marine VHF radiotelephones have the capability of reducing power output to one watt or less.
- Private Radio—2—Amendments of Part 83 and 87 of the rules to make the restrictions governing the use of the frequency 157.425 MHz (Channel 88) by aircraft consistent with the restrictions applying to other marine VHF frequencies available to aircraft.
- Private Radio—3—Amendment of Parts 2 and 90 of the Commission's Rules to provide for phased implementation of a system licensing approach in the private land mobile radio services, and for the assignment of call signs on a system, rather than a single station, basis.
- Private Radio—4—Amendment of Part 83 of the rules to require the availability of certain compulsory radio equipment to the operator at the vessel's steering station in use, and that the operator be a qualified radio operator.
- Private Radio—5—Petition for Reconsideration of action in the First Report and Order, Docket No. 20846, phasing out interconnection in the General Mobile Radio Service.
- Common Carrier—3—GTE/Telenet Section 214 Application regarding merger of Telenet with GTE.
- Common Carrier—4—Telenet Corporation Petition for Expedited Reconsideration of

letter order directing GTE and Telenet to obtain Section 214 authority.

Cable Television—1—Applications for special relief to continue carriage of station WRET-TV as well as a new distant independent station.

Cable Television—2—Petitions for reconsideration filed by Clearview Cable TV and Media Statistics, Inc.

Assignment and Transfer—1—Application for the voluntary assignment of the license of AM station WAIT, Chicago, Illinois, from WAIT Radio to Century Chicago Broadcasting Ltd.; and Petition to deny filed by the Citizens Committee on the Media, Robert Gallie and Ronald Grossman.

Assignment and Transfer—2—Application to assign the license of FM Station KFMR, Fremont, California, from Alameda Broadcasting, Inc., to Robert L. Williams, Inc. and James E. Coyle, d/b/a Spanish Metro (BALH-2721), et al.

Assignment and Transfer—3—Application for transfer of control of Kingslip Communications, Inc. (Delaware) (parent corporation of the licensee of Stations KTVV (TV) and KHFI-FM, Austin, Texas), from John R. Kingsbery, E. G. Kingsbery, Henry B. Tippie, et al (majority stockholders) to Mid-Texas Broadcasting, Inc. (File No. BTC-8718) and a Petition to Deny filed by Stanley Marsh 3, Tom F. Marshal Michael C. Marsh and Estelle M. Washington.

Renewal—4—Applications for renewal of licenses of Tupelo Broadcasting Co., Inc., Tupelo, Mississippi, for Radio Stations WELO and WELO-FM.

Renewal—5—Petition to deny application for renewal of license of Associated Communications Corporation for Station WPXY (FM), Rochester, New York, filed by Metro-Act of Rochester, Inc.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 27, 1979.

[S-856-79 Filed 4-30-79; 2:21 pm]

BILLING CODE 6712-01-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: April 27, 1979, 44 FR 25018.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: May 2, 1979, 10 a.m.

CHANGE IN THE MEETING: Date of meeting changed from May 2, 1979 to May 3, 1979, at 10 a.m.

[S-854-79 Filed 4-30-79; 9:32 am]
BILLING CODE 6730-01-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: April 27, 1979, 44 FR 21954.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: May 3, 1979, 10 a.m.

CHANGE IN THE MEETING: Addition of the following item to the open session:

8. Proposed rules governing rate increases under dual rate contracts.

[S-857-79 Filed 4-30-79; 2:50 pm]
BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 1 a.m., Wednesday, May 2, 1979. The business of the Board requires that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Request by the General Accounting Office for Board comment on a draft report entitled "Information Collected on Foreign Investments in United States Depository Institutions".

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: April 27, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[S-852-79 Filed 4-30-79; 9:32 am]
BILLING CODE 6210-01-M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on May 10, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: Subject matter will be the consideration of further revisions to the Commission's Rules of Procedure.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634-4015.

Dated: April 30, 1979.
[S-860-79 Filed 4-30-79; 8:45 am]
BILLING CODE 7600-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on May 16, 1979.

PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634-4015.

Dated: April 30, 1979.
[S-861-79 Filed 4-30-79; 3:27 p.m.]
BILLING CODE 7600-01-M

8

POSTAL RATE COMMISSION.

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9:30 a.m., Thursday, May 3, 1979.

PLACE: Conference Room, room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Dockets A79-1 through A79-9 (Post Office closings or consolidations). Closed pursuant to 39 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, (202) 254-5614.

[S-853-79 Filed 4-30-79; 9:32 am]
BILLING CODE 7715-01-M

9

POSTAL SERVICE (Board of Governors).

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Wednesday, May 9, 1979, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be

addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

Agenda

1. Minutes of the Previous Meeting.
 2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
 3. Quarterly Report on Service Performance. (Mr. Benson, Acting Senior Assistant Postmaster General, Operations Group, will present a quarterly report on service performance.)
 4. Quarterly Report on Financial Performance. (Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the quarterly report on financial performance.)
 5. Report on Energy Conservation Program. (Mr. Biglin, Senior Assistant Postmaster General for Administration Group, will brief the Board on Postal Service plans to hold down energy consumption by vehicles and on a program for investments to modify postal buildings to conserve energy.)
 6. Capital Investment Projects:
 - a. Proposed Procurement of 750 Electric Vehicles. (The Board will consider a proposed procurement of 750 electric vehicles.)
 - b. South Suburban Management Sectional Center Facility for the Chicago, Illinois, area. (The Board will consider a proposed project for the construction of a Management Sectional Center Facility in the Chicago, Illinois, area.)
 7. Proposed Clarification of Regulations Under the Private Express Statutes. (Mr. Cox, General Counsel, will brief the Board on the pending proposals to clarify the Postal Service's Private Express Regulations.)
- Louis A. Cox,
Secretary.
[S-859-79 Filed 4-30-79; 3:12 pm]
BILLING CODE 7710-12-M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Closed meeting; open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Tuesday, April 23, 1979.

CHANGES IN THE MEETING: Additional items. The following additional item will

be considered at a closed meeting scheduled for Thursday, May 3, 1979, immediately following the 10 a.m. open meeting.

Opinion.—The following item will be considered at an open meeting scheduled for Thursday, May 3, 1979, at 2:30 p.m. immediately following the closed meeting:

Oral argument on an appeal by Roy Ray Seaton from disciplinary action taken against him by the National Association of Securities Dealers, Inc. For further information, please contact R. Moshe Simon at (202) 755-1530.

The following item will be considered at a closed meeting scheduled for Thursday, May 3, 1979, immediately following the 2:30 p.m. open meeting:

Post oral argument discussion.

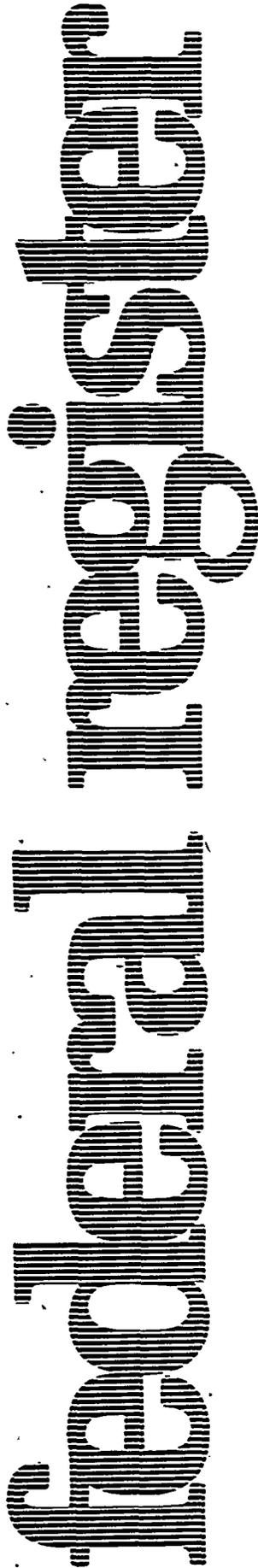
Chairman Williams and Commissioners Loomis and Evans determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

April 27, 1979.

[S-858-79 Filed 4-30-79; 8:45 am]

BILLING CODE 8010-01-M

Wednesday
May 2, 1979



Part II.

**Department of
Agriculture**

Soil Conservation Service

**Compliance with NEPA; General
Procedure**

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[7 CFR Part 650]

Compliance With NEPA; General Procedure

AGENCY: Soil Conservation Service (SCS), U.S. Department of Agriculture, (USDA).

ACTION: Proposed rule.

SUMMARY: This revised rule prescribes the general procedures for compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)) and the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations (40 CFR 1500-1508) issued November 29, 1978. This revised rule expands Part 650, Subpart A, to include all programs administered by SCS. The SCS rule adopts the CEQ regulations in total. The CEQ regulations will be distributed with the final SCS procedures.

DATES: Comments are due on or before June 18, 1979. A briefing on the proposed revised rules will be held on May 21, 1979, at 10:00 a.m.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, etc. to Gary A. Margheim, Acting Director, Environmental Services Division, U.S. Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3839. The hearing will be held in conference Room 5221, South Agriculture Building, Independence Avenue, between 12th and 14th Street SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gerold L. Lanman, Environmental Specialist, Environmental Services Division, U.S. Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3849.

SUPPLEMENTARY INFORMATION: On August 8, 1977, the Soil Conservation Service published revised rules for streamlining the implementation of NEPA in SCS-assisted project actions. The revision made the environmental impact statement (EIS) an essential part of SCS decisionmaking.

This rule is a total revision of the procedures for implementing NEPA used by SCS to comply with the regulations of the Council on Environmental Quality, 40 CFR 1500-1508, published November 29, 1978. These rules are expanded to include procedures for implementing NEPA in all SCS-assisted programs. Several data-gathering and inventorying

programs of SCS are categorically excluded from requirements to prepare an EIS.

SCS is introducing a new phrase, "environmental evaluation (EE)," to describe the interdisciplinary planning that is carried out before SCS takes any action in any program it administers. The phrase "environmental assessment (EA)" was formerly used by SCS to describe this planning; however, the definition of "environmental assessment" in the new CEQ regulations 40 CFR 1508.9 depicts a document rather than a process, making it necessary for SCS to use a new phrase.

These proposed rules have been developed in consultation with the staff of the Council on Environmental Quality and are consistent with the NEPA procedures of the Secretary of Agriculture.

These proposed rules have been determined to be significant under Executive Order 12044. An approved draft Impact analysis is available by contacting Gerold L. Lanman, Environmental Specialist, Environmental Services Division, U.S. Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3849.

SCS will conduct a national briefing on the proposed revised rules on Monday, May 21, 1979, at 10:00 a.m. in conference Room 5221, South Agriculture Building, Independence Avenue, between 12th and 14th Street SW, Washington, D.C. All interested agencies, groups, and individuals are invited to attend.

Dated: April 23, 1979.

Norman A. Berg,
Associate Administrator, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Programs numbered: 10.900; 10.901; 10.902; 10.903; 10.904; 10.905; 10.906; 10.907; and 10.908).

It is proposed to revise Part 650 of Title 7 of the Code of Federal Regulations to read as follows:

PART 650—COMPLIANCE WITH NEPA**Subpart A—Procedures for SCS Programs.**

Sec.

- 650.1 Purpose.
- 650.2 Applicability.
- 650.3 Policy.
- 650.4 Definition of terms.
- 650.5 Environmental evaluation in planning.
- 650.6 Categorical exclusions.
- 650.7 When to prepare an EIS.
- 650.8 When to prepare an environmental assessment.
- 650.9 NEPA and interagency planning.
- 650.10 Adoption of an EIS prepared by a cooperating agency.
- 650.11 Environmental documents.

Sec.

- 650.12 SCS decisionmaking.
- 650.13 Review and comment.

§ 650.1 Purpose.

(a) This rule prescribes procedures by which SCS is to implement the provisions of NEPA. The Soil Conservation Service recognizes NEPA as the national charter for protection, restoration, and enhancement of the environment. NEPA establishes policy, sets goals (Section 101), and provides means (Section 102) for carrying out the policy.

(b) The procedures included in this rule supplement CEQ's NEPA regulations, 40 CFR 1500-1508. CEQ regulations that need no additional elaboration to address SCS-assisted actions are not repeated in this rule, although the regulations are cited as references. 650.1(b) line 5. The procedures include some overlap with CEQ regulations. This is done to highlight items of importance for SCS. It is not intended that this supersede the existing body of NEPA regulations.

(c) These procedures provide that: (1) environmental information is to be available to citizens before decisions are made about actions that significantly affect the human environment, (2) SCS-assisted actions are to be supported by accurate scientific analyses, (3) SCS-prepared NEPA documents are to be available for public scrutiny, and (4) documents are to concentrate on the issues that are timely and significant to the action in question rather than amassing needless detail.

(d) Procedures for implementing NEPA are designed to insure that environmental consequences are considered in decisionmaking. They allow SCS to assist individuals and nonfederal public entities to take actions that protect, enhance, and restore environmental quality.

(e) To avoid delays in decisionmaking, these procedures make possible the early identification of actions that have significant effects on the human environment.

§ 650.2 Applicability.

This rule applies to all SCS-assisted programs including the uninstalled parts of approved projects that are not covered by environmental documents prepared under previous rules for compliance with NEPA. It is effective on the date of publication of the final rule. SCS is to consult with CEQ in the manner prescribed by 40 CFR 1506.11 if it is necessary to take emergency actions.

§ 650.3 Policy.

(a) *SCS mission.* The SCS mission is to provide assistance that will allow use and management of ecological, cultural, natural, physical, social, and economic resources by striving for a balance between use, management, conservation, and preservation of the Nation's natural resource base. The SCS mission is reemphasized and expanded to carry out the mandate of section 101(b) of NEPA, within other legislative constraints, in all its programs of Federal assistance. SCS will continue to improve and coordinate its plans, functions, programs, and recommendations on resource use so that Americans, as stewards of the environment for succeeding generations—

(1) Can maintain safe, healthful, productive, and esthetically and culturally pleasing surroundings that support diversity of individual choices: and

(2) Are encouraged to attain the widest range of beneficial uses of soil, water, and related resources without degradation to the environment, risk to health or safety, or other undesirable and unintended consequences.

(b) *SCS environmental policy.* SCS is to administer Federal assistance within the following overall environmental policies:

(1) Provide assistance to Americans that will motivate them to maintain equilibrium among their ecological, cultural, natural, physical, social, and economic resources by striving for a balance between conserving and preserving the Nation's natural resource base.

(2) Provide technical and financial assistance through a systematic interdisciplinary approach to planning and decisionmaking to insure a balance between the natural, physical, and social sciences.

(3) Consider environmental quality as equal with economic, social, and other factors in decisionmaking

(4) Insure that plans satisfy identified needs and at the same time minimize adverse effects of planned actions on the natural environment through interdisciplinary planning and environmental evaluation before providing technical and financial assistance.

(5) Counsel with highly qualified specialists in many technical fields to insure broad planning and environmental evaluation.

(6) Encourage broad public participation in defining environmental quality objectives and needs.

(7) Identify and make provisions for detailed survey, recovery, protection, or preservation of unique cultural resources that otherwise may be irrevocably lost or destroyed by SCS-assisted project actions.

(8) Encourage local sponsors to review with interested publics the operation and maintenance programs of completed projects to insure that environmental quality is not degraded.

(9) Advocate the retention of important farmlands and forestlands, prime rangeland, wetlands, or other lands designated by State or local governments whenever proposed conversions are caused or encouraged by actions or programs of a Federal agency, licensed by or require approval by a Federal agency, or are inconsistent with local or State government plans. Provisions are to be sought to insure that such lands are not irreversibly converted to other uses unless other national interests override the importance of preservation or otherwise outweigh the environmental benefits derived from their protection. In addition, the preservation of farmland in general provides the benefits of open space, protection of scenery, wildlife habitat, and in some cases, recreation opportunities and controls on urban sprawl.

(10) Advocate actions that reduce the risk of flood loss; minimize effects of floods on human safety, health, and welfare; and restore and preserve the natural and beneficial functions and values of flood plains.

(11) Advocate and assist in the reclamation of abandoned surface-mined lands and in planning for the extraction of coal and other nonrenewable resources to facilitate restoration of the land to its prior productivity as mining is completed in defined areas or sites.

(12) Advocate the protection of valuable wetlands, threatened and endangered animal and plant species and their habitats, and designated ecosystems.

(13) Advocate the conservation of natural and manmade scenic resources, improve the technical ability of agencies to identify and evaluate scenic resources, and insure that its agencies protect and enhance the visual quality of the landscape.

§ 650.4 Definition of terms.

Definition of the following terms or phrases appear in 40 CFR 1508, CEQ regulations. These terms are important in the understanding and implementation of this rule. These

definitions are not repeated in the interest of reducing duplication:

Categorical exclusion. (40 CFR 1508.4)

Cooperating agency. (40 CFR 1508.5)

Cumulative impact. (40 CFR 1508.7)

Environmental assessment (EA). (40 CFR 1508.9)

Environmental impact statement (EIS). (40 CFR 1508.11)

Finding of no significant impact (FNSI). (40 CFR 1508.13)

Human environment. (40 CFR 1508.14)

Lead agency. (40 CFR 1508.16)

Major Federal action. (40 CFR 1508.18)

Mitigation. (40 CFR 1508.20)

NEPA process. (40 CFR 1508.21)

Scope. (40 CFR 1508.25)

Scoping. (40 CFR 1501.7)

Significantly. (40 CFR 1508.27)

Tiering. (40 CFR 1508.28)

Environmental evaluation. The environmental evaluation (EE) (formerly referred to by SCS as an environmental assessment) is that part of planning that inventories and estimates the potential effects on the human environment of alternative solutions to resource problems. A wide range of concise and pertinent environmental data as well as social and economic information to indicate if a proposed action is a major Federal action significantly affecting the human environment are considered. The environmental evaluation for a program, regulation, or individual action is used to determine the need for an environmental assessment or an environmental impact statement. It also aids in the consideration of alternatives and in the identification of available resources.

Notice of intent (NOI) (40 CFR 1508.22). A notice of intent is a brief statement inviting public reaction to the decision by the responsible Federal official to prepare an EIS for a major Federal action. The notice of intent is to be published in the Federal Register, Circulated to interested agencies, groups, individuals, and published in one or more newspapers serving the area of the proposed action.

Federally-assisted actions. These actions are planned and carried out by individuals, groups or local units of government largely on nonfederal land with technical and financial assistance provided by SCS.

Responsible Federal official (RFO). The SCS Administrator is the responsible Federal official (RFO) for compliance with NEPA regarding proposed legislation, programs, legislative reports, regulations, and program EIS's. SCS state conservationists (STC's) are the RFO's

for compliance with the provisions of NEPA in other SCS-assisted actions.

Interdisciplinary planning. SCS uses an interdisciplinary environmental evaluation and planning approach in which specialists and groups having different technical expertise act as a team to jointly evaluate existing and future environmental quality. The interdisciplinary group considers structure and function of natural resource systems, complexity of problems, and the economic, social, and environmental effects of alternative actions. Public participation is an essential part of effective interdisciplinary planning.

Record of Decision. (ROD) (40 CFR 1505.2). A record of decision is a concise, written rationale by the RFO regarding implementation of a proposed action requiring an environmental impact statement. This was previously defined by SCS as a Statement of Findings (SOF).

Channel realignment. Channel realignment includes the construction of a new channel or a new alignment and may include the clearing, snagging, widening, and/or deepening of the existing channel. (Channel Modification Guidelines, 42 FR 40120).

Project actions. A project action is a formally planned undertaking that is carried out within a specified area by sponsors for the benefit of the general public. Project sponsors are units of government having the legal authority and resources to install, operate, and/or maintain works of improvement.

Nonproject actions. Nonproject actions consist of technical and financial assistance provided to an individual, group, or local unit of government by SCS primarily through a cooperative agreement with a local conservation district. These actions may include consultations, advice, engineering, and other technical assistance that the land user is usually not capable of accomplishing without assistance. Nonproject technical and financial assistance may result in the land user installing field terraces, waterways, field leveling, on-farm drainage systems, farm ponds, pasture management, conservation tillage, critical area stabilization, and other conservation practices.

§ 650.5 Environmental evaluation in planning.

(a) *General.* Environmental evaluation (EE) is an essential part of SCS land and water resources planning. It begins when SCS personnel consult with applicants for SCS assistance on NEPA-related concerns. Environmental

evaluation continues throughout planning and includes the following:

(1) Environmental evaluation identifies land and water resource problems, planning objectives, and needs of the applicants and sponsoring local organizations. It identifies the relevant factors of the environment that may be affected by the objectives. For project actions, environmental quality objectives are to be considered equally with national economic development objectives to insure their parallel development.

(2) A wide range of pertinent environmental, social, economic, and cultural data must be evaluated, giving consideration to future alternatives. The level of study committed to environmental factors is to be consistent with the planning objectives.

(3) The environmental evaluation assists resource planners in alternatives and analyzing effects by considering related environmental statutes and executive orders. The consideration of alternatives is to be consistent with 40 CFR 1502.14. In SCS-assisted project actions, nonstructural, water conservation, and other alternatives that are in keeping with the Water Resources Council's Principles and Standards are to be considered if appropriate.

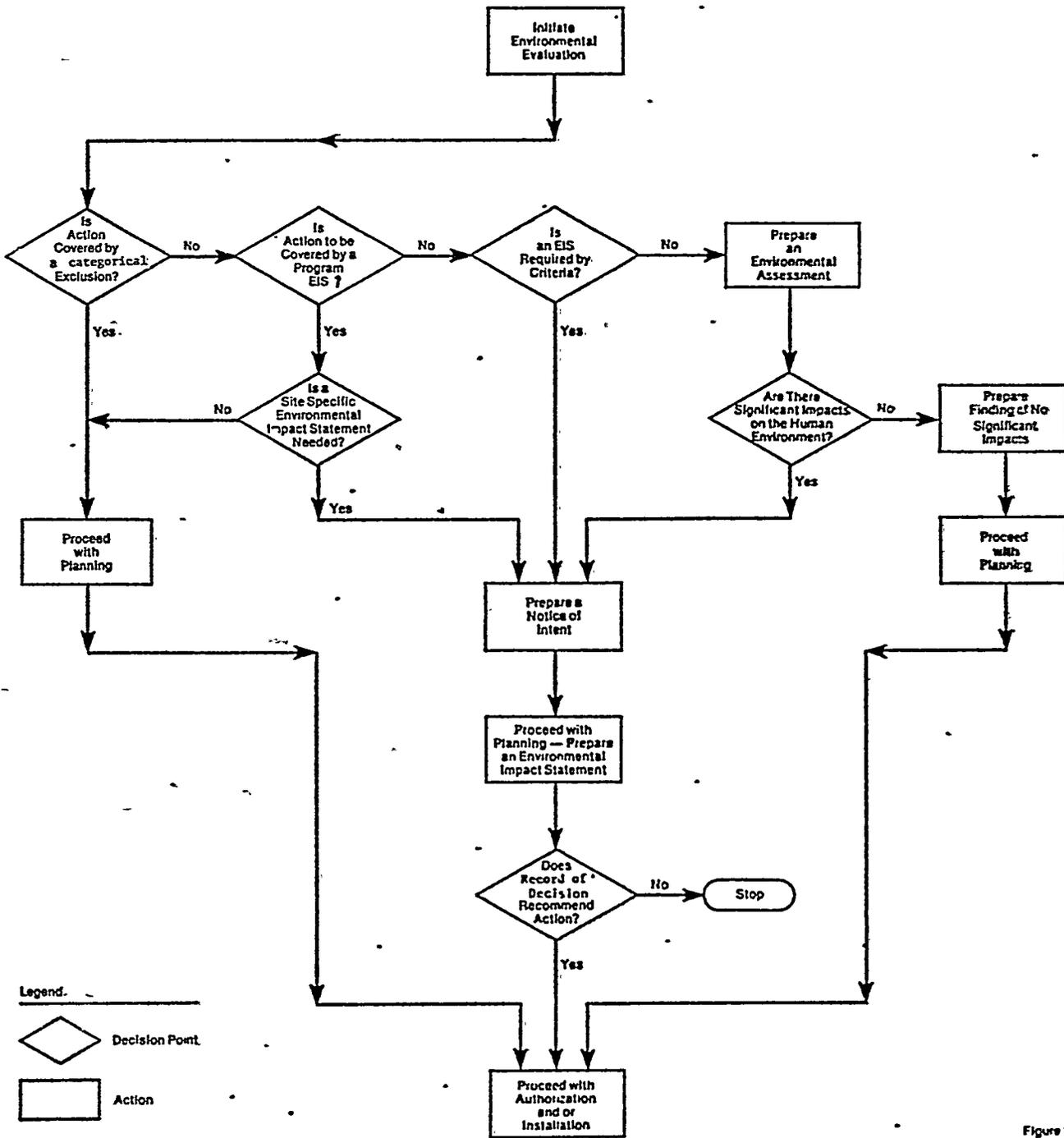
(4) The environmental evaluation is to identify and compare environmental effects and values in sufficient detail for economic and technical analyses.

(b) *Procedures.* SCS's Guide for Environmental Assessment issued in March 1977 provides guidance for making an environmental evaluation. (42 FR 40123-40167).

(c) *Decision points.* The following flow chart (Figure 1) illustrates the decision points for compliance with NEPA in SCS decisionmaking.

BILLING CODE 3410-16-M

NEPA in SCS Planning



Legend.
 ◊ Decision Point.
 □ Action

BILLING CODE 3410-16-C

Figure 1

§ 650.6 Categorical exclusions.

(a) Some SCS programs or parts of programs do not normally create significant individual or cumulative impacts on the human environment. Therefore, an EA or EIS is not needed. These are data gathering and interpretation programs and include—

- (1) Soil Survey—7 CFR 611,
- (2) Snow Survey and Water Supply Forecasts—7 CFR 612,
- (3) Plant Materials for Conservation—7 CFR 613,
- (4) Inventory and Monitoring—Catalog of Federal Domestic Assistance—10.908, and
- (5) River Basin Studies under Section 6 of P.L. 83-566 as amended.—7 CFR 621.

(b) The environmental evaluation performed by the RFO when any new action under these programs is planned is to identify extraordinary circumstances that might lead to significant individual or cumulative impacts. Actions that have potential for significant impacts on the human environment are not eligible for categorical exclusion.

§ 650.7 When to prepare an EIS.

The following are categories of action for determining whether an EIS is to be prepared for SCS actions, programs, and regulations.

(a) *An EIS is required for—*

(1) Projects that include stream channel realignment or work to modify channel capacity by deepening or widening where significant aquatic habitat exists. If the channel supports no significant aquatic habitat, it will be reflected in the environmental evaluation.

(2) Projects requiring Congressional action.

(3) Broad Federal assistance programs administered by SCS when the environmental evaluation indicates there may be significant cumulative impacts on the human environment (§ 650.7(e)), and

(4) Other major Federal actions that are determined after environmental evaluation to affect significantly the quality of the human environment (§ 650.7(b)). It may be necessary to complete the EE and prepare an EA if it is difficult to determine whether there is a significant impact on the human environment in order to decide if an EIS is required.

(b) The RFO is to determine the need for an EIS for each action, program, or regulation. An environmental evaluation, using a systematic interdisciplinary analysis and evaluation of data and information responding to the five provisions of

Section 102(2)(C) of NEPA, will assist the RFO in deciding if the action requires the preparation of an EIS.

In analyzing the evaluating environmental concerns, the RFO is to answer the following questions:

(1) *Environmental impact.* Will the proposed action significantly affect the quality of the human environment? (40 CFR 1508.14). For example, will it significantly alter or destroy valuable wetlands, prime and unique farmland, cultural resources, or threatened and endangered species; affect social values, water quality, fish and wildlife habitats, wilderness and scenic areas; or create controversies? "Significantly" as used in NEPA requires considerations of both context and intensity. For a definition of "significantly" see 40 CFR 1508.27.

(2) *Adverse environmental effects that cannot be avoided.* What are the important environmental amenities that would be lost if the proposed action were implemented?

(3) *Alternatives.* Are there alternative methods that would achieve the planning objectives but avoid major adverse environmental effects?

(4) *Short-term uses versus long-term productivity.* Will the proposed actions, in combination with other actions, sacrifice the enhancement of significant long-term productivity as a tradeoff for short-term uses?

(5) *Commitment of resources.* Will the proposed action irreversibly and irretrievably commit the use of important resources such as prime and unique farmland.

(c) *Criteria for determining the need for a program EIS:*

(1) A program EIS is required if the environmental evaluation reveals that actions carried out under the program have individually insignificant but cumulatively significant environmental impacts. The RFO, through tiering, is to determine if a site specific EA or EIS is required for an individually significant action that is included in a program EIS.

(2) A project EIS, in lieu of a program EIS, is required if the environmental evaluation reveals that actions carried out under the program will have both individually and cumulatively significant environmental impacts. (7 CFR 620-623 and 640-643)

§ 650.8 When to prepare an environmental assessment (EA).

An environmental assessment (EA) is to be prepared for—

(a) Land and water resource projects that are not included in § 650.7(a) (1) through (4) for which State and local units of government receive Federal

technical and financial assistance from SCS (7 CFR 620-623; and 640-643).

(b) Other actions not included in a program EIS nor categorically excluded that the EE reveals may be a major Federal action significantly affecting the quality of the human environment.

§ 650.9 NEPA and interagency planning.

(a) *Lead agency.* (1) SCS is to be the lead agency for actions under programs it administers. If the actions affect more than one State, the SCS Administrator is to designate one SCS state conservationist as the RFO.

(2) SCS normally takes the role of lead agency in actions that share program responsibilities among USDA agencies if SCS provides the majority of funds for the actions. If the lead agency role is in question, the role of SCS and other USDA agencies is to be determined by the USDA Environmental Coordinator, Office of Environmental Quality Activities.

(3) If SCS and Federal agencies outside USDA cannot agree on which will be the lead agency and which will be the cooperating agencies, the procedures contained in 40 CFR 1501.5(e) are to be followed.

(4) SCS, as lead agency, is to coordinate the participation of all concerned agencies in developing the EIS according to the provisions of 40 CFR 1501.6(a).

(b) *Cooperating agencies.* (1) SCS is to request, as appropriate, the assistance of cooperating agencies with the environmental evaluation. This assistance will broaden the expertise in the planning and help to avoid future conflict. SCS is to request assistance in determining the scope of issues to be addressed and identifying the significant issues related to a proposed action from Federal agencies that have jurisdiction by law or special expertise.

(2) SCS is to act as a cooperating agency if requested. SCS may request to be designated as a cooperating agency if proposed actions may affect areas of SCS expertise, such as prime farmlands, soils, erosion control, and agricultural sources of nonpoint pollution. SCS, as a cooperating agency, is to comply with the requirements of 40 CFR 1501.6(b) to the extent possible depending on funds, personnel, and priority. If insufficient funds or other resources prevent SCS from participating fully as a cooperating agency, SCS is to request the lead agency to provide funds or other resources to allow full participation.

(c) *Scoping.* See 40 CFR 1501.7 for a definition of scoping.

(1) SCS is to use scoping to identify and categorize significant environmental

issues so that an analytical EIS can be prepared that will reduce paperwork and avoid delay. Scoping allows SCS to obtain the assistance and consultation of affected agencies that have special expertise or legal jurisdiction in the proposed action. If early environmental evaluation identifies a need for an EIS, SCS is to publish a notice of intent (NOI) to prepare an EIS. The NOI is to request the assistance of all interested agencies, groups, and persons in determining the scope of the evaluation of the proposed action.

(2) Normally a scoping meeting is held and Federal, State, or local agencies that have special expertise or legal jurisdiction in resource values that may be significantly affected are requested to participate. The scoping meeting will identify agencies that may become cooperating agencies.

(3) In the scoping meeting, the range of actions, alternatives, and impacts to be included in the EIS as defined in (40 CFR 1508.25) are to be determined. Tiering (40 CFR 1508.28) may be used to define the relation of the proposed statement to other statements.

(4) Periodic meetings of the cooperating agencies are to be held at important decisionmaking points to provide timely interagency, interdisciplinary participation.

(5) Scoping is to include the items listed in 40 CFR 1501.7(a) and may also include any of the activities in 40 CFR 1501.7(b). Appropriate, timely requests and notification are to be made to promote public participation in scoping in accordance with § 650.7 of this part.

(6) The RFO is to set time limits as prescribed in 40 CFR 1501.8. Time limits are established by SCS in consultation with sponsors according to the projected availability of SCS resources. The RFO is to make the applicant aware of the possible need for revising time limits because of changes in SCS resources.

(d) *Public participation.* (1) *General.* Public participation activities begin early in the EE and are to be appropriate to the proposed action. For example, extensive public participation activities are required in the implementation of new programs and project actions, but limited public participation is appropriate for nonproject technical and financial assistance programs on nonfederal land.

(2) *Early public involvement.* The public is to be invited and encouraged to participate in the early stages of planning, including the consideration of the potential effects of SCS-assisted actions on significant environmental resources such as wetlands, flood

plains, cultural values, endangered species, prime and unique farmland, etc.

(3) *Project activities.* The following are general considerations for providing opportunities for public participation:

(i) *Identification of interested public.* The interested public consisting of but not limited to individuals, groups, organizations, and government agencies is to be identified, sought out, and encouraged to participate in and contribute to interdisciplinary planning and environmental evaluation.

(ii) *Public notices.* (40 CFR 1506.6) If the effects of an action are primarily of local concern, notice of each public meeting or hearing should be: Submitted to State and areawide clearinghouses pursuant to OMB circular A-95 (revised); submitted to Indian tribes if they are interested; published in local newspapers; distributed through other local media; provided to potentially interested community organizations including small business associations; published in newsletters that may be expected to reach potentially interested persons; mailed directly to owners and occupants of nearby or affected property; and posted onsite and offsite in the area where the action is to be located.

(iii) *State statutes.* If official action by the local units of government cooperating in the proposal is governed by State statute, the public notice and mailing requirement of the statute is to be followed. If the effects of an action are of national concern, notice is to be published in the Federal Register and notice mailed to national organizations reasonably expected to be interested.

(iv) *Public meetings.* The RFO, after consultation with the sponsors, is to determine when public meetings or hearings are to be held. Public meetings may be in the form of a workshop, tour, open house, etc. Environmental information is to be presented and discussed along with other appropriate information. To the extent practical, pertinent information should be made available before the meetings.

(v) *Documentation.* The RFO is to maintain a reviewable record of public participation in the environmental evaluation and planning.

(4) *Nonproject activities.* Public participation in the planning and application of conservation practices with individual land users is accomplished primarily through conservation districts. These districts are governed by boards of supervisors, directors, commissioners, etc., who are elected to insure that soil, water, related resources, and environmental qualities in the district are maintained and

improved. The public is to be encouraged to participate in the development of long-range district programs and district annual plans. The district keeps the public informed through public meetings, district newsletters, news stories, radio and television programs, and annual reports.

§ 650.10 Adoption of an EIS prepared by a cooperating agency. (40 CFR 1506.3)

(a) If SCS adopts an EIS prepared by another agency, the RFO is to review the document to insure that it meets the requirements of the CEQ regulations and SCS-NEPA procedures.

(b) If the actions included in the EIS are substantially the same as those proposed by SCS, the RFO is to recirculate the EIS as "final." The final EIS is to include an appropriate explanation of the action. If these actions are not substantially the same the EIS is to be supplemented and recirculated as a draft EIS. The RFO is to inform the preparing agency of the proposed action.

(c) If the adopted EIS is not final, if it is the subject of a referral under 40 CFR 1504, or if the statement's adequacy is in litigation, the RFO is to include an appropriate explanation in the EIS.

(d) The RFO is to take appropriate action to inform the public and appropriate agencies of the proposed action.

§ 650.11 Environmental documents.

(a) SCS is to use the following documents in compliance with NEPA (see § 650.4):

- (1) Environmental assessments (EA)
- (2) Environmental impact statements (EIS)
- (3) Notice of intent (NOI)
- (4) Finding of no significant impact (FNSI)
- (5) Record of Decision (ROD)

(b) The format and content of each document is to be appropriate to the action being considered and consistent with the CEQ regulations.

(1) To reduce duplication, SCS may combine environmental documents with other planning documents concerning a proposal as appropriate. For example, SCS, in consultation with CEQ and the office of the Secretary of Agriculture, has determined that each EIS is to satisfy the requirements for a regulatory impact analysis as required by Executive Order 12044. This will necessitate modifying the recommended CEQ format. If documents are combined, the RFO is to include the information and sections required by the CEQ regulations (40 CFR 1502.10).

(2) The RFO is to establish the format and content of each document giving full consideration to the guidance and requirements of the CEQ regulations. The SCS technical service center director is to provide guidance and concurrence on the format if the SCS state conservationist is the RFO. The results of scoping are to determine the content of the EA or the EIS and the amount of detail needed to analyze the impacts.

(3) In addition to the minimum requirements of the CEQ regulations (40 CFR 1502.10), environmental assessments and environmental impact statements are to include a section describing public participation activities of agencies, groups, and individuals during the environmental evaluation and planning. As appropriate, the section is to address the hazard potential of each alternative and include potential safety programs. It should include information pertaining to any approved regional plans for water resource management in the study area. It is also to address whether the proposed project is consistent with such plans, or if it is not, describe the reasons for the inconsistency. The section should describe major environmental problems, conflicts, and disagreements among groups and agencies and how they were resolved. Unresolved conflicts and the SCS's proposal for resolving the disagreements before the project is implemented are to be summarized.

(4) *Letters of comment and responses.* (40 CFR 1503.4) Letters of comment that were received and the responses to these comments are to be appended in the final EIS. Opposing views and other substantive comments that were not adequately discussed in the draft EIS are to be incorporated in the final EIS. To the maximum extent practicable, changes made in response to substantive comments are to be included in the final EIS.

(5) *Appendix.* The RFO is to decide if an appendix to an EA or EIS is needed. If the appendix is voluminous or otherwise not included with the EIS, its RFO is to make it available on request. If the appendix is included it is to—

(i) Meet the requirements of 40 CFR 1502.18,

(ii) Identify any methodologies used and make explicit reference to other sources relied on for conclusions, and

(iii) Describe the relationship between that analysis and any analysis of unquantified environmental impacts, values, and amenities if a cost benefit analysis has been prepared and the EIS is not part of a combined document. "For purposes of complying with the

Act, the weighing of the merits or drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis * * *." (40 CFR 1502.23). The environmental impact statement should indicate those considerations, including factors not related to environmental quality, that are likely to be relevant to a decision.

§ 650.12 SCS decisionmaking.

(a) *General.* The purpose of these procedures is to insure that environmental information is provided to decisionmakers in a timely manner. The NEPA process, is a part of SCS decisionmaking. The RFO is to insure that the policies and purposes of NEPA and CEQ regulations are complied with in SCS decisionmaking by:

(1) Including in all decision documents and supporting environmental documents a discussion of all alternatives considered in the decision. Alternatives to be considered in reaching a decision are to be made available to the public.

(2) Submitting relevant environmental documents, comments, and responses with other decision documents through the review process.

(3) Including in the record of formal rulemaking or adjudicatory proceedings relevant environmental documents, comments, and responses.

(4) Providing for pre- and post-project monitoring and evaluation in representative projects to insure that planning and evaluation procedures are performed according to sound criteria.

(b) *Decision points in SCS-assisted projects.* SCS administers programs that may have a significant effect on the human environment. Program procedures incorporate provisions for compliance with NEPA and for providing environmental information to the public, other agencies, and decisionmakers in a timely manner. SCS provides technical and financial assistance for projects under the Watershed Protection and Flood Prevention and the Resource Conservation and Development (RC&D) programs. These usually require the preparation of project EA's or EIS's. The major decisionmaking points are as follows:

(1) For Watershed Protection and Flood Prevention projects:

(i) Application for assistance by the sponsoring local organization (SLO) that includes information on the potential environmental impacts.

(ii) A preauthorization report identifying goals, alternatives, and effects of alternatives (including environmental impacts) prepared by the

RFO and submitted to the applicant for decision. It is circulated to local, State, and Federal agencies and public comment is solicited. A decision is made to stop planning assistance or to develop a watershed plan.

(iii) Granting of planning authorization by the Administrator that requires the RFO to provide an evaluation of the potential environmental impacts.

(iv) A watershed agreement between the SLO and the SCS after a watershed plan and associated environmental documents have been prepared and the review has been completed.

(v) A project agreement between the SLO and the RFO executed after the watershed plan has been approved and final plans and specification have been developed.

(2) For RC&D measure plans:

(i) A request for assistance (measure proposal) is reviewed by the RC&D council to insure that the proposal is in accordance with the RC&D area plan. The proposal is then referred to SCS.

(ii) A preliminary report is prepared by the RFO to identify goals, alternatives, and effects (including environmental impacts) and is submitted to the sponsor for review. The sponsor may then apply to SCS for planning assistance for measures considered in the preliminary report.

(iii) An authorization for planning assistance is granted by the RFO.

(iv) The RC&D measure plan is signed by the applicant and the RFO after the preparation and review of the measure plan and environmental documents.

(v) A project agreement is signed between the applicant and the RFO after the measure plan has been approved and a final plan and specifications have been prepared.

(c) *Record of decision.* (1) *EIS's.* The RFO is to prepare a concise record of decision called a Record of Decision (ROD) for actions requiring an EIS. The Record of Decision is to be prepared before a plan is submitted to a Congressional committee and following the 30-day administrative action period initiated by EPA's publication of the notice of availability of the final EIS in the Federal Register. It is to be signed and dated by the RFO and serves as the public record of decision as described in section 1505.2 of the CEQ regulations, and is to be distributed to all those who provided substantive comments on the draft EIS.

(2) *EA's.* If the EA indicates that the proposed action is not a major Federal action significantly affecting the quality of the human environment, the RFO is to

prepare a finding of no significant impact (FNSI).

(3) *Publication of Record of Decision or FNSI.* The RFO is to distribute a Record of Decision or an FNSI to interested agencies and individuals. They are to be published in the Federal Register and in one or more newspapers serving the area of the proposed action. Single copy requests for the documents are to be filled without charge. A charge is to be made for multiple copies. Implementation of the proposed action is to be initiated for 30 days after the Record of Decision or FNSI has been published in the Federal Register.

(d) *Changes in projects.* Before making changes in programs and projects not categorically excluded that will change the environmental effects, the RFO is to initiate an environmental evaluation of the proposed action. The RFO is to determine the need to prepare and circulate needed environmental documents according to the environmental evaluation.

§ 650.13 Review and comment.

In addition to the requirements contained in 40 CFR 1503, 1506.10 and 1506.11, SCS is to take the following steps in distributing EIS's for review and comment:

(a) *Draft EIS's.* Five copies of the draft EIS are to be filed by the RFO with the Office of Federal Activities, Environmental Protection Agency (EPA), Washington, D.C. At the same time, the RFO is to send copies of the draft EIS to the following:

(1) *Other Federal agencies.* Agencies that have jurisdiction by law or special expertise with respect to any environmental effect, other Federal agencies (including appropriate field and regional offices), and affected Indian tribes are to receive copies of the draft EIS.

(2) *State and local agencies.* OMB Circular No. A-95 (Revised), through its system of State and areawide clearinghouses, provides a means for obtaining the views of State and local environmental agencies that can assist in the preparation and review of EIS's.

(3) *Organizations, groups, and individuals.* A copy of the draft EIS is to be sent to the appropriate official of each organization or group and each individual who has requested a copy. A charge may be made for multiple copy requests.

(b) *Time period for comment.* The time period for review ends 45 days after the date EPA publishes the notice of public availability of the draft in the Federal Register. A 15-day extension of time for review and comment is to be

considered by the RFO when such requests are submitted in writing. If neither comments nor a request for an extension is received at the end of the 45-day period, it is to be presumed that the agency or party from whom comments were requested has no comments to make.

(c) *News releases.* In addition to the EPA Federal Register notice of availability, the RFO is to announce the availability of the draft EIS in one or more newspapers serving the area.

(d) *Revising a draft EIS.* If significant changes in the proposed action are made as a result of comments on the draft EIS, a revised draft EIS may be necessary. The revised draft EIS is to be recirculated for comment in the same manner as a draft EIS.

(e) *Final EIS's.* After the review period for the draft EIS, the RFO is to prepare a final EIS, making adjustments where necessary by taking into consideration and responding to significant comments and opposing viewpoints received on the draft EIS. The following steps are to be taken in filing and distributing the final EIS:

(1) Letters of comment are to be appended to the final EIS. If numerous repetitive responses are received, summaries of the repetitive comments and a list of the groups or individuals who commented may be appended in lieu of the actual letter.

(2) The RFO is to send five copies of the final EIS to EPA and a copy of the final EIS to each State and Federal agency, organization, group, and individual who commented on the draft EIS. Single copy requests for copies of the final EIS will be provided. A charge may be made for multiple copy requests.

(f) *Supplements to EIS's.* (1) If SCS determines that it is necessary to clarify or amplify a point of concern raised after the final EIS is filed with EPA, appropriate clarification or amplification is to be sent to EPA with information copies furnished to those who received copies of the final EIS. The waiting periods do not apply.

(2) If the RFO determines that the final EIS previously filed becomes inadequate because of a major change in the plan for the proposed action that significantly affects the quality of the human environment, a new EIS is to be prepared, filed, and distributed as described in this section.

[FR Doc. 79-13496 Filed 5-1-79; 8:45 am]
BILLING CODE 3410-16-M

Wednesday
May 2, 1979

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Part III

**Federal Emergency
Management Agency**

Establishment of CFR Title and Chapter

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Chapter I****Establishment of Title and Chapter****AGENCY:** Federal Emergency Management Agency.**ACTION:** Final rule.

SUMMARY: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979 by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency". This plan, and an executive order to be issued in the near future, will transfer to the new agency functions to five existing agencies. Since these agencies have regulations separately published in four different titles of the Code of Federal Regulations (Titles 24, 32, 32A and 45), it would be beneficial to consolidate and codify them in a single new title of the Code.

It has been determined that publication of this rule as a proposal for public comment is unnecessary as it deals only with establishment and arrangement of the title.

Therefore this publication establishes that title and describes the Subchapters of Chapter I titled "Federal Emergency Management Agency".

EFFECTIVE DATE: May 2, 1979.**ADDRESS:** Federal Emergency Management Agency, Washington, DC 20472.**FOR FURTHER INFORMATION CONTACT:** George W. Jett, Acting General Counsel, Federal Emergency Management Agency, Washington, DC 20472, Phone: AC 202 632-9680.**SUPPLEMENTARY INFORMATION:****Functions Transferred by
Reorganization Plan No. 3 of 1978**

Reorganization Plan No. 3 transfers to FEMA functions, including those established under the following statutes:

(a) The Federal Fire Prevention and Control Act of 1974, as amended, (15 U.S.C. 2201 *et seq.*).

(b) The National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, (42 U.S.C. 4001 *et seq.*).

(c) Title XII of the National Housing Act, as amended, (12 U.S.C. 1749bbb *et seq.*).

Oversight functions in connection with the Emergency Broadcast System were also transferred to FEMA by the Reorganization Plan.

**Functions To Be Transferred by
Executive Order**

The President's message transmitting the Reorganization Plan to Congress (Weekly Compilation of Presidential Documents, Vol. 15, p. 1129, June 19, 1978) states that all authorities and functions vested by law in the President under the Federal Civil Defense Act of 1950, as amended, (50 U.S.C. App. 2251 *et seq.*) and the Disaster Relief Acts of 1970 and 1974, as amended (42 U.S.C. 4401 *et seq.* and 42 U.S.C. 5121 *et seq.*) are to be transferred to FEMA.

The Presidential authorities presently vested in the Federal Preparedness Agency (to include policy formulation for the National Stockpile) are to be transferred to FEMA.

Additional functions not presently assigned to any of the five agencies are to be delegated to FEMA. These include oversight responsibility for the earthquake hazards reduction program, coordination of the dam safety program, community readiness for severe weather related emergencies, disaster warning coordination and coordination of preparedness activities to reduce the consequences of major terrorist incidents.

Establishment and Organization of Title

With the anticipated transfer of those functions not presently a part of FEMA, with the transfers which have occurred, and because FEMA can be expected to issue new regulations for functions not currently addressed, it will be advantageous to consolidate the various program regulations appearing in four different titles of the Code of Federal Regulations.

Therefore, all regulations presently transferred or to be moved into FEMA will be reorganized into a single title, "Federal Emergency Management and Assistance". Chapter I will pertain to the Federal Emergency Management Agency.

Subchapter A sets forth regulations with general applicability to all FEMA components; these regulations will address such areas as the Statement of Organization, the Freedom of Information Act, issue and review of regulations, and standards of conduct.

Subchapter B and C are regulations transferred from the Federal Insurance Administration and the United States Fire Administration.

Subchapter D and E, upon issuance of the proposed executive order, will be regulations transferred from the Federal Disaster Assistance Administration, the Defense Civil Preparedness Agency, and the Federal Preparedness Agency.

Remaining subchapters will be reserved for any additional agency functions, and other chapters can deal with other agencies.

Accordingly, a new Title 44 of the Code of Federal Regulations entitled "Federal Emergency Management and Assistance" is hereby established with the following Chapter I and subchapters A-E.

Title 44**Chapter I—Federal Emergency Management Agency****Subchapter A—General****Parts 0-49—****Subchapter B—Federal Insurance and Hazard Mitigation****Parts 50-149—****Subchapter C—Fire Prevention and Control****Parts 150-199—****Subchapter D—Disaster Assistance****Parts 200-299—****Subchapter E—Preparedness****Parts 300-399—**

Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127 dated March 31, 1979 (44 FR 19367).]

Dated: April 26, 1979.

Gordon Vickery,

Acting Director.

[FR Doc. 79-13649 Filed 5-1-79; 8:45 am]

BILLING CODE 4210-23-M

Wednesday
May 2, 1979

Part IV

**Council on Wage
and Price Stability**

**Noninflationary Pay and Price Behavior;
Adoption of Form PM-1 and Correction
of Technical Errors**

COUNCIL ON WAGE AND PRICE STABILITY**6 CFR Parts 705 and 706****Noninflationary Pay and Price Behavior; Adoption of Form PM-1 and Correction of Technical Errors****AGENCY:** Council on Wage and Price Stability.**ACTION:** Adoption of reporting form and correction of technical errors.**SUMMARY:** The Council is adopting a quarterly reporting form, designated as Form PM-1, and is also correcting certain minor technical errors in its rules.**EFFECTIVE DATE:** May 2, 1979.**FOR FURTHER INFORMATION CONTACT:** Albert Ross, Office of Price Monitoring, Council on Wage and Price Stability, 600 17th St., NW., Washington, D.C. 20506 (202/456-7725).

SUPPLEMENTARY INFORMATION: On March 29, 1979, the Council intensified its monitoring of compliance with the voluntary price standards by announcing that certain firms would be asked to provide base-period data, as well as quarterly data concerning price actions during the program year. In adopting procedural rules to implement the monitoring program, the Council announced that it would issue a quarterly reporting form, Form PM-1, and provided in 6 CFR 706.27 that certain companies would be requested to furnish data in accordance with this form (44 FR 23776, April 20, 1979). This notice contains Form PM-1, and instructions for completing it. While the April 20 notice indicated that the initial filing date would be May 7, 1979, this data has now been moved forward to May 18, 1979.

The data collected by Form PM-1 will be used by the Council to determine the extent to which firms have complied with the voluntary standards on price deceleration, gross margins, and the profit margin limitation. While the submission of data is voluntary, the Council views the access to timely, uniformly defined data as essential to the effective monitoring of compliance with the standards. The data will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904, note, and 6 CFR Parts 702 and 704, 44 FR 5339 (January 25, 1979).

As provided in § 706.27, any company that had, or is part of a parent company that had, consolidated net sales or revenues of \$250 million or more in its

last complete fiscal year prior to October 2, 1978, and any other company designated by the Council, is requested to file the form and the appropriate accompanying schedules. However, financial institutions covered by Section 705C-9, insurance companies covered by Sections 705C-5 and 705C-6, and electric and gas utilities covered by Section 705C-8 are not requested to submit this information.

Data should be filed on a separate form for each company as specified in the plan for company organization previously submitted to the Council. If a plan of company organization is not on file with the Council, a plan of company organization should accompany submission of the form.

The Council has determined that the data requested by Form PM-1 will be readily available to any company, and that it can be assembled without undue effort or expense provided that the company has instituted a program for compliance with the voluntary standards. Moreover, in accordance with § 706.20, if a company has furnished the Council with any of the data requested by Form PM-1, it need not furnish it again, although it should identify for the Council the document (including page references) containing such data and the date on which it was submitted.

This form was submitted to the Office of Management and Budget in accordance with the Federal Reports Act, and was approved under No. 116-R0357.

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

In consideration of the foregoing, the Council is adopting Form PM-1, and amending Chapter VII, Title 6 of the Code of Federal Regulations in the appendix to Part 705 and in Part 706 to read as follows.

Issued in Washington, D.C., April 27, 1979.

Barry Bosworth,
Director, Council on Wage and Price Stability.

1. Section 705C-6 in the appendix to Part 705 is amended by deleting the comma (,) after the word "IF" and the phrase "in accordance with paragraph (a)" from paragraph (b)(1).

2. Section 706.61 is amended in the first sentence by inserting the term "§ 706.60" after the word "Section."

3. Form PM-1 and accompanying instructions are adopted to read as follows:

BILLING CODE 3175-01-M

Form PM-1 CWPS Winder Building 600 17th Street, N.W. Washington, D. C. 20506	PROGRAM YEAR REPORT ON PRICES, SALES AND PROFITS FOR QUARTER ENDING _____, 19____ OMB NO: 116-R0357	REPORT FOR: <input type="checkbox"/> 6 Months (2nd Qtr.) <input type="checkbox"/> 9 Months (3rd Qtr.) <input type="checkbox"/> 12 Months (4th Qtr.)	CWPS USE ONLY Company No: _____ Primary SIC: _____
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Part I - Identifying Data

1. Reporting Status a. <input type="checkbox"/> Consolidated Parent b. <input type="checkbox"/> Disaggregated Company c. <input type="checkbox"/> Unconsolidated Company			
2. Parent Company Data (a. Name of Company) (b. Address (Number and Street)) (City or Town, State and ZIP code)		3. Data on Company Covered by this filing (Compliance Unit) (Complete only if different from item 2) (a. Name of reporting company) (b. Address (Number and Street)) (City or Town, State and ZIP code)	
c. Ending date of most recent fiscal year prior to 10/2/78 (mo., day, yr.)	d. Identification Number e. Revenues (\$000) \$ _____	c. Ending date of most recent fiscal year prior to 10/2/78 (mo., day, yr.)	d. Identification Number e. Revenues (\$000) \$ _____
4. a. Program Year of Reporting Company (mo., day, yr.) From _____ To _____		4. b. Date of this Report (mo., day, yr.) _____, 19____	

Part II - Report "Schedule" Attachments

A. <input type="checkbox"/> Report of Price Data (by product line)	B. <input type="checkbox"/> Report of Retail and Wholesale Trade (percentage gross margin)	C. <input type="checkbox"/> Report of Food Manufacturers and Processors (gross margins)
D. <input type="checkbox"/> Report of Petroleum Refiners (gross margins)	E. <input type="checkbox"/> Report of Profit Margin Data	

Part III - Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904, Note, and 6 CFR Parts 702 and 704, 44 FR 5339 (January 25, 1979).
 Chief Executive Officer of parent firm or other authorized executive officer (please type)

Name and title: _____ Name of Company: _____
 Telephone number (include area code) _____
 Sign here _____ (Date) _____

Forward this form and all supporting documents to: Office of Price Monitoring, Council on Wage and Price Stability, Winder Building, 600 17th Street, N.W., Washington, D. C. 20506. Indicate "Submission of Form PM-1" in the lower left hand corner of the envelope.

Schedule A Form PM-1	COUNCIL ON WAGE AND PRICE STABILITY REPORT OF PRICE DATA BY PRODUCT LINE PROGRAM YEAR REPORT FOR QUARTER ENDING: _____, 19____ OMB NO: 116-R0357	CWPS USE ONLY COMPANY NUMBER: _____ PARENT _____ REPORTING COMPANY _____
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1. Name of Reporting Company (As shown on Part I, Block 2 or 3 Form, PM-1)

2. Base-Period Rate of Price Change (BPRC)

a. Base period (month, day, year) Quarter ending _____, 19____	b. Was the suggested CWPS formula utilized? (1) <input type="checkbox"/> Yes (2) <input type="checkbox"/> No (If "No" explain methodology)
c. Were sampling techniques utilized? (1) <input type="checkbox"/> Yes (2) <input type="checkbox"/> No	d. Were average realized prices used? (1) <input type="checkbox"/> (2) <input type="checkbox"/> No (If "No" explain)

3i. Calculation of base-period and reporting period program-year rates of price change

Product Line (a)	CWPS Use Only (b)	Base Period		Base Quarter	Reporting Quarter
		Covered Net Sales or Revenues (\$000) (c)	Rate of Price Change (d)	Covered Net Sales or Revenues (\$000) (e)	Rate of Price Change (f)
(1)		\$	%	\$	%
(2)					
(3)					
(4)					
(5)					
(6) Total Carried from Supporting Page(s)					
3ii. Total - Covered Net Sales or Revenues		\$		\$	
3iii. Sales-Weighted Average Rates of Price Change			%		%
(1) Less: Deceleration Percentage			.5		
(2) Sub Total					
(3) Less: Pay Deceleration Passthrough					
3iv. Allowable Program-Year Rate of Price Change (see instructions)			%		%
4. Allowable Program-Year Rate of Price-Change Thru Reporting Quarter					
5. Supporting Documentation Page: A-_____ Thru A-_____					

Schedule B Form PM-1	COUNCIL ON WAGE AND PRICE STABILITY REPORT OF RETAIL AND WHOLESALE TRADE PERCENTAGE GROSS MARGINS PROGRAM YEAR REPORT FOR QUARTER ENDING: _____, 19____ OMB NO: 116-R0357	CWPS USE ONLY COMPANY NUMBER _____ PARENT _____ REPORTING COMPANY _____
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1. a. Name of Reporting Company (as shown on Part I, Block 2 or 3 Form PM-1)	2. a. Name of Reporting Unit (if different from 1a)
b. Address (Street, City, State and ZIP code)	b. Address (Street, City, State, and ZIP code)
	c. Program Year of Reporting Company or Entity (Month, Day, Year) From _____ To _____
3. a. Method selected for compliance in Program Year: (1) <input type="checkbox"/> Base-year percentage gross margin (2) <input type="checkbox"/> Gross-margin trend	3. b. Inventory Method: (1) <input type="checkbox"/> LIFO (3) <input type="checkbox"/> Other (if "Other" provide supporting methodology) (2) <input type="checkbox"/> FIFO

4. Base-year percentage gross margin method (\$000)

i. Allowable:

(1) Net sales (adjusted for discounts, returns, coupons, etc.)	\$ _____
(2) Beginning inventory	\$ _____
(3) Plus: Cost of goods purchased	+ _____
(4) Sub Total	\$ _____
(5) Less: Ending inventory	- _____
(6) Cost of goods sold	_____
(7) Gross margin on sales	\$ _____
(8) Allowable percentage gross margin on sales ((line 7 ÷ Line 1) x 100)	_____ %

5. Gross-margin-trend method

i. Allowable	Base Year (a)	Year Ended Two Years Prior (b)	Ratio $\frac{5i(1)(a)}{5i(1)(b)}$ (c)	Allowable Trend (d)
(1) Percentage gross margin	%	%		%
(2) Gross-margin-trend on sales				%
(3) Allowable gross-margin trend (item 4i(8)) x (1 + item 5i(2))				%

6. Program-year compliance test

	1st Quarter (a)	2nd Quarter (b)	3rd Quarter (c)	4th Quarter (d)
(1) Actual Net Sales (\$000)	\$ _____	\$ _____	\$ _____	\$ _____
(2) Actual Percentage Gross Margin	%	%	%	%
(3) Allowable Percentage Gross Margin	%	%	%	%

7. Supporting Documentation Page: B- _____ Thru B- _____

Schedule C Form PM-1	COUNCIL ON WAGE AND PRICE STABILITY REPORT OF FOOD MANUFACTURERS AND PROCESSORS GROSS MARGINS PROGRAM YEAR REPORT FOR QUARTER ENDING: _____, 19____ OMB NO: 116-R0357	CWPS USE ONLY COMPANY NUMBER: _____ PARENT _____ REPORTING COMPANY _____
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1. a. Name of Reporting Company (as shown on Part I, Block 2 or 3 Form PM-1)	2. a. Name of Reporting Unit (if different from 1a)
b. Address (Street, City, State, and ZIP code)	b. Address (Street, City, State, and ZIP code)

3. Method selected for compliance in the program year

a. Base-quarter gross margin b. Alternative gross margin

4. Base-period and program-year gross margin (\$000)

a. Base-quarter gross margin

(1) Net sales (adjusted for discounts, returns, coupons, etc.)	\$ _____
(2) Less: Food ingredients used in manufacturing	_____
(3) Base-quarter gross margin	\$ _____
(4) Alternative gross margin (base quarter sales (line 4a(1)) x (average percentage gross margin for the base year))	\$ _____

b. Allowable program year gross margin

(1) Base-period gross margin (base quarter margin (line 4a(3)) or alternative gross margin (line 4a(4) above)	\$ _____
(2) Plus: Allowable gross margin growth (line 4b(1) x 0.065)	+ _____
(3) Sub Total	\$ _____
(4) Plus: Physical volume increase _____ % x (line 4b(3))	+ _____
(5) Allowable program-year gross margin	\$ _____

5. Program year compliance test (\$000)	1st Quarter (a)	2nd Quarter (b)	3rd Quarter (c)	4th Quarter (d)
(1) Actual Gross Margin	\$ _____	\$ _____	\$ _____	\$ _____
(2) Allowable Gross Margin	\$ _____	\$ _____	\$ _____	\$ _____

6. Supporting-documentation: Page C- _____ Thru C- _____

Schedule D Form PM-1	COUNCIL ON WAGE AND PRICE STABILITY REPORT OF PETROLEUM REFINERS GROSS MARGINS PROGRAM YEAR REPORT FOR QUARTER ENDING: _____, 19____ OMB NO: 116-R0357	CWPS USE ONLY COMPANY NUMBER: _____ PARENT _____ REPORTING COMPANY _____
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1. a. Name of Reporting Company (as shown on Part I, Block 2 or 3 Form PM-1)	2. a. Name of Reporting Unit (if different from 1a)
b. Address (Street, City, State and ZIP Code)	b. Address (Street, City, State, and ZIP Code)
3. a. Were the required adjustments made for changes in input mix? (1) <input type="checkbox"/> Yes (2) <input type="checkbox"/> No (If "No" explain)	3. b. Were adjustments made for changes in product sales mix? (1) <input type="checkbox"/> Yes (If "Yes" explain) (2) <input type="checkbox"/> No

4. Base-quarter and program-year gross margins (\$000)

a. Base quarter gross margin	
(1) Sales (adjusted for discounts, returns, coupons, etc.)	\$ _____
(2) Less. Cost of petroleum ingredients, which are petroleum, petroleum products, natural gas, natural gas liquids and natural gas liquid products.	- _____
(3) Gross margin in base quarter	\$ _____
b. Allowable program-year gross margin	
(1) Gross margin in base quarter (from item 4a(3))	\$ _____
(2) Plus: Allowable gross-margin growth (item 4a(3) x (.065))	+ _____
(3) Sub Total	\$ _____
(4) Plus: Physical volume increase _____ x (item 4b(2))	+ _____
(5) Allowable program-year gross margin	\$ _____

5. Program-year compliance test (\$000)	1st Quarter (a)	2nd Quarter (b)	3rd Quarter (c)	4th Quarter (d)
1. Actual Gross Margin	\$ _____	\$ _____	\$ _____	\$ _____
2. Allowable Gross Margin	\$ _____	\$ _____	\$ _____	\$ _____

6. Supporting Documentation: Page D- _____ Thru D- _____

Schedule E Form PM-1	COUNCIL ON WAGE AND PRICE STABILITY REPORT OF PROFIT MARGIN DATA PROGRAM YEAR REPORT FOR QUARTER ENDING: _____, 19__ OMB NO: 116-R0357	CWPS ONLY COMPANY NUMBER PARENT REPORTING COMPANY
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1. a. Name of Reporting Company (as shown on Part I, Block 2 or 3 Form PM-1)
1. b. Basis for Use of Profit Margin Limitation:
- (1) Exception to the price deceleration standard granted by CWPS.
 - (2) Self-administered exception to the price standard.
 - (3) Insufficient product coverage (Part 765A-5(b))

2. Profit Margin Data

2i. Profit and Net Sales or Revenue Data	LAST THREE FISCAL YEARS COMPLETED PRIOR TO OCTOBER 2, 1978			CWPS Use Only
	(a)	(b)	(c)	
1. Fiscal Years Ending Dates (mo., day, yr.)				
2. Net Sales or Revenues	\$	\$	\$	
3. Profit	\$	\$	\$	
2ii. Profit-Margin Limitation				%
2iii. Program-Year Profit Margins	1st Quarter (a)	2nd Quarter (b)	3rd Quarter (c)	4th Quarter (d)
1. Actuals	%	%	%	%

3. Allowable Program-Year Profit

3i. Method of calculating base-year profit

- (1) Actual (2) Adjusted (Base Period Revenues \$ _____)

3ii. Calculation (Annual Only)

- 1. Total base-year profit (BYP) \$ _____
- 2. Plus: Allowable Program-Year Growth (line (1) x (.065) + _____
- 3. Sub Total \$ _____
- 4. Plus: Physical Volume Increase _____ x (line (3)) + _____
- 5. Allowable Program-Year Profit \$ _____

4. Program-Year Profit Test	1st Quarter (a)	2nd Quarter (b)	3rd Quarter (c)	4th Quarter (d)
1. Actuals,	\$	\$	\$	\$

5. Supporting Documentation: Page E- _____ Thru E- _____

Instructions for Preparation of Form PM-1— Program Year Report on Prices, Sales, and Profits

General Instructions

Purpose of Form PM-1.—As part of the President's Anti-Inflation Program, the Council on Wage and Price Stability (the Council) has issued Voluntary Standards for Noninflationary Pay and Price Behavior. These standards appear at 43 FR 60772 (December 28, 1978); 44 FR 9582 (February 13, 1979); and 44 FR 17910 (March 23, 1979). The standards are further explained by the "Pay and Price Standards—Implementation Guide" at 44 FR 5339 (January 25, 1979) and by the questions and answers appearing with these publications. Special Procedural Rules for complying with the standards appear at 44 FR 1346 (January 4, 1979); 44 FR 5337 (January 25, 1979); 44 FR 9585 (February 13, 1979); 44 FR 17916 (March 23, 1979); and 44 FR 23777 (April 20, 1979).

Form PM-1 is used by the Council as a means for collecting data from companies. The data will be used to determine the extent to which firms have complied with the voluntary standards on price deceleration, gross margins, and the profit margin limitation. While the submission of data is voluntary, the Council views the access to timely, uniformly defined data as essential to the effective monitoring of compliance with the standards.

The Council on Wage and Price Stability Act, 12 U.S.C. Section 1904, note, authorizes the Council to collect data on prices, sales and profits, such as are requested on Form PM-1.

Confidentiality of Information.—Information furnished to the Council pursuant to this request will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904, note, and 6 CFR Parts 702 and 704, 44 FR 5339 (January 25, 1979).

Suggestions for Improvement.—The Council welcomes suggestions for improving these forms. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities for monitoring compliance with the Voluntary Standards for Noninflationary Pay and Price Behavior with the minimum reporting burden on reporting companies.

Who Should File.—A company that had, or is part of a parent company that had, consolidated net sales or revenues of \$250 million or more in its last complete fiscal year prior to October 2, 1978, and any other company designated by the Council, is requested to file with the Council information specified in "What to File", below. However, financial institutions covered by Section 705C-9, insurance companies covered by Sections 705C-5 and 705C-6, and electric and gas utilities covered by Section 705C-8 are not requested to submit this information.

Data should be filed on a separate form for each company as specified in the plan for company organization previously submitted to the Council. If a plan of company organization is not on file with the Council, a plan of company organization should accompany this form.

If a parent company chooses to disaggregate a consolidated entity for compliance purposes, each separately identified entity must fulfill the requirements for disaggregation as set forth in the definition of company in Subpart 705D of the Voluntary Standards for Noninflationary Pay and Price Behavior and in Section 706.21 of the Special Procedural Rules.

What to File.—Each reporting company is requested to submit Form PM-1 and Schedule E, items 1a and 2i. In addition, each reporting company is requested to submit one (or more) of Schedules A through E, corresponding to its applicable standard for compliance:

	Schedule
Price Deceleration Standard.....	A
Percentage Margin Standard for Wholesale and Retail Trade.....	B
Margin Standard for Food Manufacturing and Processing Industries.....	C
Modified Price Standard for Petroleum Refiners.....	D
Profit-Margin Limitation Exception.....	E

Normally, a reporting company will submit only one of these additional schedules. However, if a reporting company is applying more than one of the standards to its operations, it should submit all appropriate schedules. In addition, companies using the profit-margin limitation because of Section 705A-5(b) (Insufficient Product Coverage) should submit Schedule A for lines of business not excluded under Section 705A-3 and Schedule E.

Where to File.—Form PM-1 and attachments should be addressed to:

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

Specific Instructions

Part I—Identifying Data.

Item 1: Check the appropriate box indicating the reporting status selected by the company for measurement of compliance.

Item 2: A parent company is a company that is not directly or indirectly controlled by another company.

- Enter name of parent company.
- Enter address of executive office of parent company.
- Enter ending date of most recent fiscal year of the parent company completed prior to October 2, 1978.

d. Enter the parent company's "Data Universal Numbering System" (D.U.N.S.) if known. If not known, or if the company does not have a number, leave this item blank.

e. Enter the total consolidated net sales or revenues of the parent company during its most recent fiscal year completed prior to October 2, 1978 (item 2(c)). This information is used to determine the company's reporting status.

Item 3: Fill in this item only if the reporting company covered by this filing is different from the parent company listed in item 2. The criteria for determining such reporting companies are given above under "Who Should File."

- Enter name of reporting company covered by this filing.
- Enter address of executive office of reporting company.

c. Enter the ending date of the most recent fiscal year of the reporting company completed prior to October 2, 1978.

d. Enter the reporting company's "Data Universal Numbering System" (D.U.N.S.) number, if known. If not known, or if the reporting company does not have a number, leave this item blank.

e. Enter the total consolidated net sales or revenues of the reporting company covered by this filing during its most recent fiscal year completed prior to October 2, 1978. This information is used to determine the company's reporting status.

Item 4a: Enter here the first and last day of the company's program year. The program year is the twelve-month period immediately following the company's base quarter; the base quarter is the company's last complete calendar or fiscal quarter prior to October 2, 1978.

Item 4b: Date that this report is submitted.

Part II—Report Schedule Attachments.

Items A thru E: Indicate by checking the appropriate boxes the schedules being filed by the company. See "What to File" under General Instructions.

Part III—Certification.—Self-explanatory.

Specific Instructions

Schedule A—Report of Price Data by Product Line.

Item 1: Name of reporting company.

Item 2: Base-period rate of price change.

Item 2a: The base period is to be measured from the last calendar or complete fiscal quarter of 1975 to the corresponding quarter of 1977. Enter in the space provided the month, day, and year of the ending month of the last quarter applicable to the company's base period.

Item 2b: Check the applicable box relating to the method used to compute the base-period rate of price change (BPRC) shown in item 3iii below. This determination may be made by reference to Part B of the Council's "Pay and Price Standards—Implementation Guide," or to Subpart 705D of the Voluntary Standards for Noninflationary Pay and Price Behavior. If "No" is marked, explain on a separate page the method used to compute the base-period rate of price change.

Item 2c: Check the applicable box to indicate if sampling techniques were used for the selection of products included in the base-period rate of price change calculations.

Item 2d: Prices used to calculate base-period rates of price change should represent average realized prices during the beginning and ending quarters of the base period. Prices may be measured at the end of the calendar or fiscal quarter provided that prices have remained substantially unchanged during the quarter. List prices may be used to compute the base-period rate of price change only if such list prices move closely with the transaction prices and are representative of average realized prices during the quarter. Check the appropriate box indicating whether or not prices used represent average realized prices during the quarter. If "No" is marked, explain on a separate page.

Item 3i: Calculation of base-period and reporting period program-year rates of price change by product line.

Column (a): Indicate name or identifying description for each major product line (*Standard Industrial Classification Manual (1972)* may be used). Use additional sheets if necessary.

Column (b): For CWPS use only.

Column (c): For each product line, provide net sales or revenues employed for revenue weighting in calculating the base-period rate of price change. (See Subpart 705D.)

Revenues should be shown as covered net revenues after exclusions permitted under Section 705A-3 of the Voluntary Standards for Noninflationary Pay and Price Behavior.

Column (d): For each product line, provide the base-period rate of price change as illustrated in Part B "Pay and Price Standards—Implementation Guide."

Column (e): For each product line, provide net sales or revenues for the base quarter (last complete calendar or fiscal quarter prior to October 2, 1978) to be employed as revenue weights for calculating the program-year rate of price change (see 3iii, below, and Subpart 705D). Revenues should be shown as covered net revenues after exclusions permitted under Section 705A-3 of the Voluntary Standards for Noninflationary Pay and Price Behavior.

Column (f): For each product line, provide the actual rate of price change for the program year to date. This is computed as the ratio of the average realized price in the reporting quarter to the average realized price in the base quarter. Illustrative calculations are shown in Part B of the "Pay and Price Standards—Implementation Guide." The calculations for this item should be performed in a manner consistent with calculations performed for item 2d.

Item 3ii: Provide total covered net sales or revenues, respectively, for column (c) and column (e) of item 3i above.

Item 3iii: Using data from item 3i, column (d), calculate the company's sales-weighted average base-period rate of price change. This calculation is illustrated in the "Pay and Price Standards—Implementation Guide," Part B. Also, using data from item 3i, column (f), calculate the company's sales-weighted average rate of price change for the reporting quarter. Enter the resulting figures in columns (d) and (f), respectively.

The rates of price change should be calculated as the rate of change from the base quarter to the reporting quarter of the program year. They may be computed using the following formula:

$$\text{Rate of Price Change} = \left[\frac{\sum_i S_i \frac{P_i(rQ)}{P_i(bQ)}}{\sum_i S_i} - 1 \right] \times 100$$

Where

$P_i(rQ)$ = the price of the i th product in the reporting quarter;

$P_i(bQ)$ = the price of the i th product in the base quarter;

S_i = i th product sales or revenue shares in the base quarter; and

Σ_i = the summation operator, where the subscript i runs over all products not excluded under 705A-3.

Item 3iii(1): For the first program year the price-deceleration percentage is 0.5 percentage points.

Item 3iii(2): Deduct the price-deceleration percentage in 3iii(1) from item 3iii, column (d).

Item 3iii(3): If a company experiences pay deceleration that is greater than 0.5 percentage points, full pass through of the additional pay deceleration is required for compliance with the general price deceleration standard. In such instances, the total price deceleration percentage is 0.5 percentage points plus the multiple of the company pay share and the rate of pay deceleration that is in excess of 0.5 percentage points (see "Pay and Price Standards—Implementation Guide" for further explanation of pay deceleration computations). Enter calculated pay deceleration pass through if applicable.

Item 3iv: Enter the allowable program-year rate of price change. This is the sales-weighted average price change (3iii(d)) less the deceleration percentage (3iii(1)) and the pay deceleration pass through (3iii(3)). Under the price standard, the maximum allowable program-year rate of price change is 9.5 percent.

Item 4: Section 705A-4 of the Standards specifies that not more than fifty percent of the allowable program-year rate of price change may be implemented in the first six months (two quarters) of the program year and not more than seventy-five percent of the allowable program-year rate of price change may be implemented in the first nine months (three quarters) of the program year. Multiply the allowable program-year rate of price change from item 3iv by 0.5 if this is a second-quarter report, or by 0.75 if this is a third-quarter report, and enter in item 4.

Item 5: Reference any attached supporting documentation.

Specific Instructions

Schedule B—Retail and Wholesale Trade Gross Margins.

Item 1: Name of reporting company.

Item 2: If the report is applicable to a company unit which is a further disaggregation of the reporting company (Part I, item 3), identify the unit here. Otherwise, leave blank.

Item 3a: Indicate, by checking the appropriate box, the method selected by the company (or company unit) to establish its base-year percentage gross margin. In this regard, the company may select either the percentage gross margin experienced during its base year (four quarters ending prior to October 2, 1978) or the base-year percentage gross margin may be developed by using the margin trend method (i.e., base-year percentage gross margin factored by its margin trend). For this purpose, the margin trend is the compound annual rate of growth of the average percentage gross margin

between the base year and the comparable year prior to October 2, 1978 (see Section 705C-2 of the Voluntary Standards for Noninflationary Pay and Price Behavior and the "Pay and Price Standards—Implementation Guide").

Item 3b: Indicate the inventory method used by the company by checking the appropriate box.

Item 4: Base-year percentage gross margin method.

Item 4i (1) thru (7): Amounts to be provided in 4i (1) through (7) should relate to the company's base year (last four complete calendar or fiscal quarters prior to October 2, 1978).

Item 4i(8): Divide 4i(7) by 4i(1) and multiply by 100 to calculate the allowable percentage gross margin on sales. Companies that checked box 3a(1) would use the percentage gross margin calculated for this item as their allowable program-year gross margin percentage.

Item 5: Gross-margin trend method.

Item 5i: Companies that checked box 3a(2) (gross-margin trend) should use this item to compute their margin trend.

Item 5i(1): Enter the company's gross margin percentage for (a) the base year (four quarters ending prior to October 2, 1978) from 4i(8), above, and for (b) the year ended two years prior to the base year computed in the same manner as the calculation for the base year in (a), above. In column (c), enter the percentage gross margin; this is the ratio of item 5i(1), column (a) to 5i(1), column (b).

Item 5i(2): To obtain the gross-margin trend, take the square root of the number in 5i(1)(c), subtract 1, then multiply by 100.

Item 5i(3): Companies that checked box 3a(2) would use the percentage gross margin calculated for this item as its allowable program-year gross margin percentage.

Item 6 (1) and (2): Provide actual net sales and percentage gross margin for completed quarters. These amounts should be calculated in accordance with item 4, above.

Item 6(3): This item is provided so the company can demonstrate its progressive compliance with its allowable percentage gross margin during the program year. Provide allowable gross margin percentages for each of the four quarters. They may depart from the annual averages in item 4i(8) or item 5i(3) due to margin trend and seasonality.

Item 7: Reference any attached supporting documentation.

Specific Instructions

Schedule C—Food Manufacturers and Processors Gross Margins.

Item 1: Name of reporting company.

Item 2: If the report is applicable to a company unit which is a further disaggregation of the reporting company (Part I, item 3), identify the unit here. Otherwise, leave blank.

Item 3: Indicate, by checking the appropriate box, the method selected by the company (or company unit) to establish its base-period gross margin. In this regard, the company may select either (a) its gross margin as experienced in the base quarter (the last complete calendar or fiscal quarter

ending prior to October 2, 1978), or (b) the company may substitute for the base quarter gross margin the base quarter sales multiplied by the average percentage gross margin for the base year (last four complete calendar or fiscal quarters ending prior to October 2, 1978) (see Section 705C-2 of the Voluntary Standards for Noninflationary Pay and Price Behavior and the "Pay and Price Standards—Implementation Guides").

Item 4a(1): Enter the amount of sales (adjusted for discounts, returns, coupons, etc.) for the base quarter.

Item 4a(2): Enter the amount of food ingredients included in item 4a(1). This value is defined as the cost of food ingredients in all the food products sold during the quarter. Food ingredients are defined as agricultural or fishery commodities that undergo further refining, processing or manufacturing prior to being sold for ultimate consumption.

Item 4a(3): Subtract 4a(2) from 4a(1). The resulting gross margin includes the cost of containers, ingredients other than food commodities used in manufacturing, transportation, storage, rent, supplies, labor, company overhead, interest, income and other taxes, net profits on sales and all other costs except for food ingredients. Companies that checked item 3a would enter this amount in item 4b(1) below.

Item 4a(4): This item should be completed only by companies that checked item 3b. This computation results in the alternative gross margin for measuring compliance during the program year. Companies selecting this method should enter the amount appearing in this item in item 4b(1) below.

Item 4b(1): Enter here the amount from item 4a(3) if item 3a was checked, or the amount from item 4a(4) if item 3b was checked.

Item 4b(2) thru (4): Multiply the amount on line 4b(1) by 6.5 percent to give recognition to the allowable growth in the gross margin during the program year. Enter as item 4b(2). Enter the expected rate of increase in physical volume from the base quarter to the corresponding quarter of the program year (four quarters later) and the dollars of increase in item 4b(4).

Item 4b(5): The amount in this item represents the allowable program-year gross margin. It is the sum of 4b(3) and 4b(4).

Item 5: This item is provided so the company can demonstrate compliance with its allowable gross margin. Provide actual data, for completed quarters on line (1) and allowable gross margins for each quarter after allowance for trend and seasonality on line (2).

Item 6: Reference any attached supporting documentation.

Specific Instructions

Schedule D—Petroleum Refiners Gross Margins.

Item 1: Name of reporting company.

Item 2: If the report is applicable to a company unit which is a further disaggregation of the reporting company (Part I, item 3), identify the unit here. Otherwise, leave blank.

Item 3a: Check the appropriate box to indicate if the required adjustments for changes in input mix were made. If "No," explain.

Item 3b: Check the appropriate box to

indicate if adjustments were made for changes in product sales mix. If "Yes," explain.

Item 4a(1): Enter the amount of sales (adjusted for discounts, returns, coupons, etc.) for the base quarter. Sales may come from either inventory of finished goods or goods manufactured during that quarter. The base quarter is the last complete calendar or fiscal quarter ending prior to October 2, 1978.

Item 4a(2): Enter the amount of petroleum ingredients included in item 4a(1). This value is defined as the cost of petroleum ingredients in all the petroleum products sold during the same quarter.

Item 4a(3): Subtract line 4a(2) from line 4a(1). Record the result in item 4a(3). This is your company's gross margin in the base quarter. The resulting gross margin includes the cost of containers, ingredients other than petroleum products used in manufacturing, transportation, storage, rent, supplies, labor, company overhead, interest, income and other taxes, net profits on sales and all other costs except for petroleum products.

Item 4b(1): Enter base quarter gross margin from item 4a(3).

Items 4b(2) thru (4): Multiply the amount of line 4a(1) by 6.5 percent to give recognition to the allowable growth in the gross margin during the program year. Enter as item 4b(2). Enter the rate of increase in physical volume of program year over the base year and the dollars of increase in item 4b(4).

Item 4b(5): The amount represents the company's allowable program-year gross margin. It is the sum of 4b(3) and 4b(4).

Item 5: This item is provided so the company can demonstrate compliance with its allowable gross margin. For each completed quarter provide actual data on line 1 and the allowable gross margin on line 2.

Item 6: Reference any attached supporting documentation.

Special Instructions

Schedule E—Report on Profit-Margin Data.

Each reporting company is requested to complete items 1a and 2i of this schedule. The remainder of this schedule should be completed by companies in the following situations:

(a) Where a company has been granted approval to apply the profit-margin limitation exception of Section 705A-6(a).

(b) Where a company has self-administered a profit-margin limitation prior to April 17, 1979.

(c) Where a company is subject to the profit-margin limitation in accordance with Section 705A-5(b) (Insufficient Product Coverage).

Item 1a: Name of reporting company.

Item 1b: If the reporting company is using the profit-margin limitation to demonstrate compliance, check appropriate box to indicate basis for use. If 1b(2) or 1b(3) is checked, provide supporting documentation.

Item 2i: Enter in the spaces provided profit and net sales or revenue data for the company's last three fiscal years completed prior to October 2, 1978. In item 2i(1), show the fiscal years applicable; in item 2i(2), provide net sales or revenues (see definition of net sales or revenues, below); and in item 2i(3) show appropriate profit (see definition of profit, below).

For purposes of item 2i above, a company's "profit" and "net sales and/or revenues" are defined as follows:

(a) Profit is defined as the sum of item 14 and items 11 through 13 minus items 7 through 10 in 17 CFR Section 210.5-03. Briefly, profit is "income or loss before income tax expense" minus dividend income, interest or profit on securities and miscellaneous other income, plus interest expense and amortization of debt discount and expense, losses on securities and miscellaneous income deductions.

(b) Net sales and/or revenues consist of (1) net sales or tangible products (gross sales less discounts, returns, and allowances), (2) operating revenues such as royalties, rents, and the sale of services and intangible products (e.g., engineering, research and development; and other professional services). This definition is consistent with 17 CFR Section 210.5-03, items 1A, 1B, and 1C.

Item 2ii: Companies applying the profit-margin limitation exception should complete item 2ii and the remainder of this schedule. The profit-margin limitation is a two-part test as described below:

(1) The program-year profit margin should be no higher than the sales-weighted average profit margin over the best two of the company's last three fiscal years prior to October 2, 1978.

(2) Program-year profit should not exceed base-year profit by more than 6.5 percent plus any positive percentage growth in physical volume from the base year to the program year.

Enter the sales-weighted average profit margin calculated in accordance with part one of the definition above and as illustrated in the "Pay and Price Standards—Implementation Guide."

Item 2iii: Enter in columns (a), (b), (c) and (d) as applicable, the actual profit margins achieved during the quarter of the program year for which you are reporting.

Item 3i: Check the box which describes the method the company chose to calculate its base-period profit. In this regard, base-year profit can be either (1) profit earned during the four complete fiscal or calendar quarters prior to the program year, or (2) the average profit margin determined in item 2i(4) above multiplied by sales or revenues in the last four complete fiscal quarters prior to the program year.

Item 3ii: Enter total base-year profits determined by the method selected in 3i above. Multiply this amount by 6.5 percent to give recognition to the allowable growth in profits (item 3ii(2)). Add a percentage representing percentage growth in physical volume of the program year over the base year (item 3ii(4)).

Item 3ii(5): The resulting figure on this line represents the allowable program-year profit for compliance with part two of the profit-margin limitation.

Item 4: On line 1, enter the actual profit earned for the completed quarters of the program year.

Item 5: Reference any attached supporting documentation.

[FR Doc. 79-13675 Filed 5-1-79; 8:45 am]

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Wednesday
May 2, 1979

Environmental
Protection
Agency
Subject Index List of Regional
Administrator Protest Determinations
Issued During 1978

Part V

**Environmental
Protection Agency**

**Protests of Grantee Procurement Actions
Under Grants for Construction of Publicly
Owned Treatment Works**

**Subject Index List of Regional
Administrator Protest Determinations
Issued During 1978**

ENVIRONMENTAL PROTECTION AGENCY

PROTESTS OF GRANTEE PROCUREMENT ACTIONS UNDER GRANTS FOR CONSTRUCTION OF PUBLICLY OWNED TREATMENT WORKS

Subject Index List of Regional Administrator Protest Determinations Issued During 1978

[Note.—This document was originally published in the Federal Register of April 4, 1979 at page 20283. It is reprinted here at the request of the Environmental Protection Agency.]

This notice supplements the subject index of 1974-1977 Regional Administrator protest determinations issued under 40 CFR 35.939 which was published at 43 FR 29086-95 (July 5, 1978). The following subject index lists only the bid protest determinations issued during calendar year 1978. A comprehensive subject index for all determinations issued through mid-1979 will be published in the Federal Register later this year.

Several of the standards and procedures concerning grantee procurement were changed in the recodification of EPA regulations governing the construction grants program for municipal wastewater treatment works. 43 FR 44022-99 (September 27, 1978). The amended bid protest process appears at 43 FR 44083-85. The subject headings refer to many of these regulatory changes, as well as other EPA policies which may affect grantee procurement. Reference is made to important litigation where appropriate. New subject classifications have also been added.

The determinations are cited informally, for administrative convenience. The preferred citation form is, *Grantee, State* (EPA Region—, full date of determination) (Protest of —). Asterisked determinations contain an extensive discussion or important resolution of the subject indexed.

Copies of the issued protest determinations may be examined or obtained from the EPA Regional Counsels or from the headquarters source identified below. We understand that the full texts of the determinations will be published and offered for sale by a private company later in the year.

Interested parties are invited to submit comments concerning improvements, or correction, of the subject index list to Joseph M. Zórc, Assistant General Counsel, Grants (A-134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460.

Comments should be made within sixty (60) days of this publication.

FOR FURTHER INFORMATION CONTACT: Christopher L. Risetto, Attorney, Grants, Contracts and General Administration Division (A-134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C., 20460, 202-755-8108.

Dated: March 21, 1979.

Joan Z. Bernstein,
General Counsel.

Ambiguity (*but see Bids; Mistake*).

1. Amherst, New York (II, 5-15-78) (Cimat Bros. Inc.)
2. Barrington, Illinois (V, 10-20-78) (Utility & Industrial Construction Co.) (method of bidding; basis for contract award)

Architect/Engineering Procurement (§ 35.937).

- *1. Knoxville, Tennessee (IV, 2-8-78) (Roy F. Weston Inc.) (grantee reranking of technical committee evaluation of proposals)
- *2. East Bay dischargers Authority, California (IX, 2-15-78) (R.D. Smith) (subagreements; minority business enterprise)
3. Atwater, California (IX, 4-26-78) (Warren C.T. Wong & Assoc.) (price competition)
4. Penns Grove, New Jersey (II, 8-24-78) (Pandullo Quirk Assoc.) (evaluation of proposals)

Award-Prime Contract (*e.g.*, pending resolution of subcontract issue, *see* 40 C.F.R. § 35.938-4(h)(5), as amended by 43 FR 44080, September 27, 1978) (*see also Deferral of Procurement*).

- *1. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance)
2. Portage, Michigan (V, 12-20-78) (Iacobelli Construction Co.) (award on 2 of 10 contracts advertised)

Bid Shopping (The Administrator, on June 29, 1978, submitted a report to congress entitled, *Waste Water Treatment Contracting and Bid Shopping* which concluded that among other things, EPA would not impose a procurement standard upon grantees with the effect of preventing bid shopping, *see* 40 C.F.R. § 35.938-4(h)(6), as amended by 43 FR 44080, September 27, 1978).

- *1. Fairfax County, Virginia (III, 3-17-78) (John W. Cowper Co. Inc.) (failure of low bidder to name preapproved supplier)

Bonds (§§ 35.936-13(c) and 35.936-22).

1. West Bend, Wisconsin (V, 3-3-78) (Oliver Construction Co. Inc.) (bid—goes to responsiveness)
- *2. Effingham, Illinois (V, 3-21-78) (Autotrol) (performance; combined 200% bond requirement)

- *3. San Francisco, California (IX, 3-22-78) (E & I. Inc.) (experience)
4. Front Royal, Virginia (III, 4-21-78) (Lyco-Zi) (prequalification)
5. San Francisco, California (IX, 8-17-78) (E & I. Inc.) (performance)
- *6. Passaic Valley Sewerage Commissioners, New Jersey (II, 10-5-78) (BSP Division of Envirotech Corp., and Wheatley Corp.) (warranty and performance bond—ambiguity; operation and maintenance costs) [Note.—The first determination in this matter was issued 12-10-77 and was affirmed in *CCTW&M v. U.S. EPA*, 452 F.Supp. 69 (D.N.J., 1978)].
7. Silver City, New Mexico (VI, 10-13-78) (Enviro Development Co. Inc.) (experience)
8. Concord, North Carolina (IV, 10-24-78) (EDC/Enviro Development Inc.) (5 year-justification)
- *9. Chattanooga, Tennessee (IV, 11-2-78) (Philadelphia Gear) (5 year period; cost)
10. Rivanna Water and Sewer Authority, Charlottesville, Virginia (III, 11-2-78) (National Hydro Systems)

Burden of Proof (*e.g.*, § 35.939(g), as well as subtler issues).

1. Kitsap County, Washington (X, 2-3-78) (Will Construction Co., Inc.) where grantee may be awarding to other than low bidder)
2. Webster, Iowa (VII, 2-10-78) (Environmental Systems Division of George A. Hormel & Co. Inc.)
3. Effingham, Illinois (V, 3-6-78) (Mautz & Oren, Inc.) (failure of prime to list line item prices in bid)
4. Turlock, California (IX, 3-6-78) (Riga Inc.)
5. Southern Clinton County, Michigan (V, 8-11-78) (A. Z. Shmina) (for third low bidder where low prime fails to include all subcontractor names and prices at time of bid submission)
6. Toppenish, Washington (X, 10-20-78) (Ridge Construction Co.) (burden shifting from protestant to grantee)
7. Indianapolis, Indiana (V, 10-31-78) (Allis-Chalmers) (non-restrictive specification protest)

Choice of Law—General.

- *1. New York City, New York (II, 1-12-78) (Schiavone Construction Co.) (public interest standard; mistake—bidder intent rule) [Note: The determination was affirmed in *Schiavone Construction Co. v. Samowitz*, 451 F.Supp. 29 (S.D.N.Y. 1978); *aff'd without opinion*, 578 F.2d 1370 (2d Cir. 1978)].
2. Kitsap County, Washington (X, 2-3-78) (Will Construction Co., Inc.)
3. Washington County, Oregon (X, 7-31-78) (North American Contractors Inc.) (fundamental fairness; need for competition)
- *4. San Francisco, California (IX, 8-9-78) (Slattery Assoc., Fischbach and Moore Inc. and Morrison-Knudsen Co., joint venture) (specification language as controlling—federalizing local law issues)
5. Onondaga County, New York (II, 8-23-78) (Pizzagalli Construction Co. and John W. Cowper Co. Inc.) (public interest standard; mistake—bidder intent rule)

6. Toppenish, Washington (X, 10-20-78) (Ridge Construction Co.) (conformance to both state and federal principles)

Choice of Law—Fundamental Federal Procurement Principles (*see also, Rational Basis Test*).

1. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Co.) (fair evaluation of subcontract offers)

Choice of Law—State Law, Applicability of (*e.g.*, §§ 35.936-2, 35.937-5 and 35.939(j)(3)).

1. Niagra County Sewer District (No. 1), New York (II, 10-18-78) (Environment One Corp) (building code approvals)

Competition (*e.g.* §§ 35.936-3, 35.936-13; *see* preamble to recent recodification of 40 C.F.R., Part 35, Subpart E, at 43 FR 44046, September 27, 1978) (*see also Non-Restrictive Specifications; Salient Requirements*).

(A) *DeFacto* (This category is primarily, although not exclusively, intended to connote those determinations in which a defined class or subclass is precluded, or sought to be precluded, from actually competing under a solicitation and is distinguished from circumstances where the sole issue concerns the restrictiveness of an individual "or equal" determination; the Regional Administrator will review the procurement to determine, *inter alia*, whether an acceptable level of competition, in fact, occurred):

*1. Chester, South Carolina (IV, 3-29-78) (Carolina Concrete Pipe Co.) (single pipe material selection—vitrified clay)

*2. Cumberland County, New Jersey (II, 3-31-78) (Dorr-Oliver Inc.) (ultimately nonconforming, prequalified equipment supplier)

3. Newton, North Carolina (IV, 4-25-78) (Carolina Concrete Pipe Co.) (pipe material selection limited to 3 types—vitrified clay, lined reinforced concrete or ductile iron)

*4. Olympia, Washington (X, 5-30-78) (Pentech Division of Houdaille Industries Inc.) (project design exclusion, § 35.939(j)(5)—on-site oxygenation generation system for sludge treatment)

*5. Onondaga County, New York (II, 7-11-78) (Pentech Division of Houdaille Industries Inc.) (project design exclusion, § 35.939(j)(5)—on-site oxygenation generation system for sludge treatment; licensee—licensor relationship as permitting competition)

6. Indianapolis, Indiana (V, 10-6-78) (FMC Corp.) (project design exclusion; § 35.939(j)(5)—closed tank nitrification system)

(B) *General—Free and Open*.

1. Effingham, Illinois (V, 3-21-78) (Autotrol) (rotating biological disc equipment—salient performance requirements)

2. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Co.) (approval of offered equipment items as controlled by specification)

3. Onondaga County, New York (II, 6-30-78) (Zimpro Inc.) (bidding competitor's system)

*4. Onondaga County, New York—Reconsideration (II, 7-19-78) (Zimpro Inc.) (EPA competitive process and overview)

*5. Prince William County, Virginia (III, 8-4-78) (Spencer Turbine Co.) (approval of offered equipment under rational basis analysis)

*6. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance) (functional equivalency—carbon steel to solid stainless steel pump shaft)

7. Frankfort, Kentucky, (IV, 10-18-78) (Passavant)

8. Fairfield, New Jersey (II, 10-20-78) (Loc Pump) (salient performance requirements as standard; functional equivalency—rubber gasket to metal-to-metal connection of pump at discharge pipe)

*9. Chattanooga, Tennessee (IV, 11-2-78) (Philadelphia Gear) (functional equivalency—parallel to right angle shaft for design of aerator speed reducer driver)

Conflict of Interest.

*1. Newton, North Carolina (IV, 4-25-78) (Carolina Concrete Pipe Co.) (personal—competitor supplier's counsel as counsel for grantee consultant)

Defective Invitation for Bids (*see also Ambiguity; Specifications*).

*1. Snyderville, Utah (VIII, 4-17-78) (Jacobsen Construction Co. Inc.)

2. Washtenaw County, Michigan (V, 7-13-78) (Spence Bros.) (impossibility of performance, unavailability of alternate disposal site)

3. Washington County, Oregon (X, 7-31-78) (North American Contractors Inc.) (alternates)

4. Chester, South Carolina (IV, 8-7-78) (Preston Carroll Construction Co.) (multiple low bidders)

Deferral of Procurement Action (§§ 35.938-4(h)(5) and 35.939(h)) (*see also, Award—Prime Contract*).

1. Barrington, Illinois (V, 10-20-78) (Utility & Industrial Construction Co.)

Enforcement.

*1. Knoxville, Tennessee (IV, 2-8-78) (Roy F. Weston Inc.) (A/E procurement-EPA remand authority)

2. Wells, Maine (I, 3-17-78) (Purcell Pump) (barring grantee rejection of equipment)

*3. Cumberland County, New Jersey (II, 3-31-78) (Dorr-Oliver Inc.) (Technical nonrestrictive specification requirement in post-contract context)

4. Mt. Olive, North Carolina (IV, 5-18-78) (Lyco-ZI)

5. Washtenaw County, Michigan (V, 7-13-78) (Spence Bros.) (award to low base bid or readvertise)

*6. Washington County, Oregon (X, 7-31-78) (North American Contractors Inc.) (EPA directed rejection of all bids and negotiation on rebid)

7. Chester, South Carolina (IV, 8-7-78) (Preston Carroll Construction Co.) (EPA directed rejection of all bids; accelerated procurement by negotiation approved)

8. San Francisco California (IX, 8-17-78) (E & I, Inc.) (rational basis justification for performance bond)

9. Newcastle, Indiana—Reconsideration (V, 8-23-78) (request of Newcastle, Indiana) (retrofit items procured to conform to determination)

10. Oklahoma City, Oklahoma (VI, 8-25-78) (Automatic Engineering Inc.) (award to other subcontractors or reprocur at no extra cost to EPA)

11. Chattanooga, Tennessee (IV, 9-20-78) (Passavant Corp.)

12. Concord, North Carolina (IV, 10-24-78) (EDC/Enviro Development Inc.)

Engineering Judgment (*And see, Non-Restrictive Specifications*)

1. Turlock, California (IX, 3-6-78) (Rega Inc.) ("or equal" judgment).

*2. Chester, South Carolina (IV, 3-29-78) (Carolina Concrete Pipe Co.) (single pipe material selection)

3. Cumberland County, New Jersey (II, 3-31-78) (Dorr-Oliver Inc.) (noncomplying preapproved supplier).

4. Front Royal, Virginia (III, 4-21-78) (Lyco-ZI)

5. Olympia, Washington (X, 5-30-78) (Pentech Division of Houdaille Industries, Inc.) (project design issue—oxygenation sludge treatment system)

6. Cleveland Regional Sewer District (Westerly Plant) Ohio (V, 6-14-78) (McLaughlin & Associates)

*7. Prince William County, Virginia (III, 8-4-78) (Spencer Turbine Company) ("or equal" determination reviewed on rational basis standard)

8. Winchester, New Hampshire (I, 9-1-78) (Enviro Development Co. Inc.)

9. Indianapolis, Indiana (V, 10-6-78) (Allis-Chalmers) ("or equal" decision)

*10. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance) (Rational basis standard)

11. Fairfield, New Jersey (II, 10-20-78) (Loc Pump)

12. Indianapolis, Indiana (V, 10-31-78) (Allis-Chalmers) ("or equal" decision)

13. Chattanooga, Tennessee (IV, 11-2-78) (Philadelphia Gear)

14. Urbana-Champaign, Illinois (V, 11-9-78) (Norton Co.) (rational basis standard)

15. Waterford, Connecticut (I, 11-17-78) (Purcell Pump)

Equal Employment Opportunity (40 C.F.R. Part 8) (*Notice*: the President, through Executive Order 12086 (October 5, 1978), transferred all primary contract compliance responsibilities and functions from previously designated contract compliance agencies (e.g. EPA) to the Department of Labor. EPA contract compliance activities are being integrated into the Department of Labor. Accordingly, Part 8 no longer reflects the obligations and responsibilities of EPA as a primary contract compliance agency for contract compliance functions under the construction grants program) (*see also, Responsiveness; Minority Business Enterprise*).

1. Sandusky, Ohio (V, 1-13-78) (Bay-Con Corp.) (certification)

*2. West Goshen, Pennsylvania (III, 3-2-78) (Philips Bros. Electrical Contractors) (EO 11246—Philadelphia Imposed Plan)

*3. San Francisco, California (IX, 8-9-78) (Slattery Assoc., Fischbach and Moore Inc. and Morrison-Knudsen Co. Inc., joint venture) (Minority business enterprise-local requirements)

Evaluation of Bids (but see Responsibility; Responsiveness; Formal Advertising; Negotiation; Mistake; Rejection of All Bids; Award Prime Contracts).

1. New York City, New York (II, 1-12-78) (Schiavone Construction Co.) (mistake; bidder intent test)

2. North Little Rock, Arkansas (VI, 2-1-78) (Environmental Equipment Corp.) (subtier selection by grantee; price)

3. Kitsap County, Washington (X, 2-3-78) (Will Construction Co., Inc.) (equipment listing—matter of responsibility)

4. Effingham, Illinois (V, 3-6-78) (Mautz & Oren, Inc.)

*5. Chicago (Metropolitan Sanitary District of Greater Chicago) Illinois (V, 3-12-78) (Howard Martin Construction) (waiver under local procedures)

6. Fairfax County, Virginia (III, 3-17-78) (John W. Cowper Co., Inc.) (subcontractor listing)

7. Snyderville, Utah (VIII, 4-17-78) (Jacobsen Construction Co. Inc.) (base bidding)

8. Miami-Dade Water and Sewer Authority, Florida (IV, 5-18-78) (Enviro Development Co. and Poole & Kent Co.) (equipment listing)

9. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Co.) (fundamental federal procurement principles)

10. Onondaga County, New York (II, 6-30-78) (Zimpro, Inc.) (offering competitor's system; patent infringement allegation)

11. Miami-Dade Water and Sewer Authority, Florida (IV, 7-13-78) (Ed. L. Nezelek Inc.) (prime's listing of previously unaccepted equipment)

12. Washtenaw County, Michigan (V, 7-13-78) (Spence Bros.) (implementing the specification by its terms; award to low bidder)

13. Washington County, Oregon (X, 7-31-78) (North American Contractors Inc.) (base bidding, use of multiple schedule)

14. San Francisco, California (IX, 8-9-78) (Slattery Assoc., Fischbach and Moore Inc. and Morrison-Knudsen Co. Inc., joint-venture) (minority business enterprise-local requirements)

15. Southern Clinton County, Michigan (V, 8-11-78) (A. Z. Shmina) (subcontractor listing)

16. Bay County, Michigan (V, 9-12-78) (Rose Contracting Co. Inc.) (Contract No. 1-D)

17. Grand Rapids, Michigan (V, 9-26-78) (Infilco Degremont) (life-cycle cost acceptable)

18. Guilderland, New York (II, 10-3-78) (Clevepak Corp.) (base bidding)

19. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance) (base bidding)

20. Barrington, Illinois (V, 10-20-78) (Utility & Industrial Construction Co.)

21. Lake County, Illinois (V, 11-17-78) (Envirex) (listing nonresponsive equipment in bid)

22. Greenville, Texas (VI, 12-7-78) (R. B. Carter)

Experience Requirements (§ 35.936-13(c)) (see Bonds; Non-Restrictive Specifications). [Note: Recodification of EPA regulations, at 43 FR 44046, proposed adding the following as a final sentence to § 35.936-13(c): "No experience restriction will be permitted which unjustifiably reduces competition or innovation." This has been the effective rule in EPA protest determinations.]

*1. Effingham, Illinois (V, 3-21-78) (Autotrol) (rotating biological discs—100% performance and 100% process guarantee bonds; specifications waived)

*2. San Francisco, California (IX, 3-22-78) (E & I, Inc.) (bar screen equipment—prior supply of equipment; no provision for bond; no prior justification)

3. Front Royal, Virginia (III, 4-21-78) (Lyco-Zf) (clarifier and related equipment; performance data prequalification requirement)

4. Miami-Dade Water and Sewer Authority, Florida (IV, 5-18-78) (Enviro Development Co. and Poole & Kent Co.) (sludge dewatering system—bond in lieu of experience requirement; responsiveness)

5. San Francisco, California (IX, 8-17-78) (E & I, Inc.) (bar screen equipment—175% bond in lieu of experience)

6. Indianapolis, Indiana (V, 10-6-78) (FMC Corp.)

7. Silver City, New Mexico (VI, 10-13-78) (Enviro Development Co. Inc.)

8. Fairfield, New Jersey (II, 10-20-78) (Loc Pump) (submersible pumps—list of installations required in lieu of operating data)

9. Concord, North Carolina (IV, 10-24-78) (EDC/Enviro Development Inc.) (sludge dewatering system—5 years; procedures for written justification requirement)

10. Chattanooga, Tennessee (IV, 11-2-78) (Philadelphia Gear) (oxygen generation and oxygenation system—5 years; overlap with warranties; justification)

11. Rivanna Water and Sewer Authority, Charlottesville, Virginia (III, 11-2-78) (National Hydro Systems) (3 year; warranty bonds; justification)

Formal Advertising (§ 35.938-4) (see also Choice of Law—Fundamental Federal Procurement Principles; but see Mistake; Evaluation of Bids).

1. Springfield, Missouri (VII, 1-24-78) (Armco Steel Corp.) (local preference rules for supply of materials)

2. Effingham, Illinois (V, 3-6-78) (Mautz & Oren, Inc.) (waiver of bid irregularities)

3. Snyderville, Utah (VIII, 4-17-78) (Jacobsen Construction Co. Inc.) (supplier price and delivery data)

4. Washtenaw County, Michigan (V, 7-13-78) (Spence Bros.) (bid evaluation—base vs. alternate bid)

5. Washington County, Oregon (X, 7-31-78) (North American Contractors Inc.) (explanation of method of contract award; award to low bidder)

6. Greenville, Texas (VI, 12-7-78) (R. B. Carter)

7. Portage, Michigan (V, 12-20-78) (Iacobelli Construction Inc.) (reject 8 of 10 contracts)

Innovative and Alternative Technologies (§§ 35.908, 35.917-1(d), 35.930-5, 35.935-20, and 35.936-13, and 43 Fed. Reg. 44026-29, September 27, 1978) (see also, Jurisdiction).

1. Olympia, Washington (X, 5-30-78) (Pentech Division of Houdaille Industries, Inc.) (protest design considerations; cost-effectiveness)

2. Onondaga County, New York (II, 7-11-78) (Pentech Division of Houdaille Industries, Inc.)

*3. Indianapolis, Indiana (V, 10-6-78) (FMC Corp.) (open tank nitrification system)

Judicially Directed Review.

1. Miami-Dade Water and Sewer Authority, Florida—Supplement (IV, 4-28-78) (Intercounty Construction Co. and Morganti-South, Inc.—Wolff & Munier, a joint venture)

2. Onondaga County, New York—Supplement (II, 9-7-78) (Pizzagalli Construction Co. and John W. Cowper Co. Inc.)

Jurisdiction (§§ 35.939(a), (j)) (but see A/E Procurement; Choice of Law (all categories); Subcontracts, Award of; System Design).

1. Mountaintop, Pennsylvania (III, 1-5-78) (National Hydro Systems, Inc.) (antitrust issues; subcontract—business judgment rule)

2. North Little Rock, Arkansas (VI, 2-1-78) (Environmental Equipment Corp.) (subtier—grantee involvement)

*3. Knoxville, Tennessee (IV, 2-8-78) (Roy F. Weston Inc.) (A/E procurement; local requirements)

4. East Bay Discharges Authority, California (IX, 2-15-78) (R. D. Smith) (A/E subagreements)

5. Turlock, California (IX, 3-6-78) (Rigu Inc.) (subtier protest)

6. Antigo, Wisconsin (V, 3-24-78) (General Filter Co.) (award of subcontract conforming to specifications)

7. Snyderville, Utah (VIII, 4-17-78) (Jacobsen Construction Co. Inc.) (by or for the grantee)

8. Atwater, California (IX, 4-26-78) (Warren, C. T. Wong & Assoc.) (A/E procurement)

9. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Corp.) (by or for grantee)

10. Olympia, Washington (X, 5-30-78) (Pentech Division of Houdaille Industries, Inc.) (§ 35.939(j)(5) system design)

11. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 6-14-78) (McLaughlin & Associates) (§ 35.939(j)(5) system design)

*12. Onondaga County, New York (II, 7-11-78) (Pentech Division of Houdaille Industries, Inc.) (§ 35.939(j)(5) system design)

13. Miami-Dade Water and Sewer Authority, Florida, (IV, 7-13-78) (Ed. L. Nezelek Inc.) (determination "without merit")

14. Knoxville, Tennessee (IV, 9-25-78) (R. B. Carter) (substitution)

15. Guilderland, New York (II, 10-3-78) (Clevopak Corp.) (state law claim; exclusive sale arrangement; post-bid proposals)
16. Indianapolis, Indiana (V, 10-6-78) (FMC Corp.) (§ 35.939(j)(5) system design)
17. Delaware County, Ohio (V, 11-21-78) (R. B. Carter) (§ 35.939(j)(6); equipment supplier—subcontractor issues)

Minority Business Enterprise (§ 35.936-7, and see the EPA minority business enterprise policy at 43 FR 60220-24, December 26, 1978) (but see *Equal Employment Opportunity*).

- *1. Knoxville, Tennessee (IV, 2-8-78) (Roy F. Weston Inc.) (A/E procurement)
2. East Bay Discharges Authority, California (IX, 2-15-78) (R. D. Smith)
- *3. Chicago (Metropolitan Sanitary District of Greater Chicago), Illinois (V, 3-12-78) (Howard Martin Construction) (local procedures and requirements)
4. Atwater, California (IX, 4-26-78) (Warren C. T. Wong & Assoc.) (A/E procurement)
5. San Francisco, California (IX, 8-9-78) (Slattery Assoc., Fischbach and Moore Inc. and Morrison-Knudson Co., joint venture) (local requirements)

Mistake (but see *Ambiguity; Evaluation of Bids; Formal Advertising*).

- *1. New York City, New York (II, 1-12-78) (Schiavone Construction Co.) (bidder's intent test)
2. Kitsap County, Washington (X, 2-3-78) (Will Construction Company, Inc.) (patent error in addition of line items; correction)
3. Onondaga County, New York (II, 8-23-78) (Pizzagalli Construction Co. and John W. Cowper Co. Inc.) (standard of review; bidder intent test; use of extrinsic evidence)
4. Onondaga County, New York—Supplement (II, 9-7-78) (Pizzagalli Construction Co. & John W. Cowper Co. Inc.)

Negotiated Procurement (§§ 35.936-18 and 35.937-5) (and see *Enforcement*).

1. Chester, South Carolina (IV, 8-7-78) (Preston Carroll Construction Co.) (use of, on resolicitation)

Non-Restrictive Specifications (§ 35.936-13) (see also *Engineering Judgments; Salient Requirements*) (but see *Experience Requirements; Sole Source Specifications; Specifications*).

1. Webster, Iowa (VII, 2-10-78) (Environmental Systems Division of George A. Hormel & Co. Inc.)
2. Turlock, California (IX, 3-6-78) (Riga Inc.)
3. Wells, Maine (I, 3-17-78) (Purcell Pump)
4. Effingham, Illinois (V, 3-21-78) (Autotrol) (salient performance requirements)
- *5. Chester, South Carolina (IV, 3-29-78) (Carolina Concrete Pipe Co.) (single material pipe selection)
- *6. Cumberland County, New Jersey (II, 3-31-78) (Dorr-Oliver Inc.) (post-contract interpretation; ultimately nonconforming preapproved equipment)
7. Snyderville, Utah (VIII, 4-17-78) (Jacobsen Construction Co. Inc.) (prices of subitems)

8. New Smyrna Beach, Florida (IV, 4-18-78) (Carl E. Widell & Son)
9. Clayton County, Georgia (IV, 4-19-78) (National Hydro System Inc., et al.)
10. Front Royal, Virginia (III, 4-21-78) (Lyco-Zf) (prequalification)
11. Newton, North Carolina (IV, 4-25-78) (Carolina Concrete Pipe Co.) (pipe selection limitation to three materials)
12. Waterford, Connecticut (I, 5-19-78) (Mulholland Construction Co.) (prime protest on rejection of its proposed subcontractor)
- *13. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 6-14-78) (McLaughlin & Associates) (salient performance requirements)
14. Marshfield, Wisconsin (V, 6-16-78) (Empire Generator Corporation)
- *15. Urbana-Champaign, Illinois (V, 6-30-78) (Paddock Refinite) (state exemption, as creating)
- *16. Prince William County, Virginia (III, 8-4-78) (Spencer Turbine Co.) (equivalency determination; salient requirements)
17. Oklahoma City, Oklahoma (VI, 8-25-78) (Automatic Engineering Inc.) (as applied; specifications drafted around single manufacturer)
18. Winchester, New Hampshire (I, 9-1-78) (Enviro Development Co. Inc.)
19. Chattanooga, Tennessee (IV, 9-20-78) (Passavant Corp.)
20. Passaic Valley Sewerage Commissioners, New Jersey (II, 10-5-78) (BSP Division of Envirotech Corp. and Wheatley Corp.)
21. Indianapolis, Indiana (V, 10-6-78) (FMC Corp.)
22. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance) (base bidding)
23. Frankfort, Kentucky (IV, 10-18-78) (Passavant) (performance-related requirements as limitation)
24. Fairfield, New Jersey (II, 10-20-78) (Loc Pump) (or equal; specification generally drafted around single manufacturer)
25. Indianapolis, Indiana (V, 10-31-78) (Allis-Chalmers)
- *26. Chattanooga, Tennessee (IV, 11-2-78) (Philadelphia Gear) (functional equivalency; experience)
27. Urbana-Champaign, Illinois (V, 11-9-78) (Norton Co.) (performance criteria)
28. Waterford, Connecticut (I, 11-17-78) (Purcell Pump) (as applied)

Patents (§§ 30.500 *et seq.*, 35.908, 35.936-3 and 35.936-13).

1. Onondaga County, New York (II, 6-30-78) (Zimpro, Inc.)

Prequalification (§§ 35.936-3 and 35.936-13) (see EPA Report to Congress, *Waste Water Treatment Contracting and Bid Shopping*, Section IV, D, which discusses certain minimum principles to insure competition, the criterion to any acceptable prequalification system).

1. Cynthiana, Kentucky (IV, 2-9-78) (James N. Gray Construction Co.)
2. Webster, Iowa (VII, 2-10-78) (Environmental Systems Division of George A. Hormel & Co. Inc.)

3. Fairfax County, Virginia (III, 3-17-78) (John W. Cowper Co. Inc.)

*4. Front Royal, Virginia (III, 4-21-78) (Lyco-Zf) (procedures; failure to comply with prequalification procedures; failure to be listed as equivalent)

5. Miami-Dade Water and Sewer Authority, Florida (IV, 5-18-78) (Enviro Development Co. and Poole & Kent Co.)

*6. Mt. Olive, North Carolina (IV, 5-18-78) (Lyco-Zf) (time for data presentation must be clear)

7. Rivanna Water and Sewer Authority, Charlottesville, Virginia (III, 11-2-78) (National Hydro Systems) (descriptive literature)

Procedure (§§ 35.939 (a), (b), (f)) (see also, *Burden of Proof; Jurisdiction; Review—Regional Administrator Authority; Standing; Sua Sponte Summary Dispositions; Time Limitations*).

1. Glenwood Springs, Colorado (VIII, 1-13-78) (Colorado Environmental Equipment, Inc.) (failure to properly plead protest, §§ 35.939 (c), (f)(7))

2. Sandusky, Ohio (V, 1-13-78) (Bay-Con Corp.) (no proper protest to EPA without grantee determination)

3. Gainesville, Georgia (IV, 1-17-78) (National Hydro Systems, Inc. and Tuttle/White Constructors) (bid bond extension; mootness)

4. West Bend, Wisconsin (V, 3-3-78) (Oliver Construction Co. Inc.) (due process)

5. Turlock, California (IX, 3-6-78) (Riga Inc.) (intervention of competitors)
6. Clayton County, Georgia (IV, 4-19-78) (National Hydro Systems, et al.) (participation of an interested party)

7. Front Royal, Virginia (III, 4-21-78) (Lyco-Zf) (bid protest process not APA review)

8. Newton, North Carolina (IV, 4-25-78) (Carolina Concrete Pipe Co.) (consultant as proper party)

9. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 6-14-78) (McLaughlin & Associates) (grantee's apparent threat to protestant for protest action)

*10. Contra Costa County Sanitation District No. 15, California—Reconsideration (IX, 7-14-78) (Gladding-McBean Inc. and Pacific Clay Products Co.) (intervention of competitors in bid protest proceeding)

11. Goose Creek, South Carolina (IV, 7-24-78) (Kenney and Assq.) (notice of grantee determination)

12. Onondaga County, New York—Supplement (II, 9-7-78) (Pizzagalli Construction Co. and John W. Cowper Co. Inc.)

13. Knoxville, Tennessee (IV, 9-25-78) (R. B. Carter) (withdrawal)

14. Grand Rapids, Michigan (V, 9-26-78) (Infilco Degremont) (access to bids)

15. Guilderland, New York (II, 10-3-78) (Clevopak Corp.) (state law claim; exclusive sales arrangement)

16. Shreveport, Louisiana (VI, 10-25-78) (Dumesnil Construction Co. Inc.) (protests withdrawn)

17. Indianapolis, Indiana (V, 10-31-78) (Allis-Chalmers) (deadlines for written arguments)

18. Fairfield, New Jersey (II, 11-8-78) (Autocon Industries) (failed to plead case as required under EPA regulations)

19. Portage, Michigan (V, 12-20-78) (Iacobelli Construction Inc.) (no proper protest to EPA without grantee determination)

Rational Basis Test (e.g., §§ 35.936-2(b), 35.939 (e)(4) and (j)(3)).

- *1. Knoxville, Tennessee (IV, 2-8-78) (Roy F. Weston Inc.) (A/E procurement—evaluation of proposals)
- 2. Webster, Iowa (VII, 2-10-78) (Environmental Systems Division of George A. Hormel & Co. Inc.)
- *3. Chester, South Carolina (IV, 3-29-78) (Carolina Concrete Pipe Co.) (selection of single pipe material)
- 4. Clayton County, Georgia (IV, 4-19-78) (National Hydro Systems Inc., et al.)
- 5. Breeze, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance) (use for analysis of equipment item reviews)
- 6. Toppenish, Washington (X, 10-20-78) (Ridge Construction Co.) (either federal or state law)
- 7. Concord, North Carolina (IV, 10-24-78) (EDC/Enviro Development Inc.)

Reconsideration of Administrative Determinations (but see *Finality of Administrative Determinations*; where appropriate see subject listing in 43 FR 29086-95 (July 5, 1978), for pre-1978 determinations).

- 1. Corvallis, Oregon—Reconsideration (X, 1-19-78) (request of City of Corvallis) (determination of 12-6-77 affirmed)
- 2. Chester, South Carolina—Reconsideration (IV, 6-23-78) (request of Carolina Concrete Pipe Co.) (determination of 3-29-78 affirmed)
- 3. Contra Costa County Sanitation District No. 15, California—Reconsideration (IX, 7-14-78) (request of Gladding-McBean Inc. and Pacific Clay Products Co.) (determination of 10-25-78 affirmed in part, modified in part)
- 4. Onondaga County, New York—Reconsideration (II, 7-19-78) (request of Zimpro) (determination of 6-30-78 affirmed)
- 5. Newcastle, Indiana—Reconsideration (V, 1-23-78) (request of City of Newcastle) (determination of 5-18-78 and intervening correspondence clarified as to remedy)

Rejection of All Bids (§ 35.938-4(h)(2), and see PRM 78-8, published at 43 FR 14725-26, April 7, 1978) (see also *Enforcement*).

- 1. Rivanna Water and Sewer Authority, Charlottesville, Virginia (III, 5-25-78) (National Hydro Systems, Inc.) (no good bids at reasonable prices)
- *2. Bay City, Michigan (V, 6-28-78) (Greenfield Construction Co.) (contract 10 D)
- 3. Chester, South Carolina (IV, 8-7-78) (Preston Carroll Construction Co.) (EPA directed)
- *4. Onondaga County, New York (II, 8-23-78) (Pizzagalli Construction Company and John W. Cooper)
- 5. Bay County, Michigan (V, 9-1-78) (Roese Contracting Co., Inc.) (contract Nos. 3 and 7)
- 6. Onondaga County, New York—Supplement (II, 9-7-78) (Pizzagalli

Construction Co. and John W. Cowper Co. Inc.)

7. Portage, Michigan (V, 12-20-78) (Iacobelli Construction Inc.)

Responsibility (§§ 35.936-15 and 30.340-2).

- 1. Miami-Dade Water and Sewer Authority, Florida (IV, 1-13-78) (Continental Consolidated Corp.) (licensing)
- 2. Knoxville, Tennessee (IV, 2-8-78) (Roy F. Weston, Inc.) (A/E procurement; fraud and corrupt practices)
- 3. Fairfax County, Virginia (III, 3-17-78) (John W. Cowper Co. Inc.) (subcontractor listing)
- *4. San Francisco, California (IX, 8-9-78) (Slattery Assoc., Fischbach and Moore Inc. and Morrison-Knudsen Co., joint venture) (vs. responsiveness—compliance with local minority business enterprise requirements)
- 5. Bay County, Michigan (V, 8-11-78) (Frank V. Louis Equipment Co.) (Contract No. 1) (addendum acknowledgment—minor informality)
- 6. Chattanooga, Tennessee (IV, 9-20-78) (Passavant Corp.)
- 7. Niagra County, Sewer District (No. 1), New York (II, 10-18-78) (Environment One Corporation) (v. responsiveness; U. L. certification and building codes)

Responsiveness (see also *Equal Employment Opportunity Waiver*).

- 1. Gainesville, Georgia (IV, 11-7-78) (National Hydro Systems, Inc. and Tuttle/White Constructors) (subcontractor listing)
- 2. Kitsap County, Washington (X, 2-3-78) (Will Construction Company, Inc.) (equipment listing—matter of responsibility)
- 3. Cynthia, Kentucky (iv, 2-9-78) (James N. Gray Construction Co.) (listing nonapproved equipment manufacturer)
- 4. West Bend, Wisconsin (V, 3-3-78) (Oliver Construction Co. Inc.) (subcontractor listing; bid bond as material requirement)
- 5. Fairfax County, Virginia (III, 3-17-78) (John C. Cowper Co. Inc.) (subcontractor listing)
- 6. Bloomington, Indiana (V, 3-20-78) (Huber, Hunt & Nichols) (subcontractor listing)
- 7. Antigo, Wisconsin (V, 3-24-78) (General Filter Co.) (concerning equipment selected by prime bidder)
- 8. Amherst, New York (III, 5-15-78) (Cimato Bros. Inc.) (informality)
- 9. Miami-Dade Water and Sewer Authority, Florida (IV, 5-18-78) (Enviro Development Co. and Poole & Kent Co.) (listing unapproved equipment)
- 10. Onondaga County, New York (II, 6-30-78) (Zimpro, Inc.)
- 11. Onondaga County, New York (II, 7-11-78) (Pentech Division of Houdaille Industries) (alternative system)
- 12. Miami-Dade Water and Sewer Authority, Florida (IV, 7-13-78) (Ed. L. Nezelek Inc.) (prime's listing of previously unaccepted equipment)
- 13. Bay County, Michigan (V, 8-11-78) (Frank V. Louis Equipment Co.) (Contract No. 1) (addendum acknowledgment—minor informality)

14. Southern Clinton County, Michigan (V, 8-11-78) (A. Z. Shmina) (subcontractor listing)

15. Onondaga County, New York (II, 8-23-78) (Pizzagalli Construction Company and John W. Cowper Co. Inc.)

16. Onondaga County, New York—Supplement (II, 9-7-78) (Pizzagalli Construction Company and John W. Cowper Co. Inc.)

17. Bay County, Michigan (V, 9-12-78) (Roese Contracting Co. Inc.) (Contract No. 1-D (conditional/qualified bid))

18. Barrington, Illinois (V, 10-20-78) (Utility & Industrial Construction Co.)

19. Toppenish, Washington (X, 10-20-78) (Ridge Construction Co.) (failure to acknowledge addendum)

*20. West Goshen, Pennsylvania (III, 11-1-78) (Philips Bros. Electrical Contractors) (EO 11246—Philadelphia Imposed Plan)

Review—Regional Administrator Authority (see also *Procedure*; but see *Sua Sponte Review*).

- 1. Sandusky, Ohio (V, 1-13-78) (Bay-Con Corp.)
- 2. Breeze, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance) (policy direction)

Salient Requirements (§ 35.936-13(a) and 43 FR 44046, September 27, 1978) (see also *Non-Restrictive Specifications*).

- 1. Webster, Iowa (VII, 2-10-78) (Environmental Systems Division of George A. Hormel & Co. Inc.)
- 2. Wells, Maine (I, 3-17-78) (Purcell Pump)
- 3. Waterford, Connecticut (I, 5-19-78) (Mulholland Construction Co.)
- *4. Prince William County, Virginia (III, 8-4-78) (Spencer Turbine Company) (minimum project needs based upon performance)
- 5. Winchester, New Hampshire (I, 9-1-78) (Enviro Development Co., Inc.)
- *6. Breeze, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance)
- 7. Frankfort, Kentucky (IV, 10-18-78) (Passavant)
- 8. Fairfield, New Jersey (II, 10-20-78) (Loc Pump)
- 9. Urbana-Champaign, Illinois (V, 11-9-78) (Norton Co.) (exclusion on performance basis)
- 10. Waterford, Connecticut (I, 11-17-78) (Purcell Pump)

Small Business—Procurement of (§ 35.936-7).

- *1. Mountaintop, Pennsylvania (III, 1-5-78) (National Hydro Systems, Inc.)
- 2. Marshfield, Wisconsin (V, 6-16-78) (Empire Generator Corporation)
- 3. Chattanooga, Tennessee (IV, 9-20-78) (Passavant Corp.)

Sole Source Procurement (§ 35.936-13(b)).

- 1. Monroe County, Michigan (V, 4-7-78) (Paddock Refinite) (justification based on interchangeability)
- 2. Waterford, Connecticut (I, 5-19-78) (Mulholland Construction Co.) (procedure)
- 3. Passaic Valley Sewerage Commissioners, New Jersey (II, 10-5-78) (BSP Division of Envirotech Corp., and Wheatley Corp.)

Specifications (see also *Engineering Judgments; but see Non-Restrictive Specifications*).

1. Miami-Dade Water and Sewer Authority, Florida (IV, 4-28-78) (Intercounty Construction Co. and Morganti-South, Inc.-Wolff & Munier, a joint venture) (defective)

Standing (§§ 35.939 (a) and (j), 35.938-9 and 35.935-2).

1. Sandusky, Ohio (V, 1-13-78) (Bay-Con Corporation) (protest must be decided by grantee before filing with EPA)
2. Springfield, Missouri (VII, 1-24-78) (Armco Steel Corp.) (equipment supplier)
3. North Little Rock, Arkansas (VI, 2-1-78) (Environmental Equipment Corporation) (limited at subtier levels)
4. Turlock, California (IX, 3-6-78) (Riga, Inc.) (subtier; intervenors)
5. Wells, Maine (I, 3-17-78) (Purcell Pump) (subtier)
6. Effingham, Illinois (V, 3-21-78) (Autotrol)
7. Antigo, Wisconsin (V, 3-24-78) (General Filter Co.) (supplier challenging responsiveness of prime bid)
8. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Co.) (equipment supplier)
- *9. Contra Costa County Sanitation District No. 15, California—Reconsideration (IX, 7-14-78) (Gladding-McBean Inc. and Pacific Clay Products Co.) (intervenors)
10. Lebanon, Pennsylvania (III, 8-28-78) (B. F. Goodrich General Products) (subtier protest)
11. Knoxville, Tennessee (IV, 9-25-78) (R. B. Carter) (subcontractor challenge to prime bid)
12. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Defiance)
13. Frankfort, Kentucky (IV, 10-18-78) (Passavant) (subcontractor protest limitation of § 35.939(j)(6))
14. West Goshen, Pennsylvania (III, 11-1-78) (Electric Machine Mfg. Co.) (subtier)
15. Lake County, Illinois (V, 11-17-78) (Envirex)
16. Delaware County, Ohio (V, 11-21-78) (R. B. Carter)

Sua Sponte Review (§§ 35.935-2 and 35.939(f)(6)) (*but see Review—Regional Administrator Authority*).

1. North Little Rock, Arkansas (VI, 2-1-78) (Environmental Equipment Corporation)
2. Cynthiana, Kentucky (IV, 2-9-78) (James N. Gray Construction Co.)
3. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Co.)
4. Onondaga County, New York (II, 7-11-78) (Pentech Division of Houdaille Industries)
5. Chattanooga, Tennessee (IV, 9-20-78) (Passavant Corp.)
6. Grand Rapids, Michigan (V, 9-26-78) (Infilco Degremont)
7. Guilderland, New York (II, 10-3-78) (Clevepak Corp.)
8. Passaic Valley Sewerage Commissioners, New Jersey (II, 10-5-78) (BSP Division of Envirotech Corp. and Wheatley Corp.)

Subcontracts, Awards of (§§ 35.937-12, 35.938-9 and 35.939(j)(6)).

1. Mountaintop, Pennsylvania (III, 1-5-78) (National Hydro Systems Inc.) (substitution)
 2. Gainesville, Georgia (IV, 1-17-78) (National Hydro Systems Inc. and Tuttle/White Constructors)
 3. North Little Rock, Arkansas (VI, 2-1-78) (Environmental Equipment Corp.) (fairness; selection by grantee)
 4. Cynthiana, Kentucky (IV, 2-9-78) (James N. Gray Construction Co.) (prequalification)
 5. Webster, Iowa (VII, 2-10-78) (Environmental Systems Division of George A. Hormel & Co., Inc.)
 6. East Bay Dischargers Authority California (IX, 2-15-78) (R. D. Smith) (A/E subagreements; minority business enterprise)
 7. Fairfax County, Virginia (III, 3-17-78) (John W. Cowper Co. Inc.)
 8. Antigo, Wisconsin (V, 3-24-78) (General Filter Co.) (obligation of prime to furnish conforming equipment)
 - *9. Cumberland County, New Jersey (II, 3-31-78) (Dorr-Oliver Inc.) (restrictive effect of mistaken specification listing as equivalent)
 10. Newton, North Carolina (IV, 4-25-78) (Carolina Concrete Pipe Co.) (pipe; alternate materials)
 11. Waterford, Connecticut (I, 5-19-78) (Mulholland Construction Co.)
 - *12. Prince William County, Virginia (III, 8-4-78) (Spencer Turbine Co.) (prequalification; rational basis as standard)
 - *13. Newcastle, Indiana—Reconsideration (V, 8-23-78) (Newcastle, Indiana) (EPA overview)
 14. Oklahoma City, Oklahoma (VI, 8-25-78) (Automatic Engineering Inc.)
 15. Frankfort, Kentucky (IV, 10-18-78) (Passavant)
 16. Urbana-Champaign, Illinois (V, 11-9-78) (Norton Co.)
 17. Lake County, Illinois (V, 11-17-78) (Envirex)
 18. Delaware County, Ohio (V, 11-21-78) (R. B. Carter)
- Summary Disposition (§ 35.939(k)).

1. Mountaintop, Pennsylvania (III, 1-5-78) (National Hydro Systems, Inc.)
2. Glenwood Springs, Colorado (VIII, 1-13-78) (Colorado Environmental Equipment, Inc.) (procedures; timeliness)
3. Sandusky, Ohio (V, 11-3-78) (Bay-Con Corporation) (timeliness)
4. Glen Ellyn, Illinois (V, 4-7-78) (Lyco-Zf) (timeliness)
5. Atwater, California (IX, 4-26-78) (Warren C. T. Wong & Assoc.) (A/E procurement)
6. Olympia, Washington (X, 5-30-78) (Pentech Division of Houdaille Industries, Inc.)
- *7. Bay City, Michigan (V, 6-28-78) (Greenfield Construction Co.) (contract 10 D) (timeliness)
8. Miami-Dade Water and Sewer Authority, Florida (IV, 7-13-78) (Ed. L. Nezelek Inc.) ("without merit")
9. Goose Creek, South Carolina (IV, 7-24-78) (Kenney and Associates) (timeliness)
10. Pepperell, Massachusetts (I, 7-28-78) (Wescor Associates, Inc.) (timeliness)
11. Bay County, Michigan (V, 8-11-78) (Frank V. Louis Equipment Co.)

12. Penns Grove, New Jersey (II, 8-24-78) (Pandullo Quirk Associates) (timeliness)
13. Bay County, Michigan (V, 9-1-78) (Roese Contracting Co. Inc.) (Contract Nos. 3 and 7) (timeliness)
14. Knoxville, Tennessee (IV, 9-25-78) (R. B. Carter)
15. Niagara County Sewer District (No. 1), New York (II, 10-18-78) (Environment One Corporation) ("without merit")
16. Frankfort, Kentucky (IV, 10-20-78) (Stewart Mechanical Enter./Sigmamotor Inc.)
17. Shreveport, Louisiana (VI, 10-25-78) (Dumesnil Construction Co. Inc.) (procedures; protest withdrawn)
18. Fairfield, New Jersey (II, 11-8-78) (Autocon Industries) (procedural omissions, § 35.939(f)(7))
19. Delaware County, Ohio (V, 11-21-78) (R. B. Carter) (subcontractor selection issues)
20. Portage, Michigan (V, 12-20-78) (Iacobelli Construction Inc.) (procedures)

System Design, Choice of (e.g., §§ 35.917 and 35.939(j)(5)) (*see also Engineering Judgments; Jurisdiction: Non-Restrictive Specifications*).

1. Olympia, Washington (X, 5-30-78) (Pentech Division of Houdaille Industries, Inc.)
2. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 6-14-78) (McLaughlin & Associates) (v. restrictive specification)
- *3. Onondaga County, New York (II, 7-11-78) (Pentech Division of Houdaille Industries, Inc.)

Time Limitations (§§ 35.939(b), (f))

1. Glenwood Springs, Colorado (VIII, 1-13-78) (Colorado Environmental Equipment Inc.)
2. Sandusky, Ohio (V, 1-13-78) (Bay-Con Corporation)
3. North Little Rock, Arkansas (VI, 2-1-78) (Environmental Equipment Corp.)
4. Cynthiana, Kentucky (IV, 2-9-78) (James N. Gray Construction Co.) (Post Office delay; risk of nondelivery)
5. Chicago (Metropolitan Sanitary District of Greater Chicago), Illinois (V, 3-12-78) (Howard Martin Construction)
6. Wells, Maine (I, 3-17-78) (Purcell Pump)
7. Effingham, Illinois (V, 3-21-78) (Autotrol)
8. San Francisco, California (IX, 3-22-78) (E & I, Inc.)
9. Glen Ellyn, Illinois (V, 4-7-78) (Lyco-Zf) (post-contract award)
- *10. Mt. Olive, North Carolina (IV, 5-18-78) (Lyco-Zf) (prequalification)
11. Newcastle, Indiana (V, 5-18-78) (Spencer Turbine Co.)
12. Waterford, Connecticut (I, 5-19-78) (Mulholland Construction Co.)
13. Bay City, Michigan (V, 6-28-78) (Greenfield Construction Co.) (Contract No. 10 D)
14. Urbana-Champaign, Illinois (V, 6-30-78) (Paddock Refinite)
15. Washtenaw County, Michigan (V, 7-13-78) (Spence Bros.)
16. Goose Creek, South Carolina (IV, 7-24-78) (Kenney and Associates)
17. Pepperell, Massachusetts (I, 7-28-78) (Wescor Associates, Inc.)
18. Washington County, Oregon (X, 7-31-78) (North American Contractors Inc.)

19. Bay County, Michigan (V, 8-11-78)
(Frank V. Louis Equipment Co.) (Contract No. 1)
20. Penns Grove, New Jersey (II, 8-24-78)
(Pandullo Quirk Association)
21. Oklahoma City, Oklahoma (VI, 8-25-78)
(Automatic Engineering Inc.) (subcontract award)
22. Lebanon, Pennsylvania (III, 8-28-78) (B. F. Goodrich General Products) (change order as notice event)
23. Bay County, Michigan (V, 9-1-78)
(Roese Contracting Co. Inc.) (Contract Nos. 3 and 7)
24. Hinsdale, New Hampshire (I, 9-1-78)
(Enviro Development Co. Inc.)
- *25. Bay County, Michigan (V, 9-12-78)
(Roese Contracting Co. Inc.) (Contract No. 1-D)
26. Grand Rapids, Michigan (V, 9-26-78)
(Infilco Degremont) (method of delivery; bearing risk; telegram)
27. Guilderland, New York (II, 10-3-78)
(Cleopak Corp.)
- *28. Passaic Valley Sewerage Commissioners, New Jersey (II, 10-5-78) (BSP Division of Envirotech Corp., and Wheatley Corp.) (estoppel)
29. Indianapolis, Indiana (V, 10-6-78) (FMC Corp.)
30. Silver City, New Mexico (VI, 10-13-78)
Enviro Development Co. Inc.)
31. Breese, Illinois (V, 10-18-78) (Midwest Soil Products and Davco-Definance)
32. Frankfort, Kentucky (IV, 10-20-78)
(Stewart Mechanical Enter./Sigmamotor Inc.) (subtier level protest)
- *33. Indianapolis, Indiana (V, 10-31-78)
(Allis-Chalmers) (linkage to preceding contracts; estoppel) [see *Passaic Valley Sewerage Commissioners, New Jersey* (II, 10-5-78) (BSP Division of Envirotech corp. and Wheatley Corp.)]
34. Urbana-Champaign, Illinois (V, 11-9-78)
(Norton Co.)
35. Lake County, Illinois (V, 11-17-78)
(Envirex)
36. Delaware County, Ohio (V, 11-21-78)
(R. B. Carter)

Waiver.

1. Cynthiana, Kentucky (IV, 2-9-78) (James N. Gray Construction Co.) (listing nonapproved equipment)
2. Effingham, Illinois (V, 3-6-78) (Mautz & Oren Inc.) (omissions of line items)
3. Chicago (Metropolitan Sanitary District of Greater Chicago), Illinois (V, 3-12-78)
(Howard Martin Construction) (local procedures)
4. Amherst, New York (II, 5-15-78) (Cimato Bros, Inc.)
- *5. Bay County, Michigan (V, 8-11-78)
(Frank V. Louis Equipment Co.) (Contract No. 1) (addendum acknowledgment—Minor informality)
6. Onondaga County, New York (II, 8-23-78) (Pizzagalli Construction Company and John W. Cowper)

FRL 1097-4]

FR Doc. 79-10379 Filed 4-3-79; 8:45 am]

ILLING CODE 6560-01-M

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

45 CFR Part 146a

Citizen Education for Cultural
Understanding Program

AGENCY: Office of Education, HEW.
ACTION: Final regulations.

SUMMARY: The Commissioner of Education amends the regulations for the Citizen Education for Cultural Understanding program. These regulations set forth rules and criteria governing the award of grants and contracts to any public or private agency or organization to increase the understanding of students in the United States about the actions and cultures of other nations, and to enable these students to make informed judgments with respect to the international policies and actions of the United States.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the Federal Register. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Stewart Tinsman, Citizen Education for Cultural Understanding Program, Division of International Education, 400 Maryland Avenue, S.W., (Room 3919, Regional Office Building # 3), Washington, D.C. 20202 (202/245-9692).

SUPPLEMENTARY INFORMATION: Section 603 of Title VI of the National Defense Education Act, as amended, authorizes the awarding of grants and contracts to any public or private agency or organization for educational programs which will increase the understanding of students in the United States about the actions and cultures of other nations. Limited funds are available for this program for the first time in fiscal year 1979. Hence, the regulations for this program, which were published in the Federal Register on May 12, 1978, are being amended in order (1) that funds may be focused on projects of priority concern among the authorized activities, and (2) to achieve a wide distribution of the limited funds throughout the nation.

The Commissioner finds that publication of proposed rules in this

case would be unnecessary, impracticable, and contrary to the public interest, within the meaning of 5 U.S.C. 553(b). As discussed above, the regulatory changes are based on the small appropriation for the program, which cannot be changed and is unlikely to increase significantly in future years.

To publish these changes in proposed form first would not allow sufficient time for processing awards under the final regulations. Accordingly, these changes are now adopted as final regulations.

(Catalog of Federal Domestic Assistance No. 13.581, Citizen Education for Cultural Understanding Program)

Dated: April 27, 1979.

Ernest L. Boyer,
U.S. Commissioner of Education.

Approved: April 27, 1979.

Hale Champion,
Acting Secretary of Health, Education, and Welfare.

Part 146a of Title 45 of the Code of Federal Regulations is amended as follows:

Citizen Education for Cultural
Understanding Program

* * * * *

1. Section 146a.2 is revised by designating the existing provisions as a paragraph (a) and adding a new paragraph (b), to read as follows:

§ 146a.2 General authority.

* * * * *

(b) Each fiscal year, the Commissioner may announce in the Federal Register that all or portions of the funds available for awards in that fiscal year will be reserved for projects focusing on specific aspects of the authorized activities.

(20 U.S.C. 512a)

* * * * *

2. Section 146a.7 is revised by adding a new paragraph (b), to read as follows:

§ 146a.7 Evaluation criteria.

* * * * *

(b) In addition to considering the criteria applied to each application individually, the Commissioner seeks to achieve a wide distribution of awards throughout the United States.

(20 U.S.C. 512a)

* * * * *

[FR Doc. 79-13668 Filed 5-1-79; 8:45 am]

BILLING CODE 4110-02-M

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

**Citizen Education for Cultural
Understanding Program; Closing Date
for Transmittal of Applications for
Fiscal Year 1979**

Applications are invited for new projects under the Citizen Education for Cultural Understanding Program.

Authority for this program is contained in Section 603 of the National Defense Education Act of 1958, as amended.

(20 U.S.C. 512a)

This program issues awards to any public or private agency or organization, including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, educational consortia, and organizations of teachers.

The purpose of the awards is to stimulate locally designed educational programs to increase the understanding of students in the United States about the cultures, actions, and policies of other nations in order to allow them to better evaluate the international and domestic impact of major policies of the United States and other nations.

Closing date for transmittal of applications: Applications for awards must be mailed or hand delivered by June 18, 1979.

Applications delivered by mail: An applicant sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.581, Washington, D.C. 20202.

Proof of mailing may consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. (Note: The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.) Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

Program information: Funds under this program may be used to carry out the following activities:

(1) The in-service training of teachers and other educational personnel with regard to the cultures, actions, and policies of other nations;

(2) The compilation of existing information and resources about other nations in forms useful to various types of educational programs; or

(3) The dissemination of information and resources pertaining to the cultures, actions, and policies of other nations to educators and education officials upon their request.

Available funds and program priorities: An estimated \$2 million is available for this program for fiscal year 1979. This will provide for approximately 10-12 major grants averaging approximately \$100,000 each; approximately 4-6 mid level grants averaging approximately \$80,000 each; and approximately 20-24 mini-grants averaging approximately \$25,000 each.

For approximately 8 to 10 major grants priority will be given to funding elementary or secondary school-based programs which have successfully incorporated international dimensions into their regular school program, and which propose to serve as a host or resource center providing statewide and/or regional outreach training and dissemination activities to motivate and assist other potential or existing programs.

For approximately 2 to 4 major grants priority will be given to funding training and dissemination programs focusing on multicultural awareness and/or issues of global concern, and which demonstrate the potential to produce lasting state, regional, or national impact through the use of mobile workshops, production of television, radio and other audio-visual programs, or the use of the mass media.

For the mid-level and mini-grants priority consideration will be given to funding.

(a) teacher training programs, for example, school year or summer institutes and workshops, designed to show educators how to incorporate into regular school and adult education programs international cultural understanding and/or global

perspectives on world issues utilizing university, business, and/or government authorities, or educators with foreign experience;

(b) dissemination programs to enable educators and education officials to provide such activities as, for example, (1) opportunities for citizens to discuss issues of worldwide concern; (2) workshops for educators, administrators, education and civic associations, school board members or public officials; (3) drawing upon the contribution of foreign students in the U.S. as a resource in secondary or elementary school programs; or (4) clearinghouse activities including compilation, production, and diffusion of printed or audio-visual materials or television or radio programs.

The applications for all grants will be evaluated competitively under the funding criteria in 45 CFR Parts 146a, and 100a.25.

There are no continuation grants in the Citizen Education for Cultural Understanding Program for this year, and awards will be made for a one-year period.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by May 2, 1979. They may be obtained by writing to the Division of International Education, U.S. Office of Education (Room 3919, Regional Office Building #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

Applicable regulations: The regulations applicable to this program are: (a) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and

(b) Regulations for the Citizen Education for Cultural Understanding Program (45 CFR Part 146a) published in the Federal Register on May 12, 1978, and revised in today's issue of the Federal Register.

Further information: For further information contact Dr. Stewart Tinsman, Division of International Education, U.S. Office of Education, (Room 3919, Regional Office Building #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-9692.

(20 U.S.C. 512a)

(Catalog of Federal Domestic Assistance
Program No. 18.581, Citizen Education for
Cultural Understanding Program)

Dated: April 27, 1979.

Ernest L. Boyer,

U.S. Commissioner of Education.

[FR Doc. 79-13669 Filed 5-1-79;8:45 am]

BILLING CODE 4110-02-M.

DEPARTMENT OF STATE

Fishery Conservation and Management Act of 1976; Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable

permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the Federal Register.

Applications have been received from the Union of Soviet Socialist Republics for fishing during 1979 and are reproduced herewith.

Individual vessel applications for fishing 1979 have been received from

Japan, Korea, the Polish People's Republic, Taiwan and the Union of Soviet Socialist Republics and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7265).

Dated: April 20, 1979.

James A. Storer,
Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Glinet	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific.
SNL	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl	Pacific.

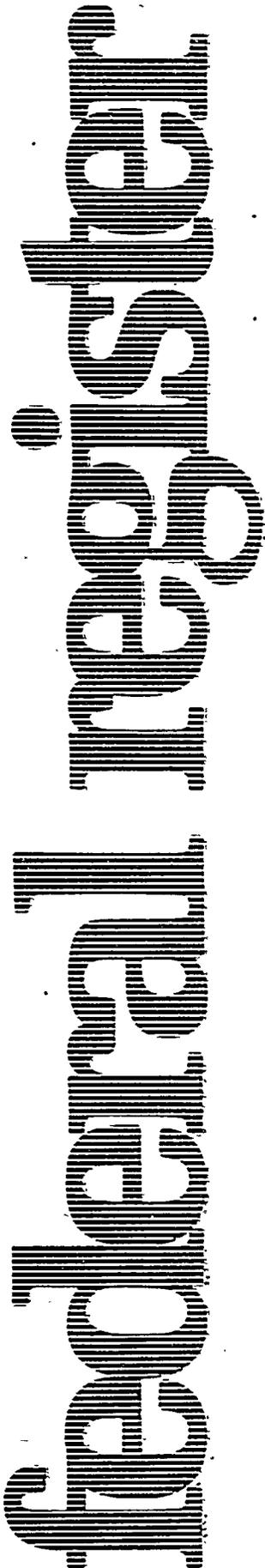
Activity codes specify categories of fishing operations applied for as follows:

Activity Code and Fishing Operations

- 1—Catching, processing, and other support.
- 2—Processing and other support only.
- 3—Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Korea:			
Dae Rim, cargo/transport	KS-79-0092	BSA, GOA	3
Min Woo No. 3, cargo/transport	KS-79-0093	BSA, GOA	3
O Dae Yang No. 105, cargo/transport	KS-79-0094	GOA	3
Dai Ho No. 303, large stern trawler	KS-79-0095	BSA, GOA	1
U.S.S.R.:			
Kamchatskaya Pravda, large stern trawler	UR-79-0066	BSA, GOA, WOC	1
Mys Shelkova, large side trawler	UR-79-0708	BSA, GOA, NWA	1
Paudza, large stern trawler	UR-79-0704	BSA, GOA, WOC	1
Sovetskiye Profsoyuzy, large stern trawler	UR-79-0705	BSA, GOA, WOC	1
Poland:			
Winetta, cargo/transport	PL-79-0081	BSA, GOA, WOC	3
Taiwan:			
Highly No. 301, medium stern trawler	TW-79-0002	SMT	1
Highly No. 302, medium stern trawler	TW-79-0008	SMT	1
Japan:			
Daishin Maru No. 12, large stern trawler	JA-79-0285	SMT	1
Hatsue Maru, longliner	JA-79-0562	BSA, GOA	1
Wakatsuki Maru, cargo/transport	JA-79-1150	BSA, GOA, NWA	3
Kaiko Maru No. 1, medium stern trawler	JA-79-0382	NWA	1
Shinnichi Maru No. 38, medium stern trawler	JA-79-0563	BSA	1
Shunryo Maru No. 118, medium stern trawler	JA-79-0564	BSA	1
Zuihoo Maru No. 28, medium stern trawler	JA-79-0565	BSA	1
Yousho Maru No. 3, longliner	JA-79-1202	ABS	1
Yusho Maru No. 5, longliner	JA-79-1203	ABS	1
Koryo Maru No. 6, longliner	JA-79-1241	ABS	1
Kinei Maru No. 85, longliner	JA-79-1257	ABS	1
Kinei Maru No. 18, longliner	JA-79-1258	ABS	1
Kinei Maru No. 88, longliner	JA-79-1259	ABS	1
Shinzan Maru No. 3, longliner	JA-79-1260	ABS	1
Taiko Maru No. 8, longliner	JA-79-1262	ABS	1
Wakashio Maru No. 38, longliner	JA-79-1270	ABS	1
Kurumori Maru No. 38, longliner	JA-79-1273	ABS	1
Fuku Maru No. 38, longliner	JA-79-1321	ABS	1
Fukutoku Maru No. 88, longliner	JA-79-1322	ABS	1
Koei Maru No. 38, longliner	JA-79-1323	ABS	1
Koryo Maru No. 36, longliner	JA-79-1324	ABS	1
Koshin Maru No. 38, longliner	JA-79-1325	ABS	1
Matusei Maru No. 8, longliner	JA-79-1326	ABS	1
Seishu Maru No. 11, longliner	JA-79-1327	ABS	1
Shoshin Maru No. 83, longliner	JA-79-1328	ABS	1
Sumi Maru No. 15, longliner	JA-79-1329	ABS	1
Taiku Maru No. 38, longliner	JA-79-1330	ABS	1
Takatoyo Maru No. 18, longliner	JA-79-1331	ABS	1

Wednesday
May 2, 1979



Part VIII

**Department of
Energy**

Economic Regulatory Administration

**Incentive Prices for Newly Discovered
Crude Oil**

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

Incentive Prices for Newly Discovered Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule and Continuation of Rulemaking.

SUMMARY: Effective June 1, 1979, the Mandatory Petroleum Price Regulations are amended to provide additional price incentives for crude oil production. The amendments will permit crude oil which qualifies as newly discovered to be sold at market prices without regard to the specific dollar ceiling prices that are currently applicable under the price regulations. Newly discovered crude oil is defined as crude oil sold after May 31, 1979 which was produced from: (1) An area in the outer continental shelf for which the lease was entered into on or after January 1, 1979 and from which there was no production in calendar year 1978; or (2) an onshore property from which no crude oil was produced in calendar year 1978. The determination that crude oil produced from a particular property qualifies as newly discovered crude oil is to be made by the producer. That determination may, however, be reviewed by the DOE and if found to be erroneous, the producer may be required to take remedial action. Producers should note that the DOE is considering whether, and the extent to which, it will require producers to submit certain information to it relating to the determination that a property's crude oil production qualifies for sale as newly discovered crude oil. Information filing requirements will be announced at a later date.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2214B, 2000 M Street, NW., Washington, D.C. 20461. (202) 254-5201.
William Webb (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 M Street, NW., Washington, D.C. 20461. (202) 634-2170.
William Carson (Office of Regulations and Emergency Planning), Economic Regulatory

Administration, Room 2304, 2000 M Street, NW., Washington, D.C. 20461. (202) 254-7200.

Jack O. Kendall (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252-6739.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Summary of Comments
- III. Amendments Adopted
- IV. Other Matters

I. Background

On April 20, 1977, the President presented a National Energy Plan to the Congress. The plan contains pricing policies which are designed to provide price incentives for certain categories of crude oil in order to optimize domestic production. One proposal provides for the gradual lifting of ceiling prices on newly discovered crude oil.

As part of our implementation of the President's National Energy Plan (NEP), we issued on December 29, 1978 a Notice of Proposed Rulemaking to adopt amendments providing additional price incentives for newly discovered crude oil. (44 FR 1888, January 8, 1979).¹

In the January Notice we proposed to permit newly discovered crude oil to be sold in first sales at market prices without regard to the specific dollar ceiling prices that would otherwise be applicable to such production under the crude oil pricing regulations set forth in Subpart D of 10 CFR Part 212. We also requested comments on an alternative proposal to gradually raise prices for such crude oil to 1977 world market levels adjusted for inflation as proposed in the NEP.

We proposed in the January Notice to define "newly discovered crude oil" as crude oil produced from: (1) An area in the outer continental shelf (OCS) for which there was no lease in effect on January 1, 1979 which was entered into prior to that date ("new lease" proposal); or (2) an onshore well on which surface drilling commenced on or after January 1, 1979 and which is at least 2.5 miles from an existing producing well or the completion depth of which is at least 1,000 feet below the deepest completion depth of any existing producing well within 2.5 miles of the new well ("new well" proposal); or (3) any well on an onshore reservoir if

¹The January Notice of Proposed Rulemaking includes a description of the major elements of the NEP proposal for crude oil pricing. See 44 FR 1888, January 8, 1979.

crude oil was not produced from such reservoir in commercial quantities prior to January 1, 1979 ("new reservoir" proposal). Determinations as to whether certain crude oil qualified under this definition as newly discovered crude oil would be made by the appropriate State agency or, for crude oil produced from Federal lands, the United States Geological Survey (USGS).

In proposing to make newly discovered status available to crude oil production from a new reservoir, we departed from the concept that incentives for newly discovered crude oil would be limited to exploratory drilling activity. Accordingly, we requested comments as to whether such a departure would be consistent with the objectives of the NEP and would result in any significant increase in domestic crude oil production.

Public hearings on these proposals were held in Denver, Colorado on February 27, 1979 and in Washington, D.C. on March 6, 1979. We also received written comments on the proposals through March 23, 1979.

II. Summary of Comments

Forty-seven parties submitted oral or written comments on the January Notice. These commenters included fourteen major integrated refiners, five small integrated refiners, eight independent producers, eight producers' associations, two independent refiners, three consumer or public interest organizations, a public utility, an oil service company, the State of Texas, the Texas Railroad Commission, and the U.S. Department of the Interior.

Commenters representing the petroleum industry generally urged that any final rule issued by the ERA in this proceeding define newly discovered crude oil as broadly as possible and permit that category of crude oil to be sold at market prices. These industry representatives also shared the opinion that the proposed criteria for crude oil produced from new wells would be too stringent to provide any meaningful incentive. In this regard they stated that fewer than ten percent of onshore exploratory well drillings could be expected to qualify as new wells under the 2.5 miles and 1,000 feet criteria. Furthermore, they claimed that the new well proposal was impractical because it would be difficult to obtain information concerning the completion depth of other wells within a 2.5 miles radius of the exploratory well. Several commenters also expressed concern

about the administrative burden of placing with State agencies the responsibility for determining whether a new well met the distance and depth criteria set forth in the rule. In this regard, the State of Texas and the Texas Railroad Commission stated that such responsibility would require major State expenditures.

Industry representatives argued strongly that if we adopted a final rule using the new well concept, the distance and depth criteria should be relaxed. They also requested that we permit crude oil produced from any qualifying well which was completed after January 1, 1979 be eligible for sale as newly discovered crude oil, regardless of the date on which drilling commenced.

With respect to the new reservoir proposal, most industry representatives suggested a revision to permit the sale at market prices of crude oil produced from any exploratory drilling, regardless of whether there was previous production in commercial quantities from the reservoir on which the drilling occurs. Several of the commenters seeking such an extension of the new reservoir concept indicated, however, that they believed that crude oil produced from a previously developed reservoir should be eligible for sale as newly discovered crude oil only if there had been no production from the reservoir during the last six months of 1978.

Comments submitted by representatives of the oil industry as to whether determinations that certain crude oil production qualified as newly discovered crude oil should be made by producers or by the appropriate State or federal agencies were almost equally divided for both the new well and new reservoir proposals. The State of Texas, the only State that responded to the January Notice, objected to assuming the responsibility for qualifying crude oil as newly discovered. Also objecting to State determinations were the three consumer or public interest organizations.

In general, the consumer or public interest organizations were opposed to the proposals. These groups maintained that current prices provide a sufficient incentive for exploratory drilling and that further price increases would create unnecessary additional burdens on consumers. This group also criticized the proposals as an attempt to improperly transfer federal responsibility for regulating crude oil prices to the States.

III. Amendments Adopted

We have decided to adopt an amendment, similar to that which was proposed, which will provide that crude oil produced from an OCS area for which the lease was entered into on or after January 1, 1979 (including property that was leased prior to that date but was abandoned and subsequently leased again on or after that date) and from which there was no production in 1978, may be sold at market prices on or after June 1, 1979. We have also decided to modify the proposal relating to onshore production in accordance with the comments we received. Accordingly, crude oil produced from any onshore property² from which there was no production in calendar year 1978 and sold on or after June 1, 1979 will qualify as newly discovered crude oil and be eligible for sale at market prices without regard to specific dollar ceiling prices. Our decision to delete the depth and distance requirements and to rely exclusively on the property concept is based upon our determination that these criteria would cause substantial difficulties to both industry and State agencies. The property concept, on the other hand, has been an important feature of the crude oil price regulations since their inception. Consequently, it provides a crude oil producer with familiar criteria to apply in making a determination as to whether certain crude oil production qualifies for sale as newly discovered. Furthermore, use of the property concept will include as newly discovered crude oil all crude oil production that would have so qualified under the new reservoir proposal.

Our decision to also treat as newly discovered, crude oil produced from a property which has been previously developed but from which there was no production in calendar year 1978 is based on our belief that the availability of this incentive will result in increased domestic production in furtherance of the objectives of the NEP. In addition, we believe that limiting the incentive to properties from which there was no production in calendar year 1978 will prevent producers from abandoning

²The current definition of the term "property" is set forth in § 212.72 of the crude oil price regulations (10 CFR Part 212). All rulings, adjudications, and interpretations that have been developed by the DOE or its predecessor agency with regard to the current property definition will apply similarly to the term "property" as used in this rule for newly discovered crude oil.

production for the purpose of realizing benefits. This limitation is, however, sufficiently flexible to afford newly discovered status to crude oil produced as the result of the resumption of production on a property which was abandoned as uneconomic, as long as the abandonment occurred prior to January 1, 1978.

As indicated above, we have decided that in all cases the producer is to determine whether crude oil production from a particular property may be sold as newly discovered crude oil on or after June 1, 1979. That determination may, however, be reviewed by the DOE and if we find that a producer has improperly determined that crude oil from a particular property qualifies as newly discovered, we may require that pricing adjustments be made or other remedial action be taken.

We are reserving a decision as to whether, and the extent to which, we will require producers to submit documentation to the DOE that crude oil from a particular property qualifies as newly discovered crude oil. We are keeping the rulemaking proceeding open on this subject and plan to issue a further notice describing the information filing requirements at a later date. In the meantime, crude oil production that qualifies for treatment as newly discovered under this rule may be sold at market prices beginning June 1, 1979.

IV. Other Matters

In adopting this rule, we have considered, in accordance with DOE Order 2030, the economic impact of our action and have prepared a regulatory analysis. In fulfillment of our responsibilities under the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*), DOE relied upon the environmental impact statement (EIS) entitled *Cumulative Production/Consumption Effects of the Crude Oil Price Incentive Rulemakings* (DOE/EIS-0016, May 1978). Copies of the regulatory analysis and the EIS may be obtained from the ERA, Office of Public Information, 2000 M Street, N.W., Room B-119, Washington, D.C. 20461, (202) 634-2170.

In accordance with Section 404 of the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101 *et seq.*), the Federal Energy Regulatory Commission

received a copy of the proposed rulemaking and has notified the ERA that it has not determined that the proposed regulations would significantly affect any function within its jurisdiction under sections 402 (a)(1), (b) and (c)(1) of the DOE Act.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective June 1, 1979.

Issued in Washington, D.C., April 27, 1979.

David J. Bardis,
Administrator, Economic Regulatory Administration.

1. Section 212.73(a) is revised to read as follows:

§ 212.73 Lower tier ceiling price rule.

(a) *Rule.* Except as provided in § 212.74 with respect to new crude oil; except as provided in § 212.75 for certain crude oil produced from unitized properties; except as provided in § 212.78 for incremental crude oil produced from qualified tertiary enhanced recovery projects; except as provided in § 212.79 with respect to newly discovered crude oil; and except as provided in Subpart C of this part for exempt crude oil, no producer may charge a price higher than the lower tier ceiling price for any first sale of domestic crude oil.

* * * * *

2. Section 212.75 is revised to read as follows:

§ 212.75 Crude oil produced and sold from unitized properties.

(a) *Rule.* With respect to each unitized property, a producer shall, as of the effective date of unitization, establish a unit base production control level.

(b) *Definitions.* For purposes of this section—

"Current unit cumulative deficiency" means (1) for months prior to June 1, 1979, the total number of barrels by which production and sale of crude oil from the unitized property was less than the unit base production control level subsequent to the first month (following the establishment of a unit base production control level for that unitized

property) in which any crude oil produced and sold from that unit was eligible to be classified as actual new crude oil (without regard to whether the amount of actual new crude oil was exceeded by the amount of imputed new crude), minus the total number of barrels of domestic crude oil produced and sold in each prior month from that unitized property (following the establishment of a unit base production control level for that unitized property) which was in excess of the unit base production control level for that month, but which was not eligible to be classified as actual new crude oil because of this requirement to reduce the amount of actual new crude oil in each month by the amount of the current unit cumulative deficiency;

(2) For months commencing after May 31, 1979, at the option of the producer either (i) the total number of barrels by which production and sale of crude oil from the unitized property has been less than the unit base production control level subsequent to the first month (after June 1, 1979) in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold from the unitized property in each prior month after June 1, 1979, which was in excess of the unit base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current unit cumulative deficiency; or

(ii) The total number of barrels by which production and sale of crude oil from the unitized property has been less than the unit base production control level subsequent to any two-month period in which the total production and sale of crude oil from the unitized property concerned exceeds the sum of the property's unit base production control levels for that two-month period, minus the total number of barrels of domestic crude oil produced and sold in each prior month after June 1, 1979, which was in excess of the unit base production which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current unit cumulative deficiency. A producer may not elect the option described in this paragraph (ii) for any unitized property from which new crude oil was produced and sold as new crude oil in any month which begins after May 31, 1979.

"Imputed newly discovered crude oil" means, with respect to a unitized property for which a unit base

production control level was established after May 31, 1979, in a particular month, either (1) a number of barrels of crude oil equal to the total number of barrels of crude oil produced and sold in that particular month from all properties that constitute the unitized property, multiplied by the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all newly discovered crude oil properties that constitute the unitized property, divided by the sum of (i) the total number of barrels of crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties other than newly discovered crude oil properties that constitute the unitized property, plus (ii) the total number of barrels of crude oil produced during that period from all newly discovered crude oil properties that constitute the unitized property, or (2) a number of barrels of crude oil equal to the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period preceding the establishment of a unit base production control level for the unitized property from all newly discovered crude oil properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in that particular month, whichever is greater.

"Imputed stripper well crude oil" means, (1) with respect to a unitized property for which a unit base production control level was established prior to August 1, 1977, in a particular month, a number of barrels of crude oil equal to the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties (qualified as such as of the establishment of a unit base production control level for the unitized property) that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in that particular month; (2) with respect to a unitized property for which a unit base production control level was established on or after August 1, 1977, in a particular month, either (i) a

number of barrels of crude oil equal to the total number of barrels of crude oil produced and sold in that particular month from all properties that constitute the unitized property, multiplied by the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties (qualified as such as of the establishment of a unit base production control level) that constitute the unitized property, divided by the sum of (A) the total number of barrels of crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all non-stripper well properties that constitute the unitized property, plus (B) the total number of barrels of crude oil produced during that period from all stripper well properties that constitute the unitized property, or (ii) a number of barrels of crude oil equal to the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period preceding the establishment of a unit base production control level for the unitized property from all stripper well properties (qualified as such as of the establishment of a unit base production control level of the unitized property) that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in that particular month, whichever is greater.

"New crude oil" means, in a particular month, (1) with respect to a unitized property for which a unit base production control level was established prior to August 1, 1977, either (i) actual new crude oil, which is the total number of barrels of crude oil produced and sold in that month from all properties that constitute the unitized property, less (A) the unit base production control level, and less (B) the current cumulative deficiency; or (ii) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in the particular month whichever number is greater; (2) with respect to a unitized property for which

a unit base production control level was established on or after August 1, 1977, either (i) actual new crude oil, which is the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less (A) the unit base production control level, and less (B) the total number of barrels of imputed stripper well crude oil, if any, for the particular month, and less (C) the total number of barrels of imputed newly discovered crude oil, if any, for the particular month, and less (D) the current unit cumulative deficiency; or (ii) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by the number of days in the 12-month period immediately preceding the establishment of a unit base production control level, multiplied by the number of days in the particular month, whichever number is greater.

"Newly discovered crude oil property" means a property from which, prior to its inclusion within an unitized property, crude oil was produced and sold in accordance with the price rule in § 212.79 of this part.

"Old crude oil" means, in a particular month, the total number of barrels of crude oil produced and sold in that month from all properties that constitute the unitized property, less (1) the total number of barrels of new crude oil produced and sold from the unitized property in that month, and less (2) the total number of barrels of imputed stripper well crude oil produced and sold from the unitized property in that month, and less (3) the total number of barrels of imputed newly discovered crude oil produced and sold from the unitized property in that month.

"Significant alteration in producing patterns" means the occurrence of either (1) the application of extraneous energy sources by the injection of liquids or gases into the reservoir, or (2) the increase of production allowable for any property that constitutes the unitized property.

"Unit base production control level" means, in a particular month, (1) with respect to a unitized property for which the volume of imputed stripper well production is determined pursuant to the provisions of subparagraph (1), or subparagraph (2)(ii) of the definition of "imputed stripper well crude oil," (i) the total number of barrels of old crude oil,

as defined in § 212.72, produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in the particular month; plus (ii) the total number of barrels of crude oil produced during that 12-month period from all stripper well properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in the particular month; plus (iii) the total number of barrels of crude oil produced during that 12-month period from all newly discovered crude oil properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in the particular month; (2) with respect to a unitized property for which the volume of imputed stripper well crude oil is determined pursuant to the provisions of subparagraph (2)(i) of the definition "imputed stripper well crude oil," the total number of barrels of old crude oil, as defined in § 212.72, produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in the particular month.

"Unitized property" means the right to produce crude oil that arises from a bona fide unitization agreement approved by the applicable governmental regulatory authority (or ERA).

(c) Notwithstanding the provisions of paragraph (a) of this section, a producer shall not be required to establish a unit base production control level for a particular unitized property, provided that the producer has (pursuant to the provisions of 10 CFR Part 205, Subpart G) certified to ERA its intention to determine volumes of lower tier, upper tier, newly discovered, and stripper well property crude oil separately for all properties that constitute the unitized property, and provided further that the unitized property has not sustained a significant alteration in producing patterns.

(d) Except as provided in paragraphs (e), (f), and (g) of this section with respect to new crude oil, imputed stripper well crude oil, and imputed newly discovered crude oil, no producer of crude oil from a unitized property

may charge a price higher than the lower tier ceiling price (as determined pursuant to §§ 212.73 and 212.77 of this part) for the first sale of domestic crude oil produced and sold from the unitized property.

(e) Notwithstanding the provisions of paragraph (d) of this section, a producer of crude oil from a unitized property may, in any month, charge a price not to exceed the upper tier ceiling price (as determined pursuant to §§ 212.74 and 212.77 of this part) in first sales of new crude oil produced and sold from the unitized property.

(f) Notwithstanding the provisions of paragraph (d) of this section, the prices charged by a producer of crude oil from a unitized property in first sales of imputed newly discovered crude oil are not subject to the ceiling price limitations of this subpart.

(g) Notwithstanding the provisions of paragraph (d) of this section, the prices charged in any month by a producer of crude oil from a unitized property in first sales of imputed stripper well crude oil are exempt.

(h) Notwithstanding the provisions of the definition of "unit base production control level" in paragraph (b) of this section, with respect to any unitized property for which a unit base production control level was established prior to June 1, 1979, a producer may, effective June 1, 1979, select as the unit base production control level, the total number of barrels of old crude oil produced and sold during the six-month period ending March 31, 1979, from all properties that constitute the unitized property, divided by 182, times the number of days during the month in 1978 which corresponds to the month concerned. The selection of a unit base production control level pursuant to this paragraph (h) does not constitute the "establishment of a unit base production control level" for any purpose under this part.

(i) The provisions of this section shall apply to each first sale of crude oil from a unitized property.

3. A new § 212.79 is added to read as follows:

§ 212.79 Newly discovered crude oil ceiling price rule.

(a) *Rule.* Notwithstanding the provisions of § 212.73(a), first sales of newly discovered crude oil on or after June 1, 1979 are not subject to the ceiling price limitations of this subpart.

(b) *Definitions.* For purposes of this section—

"New lease" means any lease entered into on or after January 1, 1979 of an

area from which there was no production in calendar year 1978.

"Newly discovered crude oil" means domestic crude oil which is: (1) Produced from a new lease on the Outer Continental Shelf; or (2) produced (other than from the Outer Continental Shelf) from a property from which no crude oil was produced in calendar year 1978.

"Outer continental shelf" means Outer Continental Shelf as defined under section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

* * * * *
4. Section 212.131 is amended by revising paragraphs (a)(2)(i), (C) and (D); and by adding paragraph (a)(2)(i)(E); by revising paragraphs (a)(3)(i), (D) and (E); and by adding paragraph (a)(3)(i)(F).

§ 212.131 Certification of domestic crude oil sales.

- (a) * * *
- (2) Non-stripper well properties. * * *
- (i) * * *
- (C) Crude oil transported through the trans-Alaska pipeline;
- (D) Incremental tertiary crude oil as determined pursuant to § 212.78; and
- (E) Newly discovered crude oil as determined pursuant to § 212.79.

- (3) *Unitized properties.* * * *
- (i) * * *
- (D) Incremental tertiary crude oil determined pursuant to § 212.78;
- (E) Imputed stripper well crude oil, if any, determined pursuant to § 212.75(b); and
- (F) Imputed newly discovered crude oil, if any, determined pursuant to § 212.75(b).

* * * * *
[Docket No. ERA-R-78-28]
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Federal Register

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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	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.)

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

- ENVIRONMENTAL PROTECTION AGENCY**
- 19193 4-2-79 / Coal mining point source category; effluent limitations guidelines for existing sources
- TRANSPORTATION DEPARTMENT**
- Coast Guard—
- 19192 4-2-79 / Drawbridge operation provisions, Ashley River, S.C.

Next Week's Deadlines for Comments On Proposed Rules

- AGRICULTURE DEPARTMENT**
- Agricultural Marketing Service—
- 24297 4-25-79 / Irish potatoes grown in the Southeastern States, proposed handling regulation; comments by 5-11-79
- AGRICULTURE DEPARTMENT**
- Farmers Home Administration—
- 12936 3-8-79 / Energy impacted area development assistance program; comments by 5-7-79
- Rural Electrification Administration—
- 20709 4-8-79 / Wood telephone pedestal stubs; proposed specification; comments by 5-7-79
- CIVIL AERONAUTICS BOARD**
- 18646 3-29-79 / Intrastate pairs of points, joint fares; reply comments by 5-7-79
- COMMERCE DEPARTMENT**
- Economic Development Administration—
- 20471 4-5-79 / Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands); comments by 5-7-79
- National Oceanic and Atmospheric Administration—
- 20441 4-5-79 / Interim guidelines for fishery management plans; comments period extended from 4-9 to 5-9-79
- [Originally published at 44 FR 7708, Feb. 7, 1979]

COMMODITY FUTURES TRADING COMMISSION

- 13495 3-12-79 / Regulation of leverage transactions as contracts for future delivery or otherwise; comments by 5-11-79
- 23092 4-18-79 / Leverage transactions; petition for rulemaking; comments by 5-11-79

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- 20220 4-4-79 / Cable royalty fees, supplemental rule with respect to filing of claims; reply comments by 5-9-79

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- Office of the Secretary—
- 21304 4-10-79 / Financial Privacy Act of 1978; obtaining information from financial institutions; comments by 5-10-79

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- 12685 3-8-79 / Electric and hybrid vehicle research, development and demonstration, performance standards; comments by 5-9-79

Economic Regulatory Administration—

- 17464 3-21-79 / Transitional facilities; revised interim rule to permit classification of certain powerplants and installations as existing facilities; comments by 5-8-79

ENVIRONMENTAL PROTECTION AGENCY

- 20719 4-6-79 / Air pollution, delayed compliance orders; proposed disapproval, Ohio: Dayton Press, Inc.; comments by 5-7-79
- 19208 4-2-79 / Approval of delayed compliance order issued by Georgia Department of Natural Resources; comments by 5-6-79
- 20461 4-5-79 / Canned and preserved seafood processing point source category; comments by 5-7-79
- 22481 4-10-79 / Disapproval of delayed compliance order issued by Wyoming Department of Environmental Quality to FMC Corp.; comments by 5-11-79
- 21315 4-10-79 / Florida Steel Corp.; proposed delayed compliance order (air pollution); comments by 5-10-79
- 13548 3-12-79 / Hazardous waste guidelines and regulations; comments period extended 5-12-79
- [Originally published at 43 FR 58946, 12-18-78]

13043 3-9-79 / Provisions for consistent implementation of Clean Air Act; comments by 5-8-79

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16450 3-19-79 / Television broadcast stations; changes in table of assignments; Royston and Warm Springs, Ga.; comments by 5-11-79

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20667 4-8-79 / Antibiotic drugs; certification of doxycycline hyclate capsules; comments by 5-7-79

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19438 4-3-79 / Records and reports on new animal drugs and antibiotics that were approved before June 10, 1963; comments extended to 5-11-79

[Originally published at 44 FR 1983, January 9, 1979]

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21302 4-10-79 / Responsibility of Labor Organizations to make available to members the information contained in reports filed with the Department of Labor; comments by 5-10-79

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18540 3-28-79 / Meat Pricing Task Force, Washington, D.C. (open), 5-10 and 5-11-79

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24612 4-28-79 / General Advisory Committee, Washington, D.C. (closed), 5-10 and 5-11-79

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24354 4-25-79 / Arts National Council, Washington, D.C. (partially open), 5-11 through 5-13-79

24173 4-24-79 / National Council on the Humanities, Washington, D.C. (closed), 5-9 through 5-11-79

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- 24615 4-26-79 / North Carolina Advisory Committee, Raleigh, N.C. (open), 5-10-79
- 22139 4-13-79 / Washington Advisory Committee, Tacoma, Wash. (open), 5-10 through 5-12-79
- COMMERCE DEPARTMENT**
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- 21842 4-12-79 / Marine Fisheries Advisory Committee, Ft. Lauderdale, Fla. (open), 5-6 through 5-10-79
- 21842 4-12-79 / Mid-Atlantic Fishery Management Council, Cape May, N.J. (open), 5-9 through 5-11-79
- 24119 4-24-79 / Pacific Fishery Management Council's Dungeness Crab Subpanel, North Bend, Ore. (open), 5-9 and 5-10-79
- 20736 4-6-79 / Pacific Fishery Management Council, Scientific and Statistical Committee, La Jolla, Calif. (open), 5-7 and 5-8-79
- Office of the Secretary—
- 21843 4-12-79 / National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete, Washington, D.C. (open), 5-8 and 5-9-79
- COMMODITY FUTURES TRADING COMMISSION**
- 24120 4-24-79 / Trading in Maine Potato Futures contracts, Presque Isle, Me., 5-9 and 5-10-79
- DEFENSE DEPARTMENT**
- Department of the Air Force—
- 23107 4-18-79 / USAF Scientific Advisory Board (closed), 5-8 and 5-9-79
- 20744 4-6-79 / Defense Science Board, Arlington, Va. (closed), 5-10 and 5-11-79
- 16470 3-19-79 / Defense Systems Management College Board of Visitors, Ft. Belvoir, Va. (open), 5-7-79
- 17207 3-21-79 / Wage Committee, Alexandria, Va. (closed), 5-8-79
- EMPLOYMENT AND UNEMPLOYMENT STATISTICS NATIONAL COMMISSION**
- 23135 4-18-79 / Review of public comments on the Commission's Preliminary Draft Report (open), 5-7 and 5-8-79
- ENERGY DEPARTMENT**
- Environment Office—
- 24152 4-24-79 / Environmental Advisory Committee, Washington, D.C. (open), 5-10 and 5-11-79
- Federal Energy Regulatory Commission—
- 24629 4-26-79 / Financial analysis model for shale oil ventures, Washington, D.C. (open), 5-10-79
- Office of the Secretary—
- 24340 4-25-79 / Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities; Gas Pipeline Task Group, Kansas City, Mo. (open), 5-10-79
- 18057 3-26-79 / National Petroleum Council Coordinating Subcommittee of the National Petroleum Council's Committee on Refinery Flexibility (open), 5-11-79
- 22145 4-13-79 / National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources, Washington, D.C. (open), 5-9-79
- 23910 4-23-79 / National Petroleum Council, Refinery Capability Task Group and Coordinating Subcommittee of the Committee on Refinery Flexibility, Washington, D.C. (open), 5-11-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 23932 4-23-79 / Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel, Arlington, Va. (open), 5-9, 5-10, and 5-11-79
- 24154 4-24-79 / Science Advisory Board; Executive Committee, Washington, D.C. (open), 5-9 and 5-10-79
- FEDERAL MEDIATION AND CONCILIATION SERVICE**
- 23121 4-18-79 / Arbitration Services Advisory Committee (open), 5-12-79
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 22812 4-17-79 / Washington, D.C. (open), 5-10-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Alcohol, Drug Abuse, and Mental Health Administration—
- 20793 4-6-79 / National Advisory Mental Health Council, Rockville, Md. (partially open), 5-9 through 5-11-79
- Disease Control Center—
- 21079 4-9-79 / Immunization Practices Advisory Committee, Atlanta, Ga. (open), 5-10 and 5-11-79
- Education Office—
- 22817 4-17-79 / National Advisory Council on Bilingual Education, Seattle, Wash. (open), 5-6, 5-8 and 5-9-79
- 24346 4-25-79 / Policy Review Subcommittee of the Advisory Committee on Accreditation and Institutional Eligibility, Washington, D.C. (open), 5-10-79
- Food and Drug Administration—
- 22814 4-17-79 / Arthritis Advisory Committee, Rockville, Md. (open), 5-10 and 5-11-79
- 22814 4-17-79 / Slow-Acting Anti-Rheumatic Drugs Subcommittee of the Arthritis Advisory Committee, Rockville, Md. (open), 5-9-79
- Health Resources Administration—
- 24242 4-24-79 / Graduate Medical Education National Advisory Committee, Washington, D.C. (open), 5-10 and 5-11-79
- 24243 4-24-79 / Implementation and Administration Subcommittee of the National Council on Health Planning and Development, Washington, D.C. (open), 5-10-79
- 24243 4-26-79 / National Council on Health Planning and Development, Washington, D.C. (open), 5-11-79
- 24243 4-24-79 / National Guidelines, Goals, Priorities, and Standards Subcommittee of the National Council on Health Planning and Development, Washington, D.C. (open), 5-10-79
- 24243 4-24-79 / Technology and Productivity Subcommittee of the National Council on Health Planning and Development, Washington, D.C. (open), 5-10-79
- National Institutes of Health—
- 19539 4-3-79 / Blood Diseases and Resources Advisory Committee, Bethesda, Md. (open), 5-7 and 5-8-79
- 21894 4-12-79 / Board of Scientific Counselors, NIA, Baltimore, Md. (open), 5-10 and 5-11-79
- 21894 4-12-79 / Cancer Control and Rehabilitation Advisory Committee, Bethesda, Md. (open), 5-10 and 5-11-79
- 24237 4-24-79 / Cancer Control Merit Review Committee, Silver Spring, Md. (partially open), 5-9-79
- 19541 4-3-79 / Diabetes National Advisory Board, Alexandria, Va. (open), 5-8-79
- 14642 3-13-79 / Epilepsy Advisory Committee, Bethesda, Md. (open), 5-11-79
- 12764 3-8-79 / Pulmonary Diseases Advisory Committee, Las Vegas, Nev. (open), 5-12-79
- 21080 4-8-79 / Subcommittee on Treatment and Restorative Care, Detection and Diagnosis of the Cancer Research Manpower Review Committee, New Orleans, La. (closed), 5-11 and 5-12-79

- 21080 4-9-79 / Subcommittee on Cancer Etiology and Prevention of the Cancer, New Orleans, La. (closed), 5-11 and 5-12-79
- 19542 4-3-79 / Tumor Immunology Committee, Bethesda, Md. (partially open), 5-7 and 5-8-79
Office of the Secretary—
- 23947 4-23-79 / Advisory Council on Education Statistics, Washington, D.C. (open), 5-9-79
Social Security Administration—
- 18563 3-28-79 / Social Security Advisory Council, Washington, D.C. (open), 5-11 and 5-12-79
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- 24613 4-26-79 / Meeting, Lone Pine, Calif. (open), 5-8-79
- 22766 4-17-79 / "Protection of Historic and Cultural Properties", Washington, D.C. (open), 5-8 and 5-9-79
- INTERIOR DEPARTMENT**
Land Management Bureau—
- 24159 4-24-79 / Meeting on phosphate leasing on Osceola National Forest, Fla., Lake City, Fla. (open), 5-9-79
- 21898 4-12-79 / Utah Wilderness Area Study Proposal, Richfield, Utah (open), 5-12-79
- LABOR DEPARTMENT**
Occupational Safety and Health Administration—
- 24172 4-24-79 / Occupational Safety and Health National Advisory Committee, Washington, D.C. (open), 5-11-79
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
- 23134 4-18-79 / NASA Advisory Council (open), 5-8 and 5-9-79
- 23135 4-18-79 / NASA Advisory Council (NAC), Space and Terrestrial Applications Advisory Committee (STAAC) (open), 5-7-79
- 23390 4-19-79 / NASA Advisory Council's Ad Hoc Advisory Subcommittee for Innovation Study, Washington, D.C. (open), 5-10 and 5-11-79
- NATIONAL SCIENCE FOUNDATION**
- 17601 3-22-79 / Advisory Council, Task Group 5, Washington, D.C. (open), 5-7-79
- 23607 4-20-79 / Advisory Council, Washington, D.C. (open), 5-8 and 5-9-79
- 23608 4-20-79 / Behavioral and Neural Sciences Advisory Committee, Anthropology Subcommittee, Washington, D.C. (partially open), 5-7 through 5-10-79
- 23606 4-20-79 / Ocean Sciences Advisory Committee, Cenozoic Paleo-Oceanography Project Ad Hoc Subcommittee, Stanford, Calif. (closed), 5-7 and 5-8-79
- 23606 4-20-79 / Ocean Sciences Advisory Committee, Ship Construction/Assignment Ad Hoc Subcommittee, Washington, D.C. (closed), 5-9-79
- 23606 4-20-79 / Physics Advisory Committee, Washington, D.C. (open), 5-10 through 5-12-79
- 23608 4-20-79 / Physiology, Cellular and Molecular Biology, Regulatory Biology Subcommittee, Washington, D.C. (closed), 5-9 through 5-11-79
- 23607 4-20-79 / Physiology, Cellular, and Molecular Biology, Executive Subcommittee, Washington, D.C. (closed), 5-7 and 5-8-79
- 23607 4-20-79 / Post-International Phase of Ocean Drilling Advisory Committee, Washington, D.C. (partially open), 5-9-79
- 23606 4-20-79 / Policy Research and Analysis and Science Resources Studies Advisory Committee, Washington, D.C. (partially open), 5-10 and 5-11-79
- 23608 4-20-79 / Social Sciences Advisory Committee, Political Science Subcommittee, Washington, D.C. (closed), 5-7 and 5-8-79

NUCLEAR REGULATORY COMMISSION

- 23949 4-23-79 / Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Fuel, Washington, D.C. (open), 5-8-79
- 24174 4-24-79 / Reactor Safeguards Advisory Committee, Subcommittee on Combination of Dynamic Loads, Washington, D.C. (open), 5-9-79
- 24173 4-24-79 / Reactor Safeguards Advisory Committee, Subcommittee on Regulatory Activities, Washington, D.C. (open), 5-9-79
- PRESIDENTIAL COMMISSION ON WORLD HUNGER**
- 24661 4-26-79 / Domestic, Agriculture Policy, Consumer and Nutrition Subcommittees, Washington, D.C. (open), 5-8-79
- SMALL BUSINESS ADMINISTRATION**
- 21724 4-11-79 / National Advisory Council, San Diego, Calif. (open), 5-11-79
- 21723 4-11-79 / Region VII Advisory Council, Kansas City, Mo. (open), 5-11-79
- 21723 4-11-79 / Region IX Advisory Council, Los Angeles, Calif. (open), 5-7-79

STATE DEPARTMENT

- Agency for International Development—
- 21925 4-12-79 / Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Arlington, Va. (open), 5-7 and 5-8-79
- 24671 4-26-79 / Joint Research Committee of the Board for International Food and Agricultural Development, Arlington, Va. (open), 5-8 and 5-9-79
Office of the Secretary—
- 23398 4-19-79 / Shipping Coordinating Committee, Washington, D.C. (open), 5-10-79

TRANSPORTATION DEPARTMENT

- Coast Guard—
- 20531 4-5-79 / Ship Structure Subcommittee, Washington, D.C. (open), 5-7-79
Federal Aviation Administration—
- 23402 4-19-79 / Albuquerque, N. Mex. terminal control area, Albuquerque, N. Mex. (open), 5-8-79
- 20553 4-5-79 / Special Aviation Fire and Explosion Reduction Advisory Committee, Washington, D.C. (open), 5-10 and 5-11-79
- 23400 4-19-79 / Radio Technical Commission for Aeronautics Executive Committee, Arlington, Va. (open), 5-10-79

VETERANS ADMINISTRATION

- 18131 3-26-79 / Medical Research Service Merit Review Boards (partially open), 5-6, 5-8, and 5-12-79

WOMEN, NATIONAL ADVISORY COMMITTEE

- 24173 4-24-79 / Meeting, Washington, D.C. (partially open), 5-10 and 5-11-79

Next Week's Public Hearings**COMMERCE DEPARTMENT**

- National Oceanic and Atmospheric Administration—
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Carabelle, Fla. and Lake Charles, La., 5-7-79
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Tavernier, Fla. and Houma, La., 5-9-79
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Key West, Fla., 5-10-79
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, St. Petersburg, Fla. and New Orleans, La., 5-8-79

- 21841 4-12-79 / North Carolina coastal zone management program, Raleigh, N.C., 5-8-79
- EMPLOYMENT POLICY NATIONAL COMMISSION**
- 19557 4-3-79 / Youth Employment Task Force, Detroit, Mich., 5-10 and 5-11-79
- ENERGY DEPARTMENT**
- 16546 3-19-79 / Residential Conservation Service Program, San Diego, Calif., 5-7 through 5-9-79
Economic Regulatory Administration—
- 19423 4-3-79 / Butane and natural gasoline deregulation, Wash., D.C., 5-9 through 5-11-79
- 22022 4-12-79 / Electric utilities, assistance and intervention in State regulatory proceeding, hearing, Washington, D.C., 5-10-79
- 18856 3-29-79 / Financial assistance programs for State utility regulatory commissions and eligible nonregulated electric utilities, Washington, D.C., 5-9-79
- 18448 3-27-79 / Grants for Offices of Consumer Services, Washington, D.C., 5-8-79
- 22974 4-17-79 / Submission of reports to DOE by State regulatory authorities and nonregulated electric and gas utilities, Washington, D.C., 5-10-79
- 21651 4-11-79 / Unleaded gasoline price rules amendment, Washington, D.C., 5-10-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 17310 3-21-79 / Assessment and collection of noncompliance penalties, Chicago, Ill., 5-7 and 5-8-79
- 17310 3-21-79 / Assessment and collection of noncompliance penalties, San Francisco, Calif., 5-10 and 5-11-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
National Institutes of Health—
- 16498 3-19-79 / National Diabetes Advisory Board, long-range plan to combat diabetes, Washington, D.C., 5-9-79
- INTERIOR DEPARTMENT**
Geological Survey—
- 18993 3-30-79 / Oil and gas and sulphur operations in the outer continental shelf and geological and geophysical exploration of the outer continental shelf; Washington, D.C., 5-8-79
- NATIONAL TRANSPORTATION SAFETY BOARD**
- 21905 4-12-79 / Gulfport, Miss.; accident investigation, Gulfport, Miss., 5-8-79
- TRANSPORTATION DEPARTMENT**
Coast Guard—
- 18704 3-29-79 / Florida East Coast Railroad bridge across New River, Fla., 5-9-79
Federal Aviation Administration—
- 21927 4-12-79 / Terminal control areas airspace configurations, Salt Lake City, Utah, 5-8-79
- 24348 4-25-79 / Justice/LEAA—Final LEAA guideline revision of guide for discretionary grant program; comments by 5-25-79
- 24868 4-27-79 / State/AID—Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance; comments by 5-29-79
- 24863 4-27-79 / USDA/FmHA—Rural housing loans and grants and loan policies; comments by 6-26-79
- 24320 4-25-79 / VA—Federally assisted education programs; Nondiscrimination on the basis of sex; comments by 5-25-79
- 24307 4-25-79 / VA—Medical benefits; Grants to States for construction of State home facilities; comments by 6-25-79
- APPLICATIONS DEADLINES**
- 23944 4-23-79 / HEW/HDSO—Major assistance award for creation and operation of Center for Bilingual Research; apply by 6-22-79
- 24945 4-27-79 / Justice/LEAA—Grants to evaluate the Denver Project New Pride Replication Program; apply by 6-15-79
- MEETINGS**
- 24237 4-24-79 / HEW/NIH—Clinical Applications and Prevention Advisory Committee, Bethesda, Md. (partially open), 4-26 and 4-27-79, change in agenda
- 24238 4-24-79 / HEW/NIH—Communicative Disorders Review Committee, Cambridge, Mass. (partially open), 6-10 and 6-11-79
- 24238 4-24-79 / HEW/NIH—General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 5-31 and 6-1-79
- 24239 4-24-79 / National Cancer Advisory Board and its subcommittees, Bethesda, Md. (partially open), 5-24 and 5-25-79
- 24173 4-24-79 / NFAH—National Council on the Humanities, Washington, D.C. (closed), 5-9 through 5-11-79
- 24239 4-24-79 / HEW/NIH—National Institute of Dental Research Special Grants Review Committee, Bethesda, Md. (partially open), 6-5-79
- 24238 4-24-79 / HEW/NIH—Research Resources National Advisory Council, Bethesda, Md. (partially open), 5-21 and 5-22-79
- 24354 4-25-79 / NFAH—Arts National Council, Washington, D.C. (partially open), 5-11 through 5-13-79
- OTHER ITEMS OF INTEREST**
- 24926 4-27-79 / EPA—Grants for construction of treatment works; class deviation
- 24945 4-27-79 / Justice/LEAA—Discretionary grant program to support national victim/witness program; development of announcement

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

- 24060 4-24-79 / HEW/HDS—Head Start and Native American Programs; deletions of portions of rules; effective 4-24-79
- 25136 4-27-79 / HEW/PHS—Grants to nursing schools for the support of their educational programs; effective 4-27-79

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 24889 4-27-79 / HEW/PHS—Grants to schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy and podiatry for support of educational programs; comments by 6-26-79

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between Federal Register and the Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

- WHEN:** May 4, 18; June 1, 15; July 6, 20, at 9 a.m. (identical sessions).
- WHERE:** Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
- RESERVATIONS:** Call Mike Smith, Workshop Coordinator, 202-523-5235.

TULSA, OKLAHOMA

- WHEN:** May 16, from 2-5 p.m.
- WHERE:** Aaronson Auditorium, Tulsa County Library, 400 Civic Center, Tulsa, Oklahoma.
- RESERVATIONS:** Call 918-581-5211.

KANSAS CITY, MISSOURI

- WHEN:** May 17, at 10 a.m.
- WHERE:** Federal Building, Room 140, 801 E. 12th Street, Kansas City, Missouri.
- RESERVATIONS:** Call 816-374-2466.

NEW YORK, NEW YORK

- WHEN:** May 29 and 30 at 9:30 a.m.
- WHERE:** Federal Building, Conference Room 3A, 26 Federal Plaza, New York City.
- RESERVATIONS:** Call Ms. Dorothy Gemallo, 212-264-3514.

Announcement

The Office of the Federal Register is planning to publish periodically a list of libraries in the United States where the *Federal Register* and *Code of Federal Regulations* can be examined by the public free of charge.

The purpose of publishing this list is to spotlight the availability to the public of these publications. Any library that maintains these publications and makes them available to the public and wishes to be included in this list should write to the Director of the Federal Register, National Archives and Records Service, GSA, Washington, D C. 20408, or phone 202-523-5240, giving name and address of the library

The first such list will be published on July 2, 1979—will be updated in the issue for September 4, and will be published annually thereafter unless public interest requires more frequent publication.